

IN THE MATTER OF THE *PREVENTION OF CRUELTY TO ANIMALS ACT*,
R.S.B.C. 1996, c. 372
ON APPEAL FROM A REVIEW DECISION OF THE BC SOCIETY FOR THE
PREVENTION OF CRUELTY TO ANIMALS CONCERNING THE SEIZURE OF
ONE HUNDRED AND SEVENTY-SEVEN ANIMALS

BETWEEN:

TANISHA KENDALL AND RHEES KENDALL

APPELLANTS

AND:

BRITISH COLUMBIA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

RESPONDENT

DECISION

APPEARANCES:

For the British Columbia Farm Industry
Review Board:

Peter Donkers, Chair/Presiding Member
Gunta Vitins, Vice Chair
Jane Pritchard, Member

For the Appellants:

Rhees Kendall

For the Respondent:

Andrea Greenwood, Counsel

Date of Hearing:

January 8, 2024

Location of Hearing:

Teleconference

A. Overview

1. This is an appeal pursuant to s. 20.3 of the *Prevention of Cruelty to Animals Act, R.S.B.C. 1996, c. 372* (the *PCAA*) related to the seizure of 13 dogs, 3 cats, 14 goats, and 31 chickens on October 31, 2023, and 1 dog, 1 cat, 2 snakes, 1 rabbit, 28 chickens, 4 ducks, 31 quail and 48 rats on November 16, 2023 from the Appellants, Tanisha Kendall and Rhees Kendall (the Appellants) at their residence located in Ladysmith, BC (the Property).
2. After the seizures, the Appellants surrendered certain animals to the care of the British Columbia Society for the Prevention of Cruelty to Animals (the Society) as follows:
 - On October 31, 2023, 31 chickens, 3 cats and 3 dogs were surrendered,
 - On November 3, 2023, 1 dog was surrendered,
 - On November 4, 2023, 4 dogs were surrendered; and
 - On November 14, 2023, 4 dogs were surrendered.
3. While the animals were in the custody of the Society, 13 goat kids and 35 rat pups were born. Furthermore, one goat and one quail were euthanized due to being in critical distress.
4. As a result of the forgoing, the total number of animals in custody of the Society at the time of the hearing of this appeal was 2 dogs, 1 cat, 2 snakes, 27 goats, 28 chickens, 1 rabbit, 4 ducks, 30 quail and 83 rats.
5. At the commencement of the hearing the Appellants clarified that they are only seeking the return of 2 dogs, 1 cat, 31 quail, 2 rats, 5 hens, 2 snakes, 4 ducks, 12 goats and their offspring. Those animals identified by the Appellants are the animals that are the subject of this appeal (the Animals) and the animals which remain in the custody of the Society and that are not the subject of this appeal are deemed to have been surrendered to the Society.
6. The Appellants are appealing the November 29, 2023, review decision issued under s. 20.2(4)(b) of the *PCAA* by Marcie Moriarty, Chief of Protection and Outreach Services, of the Society.
7. Section 20.6 of the *PCAA* permits the British Columbia Farm Industry Review Board (BCFIRB), on hearing an appeal with respect to animals, to require the Society to return the animals to their owner with or without conditions or to permit the Society, in its discretion to destroy, sell or otherwise dispose of the animals. The Appellants in this case are seeking the return of the Animals.
8. On January 8, 2024, a BCFIRB hearing panel (the Panel) held a hearing via Teleconference. The hearing was recorded.

9. The Appellants were not represented by counsel. The Appellant, Rhees Kendall, acted as representative for both Appellants and called Tanisha Kendall as a witness.
10. The Society was represented by counsel and called three witnesses, Special Provincial Constable (SPC) Vanessa Hommel, Doctor of Veterinary Medicine (DVM) Tyler Stitt, and Doctor of Veterinary Medicine (DVM) Ken Langelier.

B. Decision Summary

11. This decision concerns the insufficient veterinary care, the lack of consistent, safe and appropriate shelter and the lack of adequate daily care provided to the Animals by the Appellants. The poor living conditions of the Animals were due in part to the large number of animals kept at the Property and contributed to the declining body conditions noted in many of the Animals.
12. The Panel is satisfied that the Animals (with the exception of the Snakes, as defined below) were in distress at the time of the seizures on October 31, 2023, and November 16, 2023, as defined by Section 1(2) of the *PCAA*.
13. Despite the concerns expressed by Society representatives to the Appellants on numerous occasions, the Appellants made little progress in reducing the number of animals on the Property, and in making improvements to the Property that would ensure that further distress will not happen if the Animals were returned to their care.
14. As a result, and as further explained below, the Panel orders pursuant to section 20.6 of the *PCAA* that the Society is permitted in its discretion to destroy, sell, or otherwise dispose of the Animals (with the exception of the Snakes), with the hope that the Animals will be adopted unless circumstances preclude that possibility.

C. Preliminary Matters

15. Three preliminary matters were raised by the parties and considered by the Panel:
 - The admissibility of a document labelled January 4, 2024, statement – Karlee Carlson_redacted (the Carlson Statement) which was submitted by the Society after the submission deadline previously set by the Panel.
 - The validity of the search warrants issued to the Society by the Provincial Court (the Warrants)
 - The number and species of animals to be considered in this appeal hearing for return to the Appellants.

The Carlson Statement

16. At 11:54 AM on January 5, 2024, the Society emailed the Carlson Statement as an attachment to BCFIRB to be included in the record of this appeal.
17. At 3:13 PM on January 5, 2024, the Appellant (Mr. Kendall) objected, by email, to the inclusion of the document. At 12:30 AM on January 6, 2024, Mr. Kendall emailed a document to BCFIRB labeled: *Rebuttal to BCSPCA submission Karlee email chain*.
18. The Panel allowed the parties to make submissions at the outset of the hearing on the acceptance of the document into the record.
19. Mr. Kendall objected to including the Carlson Statement claiming that the document contradicted the earlier statement provided by Karlee Carlson to the Appellant.
20. Mr. Kendall further claimed that the information in the Carlson Statement was misleading and incorrect, and that Ms. Carlson's change in attitude may have been influenced by the challenges the Appellants are experiencing with Ms. Carlson's uncle who is the tenant in the basement suite of the multi-unit dwelling where the Appellants currently reside.
21. Mr. Kendall also stated that he didn't have sufficient time to properly review and submit a rebuttal to the Carlson Statement.
22. The Society submitted that they received the statement from Ms. Carlson at 5:53 PM on January 4, 2024, and emailed it as a late submission to BCFIRB and the Appellants the following morning, as soon as it was practical for the Society.
23. The Society further explained that the Carlson Statement is not entirely contradictory to the statement Ms. Carlson provided to the Appellants in November 2023. The Carlson Statement refers to a different incident in December 2023, which left Ms. Carlson concerned about the welfare of the animals in the Appellants' care. Ms. Carlson wanted to make the Society aware of her concern.
24. The Panel accepted the Carlson Statement as Exhibit 22 for the appeal record. The two written statements provided by Ms. Carlson will be weighed appropriately when considered by the Panel since the statements could not be verified as Ms. Carlson was not available for cross-examination at the hearing.

