



Number: S-259504  
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

**PETITION TO THE COURT**

Between:

Marie-louise Felicia Allen

Petitioner(s)

And:

Attorney General Of British Columbia

Respondent(s)

ON NOTICE TO:

Attorney General Of Canada

Attorney General Of British Columbia

College Of Veterinarians Of British Columbia

Society Of British Columbia Veterinarians

Society for British Columbia Public Guardians and Animals

Society For The Prevention Of Cruelty To Animals

The address of the registry is: 800 Smithe Street, Vancouver, B.C.

The petitioner(s) estimate(s) that the hearing of the petition will take 3 days.

This matter is an application for judicial review.  
 This matter is not an application for judicial review.

This proceeding is brought for the relief set out in Part 1 below, by

the person(s) named as petitioner(s) in the style of proceedings above  
 .....[name(s)]..... (the petitioner(s) )

If you intend to respond to this petition, you or your lawyer must

(a) file a response to petition in Form 67 in the above-named registry of this court within the time for response to petition described below, and  
(b) serve on the petitioner(s)  
(i) 2 copies of the filed response to petition, and  
(ii) 2 copies of each filed affidavit on which you intend to rely at the hearing.

**Orders, including orders granting the relief claimed, may be made against you, without any further notice to you, if you fail to file the response to petition within the time for response.**

**Time for response to petition**

A response to petition must be filed and served on the petitioner(s),

- (a) if you were served with the petition anywhere in Canada, within 21 days after that service,
- (b) if you were served with the petition anywhere in the United States of America, within 35 days after that service,
- (c) if you were served with the petition anywhere else, within 49 days after that service, or
- (d) if the time for response has been set by order of the court, within that time.

(1)	<p>The ADDRESS FOR SERVICE of the petitioner(s) is: 10136 King George Boulevard, suite 1013, Surrey, BC V3T 2W4</p> <p>Fax number address for service (if any) of the petitioner(s):</p> <p>E-mail address for service (if any) of the petitioner(s):</p>
(2)	The name and office address of the petitioner(s)'s lawyer is: n/a

Claim of the Petitioner(s)

**Part 1: ORDER(S) SOUGHT**

1. A declaration that *sections 11 and 12* of the Prevention of Cruelty to Animals Act, to the extent that they authorize the seizure of an animal already under the care of a licensed treating veterinarian in the circumstances of animals under active diagnosis or treatment, as described in the Petitioner's affidavit, infringe *section 7* of the Canadian Charter of Rights and Freedoms and are of no force and effect to that extent.
2. A declaration that commencing or continuing prosecutions under *section 24(1)* of the Prevention of Cruelty to Animals Act against pet guardians whose injured animals were, at the material time, under the care of a licensed treating veterinarian, where the sole or predominant basis for the prosecution is a seizure of the kind declared unconstitutional in paragraph 1, violates *section 7* of the Canadian Charter of Rights and Freedoms and is unconstitutional.
3. Pursuant to *Section 7* of the Canadian Charter of Rights and Freedoms, an order stating that laws permitting the seizure of sick or injured animals under the care of licensed veterinarians violate the rights of pet guardians to liberty and security of the person, as guaranteed by the Charter, and are inconsistent with the principles of fundamental justice and unfair.
4. An order, under *section 24(1)* of the Canadian Charter of Rights and Freedoms, staying any further proceedings in *R. v. Marie-louise Felicia Allen*, Provincial Court of British Columbia File No. 253459-1, because continuing the prosecution in light of the declarations in paragraphs 1 and 2 would violate the Petitioner's rights under *section 7* of the Charter.

5. Costs of this petition including special costs appropriate and just in the circumstances.
6. Such further and other relief as this Court may deem just.

## **Part 2: FACTUAL BASIS**

### Veterinary treatment and Animal Enforcement

1. Veterinary treatment is a key component in the overall health management of an animal. It is essential for the diagnosis, treatment, and prevention of diseases. The law acknowledges this by including veterinary care as a critical factor in determining and relieving distress.
2. According to Statistics Canada, British Columbia's population was estimated at over 5.7 million in 2025 and the majority of Canadian households, at almost 80%, have some type of pet. British Columbia estimates that 2/3<sup>rd</sup> of the population have companion animals (2024, BC SPCA).
3. Animal enforcement officers consisting of special provincial constables (BC SPCA), the Royal Canadian Mounted Police (RCMP), and municipal constables (municipal animal enforcement), referred to generally as "*animal enforcers / enforcement/ enforcement constables*" are appointed by the government under the Police Act, [RSBC 1996] Chapter 367.
4. The petition focus is on people with pets ("pet guardians") in British Columbia that have their animals seized by the BC SPCA special provincial constables under the Prevention of Cruelty To Animals Act [RSBC 1996] Chapter 372 while the pet or animal is in treatment by a qualified, provincially licensed veterinarian(s).
5. The seizure of the animal by the BC SPCA special provincial constable is done with the help of a non-treating veterinarian to assess the animal under treatment. The non-treating

veterinarian hired by the BC SPCA does not consult the treating veterinarian(s) although the pet guardian has provided permission.

6. BC SPCA special provincial constables conduct animal cruelty investigations as authorized agents under the Prevention of Cruelty To Animals Act [RSBC 1996] Chapter 372, Part 3, *section(s) 10(1) and (2)*.
7. *Section 11 of the Prevention Of Cruelty To Animals Act* permit a BC SPCA special provincial constable (“authorized agent”) to seize animals to relieve distress:

***Relieving distress in animals***

*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.*

8. The petitioner submits that *Section 11* does not apply to interference with an animal in ongoing veterinary treatment because the animal's guardian has already demonstrated responsible care for a sick or injured animal by seeking “veterinary treatment for it” thereby “relieving the animal's distress”.
9. The petitioner submits that Part 2.1 Standards Of Care, *sections 9.1(1) and 9.1(2)* of the Prevention Of Cruelty To Animals Act have been fully met by a pet guardian contracting a veterinary professional to treat a sick or injured pet or animal:

