

## Canadian Animal Cruelty Cases 2008-2009

Cases where both the offence and sentencing occurred after Bill S-203 received Royal Assent:							
Date of Offence	Date of Verdict	Location	Facts	Charges/Result	Reason	What happened to animal(s)?	References/Links
February 27, 2009	No charges laid.	Just outside Montreal, Quebec	<p>Sixty dogs kept in a puppy mill were surrendered to Montreal branch of the Canadian Society for the Prevention of Cruelty to Animals (CSPCA). CSPCA reported the dogs to be filthy and scared.</p> <p>Puppy mills are large-scale, profit-driven commercial breeding operations at the expense of the animals' welfare. They typically keep animals in small, confined cages in an unhealthy environment that is prone to the spread of illnesses and disease. The animals are typically underfed, in poor health, frightened, distressed and suffering as the result of inadequate or no veterinary care.</p>	No charges laid.	<p>Although the facilities were declared unacceptable, no charges were laid because it would be difficult to get a conviction under the Criminal Code.</p> <p>Quebec has been labelled the puppy mill capital of Canada (and perhaps North America) as there are more puppy mills there than any other province. There are an estimated 2,000 puppy mills resulting in 400,000 puppies born/year because of lax legislation and lax enforcement. The CSPCA is asking the Quebec government to pass legislation to make puppy mills illegal.</p> <p>Quebec's animal protection law is enforced by ANIMA-Quebec, a not-for-profit agency which lacks sufficient resources to do an adequate job. It employs only four inspectors (compare this to the 300 inspectors employed by the Ontario SPCA). Anima- Quebec's board is comprised of representatives of the animal industries (ie; pet industry) which may put it in a conflict of interest.</p> <p>Critics say Quebec's legislation is weak and vague. It is a provincial offence if you compromise the safety and welfare of an animal with fines between \$200 - \$15,000.</p>	The dogs are being cared for at an emergency shelter in Montreal by volunteers of the CSPCA. They are being socialized and prepared for adoption.	<a href="http://www.marketwire.com/press-release/Spca-955615.html">http://www.marketwire.com/press-release/Spca-955615.html</a>
December 23, 2008	No charges laid.	Tuktoyaktuk, NWT	Dogs left to starve and freeze to death. Three dogs were found dead. They were part of a team of 12 sled dogs that were found tied to a chain in a dog yard near Randall Pokiak's (the owner) house.	No charges laid.	<p>RCMP said "the gentleman [owner] said he was taking care of them the best that he could. He didn't have a shelter for them." According to the RCMP officer, in order for charges to be considered, the animals needed to have been subjected to long-term neglect.</p> <p><b>WSPA Comments:</b> Crimes of neglect are difficult to prosecute under the Criminal Code because it is virtually impossible to prove "willful intent".</p>	Three dogs died. It was requested by the dog catcher, Chuck Gruben that the other dogs be euthanized.	<a href="http://www.cbc.ca/canada/north/story/2009/01/07/tuk-dogs.html">http://www.cbc.ca/canada/north/story/2009/01/07/tuk-dogs.html</a> <a href="http://www.cbc.ca/canada/north/story/2008/12/24/dead-dogs.html">http://www.cbc.ca/canada/north/story/2008/12/24/dead-dogs.html</a>

November 19, 2008	Court date Nov 25 2008  All counts withdrawn.	Kitchener, ON	Puppy thrown from 10 <sup>th</sup> storey balcony.	Police have charged 41-year-old Jose Cruz, the puppy's owner, with three counts under the Criminal Code: 1) assault with a weapon, 2) uttering threats against people attending the party and 3) killing or injuring the dog.  Since the puppy was killed after Bill S-203 received Royal Assent, the higher penalty provisions would apply but the charges were dropped.	<b>WSPA Comments:</b> This may be a case where it is difficult to get a conviction because pets are considered property, giving people the impression that they can dispose of animals any way they please so long as it can't be proven that the animal suffered before death.	The dog died. The body was put in the custody of the K-W Humane Society. The owner is entitled to take back the body.	<a href="http://www2.canada.com/theprovince/news/story.html?id=d0b97063-9f29-4260-bfb7-c342f2e43d7d">http://www2.canada.com/theprovince/news/story.html?id=d0b97063-9f29-4260-bfb7-c342f2e43d7d</a>  <a href="http://www.thehamiltonspectator.com/News/BreakingNews/article/470156">http://www.thehamiltonspectator.com/News/BreakingNews/article/470156</a>