The Warrants

25. Mr. Kendall contested the validity of the Warrants on the basis that the Information to Obtain the search warrants (ITOs) and the Warrants themselves were based on inaccurate information regarding the occupancies of the multi-unit dwelling at the Property and the specific area of the Property which was rented by the Appellants.
26. The Panel explained that BCFIRB does not have the jurisdiction or the authority under the *PCAA* to amend or quash a warrant that is issued by the provincial court and that the validity of the Warrants would not be addressed at the appeal hearing. The Panel clarified that its sole role in the hearing was to determine whether the animals were in distress at the time of the seizures and whether they should be returned to the Appellants' care. The Panel further explained that any challenges that the Appellants may want to bring with respect to the validity of the warrants would need to be addressed by judicial review before the Supreme Court of British Columbia.

Number and species of animals to be considered at the hearing

27. The Panel required confirmation from the Appellants on the number and species of animals which the Appellants are requesting be returned to their care. The Appellants clarified that they are seeking the return of 2 dogs, 1 cat, 31 quail, 2 rats, 5 hens, 2 snakes, 4 ducks, 12 goats and the goats' offspring.
28. The Society noted that it will be difficult to discern exactly which hens, rats, goats, and goats' offspring the Appellants are requesting to be returned since most of the animals do not have identification numbers/tags. The Society further noted that they had not been informed that the Appellants were surrendering more animals to the Society's care than originally reported by the Appellants.

D. Material Admitted on this Appeal

29. The Panel identified all the documents received by BCFIRB in advance of the hearing as exhibits. The record of those documents comprises Exhibits 1-21. The record further includes the Carlson Statement as Exhibit 22.

E. History Leading to the Seizure of the Animals and the Days of the Seizures

30. The Appellants and their 9-year-old daughter have resided with the Animals at the Property in Ladysmith since mid July 2023. The Appellants rent the Property and structures, which include a multi-unit dwelling with tenants in the basement suite, a few shelters in the yard for the Animals, and livestock trailers. The Property measures approximately 3.5 acres.

31. On August 2, 2023, the Society's Animal Helpline received a complaint concerning an underweight and lethargic calf, goats not being routinely fed, and breeding dogs being kept inside the house at the Property. SPC Hommel visited the Property that day, but no one was home, so she left a note and after a phone call with Ms. Kendall, arranged to return on August 3, 2023, to meet with Mr. Kendall and inspect the Animals.
32. On August 3, 2023, SPC Hommel visited the Property with APO Brandon Keller and RCMP Cpl Dave Motley and inspected the calf, goats and chickens and determined that the animals were bright, alert and of adequate weight, and had access to potable water. The goats had eaten down the forage in their small, enclosed field. SPC Hommel issued a Notice which identified issues to be addressed including providing adequate food, water, shelter and the removal of debris and hazards. Mr. Kendall was given the National Farm Animal Care Council Codes of Practice for Dairy Cattle, Goats and Chickens.
33. On August 12, 2023, SPC Hommel and APO Keller visited the Property for a scheduled inspection of the indoor animals and observed 14 dogs in a downstairs room of the residence, most were housed in separate crates. All of the dogs appeared to be of adequate weight, and were active and alert. Living conditions were adequately clean and water was available. The Society officers did not view any other parts of the house as Mr. Kendall said those were the only animals in the house.
34. From August 25, 2023 – October 25, 2023, the BCSPCA Animal Helpline continued to receive calls of concern relating to the Appellants' Property, which resulted in on-going Society attendances. The complaints included concerns that the animals were not regularly fed, they were underweight, and they were left unattended for long periods. The complainants noted that there were barking dogs, sick animals, animals at large, and deceased animals at the Property.
35. On August 30, 2023, SPC Hommel and APO Toni Morrison visited the Property for a scheduled inspection and observed 3 calves, 23 goats, 100+ chickens and 25 ducks free roaming on the Property. They further observed 97 meat chicks, 32 quail, 20 chickens, caged rats and mice inside the main building in separate rooms. Three dogs were penned up behind the house, and Ms. Kendall brought one dog out of the house. All of animals appeared to be of adequate weight, with no illnesses noted, and they all had access to water at the time of the inspection. SPC Hommel discussed with the Appellants the benefits of reducing number of animals at the Property and the requirement that they continue the ongoing clean up of hazards and debris on the Property.
36. On September 13, 2023, the Appellants had Dr. Doug Quesnel DVM attend the Property for a herd health check. According to Dr. Quesnel's notes regarding the body conditions of the goats, 1/3 of the 31 goats were very thin, 1/3 were borderline, and 1/3 were OK. One older goat appeared to have a serious back

injury (Old Goat Daisy) and euthanasia was suggested. Dr. Quesnel noted that the feed being provided by the Appellants was of poor quality and the goats were over-crowded. Dr. Quesnel recommended increasing the quantity and quality of the hay provided to the goats, the separation of animals by physical conditions and the provision of better feed. The 200 birds observed by Dr. Quesnel were described as appearing healthy, fed, watered, and sheltered.