***Part 2.1 — Standards of Care***

***Duties of persons responsible for animals***

***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.***

- 10.** Under the circumstances the animal's distress, whether minor or critical, is relieved by the treating veterinarians' expertise. The pet guardian has complied with *section 11 and the Standards of Care* under the statute.
- 11.** The petitioner submits that seizing an animal or pet from a pet guardian under veterinary treatment by a qualified and licensed veterinarian contracted by the pet guardian infringes on section 7 of the Canadian Charter of Rights and Freedoms, is unconstitutional and unfair.
- 12.** The seizure by animal enforcement of an animal in veterinary treatment deprived the petitioner of security of the person and property-related liberty interests in a manner that was arbitrary, overbroad, and not in accordance with the principles of fundamental justice.
- 13.** The petitioner will demonstrate that the law or state action that deprives an individual of these rights must accord with principles of fundamental justice. The petitioner alleges that people with pets who abide by the Law are punished by the State with criminal offenses.
- 14.** In the circumstances in the petition, the petitioner will rely on her own experience referred to herein as a “*case in point*” in the accompanying affidavit. In brief, the petitioner had a miniature therapy pony under the care of a named equine specialist and equine surgeon (“veterinary team”). The pony was on a treatment plan with a documented prognosis and upcoming surgery. The BC SPCA became involved through a complaint. The BC SPCA brought in a non-treating veterinarian, the pony was seized and euthanized without consultation with the petitioner’s treating veterinary team.
- 15.** The petitioner requested a review and appeal of the pony’s seizure under the Prevention Of Cruelty To Animals Act which failed because the animal was destroyed. The petitioner was then charged and convicted under *section 24(1)* of the Act.
- 16.** As a result of the seizure of the pony, the petitioner reached a breaking point experiencing a psychological breakdown thereafter and was diagnosed with a permanent psychological disorder.

17. The petitioner could no longer continue her equine therapy practice business of over five decades and lives on a disability benefit in supportive housing trying to rebuild her life.

18. Scope of the Petition

The petition **excludes** scenarios where a contracted veterinarian has independently filed a complaint against a client (pet owner/guardian) to animal enforcement and;

Focuses on protecting pet owners committed to animal welfare through professional medical care.

### **Part 3: LEGAL BASIS**

I. The Changing Face Of Animals Under The Laws

16. While property rights as such are not protected by *section 7*, deprivation of a companion animal — particularly where the state action disrupts ongoing medical decisions — engages liberty interests related to autonomy over personal and medical choices.

17. The petitioner submits that although animals are still considered “property” under the Law, the evolving role of companion animals as *integral family members* in modern societies is growing.

18. According to Dr. Renata Roma, PhD in an article published on September 4, 2025 in *Psychology Today* at para 9:

*It's essential to remember that for many people, pets are perceived as family members. In fact, perceiving a pet as family can have a profoundly positive impact on people's sense of well-being. Many people sleep with their pets and share their most intimate moments with them. Not surprisingly, when guardians lose their pets, this experience may be as painful as losing a human family member.*

19. Adam Clark LCSW, AASW describes the effects of the loss of a pet in the March 12, 2017 issue of Psychology Today at *para 1*:

*When we experience the death of a pet, the impact is profound, and at times it can be overwhelming. Having to make decisions on behalf of our pet can leave us wondering if we have done the right thing. The emotional impact of loss and absence felt can leave us feeling out of control, even crazy.*

20. In *Bogaerts v. Attorney General of Ontario*, 2019 ONSC 41, Minnema T. recognized the emotional distress pet guardians can experience at *para 73*:

*For some people the removal of a companion animal or favorite pet could indeed result in a degree of psychological stress that might approach what a parent experiences with the removal of a child*

21. On January 15, 2024 new laws came into force with changes to British Columbia's Family Law Act [SBC 2011] Chapter 25. According to the British Columbia Attorney General, Family Law and Companion Animals In British Columbia notice, section 1, *Understanding companion animals*, companion animals are a valued family member at *para 3*:

*A companion animal is property but it is treated differently than other property (like furniture) when it comes to decisions about possession and ownership. A companion animal is more than just a pet, it's a valued member of the family.*

22. The seizure of an animal in veterinary care by animal enforcement can have a profound emotional, psychological, financial, and legal impact on a pet guardian and family as in the *case in point*.

23. The experience is traumatic and involves the immediate loss of custody, immediate loss of a family member, can result in the loss of livelihood and significant legal hurdles often ending in failure and substantial financial liability.

II. Compliance with the Law and the irrationality of the animal enforcement actions

24. The *stated purpose* of the Prevention of Cruelty to Animals Act is “to prevent unnecessary suffering and ensure animals receive adequate care”. Seizing animals in veterinary care from pet guardians is punishment for those who observe the *stated purpose*.

25. In the case in point, the petitioner’s therapy pony was:

- a. actively under veterinary treatment by two qualified and licensed equine professionals,
- b. received appropriate medical care with a treatment plan and prognosis, and
- c. was not in imminent danger or deprived of necessary medical intervention.

26. The petitioner submits that seizing an animal already receiving veterinary treatment is irrational relative to the legislative purpose and arbitrary under *section 7*.

(i) A Flawed Statute: Prevention Of Cruelty To Animals Act

27. Pet guardians as in the *case in point* must also accept that the non-treating veterinary practitioner hired by animal enforcement to assess and euthanize the pony was more qualified than both of the equine specialists that were hired as in the *case in point*.

28. A veterinarian has a duty to ensure the highest standard of care, often necessitating specialist input such as a veterinary surgeon for complex animal injuries such as shoulder injuries according to the College Of Veterinarians of British Columbia bylaws.

29. The Prevention Of Cruelty To Animals Act *confers superiority in its own processes* with non-treating veterinarians as in the *case in point*.

30. The petitioner submits that overriding a treating veterinarian’s care of an animal as agreed to with a client, is a reckless and unmitigated misuse of power against a pet guardian and a medical team acting in good faith granted by a statute that is fundamentally flawed in the circumstances.

