

# Animal Care Appeal Board

## Appeal Guidelines and Procedures

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The Animal Care Appeal Board (ACAB) was set up as a separate independent body under *The Animal Care Act* to hear appeals of seizures, orders and licensing decisions made by the Office of the Chief Veterinarian (CVO). The ACAB only deals with the appeal. Questions concerning the respective animals, orders or notices should be made to the CVO.

An appeal may be requested for:

- **Seizures:** An animal was seized but the owner believes the seizure is unjustified and wants the animal returned.
- **Orders:** An owner received an order to provide care for an animal but believes the order is not necessary. However, an owner must follow the order until the ACAB reverses it.
- **Licensing decisions:** An owner disagrees with the refusal, suspension, cancellation, terms or conditions of a licence for a breeding operation, kennel or pet store.

### Making an Appeal

The reasons for the appeal explaining why the seizure or order was not appropriate must be clearly stated. The appeal should be written as a letter to the ACAB. A suggested template is included on the back of this page. Supporting evidence like photographs, veterinary records, testimonial letters or any other evidence that helps the case may be included at this stage but are required to be submitted seven days before the hearing (see "Before the Appeal Hearing").

### Deadlines

An appeal of a seizure or order must be filed within seven days from when the notice of seizure or order was delivered, sent or posted on the premises. An appeal of a licensing decision must be filed within 30 days of receiving the letter of decision.

### Before the Appeal Hearing

A hearing will be set up for the ACAB to review the appeal. After receiving an appeal, the ACAB will notify the Appellant (the person making the appeal) and the CVO, in writing, of the date, time and place of the appeal hearing.

By seven days before the hearing date, the Appellant and the CVO must give the ACAB:

- any evidence or written material stating their case
- the names of all people who will be attending the hearing in-person or by phone, including witnesses.

These materials will be circulated to all parties for review in advance of the hearing. Any questions/concerns that arise can be raised at the hearing.

If a party wishes to introduce new evidence or material at the hearing, but it has not been submitted by seven days before the hearing, the ACAB may allow it to be presented. This will only be allowed if both parties have a chance to review and respond to the new evidence or material, however, the final decision is up to the ACAB.

If the Appellant fails to respond within 2 weeks the ACAB's attempts to contact the Appellant, the appeal request is deemed withdrawn and the file is closed for lack of interest.

### Attending the Hearing

The Appellant will attend the hearing and he or she may bring a lawyer if they wish. However, the hearing is quite straight forward and an Appellant can represent themselves without a lawyer. A representative will appear on behalf of the CVO. Anyone can attend the hearing on behalf of either party, but the names of all people attending the hearing must be given to the ACAB by seven days before the hearing date.

### Appeal Hearing

A panel of three members from the ACAB will hear the appeal. The hearing follows this order:

1. The CVO representative, Appellant and anyone giving testimony at the hearing are placed under oath.
2. The CVO representative presents the evidence or written material that gives the reasons for the seizure, order or licensing decision.
3. The ACAB asks questions of the CVO representative.
4. The Appellant presents the evidence, written material and reasons for appealing the seizure, order or licensing decision.
5. The ACAB asks questions of the Appellant. The ACAB aims to understand the care the owner was providing to the animals, including:
  - reasons for the conditions the animals were in at the time of the seizure or order
  - feed and water program for the animals
  - brand, supplier and type of feed
  - health care program for keeping the animals healthy
  - visits to a veterinarian and the medical history of the animals
  - how long the owner cared for the animals
  - cleaning and sanitation program
  - what will be done to ensure *The Animal Care Act* is followed in the future.
6. The ACAB gives both the Appellant and the CVO representative the opportunity to make a final summary of their case.

### The Decision

After the hearing, the ACAB will make a decision and notify, in writing, the Appellant and the CVO. The ACAB may dismiss or grant the appeal, or make any order that the ACAB considers appropriate to the situation. The decision of the ACAB panel is final and binding on the Appellant and the CVO. It is not subject to further appeal.

### Costs

*The Animal Care Act* allows the CVO to bill the owner for the costs of caring for a seized animal. This includes the costs that have accumulated between the time of seizure and the decision of the ACAB. All questions regarding costs and resulting concerns of unreasonable financial hardship should be made to the CVO.

### For more information or to file an appeal, contact:

The Animal Care Appeal Board  
 812 - 401 York Avenue Winnipeg,  
 Manitoba R3C 0P8  
 Phone: 204-945-3856 Fax: 204-945-1489  
 toll free in Manitoba 1-800-282-8069  
 Email: agboards@gov.mb.ca

**Suggested Template for Animal Care Appeal Board Appeal Requests**

**Please Print or Type**

|  |              |
|--|--------------|
| Name(s) of Those Appealing:                            | Case Number: |
| Mailing Address:<br>(with postal code)                 |              |
| Current Physical Address:<br>(if different from above) |              |
| Phone 1:   | Phone 2:     |
| Email:   | Fax:         |



Please indicate "Yes" or "No" regarding your permission to email documents which may include personal and sensitive information.

I (We), \_\_\_\_\_, disagree with the Office of the Chief Veterinarian (CVO) seizure or Director's Order, dated \_\_\_\_\_. I would like to appeal my case to the Animal Care Appeal Board regarding the following animals:

\_\_\_\_\_.

The reason(s) for my appeal is (are): (Note: These reasons do not have to be your full case to the Animal Care Appeal Board. A few sentences explaining why the CVO seizure or Director's Order is inappropriate can be sufficient to have a hearing approved. The appeal process includes an opportunity to provide further documents supporting your case.)

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Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Please note that you are welcome to add additional pages if you require more room. Once completed, please send to the Animal Care Appeal Board. Please refer to the previous page for the Animal Care Appeal Board's contact information and information regarding your appeal being received within the 7-day deadline.