37. On September 22, 2023, SPC Hommel visited the Property for a scheduled inspection of the outdoor animals. Of the 21 free roaming goats, 1 appeared underweight (Old Girl/ Daisy). Good quality hay was available in numerous piles on the ground and there were no noted concerns for the chickens, ducks, quail, and rats in the main animal building.
38. On September 29, 2023, SPC Hommel and APO Keller attended the Property for a scheduled visit. Dr. Tyler Stitt DVM and his assistant from Winchelsea Veterinary Services were present for the herd health check upon the Appellant's request. Dr. Stitt noted that 5 goats were underweight, including Old Girl/Daisy who was unable to move from an old injury. Old Girl/Daisy was euthanized on his recommendation.
39. Dr. Stitt viewed the meat chickens and quail whose water needed to be replenished. Few of the free roaming chickens were examined but no concerns were noted. Dr. Stitt and SPC Hommel discussed herd health management and husbandry issues with Ms. Kendall including reducing numbers of animals to improve her capacity for ongoing care and the appropriate separation of the animals. They further advised that more shelters were needed that would protect the animals from the weather and were accessible for animals at all times. Finally, they noted the need for documentation and record keeping to effectively manage sickness and disease and to control biohazards. SPC Hommel issued a Notice to the Appellants addressing the Society's concerns.
40. On October 25, 2023, SPC Hommel and APO Keller visited the Property unannounced at noon. It was a cold sunny day, 2 degrees Celsius, with some snow on the ground. SPC Hommel noted many issues of concern including more goats that were underweight than noted by Dr. Stitt on September 29, 2023. She observed that the free roaming chickens had limited access to the chicken building which had wet and dirty bedding. There was an accumulation of feces on perches, and no water or feed was available. Inside the main outbuilding the quail and meat chickens had no water or food available and their bedding needed cleaning. Some chickens were noted to be underweight.
41. SPC Hommel noted that the malamute dog named Neptune was tethered in the front yard with an empty water dish, the rabbits in the moveable pen/trailer had no food or water and one rabbit was found deceased underneath the moveable pen. SPC Hommel issued an official warning and issued a Notice to the Appellants. She advised Ms. Kendall that the Appellants were under investigation for possible

animal cruelty complaints and reminded her of their previous discussions about reducing the number of animals at the Property in order to improve the Appellants' capacity to care for them especially in the colder wet months. SPC Hommel reiterated the Appellants' obligation to provide sufficient, dry shelter for all of the animals in their care.

42. On October 25, 2023, the BCSPCA Animal Helpline received a complaint from a veterinarian regarding a pregnant Dachshund type dog named Sweetie, owned by Ms. Kendall. The concern was that Sweetie needed more treatment and a possible C-section surgery.
43. On October 26, SPC Hommel called Ms. Kendall for clarification and was told that on October 24, Ms. Kendall sought care for Sweetie at the Central Island Veterinary Emergency Hospital (CIVEH) where Sweetie received treatment for low calcium and blood sugar, was stabilized and discharged. SPC Hommel confirmed with a contact at CIVEH, that Sweetie was treated, and a C-Section was recommended to relieve the burden of pregnancy on her system. Ms. Kendall declined the C-section due to the costs associated with the procedure.
44. Through several follow up phone calls on October 26, 27 and 28, SPC Hommel learned that Ms. Kendall had taken Sweetie, who was in labour, on the ferry and to the Cloverdale Animal Hospital in Surrey where an emergency C-section was performed. The puppies were 1 – 2 weeks premature. By October 30, 2023, all of the puppies had died and Sweetie was in very weak condition.
45. On October 31, 2023, the Society executed a search warrant at the Property. In attendance were SPC Hommel, SPC Morrison, APO Keller, RCMP members Cargill and Power, and veterinarian Dr. Ken Langelier. In the Appellants' residence, 13 dogs and 3 cats were found living in unsanitary conditions. Many of the dogs were in crates that were dirty with urine and feces. Some of the dogs had no food or water and some were underweight. The cats were under weight with notable head shaking and brown debris in their ears. Fourteen goats were found free ranging in an area behind the house, and most were found to be underweight. Many of the free roaming chickens were underweight and emaciated. There was not enough shelter and bedding for the goats and chickens.
46. The Society seized 13 dogs, 3 cats, 14 goats, and 31 chickens and removed them from the Property. The other animals remained on the Property since they were deemed not to be in distress at the time or could not be caught.
47. On November 16, 2023, the Society executed a further search warrant with SPC Hommel, SPC Morrison, APO Keller, RCMP members Palmer and Green, and Dr. Langelier with assistant Tammy Sinclair in attendance. The Society seized 1 dog, 1 cat, 2 snakes, 1 rabbit, 28 chickens, 4 ducks, 31 quail and 48 rats deeming them to be in distress due to a lack of adequate food, water, and shelter as well as unsanitary living conditions. Many of the animals were underweight.

48. The Society's records show that the Appellants' have had previous interactions with the Society at their property in Langley. The Society's officers visited the Langley property 6 different times between May 10, 2023, and July 15, 2023, regarding multiple concerns for the approximately 229 animals kept at that property by the Appellants including unsanitary living conditions, inadequate food and water, lack of veterinary care, lack of space, overcrowding, poor ventilation, inadequate shelter, excessive confinement, matting, hoof care, hazards and debris. The Society issued 6 Notices to the Appellants clearly outlining the improvements that needed to be made for the animals' care and living conditions at that property.
49. The Appellants are also the subject of ongoing animal cruelty investigations in Saskatchewan.

F. Review Decision

50. On November 29, 2023, Ms. Moriarty issued her review decision in which she outlined her reasons for not returning the Animals to the Appellants (the "Review Decision"). Ms. Moriarty reviewed the following materials in coming to her decision:
 - File #366878 Inspection Follow-up Details (IFD) – October 31, 2023.
 - Information to Obtain Warrant (ITO), Attachments & Signed Warrant– October 31, 2023.
 - Notice of Disposition (NOD) – October 31, 2023.
 - Veterinarian Records for the Animals – November 2-6, 2023.
 - Veterinarian Report for the Goats & Chickens – November 7, 2023.
 - Current Status List of the Animals – November 7, 2023.
 - DVM Langelier Report for the Animals – November 15, 2023.
 - Information to Obtain Warrant (ITO) – November 16, 2023; and
 - Various email submissions from the Appellants.
51. Ms. Moriarty was satisfied, based on the evidence, that the SPC reasonably formed the opinion that the Animals were in distress, in accordance with the *PCAA*, and that her action to take custody of the Animals to relieve the Animals of distress was appropriate.
52. Ms. Moriarty further considered whether the seized animals that had not been surrendered at that time should be returned to the Appellants. Ms. Moriarty noted the long history of animal cruelty and animal distress investigations involving the Appellants in Saskatchewan and BC, respectively. She noted that the same concerns of poor animal husbandry, unsanitary living conditions and the overpopulation of animals in the Appellants' care were involved in all of the complaints. She further noted the efforts that had been made by the Society's officers and the various vets that had attended the Property to improve the conditions for the animals and the Appellants' ability to provide proper care. Ms. Moriarty concluded that despite those efforts the Appellants had continued to

fail to properly care for their animals and that as a result she should not order the return of the seized animals to their care.