### III. Governance Of Veterinarians In British Columbia

31. The College Of Veterinarians Of British Columbia defines the **Veterinarian-Client-Patient** relationship as “one of the foundations of effective veterinary care and service”. The legislative authority is found under the Veterinarian’s Act, SBC 2010, Duty and Objects, section 3(2)(b) and expanded in the *Bylaws*, with a *Code Of Ethics* where the general principals begin in *section 203*.
32. The **Veterinarian-Client-Patient Relationship** defined in the College Of Veterinarians Of British Columbia *Ethics and Standards (definitions)* is sacrosanct and governed by law:

*“veterinarian-client-patient relationship” means the relationship created when a registrant agrees with a client, expressly or by implication, including by actions, to provide veterinary services to a patient.*
33. The **Veterinarian-Client-Patient Relationship** is a partnership where the veterinarian assumes responsibility for health judgments, has sufficient knowledge of the patient (via exams/visits), and the client (pet guardian) agrees to follow instructions; it's established through communication and ensures proper care, treatment, and medication, requiring regular interaction to remain valid as in the *case in point*.
34. The College’s Code Of Ethics, Division 4, of its bylaws provides a general statement of the principles of ethical conduct required and expected of veterinarians licensed to practice in British Columbia (“registrants”) in order to fulfill their duties to the public, their clients, their patients, the profession and their colleagues. The General principles begin in *s. 203*:
  - (1) *A registrant must conduct him or herself in accordance with the spirit of the Code.*

*(2) A registrant must at all times be courteous, respectful and professional in all dealings with clients, the public, other registrants and registrants of other professions.*

*(3) A registrant must not, when engaged in extra-professional activities or professional practice, engage in conduct that (a) casts doubt on the registrant's professional integrity or competence, or (b) reflects adversely on the integrity or competence of the profession.*

35. The protections under the Veterinarians Act are obliterated by animal enforcement seizures while an animal is under treatment by a licensed veterinarian in private practice.

36. It is difficult to ascertain whether the **Veterinarian-Client-Patient** relationship precincts in the Veterinarians Act and bylaws have any standing, impact, or act as a safeguard from an animal's seizure for people with pets in treatment in animal enforcement practices and that is a question for the Court to determine.

#### IV. Section 7 Of The Canadian Charter of Rights and Freedoms

37. *Section 7 of the Charter* guarantees that "Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice." The law or state action that deprives an individual of these rights must accord with principles of fundamental justice. If it fails to do so, the law is of no force or effect to that extent.

38. In *Canada (Attorney General) v. Bedford*, 2013 SCC 72, [2013] 3 SCR 1101, McLachlin C.J. defined the 'two evils' that case law on arbitrariness, overbreadth and gross disproportionality is directed against at *para 108* and *109*:

*The first evil is addressed by the norms against arbitrariness and overbreadth, which target the absence of connection between the law's purpose and the s. 7 deprivation.*

*The second evil lies in depriving a person of life, liberty or security of the person in a manner that is grossly disproportionate to the law's objective. The law's impact on the s. 7 interest is connected to the purpose, but the impact is so severe that it violates our fundamental norms.*

### ***Evil 1***

39. Seizing animals from treating veterinarians and their clients:

- 1) steps outside of the scope intended in the Prevention Of Cruelty To Animals Act whose purpose is to Prevent Cruelty To Animals and seize animals to provide “veterinary treatment” (s. 11)
- 2) is overbroad in that animal enforcement actions overrule the alleged protections inherent in the veterinary profession by challenging a treating veterinarian’s care for an animal by hiring a non-treating veterinarian to assess the animal;
- 3) This is a fundamentally flawed and unjust action that defies reason or objective.

#### ***(i) Evil 2***

40. Societal norms place a high value on the expertise of licensed veterinarians and the importance of the human-animal bond and veterinary care. Seizing animals in the care of a veterinarian contracted by a pet guardian causes an *impact on the public so severe that it violates established fundamental norms of the value of pet treatment by those whom society deem the most qualified.*

41. The *stated purpose* of the Prevention of Cruelty to Animals Act is to prevent unnecessary suffering and ensure animals receive adequate care. The section 7 deprivation of the individual (pet guardian) occurs by 1) seizing animals under the contracted care of a treating veterinarian and 2) the State pursuing charges against the pet guardian.

42. In addition, a pet guardian as in the *case in point* has often at great financial expense demonstrated the utmost care and responsibility to prevent and relieve suffering and distress in the animal and to restore the animal's wellbeing and good health which accords with the Prevention Of Cruelty To Animals Act's stated purpose.
43. The resulting animal enforcement actions to interfere and remove the animal from its veterinary treatment deprives the pet guardian of *life, liberty and security of the person in a manner that is grossly disproportionate to the law's objective*.
44. An animal seizure in these circumstances (alleged to be the infringement of rights) is overbroad violating the principle of fundamental justice, lacks a rational connection to the statutory purpose, demonstrates the absence of connection between the law's stated purpose and the section 7 deprivation and is arbitrary under *section 7*.

#### V. Section 7 and State Action

45. Courts have recognized that *section 7* can be engaged when state action causes serious psychological stress or interferes with fundamental personal interests. Conditions where *section 7* is triggered were considered in *Blencoe v. British Columbia (Human Rights Commission)*, 2000, SCC 44 [2000] 2 SCR 307 at para 3:

*In order for s. 7 to be triggered, one must first establish that the interest in respect of which the respondent asserted his claim falls within the ambit of s. 7. The liberty interest protected by s. 7 is no longer restricted to mere freedom from physical restraint. "Liberty" is engaged where state compulsions or prohibitions affect important and fundamental life choices. The s. 7 liberty interest protects an individual's personal autonomy. In our free and democratic society, individuals are entitled to make decisions of fundamental importance free from state interference.*

*The right to security of the person guaranteed by s. 7 protects the psychological integrity of an individual. However, in order for this right to be triggered, the psychological harm must result from the actions of the state and it must be serious.*

46. *Gosselin v. Québec (Attorney General)*, 2002 SCC 84, [2002] 4 SCR 429 with Chief Justice McLachlin, writing for the majority examined the scope of section 7 at para. 77:

*As emphasized by my colleague Bastarache J., the dominant strand of jurisprudence on s. 7 sees its purpose as guarding against certain kinds of deprivation of life, liberty and security of the person, namely, those "that occur as a result of an individual's interaction with the justice system and its administration"*

47. The sudden seizure of an animal under veterinary treatment causes intense psychological distress engaging the pet guardian's security-of-the-person interest similar to "loosing a child" as recognized by the Courts and the medical profession.

(i) Offences and Charges By The State

48. The State charges that follow to those as in the *case in point* is tantamount to depriving the person of a quality life, liberty and security of person, and include:

- Key penalties under the Criminal Code (RSC, c. C-46) for an indictable offence of up to 5 years imprisonment and summary conviction up to a \$10,000 fine with up to two years less a day in jail, or both.
- The Prevention of Cruelty to Animals Act under section 24(1) can also apply with even higher fines:

***Penalties***

*24.1 A person who commits an offence under this Act is liable on conviction to a fine not exceeding \$75 000 or to imprisonment for a term not exceeding 2 years, or to both.*

- Prohibition Orders: Judges either under the Criminal Code or the Prevention Of Cruelty To Animals Act can issue bans on owning or controlling animals.