November 19, 2008	No charges laid. No suspects found.	Fredricton, NB	Two raccoons were set on fire. One raccoon was left on a barbeque that was engulfed in flames and the other was propped up on a vandalized car. The property owner who found the raccoons was quoted in an article in the Daily Gleaner: "We found another (mutilated) raccoon posed on our car so that its head was staring at us when we went out. It was on the front fender (and facing (toward) our door, so that when we would go outside we would find it - with its eyes popped out. It was very gruesome."	No charges laid. No suspects found.	<b>WSPA Comments:</b> If the perpetrators of this crime were found, it may be difficult to get a conviction without sufficient evidence that the animals suffered before death. Unowned animals (wild, stray or feral) are given less protection than owned animals. Under the Criminal Code it is only a crime to kill, maim, poison or wound owned animals without a reason or lawful excuse.	Both raccoons died.	<a href="http://www.pet-abuse.com/cases/14906/NB/CA/">http://www.pet-abuse.com/cases/14906/NB/CA/</a>  <a href="http://dailygleaner.canadaeast.com/front/article/489101">http://dailygleaner.canadaeast.com/front/article/489101</a>
September 2008	Charges stayed February 24, 2009.	Behchoko, NWT	Archie Beaulieu has been charged with cruelty to animals under Section 446(1) of the federal Criminal Code, after thirty-four of his sled dogs were found malnourished and in a deteriorating condition with no sign of food or water in their kennel. According to Yellowknife veterinarian Tom Pisz as reported by CBC, there was no food and water in Beaulieu's kennels, and the vet had found the skulls of dead dogs in the mud and feces that the other dogs had to stand in.	Charge stayed.	Charges stayed because there wasn't sufficient evidence to prove deliberate abuse.  <b>WSPA Comments:</b> Crimes of neglect are difficult to prosecute under the Criminal Code because it is virtually impossible to prove "willful intent".	The dogs had to be euthanized.	<a href="http://www.cbc.ca/arts/artdesign/story/2009/02/04/beaulieu-dogs.html?ref=rss#articlecomments">http://www.cbc.ca/arts/artdesign/story/2009/02/04/beaulieu-dogs.html?ref=rss#articlecomments</a>  <a href="#">Dene artist denies neglecting his sled dogs</a>  <a href="#">Euthanizing N.W.T. man's 34 dogs 'saddest day of my life' for vet</a>
September 26, 2008	October 31, 2008	Rawdon, QC (North of Montreal)	A puppy mill was raided on September 26 <sup>th</sup> by animal health inspectors and the Quebec police. They seized 109 live	The owner, Francisco Coelho was charged with cruelty to animals and negligence under the	The judge justified the light sentence because Coelho had no criminal record and was not running a "puppy mill" for profit. He also co-	Montreal SPCA, cared for the animals that were	<a href="http://www.pet-abuse.com/cases/14627/QC/CA/">http://www.pet-abuse.com/cases/14627/QC/CA/</a>



			<p>dogs, seven cats and a rabbit.</p> <p>According to Humane Society International/Canada, the dogs were kept in tiny, filthy cages; living in piles of their own feces. Many animals had open sores and severe skin conditions.</p> <p>Skeletal remains were found still locked in cages inside the home, and a pile of burned animal remains was found in the rear of the property.</p>	<p>Criminal Code. Since he Coelho pleaded guilty to negligence the Crown attorney withdrew the other charge.</p> <p>Judge Paul Chevalier of the Court of Quebec sentenced him to probation for three years, 180 hours of community service &amp; a fine of \$3,200 (at a cost of \$100 per month for 32 months). He is also allowed to keep a maximum number of three dogs during his probation.