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Proceedings

1 THE COURT: If I come to a different conclusion and
2 rule that the S.P.C.A. had an obligation in these
3 circumstances where the animal is not in critical
4 distress, but merely is in distress in their
5 view; in other words, is thin, not being properly
6 nourished, and some steps had to be taken in
7 order to relieve its distress, and if I find that
8 they made no attempt to contact the owner, having
9 an obligation to do so, and the owner was not in
10 a position where they could not be found
11 immediately since they had her name and address
12 and phone number and contacts in their file, if I
13 then find that the warrant is not valid, do you
14 have any submission as to their remedy? Is it a
15 breach of a Charter itself? If it's an
16 unreasonable search which, if it's obtained -- if
17 the search is done without a valid warrant, it
18 would prima facie be unreasonable, what would you
19 say about either the counsel's suggestion that I
20 should therefore enter a stay or, conversely,
21 that I should exclude all evidence following that
22 point or some other remedy?

23 (SUBMISSIONS BY COUNSEL)

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26 THE COURT: Okay. We're going to take the afternoon
27 adjournment to consider my position and we'll
28 resume as quickly as I can.

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30 (PROCEEDINGS ADJOURNED)
31 (PROCEEDINGS RECONVENED)

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33 THE COURT: We are dealing in the case at bar with a
34 charge against Ann Brown, alleging that between
35 the 21st of November, '98 and the 19th of March,
36 1999, in Langley, she caused or permitted
37 animals, namely horses, to be or continue to be
38 in distress, contrary to Section 24 of the
39 Prevention of Cruelty to Animals Act.

40 I am going to summarize just really briefly
41 some of the facts, how this came to the attention
42 of the S.P.C.A. and what they did. The evidence
43 of the case is concluded and we are now into
44 argument and I have asked to hear argument
45 firstly with respect to the search warrant and
46 not on the merits of the case. But for the
47 purpose of dealing with the search warrant, I can