49. *Charkaoui v. Canada (Citizenship and Immigration)*, [2007] 1 S.C.R. 350, 2007 SCC 9 at para 22 summarized the question of whether the process is fundamentally unfair to the affected person at the section 7 stage:

*The question at the s. 7 stage is whether the principles of fundamental justice relevant to the case have been observed in substance, having regard to the context and the seriousness of the violation. The issue is whether the process is fundamentally unfair to the affected person. If so, the deprivation of life, liberty or security of the person simply does not conform to the requirements of s. 7.*

50. In the *case in point*, the petitioner took extraordinary measures to ensure the best care for her injured pony by hiring two provincially licensed equine specialists (the veterinary surgeon is also licensed by the American College Of Veterinary Surgeons with a Diplomate ACVS (Large Animal) specialty) with experience in treating the pony's injury rather than a general veterinary practitioner.

51. Despite the petitioner's actions,

- the State under Crown approved and commenced provincial trial proceedings.
- The State also assured the petitioner that she would have legal representation under Legal Aid (which falls under the purview of the Attorney General of British Columbia as it is a Crown corporation responsible to that Ministry) which the State later withdrew.
- The State further seeks sentencing to ban the petitioner from owning animals, a fine and probation effectively quashing the petitioner from rebuilding her rescue and business (est 1975) which relies solely on therapy animals and earning a living.

52. The process is unfair to pet guardians as in the *case in point* whose resulting sentence is similar to those who do *not* provide veterinary care for their pets in distress and the criteria to determine liability *is the same for both*.

53. In the *case in point* the little pony whose prognosis for recovery was documented as “good” by his medical team would be alive today if the veterinary treatment had been continued.

54. In the *case in point*, the petitioner is charged criminally with essentially what is alleged to be a *crimeless* offense where compliance with the laws of animal welfare have been fully met or exceeded.

(ii) The Duality Of Statute Enforcement By State

56. The duality that exists in the enforcement of the Prevention Of Cruelty To Animals legislation is unconstitutional and unfair: *A pet guardian who seeks veterinary care is just as vulnerable to animal seizure and prosecution as one who does not*: The former is preventing animal cruelty and the latter is indifferent to it. The same line of reasoning and format is followed by the State in its prosecutions of the individuals.

(iii) The Arbitrariness of State Prosecutions - Comparative Case Analysis:

57. The alleged duality and arbitrariness is relied on in case law as demonstrated with a *random* selection of case law:

*Binnersley*

58. In *Binnersley v BCPSCA*, 2016 BCCA 259, the pet guardian failed to obtain treatment for a dog with a dislocated hip joint. The BC SPCA received a complaint. The dog was apprehended by the BC SPCA and provided veterinary treatment. No charges were pursued by the State against the pet guardian despite the apparent animal neglect.

*Simans*

59. In an animal seizure by the BC SPCA as a result of a complaint in *Simans v British Columbia Farm Industry Review Board, 2017 BCSC 1568* the BC SPCA euthanized three animals not in veterinary care deemed to be in *critical distress* at *para 3*:

*Ultimately three of the animals seized by the Society (two dogs and a cat) were deemed to be in critical distress and were euthanized.*

60. Over sixty animals were seized. Charges were not pursued.

*Stiasny*

61. In *Zsa Zsa Stiasny v. British Columbia Society For The Prevention Of Cruelty To Animals, 2016-04-01*, a complaint was made to the BC SPCA. The animal appeal tribunal *British Columbia Farm Industry Review Board* considered an appeal by the pet guardian for the return of seized animals. An animal not in veterinary care at the time of seizure was deemed to be in critical distress at *para 14*:

*One of the horses was subsequently determined to be in critical distress and was euthanized*

*[...]*

*so this appeal and decision is now regarding the remaining 26 horses.*

62. No charges were pursued by the State.

*The Petitioner*

63. In the *case in point*, the petitioner was charged and convicted under s. 24(1) of the Act with an animal in veterinary treatment. None of the petitioner's other animals were deemed to be in distress or seized by the BC SPCA constable that conducted the investigation at the time.

64. The security and liberty of a pet guardian is greatly compromised by the subjectivity in State prosecutions.
65. Under *section 7*, laws that are unconstitutionally vague and subjective are considered to violate the principles of fundamental justice such as a State that practices *arbitrary* enforcement.

(iv) The State's combined subjectivity and irrationality in prosecutions effects on the pet guardian public

66. In *Rodriguez v. British Columbia (Attorney General)*, [1993] 3 S.C.R. 519, [Rodriguez], Justice Sopinka flatly rejected the notion that *section 7* was not engaged because the appellant's problems were caused by her terminal illness and not state action. Writing for the majority, Justice Sopinka stated at *pp. 584-85*:

*As a threshold issue, I do not accept the submission that the appellant's problems are due to her physical disabilities caused by her terminal illness, and not by governmental action. There is no doubt that the prohibition in s. 241(b) will contribute to the appellant's distress if she is prevented from managing her death in the circumstances which she fears will occur. Nor do I accept the submission that the appellant cannot avail herself of s. 7 because she is not presently engaged in interaction with the criminal justice system, and that she will likely never be so engaged.*

67. Similarly, the governmental actions and the actions of animal enforcement arose because the petitioner sought *veterinary attention for an injured pony*.
68. Had the petitioner not sought veterinary care for the pony she would have undergone the same actions by animal enforcement and similar legal processes.
69. The lack of distinction creates a *process which is fundamentally unfair to the affected person and does not conform to the requirements of section 7*.