</p>	<p>operated with authorities and surrendered his animals to the Society for the Prevention of Cruelty to Animals.</p> <p><b>WSPA Comments:</b> Coelho got a slap on the wrist for keeping more than a hundred animals in deplorable conditions. It is ridiculous that he is still allowed to own animals. There is nothing to prevent him from starting up a puppy mill after his three year probation period.</p>	<p>surrendered at a cost \$200,000,</p>	<p><a href="http://www.theprovince.com/Life/Puppy+mills+cruel+reality+across+Quebec/1151485/story.html">http://www.theprovince.com/Life/Puppy+mills+cruel+reality+across+Quebec/1151485/story.html</a></p> <p><a href="http://www2.canada.com/montrealgazette/news/story.html?id=19f57ecd-e85d-43c8-933f-1dd24d0c3f02">http://www2.canada.com/montrealgazette/news/story.html?id=19f57ecd-e85d-43c8-933f-1dd24d0c3f02</a></p>
August 5 2008	March 2, 2009	Windsor, Nova Scotia	<p>A woman drowned a pair of two-day-old stray kittens. She claimed that she couldn't get help from the SPCA in taking care of the kittens' stray mother. Sean Kelly, chairman of the investigation committee for the NS SPCA says - the SPCA does not have a mandate or municipal contract to address the stray animal problem. They are being blamed for a municipal responsibility.</p>	<p>Fined \$5. Charged under Section 11(2) of NS <i>Animal Cruelty Prevention Act</i>. There was no prohibition order on owning animals.</p>	<p>Sean Kelly of the NS SPCA calls the \$5 fine a "travesty of justice". The NS SPCA is lodging a formal complaint with the Public Prosecution Service. The say the crown attorney acted like the defense's attorney and didn't want to see the provincial investigator's report. The SPCA is being unfairly criticized for not addressing the stray animal epidemic in the province when they don't have the mandate, authority or financial resources to address it effectively.</p> <p>While the provincial legislation was used in this case, Sean Kelly says he can't remember a successful conviction under the Criminal Code in the entire five years that he's been with the SPCA.</p> <p><b>WSPA Comments:</b> Provincial law was used because it's typically even more difficult to get a conviction for killing a stray animal under the Criminal Code. Unowned animals receive less protection than owned animals under the current legislation.</p>	<p>The kittens died.</p>	<p><a href="http://www.torontosun.com/news/canada/2009/03/03/8601636.html">http://www.torontosun.com/news/canada/2009/03/03/8601636.html</a></p>
June 27, 2008	No charges laid.	Woodlands, Manitoba	<p>Ninety-one dogs were surrendered by puppy mill owner, Ernie Boklaschuk after being investigated by the Province's Chief Veterinary Officer.</p> <p>Many dogs had badly matted fur, skin and vision problems, open sores and tumours.</p>	<p>No charges laid.</p>	<p><b>"Ernie Boklaschuk said he has been breeding dogs for about 20 years but was unaware the dogs were in such poor condition, adding he's been ill for the past two years and unable to care for the animals properly."</b> (As reported in the Winnipeg Free Press)</p> <p>CVO, Wayne Lees says they find very few cases of deliberate neglect or abuse. If they do</p>	<p>The owner of the Diamond Edge Dog Salon, the Winnipeg Humane Society and D'Arcy's Animal Rescue Centre all helped care for the dogs and find them permanent</p>	<p><a href="http://www.pet-abuse.com/cases/13969/MB/CA/">http://www.pet-abuse.com/cases/13969/MB/CA/</a></p> <p><a href="http://www.winnipegfreepress.com/breakingnews/story/4192599p-4783458c.html">http://www.winnipegfreepress.com/breakingnews/story/4192599p-4783458c.html</a></p>

					<p>they turn it over to the crown prosecutor.</p> <p>This would only be an offence under Manitoba's <i>Animal Care Act</i> if conditions were observed over time and found to significantly impair the animals' health or well-being. Charges are rare and most investigations are solved with corrective measures.</p> <p><b>WSPA Comments:</b> This is yet another case of neglect which is difficult to prosecute under the Criminal Code because it is virtually impossible to prove willful intent.</p>	homes.	