G. Key Facts and Evidence

53. In an appeal under the *PCAA*, the Panel must determine whether the Animals were in distress when seized and if they should be returned to the Appellant. Below is a summary of the relevant and material facts and evidence based on the parties' written submissions and evidence presented during the hearing. Although the Panel has fully considered all the facts and evidence in this appeal, the Panel refers only to the facts and evidence it considers necessary to explain its reasoning in this decision.

Appellants' Witnesses:

Rhees Kendall

54. Mr. Kendall works a regular, full-time, 8 am to 5 pm shift off the Property on weekdays.
55. Mr. Kendall stated that the current shelter area of the goat barn was 240 square feet and that based on his interpretation of the National Farm Animal Care Council (NFACC) Code of Practice for Goats (the Code), that amount of space was sufficient for the 14 goats present when they were seized. Additionally, a 155 square foot area is available for the goats in a pen that previously held broiler chickens. The shelter is bedded in hay and straw mixed. This shelter is heated, insulated, and has running water. The goats also have free access to a portion of the yard/pasture area of 2.5 acres at any one time.
56. Mr. Kendall noted that there are no records of any kind for the goats including records of Body Condition Scoring (BCS) or weights.
57. Mr. Kendall stated that the goats were fed timothy brome alfalfa hay bales purchased from various sources, a mineral supplement, and Goat-Tex (a commercial complete goat ration), and that they also had access to pasture/yard forage. In photos submitted by the Appellants, taken at the time of the seizure, the pasture is mostly grass which is eaten down but not bare, with fallen leaf cover. Water was available in a large white drum in the yard.
58. Mr. Kendall described the male dog named Lucien as aggressive towards people and so it was kenneled for the protection of everyone who entered the house. Mr. Kendall stated that Lucien had been prescribed Vanectyl-P for a skin condition by a veterinarian in Langley and that the skin problem was one of Lucien licking his paws in high stress situations. Mr. Kendall suggested that Lucien's stress arose from being in a kennel too often and stopped the medication before it was

completely used as it was interpreted that the medication, an antibiotic would not help.

59. Mr. Kendall stated that Lucien is walked in the morning and at night and occasionally during the afternoon but is otherwise confined to the inside of the house, not in the kennel.
60. Mr. Kendall stated that the male Malamute dog named Neptune is used as a "livestock guardian" and is tethered with a 35-foot flexible wire line to an insulated shelter in the yard/pasture. Mr. Kendall noted that Neptune is regularly taken for daily walks.
61. Mr. Kendall stated that the Appellants do not separate the bred female rats before they give birth and have been raising rats that way for 15 years. He noted that there are other opinions with respect to the proper way to breed rats but that there are no actual standard guidelines. He further noted that they keep 3 male rats in one cage, 7 rats in another and 5 in another. The Appellants keep various breeds of rats from miniature to standard sized. The rats are of mixed ages and sexes and are routinely held in colony settings.
62. Mr. Kendall testified that the cat that was seized by the Society is named Blackbeard and was kept in the residence.
63. Mr. Kendall noted that the quail at the Property are housed in the insulated shelter. They are fed a ration of layer mash and soaked grains. They have accessible water and are checked daily. The quail range in age from 4 weeks to 2 years. The quail pens are cleaned out every 3 weeks.
64. Mr. Kendall stated that the ducks that were seized by the Society are Muscovy ducks that were less than 5 months of age at the time of seizure.
65. Mr. Kendall testified that the chickens at the Property are housed in a separate uninsulated shelter with outside access. The nesting boxes that were previously in the shelter had been removed and were being replaced. Mr. Kendall noted that the chickens were being fed outside as they were not eating well in the shelter. The chickens were losing weight and had been treated for external parasites (mites) and an upper respiratory infection.
66. Mr. Kendall testified that the two ball pythons that were seized by the Society were kept in separate glass terrariums in the house with two heat sources, water, and hides. They were fed frozen not live food once a week.
67. Mr. Kendall confirmed that there were animals on the Property currently but deferred to his wife for accurate numbers.

Tanisha Kendall

68. Ms. Kendall stated that the goats at the time of seizure had grass forage that was short but included plenty of leaves for the goats to eat. She confirmed that the goats were also fed hay and Goat-tex and that she felt the forage on the Property was more than adequate. She stated that the goats received 4 pounds of hay a day and if they were pregnant or lactating they got a couple cups of Goat-Tex a day as well.
69. Ms. Kendall stated that none of the goats that were seized by the Society had injuries. She noted that the 2 fainting goats were put in the chicken coop to be fed at times as she felt that they were thin. The Appellants' management of the goats did not include dehorning as they considered it to be unnecessary.
70. Ms. Kendall described the goats she bought from a farm in Coombs, BC as "extremely emaciated" when she purchased them. One goat had a lump which Ms. Kendall thought was 'CL' (caseous lymphadenitis), and she stated that she rehomed all the goats from that group before the infection could be passed to the other goats. Ms. Kendall also described some of the other goats that she had owned that were not gaining weight and said that "they weren't necessary to be put down. They just needed to be rehomed".
71. Ms. Kendall noted that she missed the goats as they were like pets. She noted that harmful materials like pallets were picked up from the Property where the goats were pastured.
72. Ms. Kendall commented on the multiple hernias in the Dachshund puppies that were seized by the Society and said that her Surrey and Saskatchewan veterinarians had told her to reduce the hernias with pressure from a cotton ball, but if the hernias were still present then have a veterinarian surgically correct them between 15 to 18 weeks.
73. Ms. Kendall stated that Neptune was occasionally let loose under supervision with the goats and chickens, and that he did come in the house.
74. Ms. Kendall stated that Lucien is owned by her mother and is not with them on a continuous basis.
75. Ms. Kendall noted that the water provided by the Appellants for the quail is usually changed at noon as the quail contaminate it with fecal material.
76. Ms. Kendall testified that the chickens at the Property get thinner when upper respiratory disease infects the flock. The chickens cough and get thin and are put on medication each time an infection occurs.