## VI. The Scope Of Section 7

70. The scope of *section 7* is not limited to purely criminal or penal matters as Justice Bastarache stated in *Blencoe* at *paras. 45 and 46*:

*Although there have been some decisions of this Court which may have supported the position that s. 7 of the Charter is restricted to the sphere of criminal law, there is no longer any doubt that s. 7 of the Charter is not confined to the penal context.*

71. In *Victoria (City) v. Adams*, 2008 BCSC 1363, Madam Justice Ross noted that policy decisions do not immunize the legislation from review by the courts pursuant to the Charter at *paras 124 and 125*:

*In any event, it is not the case that choices of the legislature that involve complex issues of policy are immune from review.*

*[...]*

*Simply put, the fact that the matter engages complex policy decisions does not immunize the legislation from review by the courts pursuant to the Charter.*

72. Justice Iacobucci, writing for the majority, explained the relationship between the legislature and the court that has been created by the passage of the Charter in *Vriend v. Alberta*, 1998 816 (SCC), [1998] 1 S.C.R. 493 at *paras. 134-35, 138 and 142* as follows:

*To respond, it should be emphasized again that our Charter's introduction and the consequential remedial role of the courts were choices of the Canadian people through their elected representatives as part of a redefinition of our democracy. Our constitutional design was refashioned to state that henceforth the legislatures and executive must perform their roles in conformity with the newly conferred constitutional rights and freedoms. That the courts were the trustees of these rights insofar as disputes arose concerning their interpretation was a necessary part of this new design.*

*So courts in their trustee or arbiter role must performe scrutinize the work of the legislature and executive not in the name of the courts, but in the interests of the new social contract that was democratically chosen. All of this is implied in the*

*power given to the courts under s. 24 of the Charter and s. 52 of the Constitution Act, 1982.*

*As I view the matter, the Charter has given rise to a more dynamic interaction among the branches of governance. This interaction has been aptly described as a "dialogue" by some (see e.g. Hogg and Bushell, *supra*). In reviewing legislative enactments and executive decisions to ensure constitutional validity, the courts speak to the legislative and executive branches. As has been pointed out, most of the legislation held not to pass constitutional muster has been followed by new legislation designed to accomplish similar objectives (see Hogg and Bushell, *supra*, at p. 82). By doing this, the legislature responds to the courts; hence the dialogue among the branches.*

...

*Democratic values and principles under the Charter demand that legislators and the executive take these into account; and if they fail to do so, courts should stand ready to intervene to protect these democratic values as appropriate. As others have so forcefully stated, judges are not acting undemocratically by intervening when there are indications that a legislative or executive decision was not reached in accordance with the democratic principles mandated by the Charter (see W. Black, "Vriend, Rights and Democracy" (1996), 7 Constitutional Forum 126; D. M. Beatty, "Law and Politics" (1996), 44 Am. J. Comp. L. 131, at p. 149; M. Jackman, "Protecting Rights and Promoting Democracy: Judicial Review Under Section 1 of the Charter" (1996), 34 Osgoode Hall L.J. 661).*

73. The petitioner submits that the important issues of liberty and security that *section 7 of the Charter* engages are:

- the unfairness towards the pet guardian and medical team of the process leading to the removal of a pet or animal while in treatment for a sickness or injury;
- the unfairness of the resulting financial consequences to the family or individual;
- the psychological manifestations of distress, loss, trauma that accompanies loosing a companion pet or animal "similar to loosing a child" *under the circumstances*;
- the State's action by pursuing quasi and criminal proceedings *under the circumstances* against the pet guardian.

74. In addition to veterinary costs and treatment which can be ongoing depending on an animal's condition as in the instance of the petitioner and her pony, *more financial expenses* are accumulated by the pet guardian under *section 20* of the Prevention Of Cruelty To Animals Act:

*Costs of taking action and proceeds of disposition*

**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.*

(i) Section 7 And The Loss Of Review Or Appeal

75. The pet guardian has *lost any right to review and appeal processes* when an animal is seized and euthanized or sold by BC SPCA animal enforcement.

76. In *Allen v. British Columbia Society for the Prevention of Cruelty to Animals*, 2024 BCSC 2209 Mr. Justice A. Ross J reiterated that when an animal is seized under *section 10.1, 11 and 12* of the Prevention Of Cruelty To Animals Act the issue between the parties has become 'moot', at *para 38*:

*I accept that the Court of Appeal has determined that when acting under ss. 10.1, 11, and 12, when an animal is rehoused or destroyed, the issue as between the owner and the SPCA under s. 20.2 and ultimately s. 20.3, has become moot. I accept that the purpose of the legislation is to set up a review and appeal procedure for owners to seek the return of seized animals. It goes no further than that.*

Which is also reason to bring this petition forward.

77. In addition, the BC SPCA is **not** subject to the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165 [FIPPA] as the BC SPCA respondents represented in *Meneray v British Columbia Society for the Prevention of Cruelty to Animals*, 2023 BCSC 442, for the reason that the society is not a public body at *para 53*:

*The SPCA Respondents submit that the SPCA is not a public body, as evidenced by its enabling legislation, and the fact that it is not listed as a public body in Schedule 2 of the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165 [FIPPA].*

78. Pet guardians, as in the instance of the *case in point*, must accept the loss of a companion pet without investigation information and no review or appeal recourse.

79. The petitioner submits that if a statute does not grant a review or appeal right, and no right of access to information, of a police action (BC SPCA constables are appointed under the provincial Police Act, chapter 367 [RSBC 1996], Part 2, section 9) and there is no independent oversight of animal enforcement investigations (as with the BC SPCA), that process must still meet the standards of fundamental justice for fairness and whether the overall process is fundamentally just.

80. The petitioner submits significant due process concerns are raised when a private charity with no independent oversight conducting policing actions can avoid review and appeal of its actions by destroying or re-homing an animal. The resulting loss and helplessness to the pet's family and loved ones who are left with no information and no recourse is devastating. To the Courts, the matter is decidedly 'moot'.

81. In the *case in point* there were divergent opinions on the pony's condition at the time of seizure:

- a) The BC SPCA enforcement officer conducting the investigation had visited the property the day before and did not conclude that the pony was in distress;
- b) The pony's medical team were seeing improvement and were ready to take next steps in his treatment;
- c) The general practitioner veterinarian hired by the BC SPCA to assess the pony deemed him to be in 'critical distress' and he was seized. The pony's medical team were not consulted. The assessment undermined the treatment received and prognosis.
- d) The BC SPCA enforcement officer is the only person authorized to sign off on a Critical Distress form so an animal can be euthanized. The officer did not sign the form.

## Grief and confusion

- (1) The aftermath - the pet guardian struggles with recrimination, depression and trauma and loss when a pet is seized (or euthanized).
- (2) A pet, deemed by 80% of Canadians as important as a *family member* under medical treatment was removed by police from his medical team and killed by another doctor. There is no investigation or access to information of any kind for the murder by the police of a family member *snatched from the treating doctor and the family*, and no recourse. It is a struggle for most ordinary people to make sense of.

