



June 13, 2013

File: PCAA/#13-02

DELIVERED BY EMAIL AND/OR FAX

Catherine Golder



Dear Ms. Golder:

JUNE 3, 2013 DECISION OF THE BC SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (BC SPCA) REGARDING THE SEIZURE OF TWO DONKEYS

Under the *Prevention of Cruelty to Animals Act (PCAA)*, a person aggrieved by a seizure decision of the BC SPCA may appeal to the BC Farm Industry Review Board (BCFIRB).

Section 20.3(2)(b) of the *PCAA* requires appeals from BC SPCA decisions such as the June 3, 2013 decision to be filed, complete with filing fee, within four days of the decision. In the interest of timeliness in addressing animal welfare issues, there is no provision under the *PCAA* to extend the filing time for appeals.

However, under s. 22(4) of the *Administrative Tribunals Act*, BCFIRB may “allow for a reasonable period of time within which the notice (of appeal) may be corrected or the fee is to be paid”. That period of time has been established by BCFIRB as being within two days of first receipt of a notice of appeal.

The June 3, 2011 decision of the BC SPCA advised you of your right to appeal to BCFIRB, noted that “the appeal is time sensitive” and provided BCFIRB telephone and email contact information. In our June 5, 2013 reply to your email of that same date, we provided you with a link to the BCFIRB website information on the appeal process and highlighted the fact that BCFIRB “**must receive your appeal and filing fee by 4:30 pm on Friday June 7, 2013**”. [emphasis in original] We also invited you to phone the BCFIRB office if you had any further questions.

British Columbia
Farm Industry Review Board

Mailing Address:
PO Box 9129 Stn Prov Govt
Victoria BC V8W 9B5
Telephone: 250 356-8945
Facsimile: 250 356-5131

Location:
780 Blanshard St
Victoria BC V8W 2H1
Email: firb@gov.bc.ca
Website: www.firb.gov.bc.ca

On June 7, 2013, prior to the 4:30 p.m. deadline, the BCFIRB office received a faxed copy of your June 7 letter to the BC SPCA regarding your issues with the June 3 decision. On June 10, 2013, this office also received your faxed letter of June 9, again addressed to the BC SPCA, in which you asked for the donkeys to be temporarily “discharged to the care” of an identified [REDACTED] resident pending a change in your status.

On June 10, 2013, BCFIRB staff confirmed by email that this office had received the June 7 and June 9 letters – and that the June 7 letter had been received by the deadline – but:

However, the (June 7) fax is directed to the BC SPCA, not BCFIRB and it is not clear whether you actually intend on filing an appeal.

If it was your intention that the June 7 fax was a notice of appeal, you need to confirm that, provide certain information to BCFIRB and **deliver to BCFIRB no later than 4:30 p.m. tomorrow, Tuesday, June 11, 2013, the following:**

- a cheque or money order for \$100, made out to the “Minister of Finance”.

[emphasis in original]

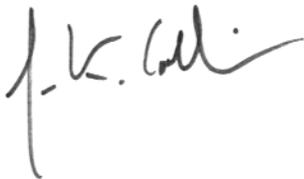
The email also provided you with a copy of the notice of appeal form from the BCFIRB website.

This information was reiterated in a June 11, 2013 telephone discussion with your (agent), following which a completed notice of appeal form was received via fax by the 4:30 p.m. deadline. No appeal filing fee has been received despite the fax cover sheet advising that the “cheque has been mailed”.

Given all the foregoing and that no filing fee was received by this office by the above deadline, your appeal of the June 3, 2013 decision was not received in time.

If and when received, the filing fee will be returned to you.

Yours truly,



Jim Collins
Executive Director/Registrar

cc: Marcie Moriarty
Chief Prevention and Enforcement Officer
BC Society for the Prevention of Cruelty to Animals