

File No: 77779-1-T
Registry: Kamloops

In the Provincial Court of British Columbia

REGINA

v.

ROBYN SEDDON
CHARLES MARTIN

REASONS FOR SENTENCE
(Re Accused Seddon)
OF
THE HONOURABLE JUDGE SUNDHU

COPY

Crown Counsel:	D. Pizzey
Counsel for Accused:	P. Jensen
Place of Hearing:	Kamloops, B.C.
Date of Judgment:	August 24, 2005

[1] THE COURT: Robyn Seddon has entered a guilty plea to Count 2, and that is the charge under the *Prevention of Cruelty to Animals*, particularly in relation to Section 24(1), and thereby she acknowledges that on or about the 18th day of March 2004, at or near Quesnel, in the Province of British Columbia, being a person responsible for an animal or animals, to wit: 56 small breed dogs and 6 chickens, that she did cause or permit the animal to be or continue to be in distress.

[2] The court has received lengthy submissions and circumstances related to the court in this matter, and I need not repeat them, but they have certainly assisted the court in developing a more full and comprehensive picture or understanding of what was going on at that relevant time.

[3] Essentially what the Crown alleges is as follows: the Quesnel Branch of the SPCA had got a complaint of animal neglect in relation to Ms. Seddon and perhaps her friend or associate, Mr. Martin. She, perhaps he with her, operated a puppy mill, it is believed, at Ms. Seddon's residence. The complaint related to unsanitary conditions.

[4] Two order forms, had been issued previously for specific care of animals under her care. It is submitted by the Crown that she did not permit the SPCA to follow up on those orders by inspecting or checking in on the animals contrary to Section 15, or pursuant to Section 15 of the *Prevention of Cruelty to Animals* legislation in this province. Therefore, the 56 dogs and 6 chickens were taken into custody under Section 11 of that *Act*.

[5] What the Crown relates is that the SPCA located the following: that on March 18 the animals were perhaps apprehended around that time, but they were

examined on that date by a veterinarian. What the veterinarian related was that the majority of the dogs required grooming, their coats were heavily matted, and their feet were wet and matted, and smelled of urine and fecal matter. Most of the dogs displayed moderate or severe dental disease, and many of the dogs were overly thin with lean body conditions.

[6] Two large breed dogs had inflammation of the skin and it was felt this was likely due to cold, wet and unsanitary conditions.

[7] In relation to the smaller dogs, which were located in an outbuilding, it was described that they were kept in crowded pens with very poor sanitation.

[8] In relation to the larger dogs, it was alleged that there was no bedding available, and the ground underneath the shelter was wet and cold.

[9] In relation to some of the chickens, there was no bedding or roosting areas. The Crown alleges or relates that where the chickens were kept, the floors and shelves which had been built up had urine and feces. There was no bedding in the nesting areas and no water.

[10] In outbuilding number one, two chickens were located and four chickens were in a different location in that building. All birds were in distress and therefore taken into custody to be properly cared for.

[11] The Crown submits that Ms. Seddon has no prior involvement in the court system, and seeks a one-year suspending of the passing of sentence. Ms. Seddon, during that one year, being placed on probation with terms: to report, advise of her residential address and any change of her residential address, and not change it

without prior notification or permission, and that she not acquire any new animals beyond one Collie, which she already owns. Furthermore, that at anytime the SPCA be permitted to inspect the animals outside of her residence in the outbuildings, or property, and anytime when she is present on the property to permit inspection by the same body in relation to animals inside the residence.

[12] Most of the terms sought by the Crown are either agreed to or not disputed by Ms. Seddon. However, she does wish to have the right to obtain one or two more dogs. She does not presently have any additional dogs, nor any immediate plans, but she wishes to reserve the right to do so.

[13] In relation to inspecting the residence, or property, she wishes some form of reasonable notice, perhaps one day notice in advance.

[14] On her behalf, she has compiled a lengthy summary and notes provided to her counsel, and her counsel has reviewed and summarized them for the court. Ms. Seddon is age 47 and she's the mother of a three-year-old daughter, and that child is raised essentially through shared parenting, with Mr. Martin, who was charged as a co-accused. He resides in Quesnel. Each have or own their own residences, although I am told that while she is away in Kamloops, Monday through Friday where she works at ICBC, that he resides in her home. She returns each weekend, or it appears each and every weekend, to attend to her property and to visit with her child.

[15] She has moved as of March 2005 to Kamloops and has obtained a position with the Insurance Corporation of British Columbia.