### *(ii) Procedural Fairness*

82. Procedural fairness was denied in the *case in point* since the petitioner was not provided with the opportunity to present veterinary records, the petitioner's medical team were not contacted by either the BC SPCA or the non-treating veterinarian to address concerns.
83. At the time of the pony's seizure the petitioner was misled by a Notice Of Disposition issued by the BC SPCA outlining the procedures for review and appeal which were not relevant in the circumstances since the pony was euthanized.
84. Given the serious consequences of removing an animal from veterinary care without consulting with the animal's medical team - such as medical destabilization and a risk of euthanasia for the animal - as in the *case in point* procedural fairness should have been, and was not, a priority.
85. Failure to provide safeguards to pet guardians complying with the laws of animal welfare renders the deprivation as not in accordance with fundamental justice.
86. The petitioner submits that an animal in treatment for a sickness or injury with a medical professional is not needlessly neglected or suffering: The mandate of the veterinary professional is *to practice competently and ethically to help animals in need of veterinary care.*

87. This mandate is carried out through self-regulation by the College of Veterinarians of British Columbia under the authority of the provincial Veterinarians Act and bylaws.

*(iii) Security Of The Person Interest*

88. For many individuals, companion animals form integral emotional and familial bonds. The sudden seizure of an animal under veterinary treatment causes intense psychological distress as with the petitioner engaging the pet guardian's security-of-the-person interest.

89. In addition, the pet guardian has a fundamental interest in directing the care, treatment, and medical decision-making for their animal. State interference with ongoing veterinary decisions constitutes an intrusion into this protected sphere of personal autonomy.

90. *Section 22.1 of the Prevention Of Cruelty To Animals Act provides that a veterinarian has a duty to report pet guardians who are in contravention of the statute:*

***Duty to report distress***

*22.1 A registered veterinarian who believes on reasonable grounds that a person responsible for an animal is, or is likely, causing or permitting the animal to be in distress in contravention of this Act must promptly report, to the best of the registered veterinarian's knowledge and belief, all of the following information to an authorized agent:*

- (a) the reason for believing that an animal is in distress;*
- (b) sufficient information to contact the person responsible for the animal, including the person's name and address;*
- (c) sufficient information to identify the animal.*

91. The petitioner submits that if the treating veterinarian of an animal has not reported his or her client, *then there are no grounds for a non-treating veterinarian to make a complaint* since this interferes with the Veterinarian-Client-Patient relationship, the civil contract inherent therein and presents a conflict of interest under *section 212(2)* of the College Of Veterinarians Ethics and Standards, page 94:

*A registrant must not allow his or her objective medical judgment and advice to a client, another registrant or the public to be compromised by any circumstances that could give rise to a conflict of interest.*

92. When a veterinarian provides a medical judgment or complaint about a colleague's client, there is a conflict of interest which is not permitted in the Ethics and Standards bylaw of the profession.
93. The Prevention Of Cruelty To Animals act **protects** veterinarians who do not comply with the *Ethics and Standards* set out by the College Of Veterinarians, in *section 25.2*:

***Immunity for registered veterinarians***

***25.2 (1) Subject to subsection (2), no legal proceeding for damages lies or may be commenced or maintained against a registered veterinarian because of anything done or omitted***

*(a) in relation to the destruction of an animal under section 12 (2), or  
(b) in the making of a report as required under section 22.1.*

*(2) Subsection (1) does not apply to a registered veterinarian in relation to anything done or omitted in bad faith.*

94. This puts the pet guardian public's security at stake when an animal is under treatment and another veterinarian files a complaint about the client under *section 22.1* or assesses the animal in treatment for the BC SPCA and euthanizes the animal under *section 12(2)* as in the *case in point*: One statute is designed to contradict the other: The College of Veterinarians deem the **Veterinarian-Client-Patient** relationship as "the foundation of effective clinical veterinary medicine and animal care" which presumably includes the pet guardian, the ethical value of conduct towards others in the profession, the conflict of interests in the Code Of Ethics. The Prevention Of Cruelty To Animals protect veterinarians who disturb the **Veterinarian-Client-Patient** relationship at s. 22.1 and provides protection for doing so at s. 25.2 with the inherent *conflicts of interest* and *conduct to others in the profession* laws as *irrelevant*. Ultimately, *it just depends on how you look at it. The only certainty is the pet guardian is the party blamed in either scenario, the veterinary treatment provided undermined, and the animal the victim.*

95. *R v Malmo-Levine; R v Caine*, 2003 SCC 74 [2003] 3 SCR 571, *per* Gonthier and Binnie JJ (6:3) stated that the requirements of a principle of fundamental justice

*must be a legal principle about which there is sufficient societal consensus that it is fundamental to the way in which the legal system should fairly operate, and it must be identified with sufficient precision to yield a manageable standard against which to measure deprivations of life, liberty, or security of the person.*

96. Both statutes provide means to condemn and erode what should be a person's right, and a treating veterinarian's right, to security and protection under the circumstances. Ironically, the pet guardian and the treating veterinarian become susceptible to further prosecution.

(iv) The Law vs Arbitrary and Discriminatory Enforcement Actions

97. Simans recognized the *legitimate reasons* under the Prevention Of Cruelty To Animals Act where the person responsible is unable or unwilling to take necessary steps to relieve an animal in distress under *section 11*, where thereby the Society may lawfully seize the animal, at *para 15*:

*Thus, the Society may lawfully seize a distressed animal, without affording the person responsible for its care an opportunity to relieve the distress, if it concludes that the responsible person is unable or unwilling to take the necessary steps to do so.*

91. *Bogaerts v. Attorney General of Ontario*, 2019 ONSC 41 defined arbitrariness at *para 76*:

**Arbitrariness**

[76] *There is no dispute that “arbitrariness” is an established principle of fundamental justice. We have a basic value against arbitrary laws. The court in Bedford noted at paragraph 108 that the arbitrariness principle is directed at the “evil” of an “absence of a connection between the infringement of rights and what the law seeks to achieve – the situation where a law’s deprivation of an individual’s life, liberty, or security of the person is not connected to the purpose of the law.”*

92. Enforcement actions such as hiring a non-treating veterinarian to assess an animal in the care of a treating veterinarian presents violations of principles of procedural fairness without rational justification. There is no connection to the prevention of cruelty to animals.
93. Neither specialist in the petitioner's medical team had made a complaint about the petitioner's care for the pony as they are bound to by law if there was reason.