June 24, 2008	Charges dropped August 27, 2008.	St. Catharines, ON	Kitten survived impact after being dropped from fifth floor balcony but died after being deliberately run over by a car.	<p>Yaroslav Kotsyuba was charged with two counts of domestic assault, one count of killing an animal, uttering a threat against an animal and driving while prohibited. Ontario did not have a provincial offence for animal cruelty at this time so charges were laid under the Criminal Code.</p> <p>The charges were eventually dropped.</p>	<p>Charges were dropped because the kitten was considered marital property in a domestic dispute. Under the <i>Canada Evidence Act</i> spouses are not allowed to testify against each other in animal cruelty cases.</p> <p><b>WSPA Comments:</b> This case shows the problems with categorizing animal cruelty crimes in the property section of the Criminal Code. Animals are often victims in domestic disputes and cases of domestic violence.</p>	The kitten did not die immediately after the fall but did die after being run over by a car.	<p><a href="http://cnews.canoe.ca/CNEWS/Crime/2008/06/27/6006306-sun.html">http://cnews.canoe.ca/CNEWS/Crime/2008/06/27/6006306-sun.html</a></p> <p><a href="http://www.niagarafallsreview.ca/PrintArticle.aspx?e=1174017">http://www.niagarafallsreview.ca/PrintArticle.aspx?e=1174017</a></p>
June 18, 2008	February 10 <sup>th</sup> , 2009	Wawa, ON	A two-year-old German Shepherd was injured from a gun shot to the head, leaving her blind. She was abandoned on the road.	<p>Kenneth Brown Sr. was charged with wilfully and without lawful cause injuring a dog under the section 445 (a) of the Criminal Code.</p> <p>He was found not guilty of intent to unlawfully injure a dog.</p>	<p>The accused told Ontario Court Justice Robert Villeneuve that his neighbour was having a problem with the pet after it became uncontrollable and threatening. He agreed to help put the animal down. The 'experienced hunter' saw a protruding tongue and believed this to be an indication that the dog was dead.</p> <p><b>WSPA Comments:</b> This case highlights the problems with categorizing animal cruelty crimes in the property section of the Criminal Code. It gives the impression that people are entitled to dispose of their pets in any way they please. It also reveals the challenges with proving wilful intent.</p>	When the dog was first discovered on the bush road, she weighed only 30 pounds, but upon recovery her weight doubled. The dog was treated at an animal hospital in Sault Ste. Marie. She is now blind in the right eye. She has been adopted by a local family who named her Hope.	<p><a href="#">Wawa man not guilty of injuring dog</a> Sault Star, Canada - 12 Feb 2009</p> <p><a href="#">wawa-news.com - Hawk Junction Man found Not Guilty of Intent to ...</a></p> <p><a href="#">Wawa man not guilty of injuring dog — Testifies he thought animal ...</a></p>

Cases where the accused was sentenced after Bill S-203 received Royal Assent, but the offence occurred before. They still prove that the loopholes in the Criminal Code need to be fixed:							
Date of Offence	Date of Verdict	Province	Facts	Charges/Result	Reason	What happened to animal(s)?	References/Links
