



Animal Health Act
ENFORCEMENT REGULATION
B.C. Reg. 4/2015

Deposited and effective January 19, 2015
Last amended March 30, 2022 by B.C. Reg. 76/2022

Consolidated Regulations of British Columbia

This is an unofficial consolidation.

B.C. Reg. 4/2015 (O.C. 15/2015), deposited and effective January 19, 2015, is made under the *Animal Health Act*, S.B.C. 2014, c. 16, s. 97 (2) (b) to (d) and (4) (a) to (d).

This is an unofficial consolidation provided for convenience only. This is not a copy prepared for the purposes of the *Evidence Act*.

This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at www.bclaws.ca.

See the User Guide for more information about the *Consolidated Regulations of British Columbia*. The User Guide and the *Consolidated Regulations of British Columbia* are available online at www.bclaws.ca.

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Animal Health Act

ENFORCEMENT REGULATION

B.C. Reg. 4/2015

Contents

- 1 Definition
- 2 Recovery of costs
- 3 Service of orders
- 4 Reassessment of orders
- 5 Applications to court

SCHEDULE

FORM 1 – RECOVERY OF COSTS CERTIFICATE

FORM 2 – INFORMATION FOR WARRANT

FORM 3 – WARRANT

FORM 4 – TELEWARRANT

Definition

- 1** In this regulation, “**Act**” means the *Animal Health Act*.

Recovery of costs

- 2** (1) In this section, “**original order**” means an order in relation to which work was done under section 54 [*entering to take action*] of the Act.
(2) If an inspector does work, or contracts for work to be done, under section 54 of the Act, the inspector may recover reasonable costs from the person who was subject to the original order by filing with the Supreme Court a certificate in the form set out as Form 1 of the Schedule.
(3) A certificate may be served personally on, or sent by registered mail to the last known address of, the person who was subject to the original order.
(4) If a certificate is sent by registered mail, the certificate is deemed to be served on the person to whom it is addressed on the 14th day after deposit with Canada Post, unless the person received actual service before that day.
(5) On receiving a certificate, the person who was subject to the original order may request the Supreme Court to review the amount owing by filing an application in accordance with the Supreme Court Civil Rules.
(6) A review must be a review of the reasonableness of the costs of the work done only and not a review of the reasonableness of the original order.
(7) A decision of the Supreme Court under this section is final and is not subject to appeal.

Service of orders

- 3** (1) Orders and notices of variations of orders may be served on the person who is subject to the order or notice as follows:

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- (a) personally;
 - (b) by registered mail sent to the person's last known address;
 - (c) by electronic mail sent to the person's last known electronic mail address;
 - (d) if the order is in respect of a place, by posting it at a conspicuous location on the place;
 - (e) if the order is in respect of a class of persons, by
 - (i) delivering it to each person in the class by one or more of the methods set out in paragraphs (a), (b) or (c), or
 - (ii) if, in the opinion of an inspector, delivery to each person would be impractical in the circumstances or would be likely to cause a delay that could significantly increase the risk to the health of any animal or person, by both delivering the notice by any communications medium and posting the order at the location where the order is most likely to be brought to the attention of the members of the class.
- (2) If an order or notice is sent by registered mail, the order or notice is deemed to be served on the person to whom it is addressed on the 14th day after deposit with Canada Post, unless the person received actual service before that day.
- (3) Subject to subsection (4), if an order or notice is sent by electronic mail, the order or notice is not effectively served unless all of the following conditions are met:
- (a) the person who is subject to the order or notice confirms that the order or notice was received;
 - (b) the confirmation is made
 - (i) both verbally and by electronic mail,
 - (ii) by fax, including the person's signature, or
 - (iii) in writing, including the person's signature;
 - (c) the confirmation is received by the person who served the order or notice, or a person acting on that person's behalf, no later than 96 hours after the electronic message was sent.
- (4) The time limit set out in subsection (3) (c) does not apply if the person who is subject to the order or notice confirms, in writing and including the person's signature, after the expiry of the 96 hour period that the order or notice
- (a) was received by the person, and
 - (b) is effectively served.

[am. B.C. Reg. 76/2022, s. 4.]