(v) The Overbreadth Of The Prevention Of Cruelty To Animals Act In Relation To The Importance Of The Veterinarian-Client-Patient Relationship

94. The overbreadth of the Prevention Of Cruelty To Animals Act in interfering and undermining the veterinarian-client-patient relationship under the circumstances has no relation to the statute's objective to prevent animal suffering and cruelty.
95. Overbreadth of the Law was observed in *Canada (Attorney General) v. Bedford*, 2013 SCC 72 (CanLII), [2013] 3 SCR 1101 at para 101:

*Another way in which laws may violate our basic values is through what the cases have called “overbreadth”: the law goes too far and interferes with some conduct that bears no connection to its objective.*

96. The enforcement actions that seize pets from treating veterinarians in fact undermines the competencies of the entire veterinary profession.
97. A veterinarian who suspects that a treating veterinarian is not reporting a client in contravention of the statute has recourse under the Veterinarians Act and bylaws to make a complaint for the College Of Veterinarians of British Columbia to investigate.

97. A complaint made to the BC SPCA that alleges that the client of a treating veterinarian is not caring for an animal in treatment if not made by the client's treating veterinarian is at best speculative and overbroad as regards enforcement under the Prevention Of Cruelty To Animals Act.

98. In any event, if a veterinarian has issue with a client of a colleague, animal enforcement is not appointed by the Legislature to interfere in the **Veterinarian-Client-Patient** relationship. That falls under the legislation governing the veterinary profession and thereby the College of Veterinarians of British Columbia to investigate.

99. Seizing an animal where the treating veterinarian(s) has not complained about the pet guardian or person responsible compromises a person's right to security of person *under section 7*.

(vi) The State (Attorney General) and Crown

100. A pet guardian with an animal in veterinary treatment where the animal is seized is subject to criminal charges by the State under the Prevention of Cruelty To Animals Act *section 24(1)* and the Criminal Code *sections 444, 445, 445.1, and 446, 447.1 or both*.

101. Crown counsel are appointed by the State to serve as public prosecutors, acting as independent ministers of justice within the BC Prosecution Service which is part of the Ministry of the Attorney General.

102. Although Crown counsel does not investigate crimes or have authority over police investigations they are required to make an independent, objective, and fair assessment.

103. The alleged prejudice shown by Crown counsel (acting for the State) as in the *case in point*, whose primary role is not to secure a conviction but to uphold the rule of law(s):

1) that govern veterinary conduct and medicine, the Veterinarians Act and bylaws,

- 2) in animal welfare, the Prevention Of Cruelty To Animals Act,
- 3) in civil law, the tort of contracts,

raises significant concerns about the integrity and objectivity of the assessment process used. Those that neglect animals and those that seek professional treatment for animals are treated as one and the same.

104. The role of the Attorney General in British Columbia is to ensure that the administration of justice is accessible, efficient, fair, maintains public trust and the protection and promotion of human rights.
105. It is submitted that the Attorney General has delegated and divided the said role and responsibility of the State equally between the Crown and the BC SPCA, rather than ensuring fair laws for the province's pet public. This has resulted in enforcement practices, followed by prosecutions, that are unfair and undemocratic towards veterinarians in private practice, their clients, their pet families and overall, in the detriment of the public.
106. Who would agree that an animal in the care of a licensed veterinarian who hasn't filed a complaint about the client is committing a crime? In this scenario, as in the *case in point*, the care of the animal was ripped from the medical team, the animal who would be alive today paid with his life, and the pet guardian has lost a family member of eleven years forever and will soon be sentenced. Who were the instigators of cruelty?
107. The independence and impartiality of the judiciary is a principle of fundamental justice which is not being met: The fine line between prosecution for abiding by the law and prosecuting for not abiding by the law has no measurable distinction as in the *case in point* and other documented cases.
108. The actions of the Crown make no sense and no distinctions. Crown tows the line of subjectivity for animal enforcement rather than evaluating the laws for fairness and applicability in the circumstances.

109. The Crown counsel duties not only encompass the enforcement of the law(s) but also duties to the adherence to legal standards **that safeguard the rights of individuals** such as seeking *veterinary care for an animal without State repercussions*.

110. Clearly, one who commits a crime against an animal, and one who tends to the care of the animal with qualified professionals are **not one and the same** yet both are prosecuted by Crown overseen by the State engaging an abuse of process of fundamental notions of justice and the integrity of the Justice system.

111. *R. v. Brunelle*, 2024 SCC 3 defined abuse of process as engaging the principles of fundamental justice in section 7 of the Charter in relation to Crown at *the residual stage* at para 4:

*Abuse of process in the residual category, on the other hand, engages only the principles of fundamental justice in s. 7 of the Charter, which protect accused persons from any state conduct that is unfair or vexatious to such a degree that it contravenes fundamental notions of justice and thus undermines the integrity of the justice system, regardless of the impact of the conduct on the accused's other constitutional rights or on the fairness of their trial.*

112. In *Law Society of British Columbia v. Canada (Attorney General)*, 2001 BCSC 1593, M.J. Allan, J. relied on authors Peter Hogg and Patrick Monahan from a quote in Liability of the Crown at para 43:

*As Peter Hogg and Patrick Monahan note in Liability of the Crown, 3<sup>rd</sup> ed. (Toronto: Carswell, 2000) at p. 36: “[t]he Crown cannot use its remedial immunity to shield an unconstitutional act.” Section 24(1) of the Charter, which empowers a court of competent jurisdiction to grant “such remedy as the court considers appropriate and just in the circumstances” overrides Crown immunities.*

113. The petitioner submits that the Crown counsel (the State) in the provincial trial against the petitioner cannot rely on ‘immunities’ if this Court finds charging pet guardians with a crime is unconstitutional as in the *case in point* and similar circumstances.

114. Section 24.01 of the Prevention Of Cruelty To Animals Act must conform to the “principles of justice” in said circumstances as noted at *paragraph 17 of R. v. Smith, 2015 SCC 34*, and as concisely summarized by Prof. Hogg (Vol. 2, page 371):

*[a]ny law that imposes a penalty of imprisonment ... is by virtue of that penalty a deprivation of liberty, and must conform to the principles of fundamental justice.*

115. Both the offenses in the Prevention Of Cruelty To Animals Act and related sections of the Criminal Code impose a penalty of imprisonment, fines and other conditions.