October 2006	December 17, 2008	Didsbury, Alberta	<p>Passersby found the dog, a female collie-lab cross, named Daisy Duke still alive but lying in a pool of blood. Her four legs were bound together with duct tape, a bag was covering her head and there was a tow rope around her neck. It appeared she had been dragged behind a vehicle.</p> <p>The veterinarian called to the scene said the rope around her neck was so tight it caused one of her eyes to pop out. Her neck, back and pelvis were also broken.</p> <p>The vet euthanized the dog immediately.</p>	<p>Daniel Haskett pleaded guilty to animal cruelty and was sentenced to 30 days behind bars. He will be allowed to serve this time on weekends. He was also handed a weekend curfew for one year but he will not be prohibited from owning or being around animals.</p>	<p>Calling the case a botched attempt to cover up an accident, the judge rejected the Crown's request of a jail term of three to five months and a ban from owning a pet for two years.</p> <p>The defense counsel argued that Daisy Duke should not be considered a victim of cruelty because animals are still regarded as property under the Criminal Code.</p> <p><b>WSPA Comments:</b> This case highlights the problems with viewing animals as property and the difficulty in proving wilful intent. When the incident happened, the maximum penalty under the Criminal Code was six months in prison and/or a \$2000 fine. The fact that Daniel Haskett received a mere thirty day jail sentence and can still own animals shows that animal cruelty crimes are not taken seriously in Canada.</p>	<p>Daisy Duke had to be euthanized because she was in a state of critical distress.</p>	<p><a href="http://www.cbc.ca/canada/calgary/story/2008/06/27/haskett-change.html">http://www.cbc.ca/canada/calgary/story/2008/06/27/haskett-change.html</a></p> <p><a href="http://www.cbc.ca/canada/calgary/story/2008/12/17/cgy-haskett-abuse-sentence.html">http://www.cbc.ca/canada/calgary/story/2008/12/17/cgy-haskett-abuse-sentence.html</a></p>
May 11, 2007	May 27, 2008	Windsor, Ontario	<p>Rony Salman pleaded guilty and was convicted for cutting off the ears of his six-month old dog. The dog had severe infections on his head.</p>	<p>Mr. Salman was found guilty to three counts of animal cruelty under the Criminal Code for willfully causing pain to an animal; causing unnecessary pain to a dog by not seeking veterinary attention; and failure to provide care for -- and wilful neglect of -- a domestic animal.</p> <p>Salman was sentenced to three months in jail (he received a two for one credit since he was already in jail awaiting trial for 45 days). He will also be unable to own an animal for two years and must pay \$587.50 in restitution to the Windsor-Essex County Humane Society to cover the costs of the dog's care and treatment.</p>	<p>The Judge said that since the dog is doing well now, more severe punishment must be reserved for more serious cases. According to media reports, <b>the Judge also stated that his hands are tied due to the Criminal Code.</b></p>	<p>Dog adopted out through shelter.</p>	<p><a href="http://www.canada.com/windsorstar/news/story.html?id=c8c0ddac-8f10-4717-ad70-043ce0c0eea9">http://www.canada.com/windsorstar/news/story.html?id=c8c0ddac-8f10-4717-ad70-043ce0c0eea9</a></p>
January 4,	January 27,	Crow's Nest,	Five eight-week old puppies dumped	Frederick Hoath, 57, was	In passing down his sentence, the Pincher	Puppies were	<a href="http://www.pet-">http://www.pet-</a>



2008	2009	Alberta	down roadside outhouse.	<p>sentenced to a fine of \$1,000 for each of five counts of animal cruelty under the Criminal Code. He also received two years probation and 100 hours of community service (the Crown had been pushing for a three to four month jail sentence). Hoath must pay close to \$750 (restitution) for the cost of the rescue. He is allowed to keep his own dog but is banned from owning any <i>new</i> pets for a period of two years.</p>	<p>Creek judge called Hoath a good person who did a cruel thing. At his trial, witnesses testified that Hoath was a helpful and caring neighbour who organized a community toy drive.</p> <p><b>WSPA Comments:</b> This case highlights the problems with categorizing animal cruelty crimes in the property section of the Criminal Code. It gives the impression that people are entitled to dispose of their pets in any way they please. It also reveals the challenges with proving wilful intent.