Reassessment of orders

- 4** (1) A person may request reassessment of an order under section 47 [*variation and reassessment of orders*] of the Act only if the person is subject to an order made under section 41 (a) to (c), (e) or (g) to (k) [*general orders*] of the Act.

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- (2) A request for reassessment must be made in writing to the inspector who issued the order, or to another inspector designated by the chief veterinarian if the issuing inspector is unable to act or has ceased to be inspector, stating the reasons why the order should be reassessed.
 - (3) Within 72 hours of receiving a request for reassessment, an inspector must consider whether the order is, or conditions within the order are, no longer necessary
 - (a) to safeguard animal health, or
 - (b) to safeguard public health in relation to environmental toxins, infestations, syndromes or diseases that are or may be transmissible from animals to humans.
 - (4) On reassessment, an inspector must take into account any comments made
 - (a) by a person specified in the order under section 41 (d), (e) or (f) of the Act, and
 - (b) respecting the clinical condition of the animal with respect to which the order was made, by a veterinarian having the supervision or care of that animal.
 - (5) A second request for reassessment may be made in accordance with subsection (2) not earlier than 7 days following the first request.
 - (6) A third or subsequent request for reassessment may be made in accordance with subsection (2) not earlier than 14 days following the most recent request.

Applications to court

- 5 (1) An application to court for a warrant under section 56 of the Act may be made
 - (a) by submitting information on oath in the form set out as Form 2 of the Schedule, and
 - (b) in person, or if the inspector making the application believes it would be impracticable to appear in person, by telephone or other means of telecommunication.
- (2) A warrant may be issued in the form set out as
 - (a) Form 3 of the Schedule, if the application was made in person, or
 - (b) Form 4 of the Schedule, if the application was made by telephone or other means of telecommunication.
- (3) An application to court for an injunction under section 57 of the Act may be made by filing an application in accordance with the Supreme Court Civil Rules.

SCHEDULE**FORM 1****RECOVERY OF COSTS CERTIFICATE**

No. _____

_____ Registry

RECOVERY OF COSTS CERTIFICATE

Between

Creditor

and

Debtor(s)

I, _____ [name of inspector],

having authority to file certificates under section 55 (1) of the *Animal Health Act*,

CERTIFY THAT:

1. the Debtor(s) _____ [names of debtor(s)] is/are subject to an order by _____ [name of inspector], issued on _____ [date original order was issued], a copy of which is attached to this certificate and forms part of this certificate;
2. the Debtor(s) is/are not adequately complying with, or did not adequately comply with, the order;
3. work was done under section 54 (1) of the *Animal Health Act* to fulfill the requirements of the order;
4. as a result of the work done or contracted to be done, the Debtor(s) owe(s) the Province of British Columbia the total amount set out below: [Complete the required information in the table below.]

Description of Cost	Date Incurred	Manner in Which Cost Incurred	Amount
1.	[dd/mm/yyyy]		\$ _____
2.	[dd/mm/yyyy]		\$ _____
Total Amount Owed			\$ _____

Date: _____ [dd/mm/yyyy]

Signature of inspector: _____

TAKE NOTICE that on filing with the Supreme Court of British Columbia, this certificate has the same effect, and proceedings may be taken on it, as if it were a judgment of the Supreme Court for the recovery of a debt in the amount stated above.

IF YOU INTEND TO REQUEST A REVIEW of the amount owing in this certificate, YOU MUST REQUEST a review by the Supreme Court of British Columbia in accordance with the Enforcement Regulation, made under the *Animal Health Act*, within 30 days of being served with a copy of this certificate.

