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Proceedings

1 briefly summarize the facts.
2 As a result of a complaint, Constable
3 Robertson attends an address, 25363 24th Avenue
4 in Langley, British Columbia, to look for
5 apparently emaciated horses. There was reports
6 of thin horses. Apparently, he observed some
7 thin horses on that date and there was a return
8 to that property two days later on the 19th of
9 March at which time two S.P.C.A. officers
10 examined two of the horses closely and gave them
11 a rating, sort of a body condition rating, that
12 was Constable Robertson and Echols, and they
13 scored two of these horses at the low end of the
14 range, one being a 1.5 and the other being a 1.0.
15 The opinion of the officers were that the horses
16 were in distress.
17 Special Constable Robertson said at the time
18 that he knew the owner to be Ann Brown. He said,
19 "I didn't know how to reach her." But it is
20 clear, from the evidence of both of the S.P.C.A.
21 officers that they did know how to reach her.
22 They had her telephone number. Later on in fact,
23 in cross-examination, Constable Robertson says he
24 never told the Justice of the Peace that he knew
25 the owner and had her phone number and he never
26 made any attempt to phone her. Nobody made any
27 attempt to go to her residence and not only did
28 they not do that, but they neglected to tell the
29 Justice of the Peace in the Information to Obtain
30 that they had that information.
31 That becomes important and really, with
32 respect to the facts in the search warrant, that
33 is about all I have to summarize, except to say
34 that armed with that information, instead of
35 contacting the owner to give the owner an
36 opportunity to relieve the distress in the
37 animals, the officers went to a Justice of the
38 Peace under Section 13 of the Prevention of
39 Cruelty to Animals Act and sought and obtained a
40 warrant based on the Information to Obtain the
41 Warrant which has been marked as Exhibit 4 in
42 these proceedings.
43 In that Information to Obtain, they describe
44 the finding of the horses, do not mention the
45 owner, do not mention the attempt to find the
46 owner, do not mention that they know who the
47 owner is or that they have her phone number and