

Sled dogs' deaths move animal law forward

The post-Olympics culling of sled dogs that sparked international outrage and prompted the British Columbia government to beef up its Prevention of Cruelty to Animals Act is one example of how Vancouver lawyer Rebeka Breder sees animal law evolving. The act now allows for increased fines to a maximum of \$75,000 and jail terms of up to two years. "I look at animal law as being at the same place that environmental law was 20 years ago," says Breder, who heads the Canadian Bar Association B.C.'s first animal law division in Canada, and handles corporate but also animal law litigation at Boughton Law Corp. "We are just in the beginning stages."

As human encroachment pressures wildlife habitat and pets are acknowledged by society as playing a greater role in human life than simply being "property," animal law is evolving on two fronts, she says. These changes in Canada simply follow what has been occurring down south. "In the U.S., the American Bar Association

has had an animal law division at the national level since 2000," says Breder, who admits she is passionate about animal rights. At 13, she presented her city council with a dead duck, shot by hunters, and rounded up a petition signed by hundreds to ban duck hunting in her area.

Breder says the bar association's animal law division plays a strong educational role bringing in speakers such as the SPCA's head of cruelty investigations Marcie Moriarty, who spoke about the sled-dog cull after the 2010 Olympic Games. "She was not able to say too much as there is still an investigation going on but she gave us a background on how the dogs were treated and where the law should go with this."

In June, the animal law division partnered with the environmental law division to host a session on the Federal Court decision that saw Ecojustice win a landmark ruling aimed at protecting endangered orca whales. The Department of Fisheries and Oceans is seeking to overturn the decision, claiming that the Fisheries

Act already legally protects the critical habitat of aquatic species such as the killer whale.

Breder says she is seeing other changes in animal law and recently represented a client in the B.C. Interior who is suing a veterinarian for malpractice over the loss of a pet. "You do see a progression in the law and interestingly these cases are coming out of Ontario," says Breder, adding she drew upon case law in Ontario where judges "had the idea that a dog is more than simply a piece of property." This cognition by the courts begins to remove pets or companion animals away from simple "chattels" under property law and into a more complex realm where they play an integral role and have a value in daily human life. "I am thankful there are clients who are willing to push forward these cases as they can be stressful and expensive."

Breder, who is also a director at the Vancouver Humane Society, is battling the new "dangerous dog" bylaw. She believes animals

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are often wrongfully labelled and there is no need to destroy such animals. "We need to look at what they are doing in Alberta, Calgary especially," she says, where progressive animal treatment and bylaws have reduced the destruction of dangerous animals by 50 per cent.

Greater concern for the environment has also

raised social consciousness of how animals of all kinds fit into the picture. "There is hardly a day when I don't open the paper and there is an issue that deals with animals of some kind," be it a municipality dealing with a growing Canada goose problem, wild rabbits, or "so-called nuisance animals" such as raccoons and coyotes. The reality is, says Breder, that humans are

encroaching on animals' habits but have not learned to live in harmony or adapt. The courts are starting to change that with animal laws. "What we need to do as a society is to try to find a balance between the interest of animals and the interest of humans."

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