

ANIMAL CARE APPEAL BOARD

APPEAL GUIDELINES AND PROCEDURES

The Animal Care Appeal Board (ACAB) was set up as a separate independent body under the Animal Care Act to hear appeals of Notices of Seizures and Director's Orders 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 a:

- **Notice of Seizure:** An animal was seized but the owner believes the seizure is unjustified and wants the animal returned.
- **Director's Order:** 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.

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 and sent by either paper mail or email to the ACAB. A suggested template of the appeal letter is included on the back of this page.

Supporting evidence like photographs, veterinary records, testimonial letter 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" section).

Deadlines

An appeal of a Notice of Seizure or Director's Order must be filed within seven days from when the Notice of Seizure or Director's Order was delivered, sent or posted on the premises.

Before the Appeal Hearing

Once an appeal letter is received, the ACAB may grant the appeal or dismiss the appeal, or part of the appeal, with reasons for dismissal. For a granted appeal, a hearing will be set up for the ACAB to review the 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.

At least 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 or 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 at least 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 two weeks of 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 may attend an oral hearing virtually or by phone or the hearing may be held in writing. They 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 at least 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 or order.
3. The ACAB asks questions of the CVO representative.
4. The Appellant presents the evidence, written material and reasons for appealing the seizure or order.
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 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 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.

Appeals addressed to the Animal Care Appeal Board can be Canada Post mailed or dropped in the Animal Care Appeal Board Dropbox at:

200 Vaughan Street
Winnipeg, Manitoba R3C 1T5

OR

Emailed to: AgBoards@gov.mb.ca

For more information regarding your appeal contact the following:

Phone: 204-945-3856

Toll-free in Manitoba: 1-800-282-8069

Fax: 204-945-1489

Email: AgBoards@gov.mb.ca

ANIMAL CARE APPEAL BOARD APPEAL REQUESTS

Please Print or Type

Name(s) of those Appealing:

Case Number:

Mailing Address: (with postal code)

Current Physical Address: (if different from above)

Phone 1:

Phone 2:

Email:

Fax:

YES NO

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) Notice of 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.)

Appeal 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 by either regular mail or email within the seven day deadline.