77. Ms. Kendall noted that Blackbeard the cat is an unneutered male cat that had been gone for a couple of weeks at the time of the seizure. He was thin and always had a greasy coat. He was being treated for ear mites at the time of seizure.
78. Ms. Kendall testified that all animals on the Property – cats, dogs, poultry, rats, goats, hedgehogs – are allowed to breed, and the progeny are generally sold or processed for their use. Hatching eggs are also occasionally sold. Ms. Kendall stated that the farm is a hobby farm.
79. With respect to the two Dachshunds surrendered to the Society that were unintentionally bred, Ms. Kendall stated that she knew that the breeding would result in deformed puppies. She was also certain that the female was pregnant by 3 weeks but did not take her to a veterinarian. She was concerned that the only way to terminate the pregnancy was by spaying the dog and she wanted to breed it again.
80. Ms. Kendall stated that when she had a pregnant Chihuahua with no history on the breeding, she consulted a veterinarian in Saskatchewan about termination, but the veterinarian said there were too many variables, and that spaying was the only way to terminate. Ms. Kendall relied on this previous experience to explain her failure to consult a veterinarian on the Dachshund pregnancy even when she knew the breeding date and that the pregnancy could result in severe congenital problems.
81. Ms. Kendall confirmed that there are 5 dogs, 2 cats, 7 quail chicks to be processed at 8 weeks, approximately 21 ducks, approximately 150 chickens (35 three week old chicks, 4 three week old chicks, 75 month old layers, 10 bantams, 5 Wyandots, 22 four day old chicks), 7 rats, 7 rabbits with 6 babies, and 4 adult hedgehogs with 5 babies currently on the Property.
82. Ms. Kendall testified that the Appellants currently do not have a veterinarian for the farm animals other than the Langley Animal Clinic, and that for the dogs and cats they rely on the Coastal City Animal Clinic. She noted that there are no medical records for the Animals except for the dogs. She explained that the goats were ear tagged in Saskatchewan but that one goat caught the tag on a wire fence and ripped it out resulting in pain and trauma to the goat and veterinary care and costs. As a result of that incident the Appellants are no longer tagging their goats.
83. Ms. Kendall noted that they generally start with more meat birds than they need as the birds have a lot of health issues involving their legs and other issues which lead to morbidity and death before they are able to be processed.
84. Ms. Kendall, her husband and her nine-year-old daughter are the only care givers for the animals on the Property. There are no employees. The only income tracked from the animals is for the dogs and she states that their gross annual income

from all animals is approximately \$30,000.00. Ms. Kendall could not provide a clear estimate of overall costs for the care and feeding of the animals.

85. Ms. Kendall referred to a breeding program for the goats but could not provide any details other than wanting 5-7 bigger does and one billy-goat. She indicated that she wanted to keep the total number to around 15 goats and that she would not restock the goats as they were of sentimental value.

Respondent Witnesses:

Dr. Ken Langelier (DVM)

86. The Panel accepted Dr. Langelier as an expert witness qualified to give opinion evidence on matters of veterinary medicine. He stated that he works primarily with small animals, dogs and cats and also works with exotic pets but has limited experience with farm animals.
87. Dr. Langelier stated that he attended the Property on two occasions for the seizures that occurred of on October 31, 2023 and November 16, 2023. He noted that the Appellants were forewarned prior to the first seizure and that they were not forewarned prior to the second seizure and that he saw a marked difference in the amount of food and the cleanliness of water between the two visits. He further noted that there was a lack of improvement between the two visits in general.
88. Dr. Langelier specifically noted that the temperature and humidity for the snakes had not improved despite the Appellants having been advised to do so during the October 31, 2023, visit. The readings in the photos he took from monitors in the snake habitat were 61% humidity and a temperature of 83F in the warm zone and 74F in the cool zone.
89. Dr. Langelier testified that the dogs, even though they were given food and water, were not in good condition at the time of the seizure.
90. Dr. Langelier described the chickens seized on October 31, 2023, as very thin. The chickens also had mites or mite damage when examined carefully after the seizure.
91. On November 16, 2023, while on the Property, Dr. Langelier noted that the rats had bite wounds, and that the rabbit had fecal material accumulating on its hind end. Detailed examinations of each of the seized animals found further issues such as ear mites with the cats.
92. Dr. Langelier stated that he examined Lucien, the dog, after the seizure at the Society's facilities. Despite being described by the Appellants as very aggressive, Lucien came when he was called, wagged his tail and was happy, and exuberant

in a friendly way. Dr. Langelier confirmed that there was no bedding in Lucien's kennel at the time of seizure.

93. Dr. Langelier stated that the hernias in the Dachshund puppies that were seized by the Society, were a congenital inherited condition and that the male dog should not be used for breeding purposes.
94. Dr. Langelier confirmed he did not undertake body condition scoring on the goats when they were seized but he noted that there was very little grazing left in the goat area and no significant amount of edible hay available. He further observed that there were only a few bales in a shed at the time of seizure and that the hay that was available to the goats was soiled with feces or urine.
95. In his written report Dr. Langelier stated that the quail have broken feathering from breeding, and many have overgrown beaks/bills. He noted that quail like to go into the water, however the water present was contaminated with wood chips and the Appellants had not provided a fresh water source that would remain clean for drinking.
96. Dr. Langelier examined rats that had been kept in group cages at the Property and he noted that many had bite wounds.
97. Dr. Langelier expressed a general concern with respect to the ability of the Appellants to provide appropriate care, attention, and management for all the animals if they were collectively returned. He stated that the veterinary care provided by the Appellants was insufficient. He noted that some buildings on the Property were warm, insulated and had ventilation and could do a good job for raising animals, but that other buildings being used by the Appellants were simply not suitable.

Dr. Tyler Stitt

98. The Panel accepted Dr. Stitt as an expert witness qualified to give opinion evidence on matters of veterinary medicine. He has worked with small ruminants, poultry, and horses as well as pet animals. He has also been employed in the area of epidemiology with the Centre for Coastal Health on projects involving a broad range of species including poultry, swine, and aquaculture. He has advised on biosecurity for specialty birds including quail.
99. Dr Stitt testified that he attended the Property on September 29, 2023, at the request of Ms. Kendall to do a herd health check on the goats. The focus of his attendance was on the body condition scores of the goats and their overall general health. He only became aware of the Society's involvement at the appointment that morning. He prepared a letter on October 15, 2023, summarizing his findings from his visit and the resulting recommendations.