[16] She is on probation for a period of six months, and if she meets all the requirements or expectations of the work, it appears there will be a good possibility that she will obtain fulltime or permanent work, although I have not received details and perhaps need not to, because it's difficult to anticipate what may or may not happen. It is contingent on her getting employment, but then there may be some more significant changes in her plans in regard to her property in Quesnel and her maintaining the kind of residency and link that she has had more recently to Quesnel.

[17] Ms. Seddon tells the court, through counsel, that she has completed two years university and two years of a college diploma as a legal assistant. She is on the Dean's Honour List and finished college in 1985. She got married and commenced working in 1985, and continued, it appears, working fulltime, save and except when she had to leave work for stress leave in relation to depression.

[18] Her spouse was of no assistance to her. He had difficulties in regard to his own education and employment. They ended up living in Maple Ridge and had quite a number of dogs there. He got employment temporarily, was unable to keep it. He was supposed to be assigned with fulltime care of the dogs, and in fact, he undertook to do so, saying that he was not able to obtain any other type of employment, and therefore that would become his occupation and he would do it on a steady basis, and thought it would be a good occupation.

[19] Initially things went well, and they raised dogs for over 12 years in the Maple Ridge area and she was working fulltime, except when she took the stress leave.

[20] In August of 2001, she took a leave and was prescribed medication. They

moved to Quesnel and then separated.

[21] In December of that same year, 2001, her spouse brought - and I am told dumped - approximately 40 small dogs at her residence. He arrived drunk and she was afraid that the animals may die. So emergency measures were taken by her through assistance of a neighbour, and that turns out to be Mr. Martin, who assisted to build three pens, you know, in the workshop area. Some dogs were cared by her or kept in her residence.

[22] In January and February of 2002, her husband brought some more large dogs. More pens or facilities were built by Mr. Martin in the carport or outbuilding areas.

[23] She became pregnant in January of 2002 and stopped taking her antidepressants, but that caused a lot of other problems and she was afflicted by severe depression.

[24] Mr. Martin continued to double the floor size and built more indoor pens. He fenced three outdoor runs. There was a woodstove installed with a fan and venting. Three large, fenced yards on the opposite side of her own property were constructed for large dogs and it is submitted with proper shelter.

[25] The child was born prematurely in August 2002 by caesarean section, and she continued to be afflicted by depression.

[26] In January of 2003 the SPCA issued an order in relation to the small dog kennel only, and there were 14 points in relation to that order. Mr. Martin expanded and added more pens and runs.

[27] In June, more fencing and gates were constructed for four out of seven outside pens.

[28] From June 2003 to February 2004, Ms. Seddon did not have any contact with the SPCA, and she started to work fulltime in November of 2003. Mr. Martin was to care for her daughter when she was not working, and he has his own residence, as I've already stated earlier. If she was unable to feed, water or care for the animals, Mr. Martin agreed to do so.

[29] In February of 2004, the SPCA issued its second order, that is specifically on February 21, 2004 an inspector attended. Ms. Seddon says the inspector indicated to her that the purpose of the visit was really to try to help her find homes for more dogs, to take photos for posters which would be put up in town and on the internet. Yet she was surprised and feels betrayed that the photos were used as part of the prosecution against her. She felt deceived that photos were used for a purpose relating to legal proceedings, and that she was misled.

[30] She states that she read the guidelines in relation to the work deficiencies, and she was intending to fully comply with expectations in relation to the second order. A search warrant was executed. She arrived home. Her home was empty as the animals were gone, except two older dogs.

[31] In relation to what happened, it appears her estranged spouse dropped off the animals and essentially she did not take the initiative on that. He left them with her. She felt she had to do something to care for the animals.

[32] She had some issues surrounding her depression, she had commenced

work, she sought the assistance of Mr. Martin and she was also pregnant. In the context of that and the depression, things clearly appeared to have slipped and she was not able to cope or keep up.

[33] It is submitted on her behalf that she did her best to cope and care for a very large number of dogs, but I infer from the acknowledgment by way of guilty plea that she acknowledges that she was not able to meet her expectations, or the expectations of the SPCA.

[34] She developed a routine which related to using a wood stove, providing food and water, opening doors to outside runs, and if unable to do so, to get Mr. Martin to help her. She has told the court that she had Pinnacle pellets, which is sawdust pressed pellets for bedding. But she simply had no idea how cold it got in the north end of the Cariboo and Quesnel, and that when the animals would defecate, the waste would melt and freeze solid, and it was very difficult to extricate from the ice and the snow. The bedding would freeze. She made an effort to shovel it and chisel it, but she just could not keep up.