</p>	<p>treated and adopted. Mother of the puppies and two cats also rescued from home and are adopted</p>	<p><a href="http://abuse.com/cases/12991/AB/CA/">abuse.com/cases/12991/AB/CA/</a></p> <p><a href="http://www.canada.com/calgaryherald/news/city/story.html?id=9e8e06f2-b705-4989-8c2f-f25fd9037ecc">http://www.canada.com/calgaryherald/news/city/story.html?id=9e8e06f2-b705-4989-8c2f-f25fd9037ecc</a></p> <p><a href="#">Fines and probation in animal abuse case</a> Calgary CTV, Canada - 27 Jan 2009</p> <p><a href="#">Man gets fine, probation for dumping puppies in outhouse</a> Lethbridge Herald</p> <p><a href="#">Man who dumped puppies in outhouse fined</a> Calgary Herald</p> <p><a href="#">Alberta puppy abuser fined \$6500</a> Canoe.ca</p>
March 6, 2008	February 3, 2009	Burton/ Minto, New Brunswick	<p>Five dogs (pomeranians) were killed with a hammer to the head when SPCA visited a kennel to seize the animals. They seized the eight animals that remained alive, one of them survived the hammer attack but has a fractured skull. The dogs had teeth missing.</p>	<p>A Minto, NB man, Keith Barton was acquitted on five counts under the Criminal Code of killing the dogs.</p> <p>He was found guilty of one count of injuring a dog under the Criminal Code and for failing to provide adequate water under provincial SPCA Act.</p> <p>Mr. Barton was given a conditional discharge, placed on probation for 12 months, ordered to pay \$50 victim surcharge on the Criminal Code offence and fined a total of \$504 for failing to provide water for 13 pomeranians under the provincial act.</p> <p>Mr. Barton is not allowed to own animals for 12 months.</p>	<p>Judge Patricia Cummings said that as the law stands in Canada, animals are the property of the owner and that person may dispose of property providing that it's not done for an illegal purpose or doesn't contravene any law. "In my opinion, based on the evidence I have heard before in this case, the killing of the dogs by the defendant in the manner he did, even though it was not in accordance with the accepted euthanasia guidelines, did not cause the five dogs unnecessary pain and suffering. Mr. Barton, as owner of the animals, had the right to destroy them."</p> <p><b>WSPA Comments:</b> The fact that this man was acquitted of killing five dogs but was fined \$50 for injuring the dog that survived the hammer blow reveals the strange way the Criminal Code defines acts of animal cruelty. This case highlights the problems with categorizing animal cruelty as property crimes. It gives the impression that people are entitled to dispose of their pets in any way they please so long as it cannot be proven in court that the animals suffered unnecessarily.</p>	<p>The one dog, named Jake that survived the hammer attack is recovering from a fractured skull. The other seven dogs that were not attacked with hammers but were neglected are also recovering. One had a limb amputated, another had knee surgery.</p>	<p><a href="#">NB man acquitted of animal cruelty in dog deaths</a> CBC.ca, Canada - 3 Feb 2009</p> <p><a href="#">Retired NB minister not guilty of killing five dogs with a hammer</a> Pictou Country Nova Scotia News</p> <p><a href="#">Botched killing</a> Windsor Star</p> <p><a href="#">MP: Toughen animal cruelty law</a> TheChronicleHerald.ca, Canada - 9 Feb 2009</p> <p><a href="http://www.pet-abuse.com/cases/13418/NB/CA/">http://www.pet-abuse.com/cases/13418/NB/CA/</a></p> <p><a href="http://www.cbc.ca/canada/new-brunswick/story/2008/03/07/dogs-killed.html">http://www.cbc.ca/canada/new-brunswick/story/2008/03/07/dogs-killed.html</a></p>