

Citation: ☼ R. v. Uberall
2011 BCPC 0496

Date: ☼ 20111202
File No: 72443-1
Registry: Abbotsford

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA

REGINA

v.

ELISSA ANNE UBERALL

**RULING
OF THE
HONOURABLE JUDGE C.J. ROUNTHWAITE**

Counsel for the Crown:

L. Lawlor

Counsel for the Accused:

R. Dhanu

Place of Hearing:

Abbotsford, B.C.

Date of Hearing:

November 25, December 2, 2011

Date of Judgment:

December 2, 2011

[1] THE COURT: I am satisfied on the evidence provided by Crown, and in particular the evidence of the expert witness, Dr. Paton, that Ms. Uberall caused or permitted these three animals, these horses, to be in distress, as defined under the *Prevention of Cruelty to Animals Act*. Specifically Dr. Paton, as well as the SPCA investigation officer, told me about the condition of these animals in May, at the time of their removal. As well, Dr. Paton was able to tell me about how they had recovered after two months of being in care elsewhere. Dr. Paton's opinion was that these animals were emaciated due to inadequate care and nutrition, and were suffering from severe malnutrition. All three were graded on a scale of 1 to 9, with 1 being severe emaciation and 9 being severe obesity; 5 or above would be the average in terms of recreational horses, with racing animals coming in at a 4. These animals were either a 1 out of 9 or a 2 out of 9, indicating severe emaciation.

[2] Further medical checks were done to determine that they did not have any other underlying medical issues or internal parasites to explain their starving condition. Indeed, after two months of being in care they were all restored to a 5 out of 9 or a 6 out of 9. The vet had some other concerns, those being that their feet and mouths were in need of routine care, but these were not deemed to be severe health issues. As well, the SPCA officer testified to them not having any or adequate shelter and next to no water, so I am more than satisfied that these animals were in distress within the meaning of s. 24(1) of the Act.