116. The legal precedent in British Columbia indicates that prosecution in these cases may violate several key principles of animal welfare, including:

- 1) **Duty of Care:** Under the Prevention Of Cruelty To Animals Act individuals have a moral and legal obligation to ensure the welfare of their animals. Criminalizing or prosecutions that negate the act of seeking veterinary care stands in direct opposition to this principle.
- 2) **Veterinarian-Client-Patient relationship:** The veterinarian-client relationship is founded on trust and confidentiality in a binding civil agreement which are essential for effective treatment. Prosecution undermines this trust and may deter veterinarians or their clients, or may be the cause of legal liability on a treating veterinarian in private practice.
- 3) **Prevention of Cruelty:** Seeking veterinary care is a *proactive* measure to prevent cruelty and suffering in animals. Penalizing such actions sends a misleading message that prioritizes legal enforcement over animal welfare which in and of itself is *contrary to the purposes of the Prevention Of Cruelty To Animals Act*.

117. The current legislative framework in British Columbia has systematically diminished the fundamental rights and protections that *should be* afforded to pet guardians in the circumstances *rendering them instead vulnerable and defenseless under the Law for helping their sick or injured animals and subject to prosecution by the State thereafter.*

## VII. The Canadian Charter of Rights and Freedoms

118. The *Canadian Charter of Rights and Freedoms* serves as a fundamental framework for evaluating the fairness and constitutionality of laws.

### **1. Unlawfulness of Current Practices**

The prosecution of individuals by the State seeking treatment for their animals is fundamentally unlawful and unfair. The legal principles of fundamental justice supporting animal welfare must take precedence over punitive measures against individuals acting in good faith to care for their pets.

### **2. Unfair Treatment of Compassionate Individuals**

Individuals seeking veterinary services act out of compassion and a desire to alleviate suffering of their companion animals, pets or farm animals. Prosecuting such individuals is not only unfair but also counters the public interest in promoting humane treatment of animals with veterinary care.

### **3. Undermining Veterinary Expertise**

The current prosecutorial practices by the State cast doubt on the qualifications and judgments of treating veterinarians. This undermines their professional integrity and expertise while potentially endangering the lives of animals in need of care. We must respect the discretion of veterinarians to make important health-related decisions for animals and their clients.

### **4. Encouragement of Animal Neglect**

By prosecuting those who seek veterinary care, the legal system inadvertently encourages neglect. Fear of legal ramifications may lead pet guardians to refrain from seeking help, ultimately resulting in greater suffering for animals.

### **5. Compromising or denying the rights of pet owners (guardians)**

The actions taken by the BC SPCA's animal enforcement in reliance on a non-treating veterinary assessment of an animal in treatment by a contracted, licensed veterinarian in private practice compromises both the inherent integrity and respect for the veterinary profession, and the rights of pet guardians to seek, without recrimination, veterinary care for an animal.

119. The pursuit of offenses, quasi-criminal or criminal charges (or both) against animal guardians by the State for contracting veterinary treatment for an animal goes against:

**Right to Make Treatment Decisions:** Contracting a licensed veterinarian for treatment is a lawful exercise of ownership rights and responsible animal stewardship. Laws authorizing criminal or quasi-criminal sanctions for a pet guardian who engages licensed veterinary care unjustly penalizes responsible behavior.

**Principles of Fundamental Justice:** Criminal or quasi-criminal sanctions must be justifiable and fair. Penalizing an owner who seeks professional care in the circumstances imposes punishment and unfairness *without fault or moral blameworthiness*, violating principles of fundamental justice.

**Chilling Effect:** Such provisions have a chilling effect on owners seeking necessary veterinary care for ill or injured animals contrary to public interest and animal welfare.

**Laws must not deter lawful and beneficial conduct through unjust sanctions.** It should not result in a crime to seek veterinary treatment, hire a veterinarian, yet it is treated as a crime by animal enforcement and prosecuted as a crime by the State.

120. The prosecution of individuals under the Prevention Of Cruelty To Animals Act or the Criminal Code, when they have sought necessary veterinary treatment for their animals, raises several Charter issues:

1. **The lack of Crown counsel (State) fairness and impartiality:** Prosecutions are referred to Crown under *section 24(1)* of the Prevention Of Cruelty To Animals Act and other sections of the Criminal Code in instances where pet owners have had animals seized while under the treatment of a registered veterinarian;
2. **Right to Due Process:** Under the Canadian Charter of Rights and Freedoms, individuals are entitled to fair treatment under the law. The punitive nature of these prosecutions violates the due process rights of pet guardians.
3. **Clarity and precision:** The law must be clear and precise enough for ordinary people to understand what is illegal and *under what grounds*. A law that is vague, overlaps, and overbroad may be struck down as unconstitutional because it violates the principle of legality and *section 7* of the Canadian Charter of Rights and Freedoms.
4. **Principle of Legality:** The prosecution must adhere to the principles of legality, which require that laws must be clear, precise, and publicly accessible.

Misapplication or the unfairness to the public with pets in treatment with a qualified professional of the Prevention Of Cruelty To Animals Act the Veterinarians Act and bylaws and civil law, in these circumstances goes against this fundamental principle.

5. **Public Policy Considerations:** The overarching intent of animal welfare legislation is to promote the health and wellbeing of animals. Actions by enforcement agencies and the State that deter individuals from seeking veterinary care contradict this public policy purpose.
6. **Reasonable Expectation of Care:** If a licensed veterinarian was engaged and deemed the care adequate despite any adverse conditions, it states that the pet owner acted within a reasonable standard of care. Prosecution in such circumstances could undermine the rationale behind the Prevention Of Cruelty To Animals Act, which is to penalize *genuine neglect or cruelty*.
7. **Breaches of the Veterinarians Act and bylaws:** The *Code Of Ethics* under the College of Veterinarians of British Columbia's bylaws, expressly condones any conduct by a licensed veterinarian that undermines a colleague in the profession.

121. Accordingly, the Court should grant the requested orders to the extent they violate *section 7* of the Charter, are unfair and therefore unconstitutional.

#### **Part 4: MATERIAL TO BE RELIED ON**

1. Affidavit#1 Of Marie-louise Felicia Allen
2. Constitutional Question Act, RSBC 1996, c 68
3. Prevention Of Cruelty To Animals Act, [RSBC 1996] Chapter 372
4. Veterinarians Act [SBC 2010] Chapter 15 and Bylaws
5. Supreme court Act [RSBC 1996] Chapter 443 and Rules
6. Constitution Act, 1982. Part 1. Canadian Charter Of Rights And Freedoms
7. Police Act, [RSBC 1996] CHAPTER 367

Date: December 19, 2025

.....  
Signature of [X] petitioner, Marie-louise Felicia Allen  
[ ] lawyer for petitioner(s)