[35] She tried to do most of it herself because Mr. Martin had allergies, but she was only able to do so when she returned home in the evenings or before she went to work. Sometimes she even got up and 2:00 to 3:00 a.m. when it was cold to refill the woodstove, but clearly, she was not able to keep up and the animals ended up in distress. It is submitted that she and Mr. Martin did the best they could.

[36] Essentially she agrees to the terms sought by the Crown, save and except the provision or term that she disputes in regard to having one or two additional dogs, and she wants 24-hour notice from the SPCA prior to them inspecting her

property.

[37] The intent of the legislation is to prevent cruelty to animals and to ensure that animals are not in distress and properly cared for. Ms. Seddon was not able to meet that and the court has received circumstances surrounding what happened here to provide a more complete and understanding picture of what happened.

[38] The purpose of the sentence, I infer, as submitted by Crown and defence, which in substantial part is by way of appearance of a joint submission, is that both the Crown and Ms. Seddon acknowledge that there has to be some provisions to ensure that this does not repeat. She acknowledges that what ended up happening through her being unable to cope and keep up is that the animals were rendered in distress and it ought not to occur, and there need to be some provisions in the terms to monitor and inspect, and ensure that it not happen again.

[39] Before I speak to the order that I make and resolve the dispute over two of the terms, I will simply state that from my perspective, and in my assessment, based on the submissions before me, it is important to recognize and state that Ms. Seddon has had a great many demands upon her and she needs to minimize those demands, to get her own life in order so that she is of good mental health, and able to do her present employment in a good manner so that she obtains fulltime employment which would be good for her. Her priority therefore is her employment and her child, and it should stay there, or primarily be there so that she is able to get herself on a solid footing and get a good start on her new employment and stabilize herself, and therefore reduce the risk of any additional stresses being added to her life. Therefore if that occurs it reduces the risk of reoccurrence of depression.

[40] Therefore, those ought to be the priorities and in my view, less priority placed on animals, including less animals. Keep in mind this is for a period of one year.

[41] Accordingly, the order that I am going to make is as follows: The court will be suspending the passing of sentence for a period of one year. Pursuant to the *Offence Act*, Ms. Seddon is placed on probation for a period of one year.

[42] The terms and conditions will be as follows: Number one, you must report to a probation officer in Kamloops, British Columbia, on or before 3:00 p.m. August 31, 2005, and thereafter report as directed by your probation officer.

[43] Number two, you must provide your probation officer with your residential address or addresses, and not change your residential address or addresses without the prior written permission of your probation officer or approval of the court.

[44] Next, you must not acquire any new animals beyond one Collie dog, which you already own.

[45] Next, you must permit inspection by the British Columbia Society for the *Prevention of Cruelty to Animals* of any animals outside of your residence, including but not limited to your property, outbuildings, or surrounding property in which you maintain or keep animals. Or at anytime when you are present on your property to permit inspection by the B.C. Branch of the Society for Prevention of Cruelty to Animals, in relation to animals inside of your residence.

[46] In my view, it is appropriate and reasonable to limit Ms. Seddon for the period of one year to the one Collie that she has.

[47] In my view, the fact that she is presently keeping a residence in Kamloops

and a fulltime residence in Quesnel, and although she is not in Quesnel from Monday through Friday, it is not necessary nor appropriate for her to keep animals there. She will not be there for a least five days of the week to attend to the care of the animal, and the concern by way of the guilty plea arises as she is the one who has entered a guilty plea, and therefore she has a responsibility to the court.

[48] I cannot order Mr. Martin to do anything, and therefore my view, in order to ensure that there is no reoccurrence of what occurred which resulted in this prosecution, there ought not to be any new animals.

[49] In relation to inspection of the property, that is not disputed and that speaks for itself.

[50] In relation to her residence, in my view, anytime is more reasonable because it provides a more accurate picture of the state of any animals, and if any are there besides the Collie, and how she is attending to them if there are any others. She is prohibited from having any further animals. But even in relation to the Collie, the SPCA should have the ability to inspect in relation to that dog. The SPCA needs that authority without her being present in order to ensure that that dog is properly cared for and not in distress while she is away, and while she is there, to ensure that indeed it has been cared for and basically that there is not opportunity for a cover up if notice is given.

[51] That is the order of the court, and that is the reasoning of the court.

[52] Ms. Seddon will have to attend at the Court Registry. I direct that she do so approximately around 2:00 p.m. if she could, to sign the probation order because it

will likely not be ready until then.

[53] The intent of the court sentence is not at all to punish; the intent is to avoid a reoccurrence.

[54] THE CLERK: And just to clarify, Count 1 against this accused is stayed?

[55] MS. PIZZEY: That is correct, yes.

[56] THE CLERK: Thank you.

(REASONS FOR SENTENCE CONCLUDED)