

**IN THE PROVINCIAL COURT OF BRITISH COLUMBIA**

**REGINA**

**v.**

**TODD BAILEY**

**REASONS FOR SENTENCE  
OF  
THE HONOURABLE JUDGE R. McQUILLAN**

**COPY**

Crown Counsel:

J. MacAulay, QC

Counsel for the Accused:

A. Murray

Place of Hearing:

Port Coquitlam, B.C.

Date of Sentence:

December 11, 2017

**VERBATIM WORDS WEST LTD.**

207-14888 104th Avenue, Surrey, BC V3R 1M4

t. (604) 591-6677 f. (604) 591-1567

transcript@verbatimwords.ca

[1] THE COURT: Mr. Bailey is before me for sentencing today. He has, today, pled guilty to one charge of failing to care for an animal including protecting the animal from circumstances that were likely to cause the animal to be in distress, in violation of s. 9.1(1) of the *Prevention of Cruelty to Animals Act* and thereby committing an offence contrary to s. 24(1) of the same *Act*.

[2] The circumstances of the offence were, in essence, that Mr. Bailey, who is the owner of his 10-year-old dog named Yoshi (phonetic), had gone out on July 30th, 2017 to run some errands which he expected would take about 10 minutes or so. He said he was not typically in the habit of taking Yoshi on these errand runs but, on this particular occasion, he did.

[3] When he returned from running the errands, he inadvertently left Yoshi in the vehicle. This was on July 26, 2017, during the summer, a period of time when the temperatures were quite high, in the range of 24 degrees or so.

[4] As a result of being left in the vehicle, Yoshi died from the heat. Although necropsy results could not necessarily confirm that hyperthermia was the cause of the death, the findings were consistent with such a cause of death and the circumstances suggest that that was, in fact, how Yoshi perished.

[5] Yoshi's body was then taken to the family vet who ultimately posted photographs of Yoshi online by way of sending a cautionary message to the public as to what may happen when a dog is left in a vehicle during the summer months.

As a result of that posting, I am advised that Mr. Bailey and his family were the subject of some hateful online responses.

[6] Mr. Baily has expressed considerable remorse as a result of his acts which were clearly not designed to harm Yoshi but, ultimately, resulted in Yoshi's death. I am told that he has stated that he lost his best friend and is deeply troubled by the death of Yoshi.

[7] The Crown has handed up a number of authorities, none of which are particularly on point with respect to the facts of this case but all of which drive home the fact that the principle of general deterrence is the overriding principle that applies to cases such as this. I agree, and based on what I have heard about this particular case, I do not know that a sentence needs to place particular emphasis on specific deterrence. It is apparent to me, based on the circumstances of the offence and of Mr. Bailey, that this is something that Mr. Bailey will not do again and, indeed, the Crown is not seeking any prohibition on Mr. Bailey owning animals in the future.

[8] The mitigating circumstances are the fact that Mr. Bailey has entered into a guilty plea at the earliest possible opportunity, he has no record, there is clearly a lack of intent involved in this offence and, in addition, the public humiliation online that Mr. Bailey and his family has been subject to as a result of this incident.

[9] Aggravating, of course, is the fact that Yoshi died as a result of Mr. Bailey's actions.

[10] The Crown is seeking a \$1,000 fine. The defence is urging me to sentence Mr. Bailey to a fine of \$500.

[11] Under the circumstances of the offence and Mr. Bailey's personal circumstances, I am satisfied that a \$1,000 fine is appropriate.

[12] Mr. Bailey, if you could stand please. The sentence that I am going to impose on you is a \$1,000 fine. How quickly can that be paid?

[13] THE ACCUSED: Today, sir.

[14] THE COURT: It can be paid today? Okay. So payable by the end of the day, by 4:00 p.m. today then.

[15] MR. MACAULAY: The victim surcharge will apply automatically.

[16] THE COURT: The victim fine surcharge will just follow as well.

[17] MR. MACAULAY: And just by way of housekeeping, Your Honour, the Crown directs a stay of proceedings with respect to Count 2.

[18] THE COURT: Thank you.

(REASONS FOR SENTENCE CONCLUDED)