100. Dr. Stitt subsequently examined several of the Animals at the Society's facilities following their seizures on October 31, 2023, and November 16, 2023. His findings from those examinations are summarized in a letter dated November 7, 2023.
101. In his October 15, 2023, letter Dr. Stitt noted:

“Overall, the sheep, goat and poultry appeared to be in decent health. There were some exceptions: Old Lady, a 13-year-old Nubian goat in compromised condition (body condition score 1/5, limited mobility, hunched back posture and vacant facial expressions) was euthanized, and a veterinary recheck on 4 other goats - two Nubians with body condition scores of approximately 1/5, one with an enlarged right half of the udder, and another with a round spherical skin nodule on the right side of its face – was recommended for within 4-6 weeks. The absence of ear tags or other farm records is expected to complicate effective rechecks of the same animals over time.”
102. Dr. Stitt stated that 6 weeks later when he examined the seized goats at the Society's facilities he could not identify the four animals of concern and could not verify that any of the seized goats were the ones that he examined on September 29, 2023.
103. Dr. Stitt made several recommendations in his letter to the Appellants of October 15, 2023. He indicated that there were practices that could be corrected or put in place that would improve the living conditions for the animals. The recommendations were not meant as an exhaustive list but were rather meant to get the Appellants started in a more positive direction with respect to the care of the animals.
104. Dr. Stitt noted that Vancouver Island has had a small outbreak of Avian Influenza at Qualicum Beach. The Appellants having 400 outdoor poultry at the Property was a significant risk for Avian Influenza. He commented that “anytime you have animals of unknown disease background, if you're moving them on or off the property and you're not following quarantine procedures and biosecurity procedures you are increasing the risk of either bringing something onto the property or when those animals leave, spreading something to another property or location.”
105. Dr. Stitt observed hay bales in a horse trailer which he stated was open to the elements. He noted that the hay could be expected to deteriorate and develop some mold impacting the quality of the hay if stored in that manner.
106. In his October 15, 2023 letter to the Appellants Dr. Stitt wrote, “Outdoor storage of hay and grain (e.g. in the back of an open horse trailer, as seen during my visit) will predispose to molds and food spoilage, especially during our wet fall and winter seasons...”

107. Dr. Stitt indicated that trying to feed 400 birds on the ground presented a large challenge to keep the food clean so that it will be eaten without contamination by droppings and dirt.
108. Dr. Stitt noted that veterinary care for farm animals is a problem due to the lack of veterinarians that include farm animals in their practice. He further noted that using a veterinarian on the mainland is risky due to the time and challenges associated with travel on ferries to attend the animals. He described likely emergencies with the goats related to lacerations from the unsafe environment on the Property with piles of debris, garbage, and metal, and other common emergencies for goats that could not be effectively dealt with by a veterinarian on the mainland.
109. Dr. Stitt stated that if significant changes were made to the Property such as building proper paddocks, having a records system in place, and having a veterinarian that regularly attend the Property to review the animals, the Appellants may be able to appropriately raise animals on the Property. However, he further noted that those improvements would need to occur before the Appellants accepted more animals onto the Property.
110. Dr. Stitt also recommended that the Appellants should have fewer animals on the Property. This recommendation was also included in his letter to the Appellants of October 15, 2023 which sets out the following issues to be addressed and associated recommendations:
 - A) the number of animals kept on property.
 - B) access to food, water and shelter.
 - C) land and pasture management;... “useable land not covered in vegetation or discarded metal/garbage, disposal/composting space for manure, and existing out buildings”
 - D) pest control and predator prevention.
 - E) biosecurity and disease prevention, both for Tanisha’s animals and those of her neighbours; and
 - F) the day-to-day management of animals, including keeping records that pertain to breeding, meat/milk/wool production, movement of animals on and off the property, unexpected mortalities, culls, and processing

SPC Hommel

111. SPC Hommel’s investigation began when the Society received a complaint regarding a sick calf on the Property on August 2, 2023. SPC Hommel visited the Property that day, but no one was home so she left a note. After a phone call with the Appellants she arranged a return visit on August 3, 2023. SPC Hommel made several further visits between August 2 and the initial seizure on October 31, 2023.
112. SPC Hommel connected the Appellants to previous complaints that had been made to the Langley Animal Protection Society (LAPS) in May 2023 concerning barking dogs, unattended animals, hazardous debris, overcrowding and odour

from the animals on that property. Those complaints resulted in 6 visits from animal control officers between May and July of 2023 with 6 notices issued to the Appellants. The concerns listed in those notices included too many animals being kept by the Appellants, access for the animals to water, underweight animals, and animals being kept in unsanitary and hazardous conditions. The Appellants surrendered 3 dogs and 4 cats as a result of the Langley investigations. One of the surrendered female dogs had a uterine infection (pyometra) with a discharge and Giardia intestinal parasites were also found in some of the animals.

113. SPC Hommel testified that at each of the visits that she made from August 2, 2023, until the first seizure on October 31, 2023, there were different animals or new animals present on the Property. At one-point the Appellants mentioned cows coming onto the Property to SPC Hommel. At each visit SPC Hommel commented on the inadequate conditions of the animals' shelter to the Appellants.
114. SPC Hommel noted that at her initial visits the Appellants' goats were confined to a pen at the back of the Property with good grazing but over time the goats were let out to roam more around the Property.
115. On October 25, 2023, SPC Hommel made her first unannounced visit to the Property. It was a cold, rainy, and snowy fall day. She noted that the chicken shelter was dirty and wet and that the animals she checked were thin. She observed that there was a dead rabbit in the rabbit shelter and that the rabbits had no food or water. There was snow on the ground and there were no signs of human footprints in the area.
116. SPC Hommel subsequently received a complaint from a veterinarian regarding a female Dachshund belonging to the Appellants. The vet noted that the dog was in labour and required an immediate emergency C-section that they could not accommodate in a timely way. The vet was concerned that the surgery had not been done. The vet noted that the puppies would be pre-mature, but that the dog needed to be relieved of the burden of the pregnancy.
117. The vet noted that the Appellants had been referred to Central Island Veterinary Emergency Hospital in Nanaimo for the surgery. However, the Appellants instead chose to take the dog on a ferry to the Cloverdale Animal Hospital for the emergency C-section. The Appellants then brought the mother and the new born puppies all back on the ferry. When SPC Hommel enquired of the Appellants about the dog she was told it was on its way to Saskatchewan for the surgery.
118. SPC Hommel applied for a second search warrant for the Property. It was executed without notice on November 16, 2023 and more animals were seized. SPC Hommel noted the unsanitary conditions on the Property, the declining condition of the animals and the approaching colder weather. She further noted the failure of the Appellants to decrease the number of animals on the Property or

to improve the shelter, comfort, and feed for the Animals. There were also continuing complaints being made to the Society regarding the animals on the Property.