Court registry address: _____

Inspector's address for service: *[Set out the street address of the address for service of documents.]*

Name: _____

Telephone: _____

Fax number (if any): _____

Email (if any): _____

Schedule

FORM 2

INFORMATION FOR WARRANT

Information to Obtain a Search Warrant

Canada: Province of British Columbia

Form 2 pursuant to section 56 of the *Animal Health Act*

This is the information of _____ an inspector

Name of Inspector

of

Ministry, Branch, Address, Phone Number

in the Province of British Columbia (the "Informant")

- ☐ taken by me
- ☐ submitted to me by a form of telecommunication that produces a written document, because it is impracticable for the Informant to appear personally before me for the following reasons:

The Informant has reasonable grounds to believe that entry and search of the

- ☐ premises ☐ dwelling place ☐ vehicle ☐ vessel ☐ aircraft
- ☐ other (specify) _____

located at _____

is warranted for authorizing an inspector in the Province of British Columbia to enter and search the place(s) indicated above, and take any necessary action for the purposes of taking an action authorized under the *Animal Health Act*, or determining whether an action authorized under the *Animal Health Act* should be taken.

GROUNDS FOR BELIEF ARE:

The Informant asks that a warrant be issued authorizing inspector(s) in the Province of British Columbia to enter the place(s) indicated above.

SWORN/AFFIRMED before me

on _____
Dateat _____ British Columbia
City

Signature of Applicant

Justice of the Peace in and for the Province of British Columbia

07/2014

Schedule

FORM 3

WARRANT

Warrant to Search

Canada: Province of British Columbia

Form 3 pursuant to section 56 of the *Animal Health Act*

To inspectors in the Province of British Columbia:

I am satisfied, on the basis of the sworn/affirmed information of

Name of Inspector

of _____
Ministry, Branch, Address, Phone Number

in the Province of British Columbia that there are reasonable grounds to believe that entry and search of the following place(s) is necessary for the purposes of taking an action authorized under the *Animal Health Act*, or determining whether an action authorized under the *Animal Health Act* should be taken:

☐ premises ☐ dwelling place ☐ vehicle ☐ vessel ☐ aircraft

☐ other (specify) _____

located at _____

This authorizes you, or a person acting on your behalf, to enter and search the place(s) indicated above, and take any necessary action for the purposes of taking an action authorized under the *Animal Health Act*, or determining whether an action authorized under the *Animal Health Act* should be taken.

Dated _____ at _____ British Columbia

Justice of the Peace in and for the Province of British Columbia _____
Print Name

To the Occupant: If you wish to know the basis on which this warrant was issued, you may apply to the clerk of the court for the territorial division in which the warrant was executed, at _____ to obtain a copy of the information on oath.

Address

You may obtain from the clerk of the court a copy of the report filed by the inspector who executed this warrant. That report will indicate the things, if any, that were seized and the location where they are being held.

07/2014

Schedule

FORM 4

TELEWARRANT

Warrant to Search - Telewarrant

Canada: Province of British Columbia

Form 4 pursuant to section 56 of the *Animal Health Act*

To inspectors in the Province of British Columbia:

I am satisfied, on the basis of the sworn/affirmed information of

Name of Inspector

of _____

Ministry, Branch, Address, Phone Number

in the Province of British Columbia that there are reasonable grounds for dispensing with an information presented personally and in writing and that there are reasonable grounds to believe that entry and search of the following place(s) is necessary for the purposes of taking an action authorized under the *Animal Health Act*, or determining whether an action authorized under the *Animal Health Act* should be taken:

☐ premises ☐ dwelling place ☐ vehicle ☐ vessel ☐ aircraft☐ other (specify) _____

located at _____

This authorizes you, or a person acting on your behalf, within _____ days of this warrant's issuance to enter and search the place(s) indicated above, and take any necessary action for the purposes of taking an action authorized under the *Animal Health Act*, or determining whether an action authorized under the *Animal Health Act* should be taken. This also requires you to report on the execution of the warrant as soon as practicable but within a period of not more than 7 days after the execution of the warrant to the clerk of the court for the [territorial division in which the warrant is intended for execution].

Dated _____ at _____ British Columbia

Justice of the Peace in and for the Province of British Columbia_____
Print Name

To the Occupant: This search warrant was issued by telephone or other means of telecommunication. If you wish to know the basis on which this warrant was issued, you may apply to the clerk of the court for the territorial division in which the warrant was executed, at _____ to obtain a copy of the information on oath.

Address

You may obtain from the clerk of the court a copy of the report filed by the inspector who executed this warrant. That report will indicate the things, if any, that were seized and the location where they are being held.

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