H. Analysis and Decision

119. Part 2.1 of the *PCAA* establishes the standards of care for animals and establishes a duty on those responsible for the animals to ensure those standards are met:

9.1 (1) A person responsible for an animal must care for the animal, including protecting the animal from circumstances that are likely to cause the animal to be in distress.

(2) A person responsible for an animal must not cause or permit the animal to be, or to continue to be, in distress.

11 If an authorized agent is of the opinion that an animal is in distress and the person responsible for the animal

(a) does not promptly take steps that will relieve its distress, or

(b) cannot be found immediately and informed of the animal's distress,

the authorized agent may, in accordance with sections 13 and 14, take any action that the authorized agent considers necessary to relieve the animal's distress, including, without limitation, taking custody of the animal and arranging for food, water, shelter, care and veterinary treatment for it.

120. The definition of "distress" provides:

1 (2) For the purposes of this Act, an animal is in distress if it is

(a) deprived of adequate food, water, shelter, ventilation, light, space, exercise, care or veterinary treatment,

(a.1) kept in conditions that are unsanitary,

(a.2) not protected from excessive heat or cold,

(b) injured, sick, in pain or suffering, or

(c) abused or neglected.

121. We have also proceeded on the basis that the Appellants have an onus to show, that the remedy they seek (return of the Animals) is justified. The first issue to consider is whether the Animals were in distress at the time of the seizures. Depending on the answer to that question, the next issue is to decide whether to return the Animals, or some of the Animals, or whether doing so would return them to a situation of distress.

122. The Panel is satisfied that the Animals, apart from the snakes, were in distress at the time of the seizures on October 31, 2023 and November 16, 2023, as defined by Section 1(2) of the *PCAA*.

123. As noted by the Panel in *Bagga v. BCSPCA, February 5, 2019* at paragraph 104:

In considering the issue of distress, the panel starts with the proposition that the definition of distress is broad and the society does not have to establish an actual deprivation or harm to an animal before determining the animal is in distress. A medical finding that an animal is injured or in pain is not required in order to conclude that an animal is in distress. Instead, an animal can be found to be in distress when an animal is (a) deprived of adequate food, water, shelter, ventilation, light, space, exercise, care or veterinary treatment, (a.1) kept in conditions that are unsanitary, (a.2) not protected from excessive heat or cold, (b) injured, sick, in pain or suffering, or (c) abused or neglected. The definition of distress is intended to be protective and preventative. It does not require proof of actual harm; rather it describes those circumstances that create a significant risk of harm to animals and should be avoided. When these circumstances are not avoided and conditions place animals at sufficient risk, the PCAA provides that they can be protected

124. The Panel finds that the Animals were being deprived of food, adequate care, and veterinary treatment and were being kept in unsanitary conditions. The Appellants' neglect was intermittent and variable, with some animals being observed in good body condition while being kept in a clean environment and others that had to be euthanized due to emaciation and critical distress. However, the Panel finds that the Appellants' consistent failures to provide adequate care meant that all of the Animals were suffering from neglect to a greater or lesser degree and that all of the Animals were at serious risk of falling into more significant distress over time.

125. The evidence of neglect is supported by the findings of the veterinarians (Dr. Langelier and Dr. Stitt) in attendance at the farm in their reports and in their testimony on the untreated conditions that they diagnosed in the animals (rats, dogs, cat, rabbit, quail). The neglect is further evidenced by the thin to emaciated body condition of goats and poultry. It is seen in the veterinary records of the physical examinations of the animals undertaken after the seizures, in the laboratory testing results, and in the historical medical records. The neglect by the Appellants to the animals in their care was an ongoing problem which led to continual complaints against them to the Society.

126. The videos provided by the Appellants and the pictures taken by the Society around the time of the seizures show inadequate living conditions with significant amounts of debris and refuse on the Property in pastures and in some of the shelters. The videos and pictures also show inadequate food storage lacking protection from the elements in some cases and in almost all cases feed containers that were not sealed to prevent fecal and rodent contamination and damage.

127. The Panel notes with respect to the two ball pythons that were seized (the "Snakes"), the records show that one snake was somewhat underweight and that both snakes were shedding. The recorded pictures of the humidity and temperature read-outs in the enclosures were within the same parameters as the conditions reported by the Society for the holding of the Snakes after seizure. The

size of the enclosure was noted to be adequate for the young boa and not completely restrictive for the adult boa. A gradient of heat and hides were present in the enclosure as well as a water source and a heat source. The examination of the Snakes after seizure found that one snake was in optimum body condition despite a suspicion of pneumonia, and the other snake though found to be underweight, had a neurological disorder hindering righting and a head tremor that could have contributed to that condition.

128. Notwithstanding the Panel's findings with respect to neglect, and the risk of neglect noted above, the Panel cannot find that the Snakes were in distress at the time of seizure. Furthermore, given the particular manner in which the Snakes are kept, the Panel cannot find that the types of neglect that had been inflicted on the Appellants' other Animals will necessarily similarly impact their care of the Snakes. The Snakes are kept in a controlled environment, within the Appellant's residence, and there are only two of them, as opposed to the goats or chickens which are subject to the elements and are kept in herds or flocks. While a bigger enclosure would likely improve the Snakes' living conditions generally, there is nothing to suggest that building or obtaining such an enclosure is beyond the resources or abilities of the Appellants.
129. Having found that the Animals (not including the Snakes) were in distress at the time of the seizure, the Panel turns to the issue of whether the Animals can be safely returned to the Appellant.
130. The challenges placed on the Appellants by the sheer numbers of animals that they actively kept and were unable to adequately care for has been repeatedly noted as a problem by the veterinarians that have interacted with the Appellants and by the Society. The issue was clearly demonstrated by the videos, pictures and other documentation submitted at this Appeal. It is mentioned as an issue in the reports from LAPS and was mentioned during Society inspections and veterinary visits of the Property from August 2023 until the seizures in October and November 2023 which are the subject of this appeal.
131. The Appellants' evidence is that they have already re-established large numbers of animals on the Property, (as of the hearing date, 5 dogs, 2 cats, 7 quail chicks to be processed at 8 weeks, approximately 21 ducks, approximately 150 chickens, 7 rats, 7 rabbits with 6 babies, 4 adult hedgehogs with 5 babies). The return of the Animals that are the subject of this appeal would significantly increase those numbers further, and would undoubtedly result in a repeat of the variable and intermittent failures in providing adequate care and adequate living conditions, and the resulting neglect by the Appellants.
132. The Panel finds that returning the Animals to the Appellants' care would result in further, foreseeable distress to the Animals. Without significant improvements to the Property and the Appellants' practices, the Animals will again suffer from the lack of adequate husbandry and care, the unsanitary and hazardous living

conditions, the insufficient veterinary care, and the general neglect for the Animals and their living conditions. Furthermore, the onset of much colder weather will require adequate space and facilities to shelter the Animals and no evidence was provided by the Appellants to demonstrate that such improvements had been made to the Property.

133. The Panel notes that many of the Animals had health issues related to inadequate shelter, management, and sanitation, such as the respiratory disease in the poultry, bite wounds in the rats, and intestinal parasites in the goats. The Appellants did not provide evidence on how these overcrowding-related health issues would be corrected and prevented if the Animals were returned. The Appellants also do not currently have veterinary services locally on Vancouver Island to address any emergencies that arise for the Animals with the exception of the pet animals (dogs and cats).
134. The Appellant and his wife referred to the Property as a hobby farm in their testimony. The Panel notes that almost all of animals on the Property were intact and were used for breeding or food production. The evidence shows that the Appellants breed and sell animals as a commercial enterprise which suggests that they will continue to acquire, breed, and sell animals. The Appellants repeatedly asserted their desire to provide adequate husbandry and care for animals on the Property. However due to a lack of knowledge and the sheer number of animals, they did not adequately maintain the Property in terms of adequate living conditions for the Animals nor provide adequate care for the Animals.
135. There are many resources available in the province of British Columbia to support online learning on how to care for many animals. The Panel suggests that if the Appellants continue to have animals on the Property, improvements will need to be made to remove debris and refuse and to prepare appropriate pens and shelter for the safety and health of the animals. The Panel also recommends that the Appellants educate themselves with respect to the care of the species they stock, with attention to stocking densities, preventative health practices, and the record keeping involved in animal care.
136. The Panel also strongly encourages the Appellants to re-engage with Dr. Stitt. Dr. Stitt appeared more than willing to work with the Appellants to improve the care of the animals on their Property. Finally, the Appellants should be open to work further with the Society to insure they are in fact providing adequate husbandry and care.
137. The Panel finds that returning the Animals (apart from the Snakes) to the care of the Appellants would not be in the best interest of the Animals and finds that such a return would put the Animals back into a situation that would cause distress and further suffering. As such, the Panel orders that the Animals (apart from the Snakes) will remain in the care of the Society as set out in further detail below.

I. Costs

138. Section 20 of the *PCAA* states:

20 (1) The owner of an animal taken into custody or destroyed under this Act is liable to the society for the reasonable costs incurred by the society under this Act with respect to the animal.

(2) The society may require the owner to pay all or part of the costs, with or without conditions, for which he or she is liable under subsection (1) before returning the animal.

(3) Subject to subsection (4), the society may retain the proceeds of a sale or other disposition of an animal under section 17 or 18.

(4) If the proceeds of a sale or other disposition exceed the costs referred to in subsection (1), the owner of the animal may, within 6 months of the date the animal was taken into custody, claim the balance from the society.

(5) Payment of costs under subsection (2) of this section does not prevent an appeal under section 20.3.

139. Section 20.6(c) of the *PCAA* provides that on hearing an appeal the board may “confirm or vary the amount of costs for which the owner is liable under section 20 (1) or that the owner must pay under section 20 (2)”.

140. The Society is seeking costs as follows:

(a) Veterinary costs:	\$11,294.03
(b) SPCA time attending to seizures:	\$1,098.34
(c) Housing, feeding and caring for the Animals:	<u>\$77,122.45</u>
(d) Total:	\$89,514.82

141. On the matter of costs, the Society’s submissions provide detailed cost accounting, including invoices for veterinary care and detailed estimates on the daily operating costs associated with the care of the Animals. The calculation of these estimates has been reviewed and supported in previous appeals.

142. The Appellants did not contest the costs incurred by the Society except on the basis that the Warrants executed by the Society were not properly obtained. As noted above, the Panel explained to the Appellants that it is outside of the legal jurisdiction of BCFIRB to determine the validity of warrants issued by the provincial court.

143. However, the appeal process provides the Appellants a fulsome opportunity to provide evidence and make submissions on whether the Animals were in distress at the time of the seizures and whether the Animals should be returned to their care. The appeal process also allows the Appellants to make submissions on the appropriateness of the costs, or any portion of the costs, incurred by the Society in

providing interim care for the Animals between the time of seizure and the hearing of the appeal.

144. The Appellants did not provide any substantive submissions on the issue of costs, and the Panel finds that the costs presented by the Society are reasonable in the circumstances.

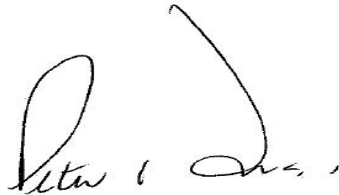
J. Order

- 145. The Panel orders pursuant to section 20.6 of the PCAA that the Society is permitted in its discretion to destroy, sell, or otherwise dispose of the Animals (with the exception of the Snakes), with the hope that the Animals will be adopted unless circumstances preclude that possibility.
- 146. The Panel orders the return of the Snakes to the Appellants upon the payment of the costs of care for the Snakes in the amount of \$1,280.00 by the Appellants to the Society. If the Appellants have not paid the costs ordered herein to the Society within six days of the date of this decision then the Society is permitted in its discretion to destroy, sell, or otherwise dispose of the Snakes.
- 147. The Panel further orders, pursuant to s. 20.6(c) of the PCAA, that the Appellants are liable to the Society in the amount of \$88,234.82 for the reasonable costs incurred by the Society for the care of the Animals. For further clarity, this amount will not be required to be paid by the Appellants prior to the return of the Snakes.

Dated at Victoria, British Columbia this 26th day of January, 2024

BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD

Per:



Peter Donkers, Chair/Presiding Member



Gunta Vitins, Vice Chair



Jane Pritchard, Member