

January 4, 2019

To Whom it May Concern:

**RE: The Ontario Society for the Prevention of Cruelty to Animals  
("Ontario SPCA")  
Decision of the Ontario Superior Court of Justice  
*Bogaerts v. The Attorney General of Ontario*  
January 2, 2019**

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I am general counsel to the Ontario SPCA. I want to clear up a number of misstatements that have been made in various media reports concerning the recent decision of the Ontario Superior Court in the case of *Bogaerts v. The Attorney General of Ontario*.

First, there was no allegation that the Ontario SPCA was at fault for anything regarding the subject-matter of the application and the court did not criticize any conduct on the part of the Ontario SPCA in its administration of the *Ontario SPCA Act*. Rather, the court created a new legal principle and used it to rule that it was unconstitutional for the Province of Ontario to enact legislation that permits a private charity to have policing powers in the absence of government oversight. That legislation was enacted in 1919. The Ontario SPCA took no part in the enactment of the legislation at issue. The applicant himself acknowledged that the Ontario SPCA was not at fault and he saw it as a victim of the legislation who has done the best it can in the circumstances. Indeed, for the first 94 years of its existence, the Ontario SPCA has had to rely on the generosity of the public to fund its administration of the legislation. At present, the government funds only a fraction of the money needed to adequately protect animals in this province.

The Ontario SPCA has never rejected the idea of provincial oversight and is prepared to consider any reasonable options put to it by the province to continue its animal protection work. The Ontario SPCA seeks and supports the option that provides the maximum protection of animals.

Further, the Ontario SPCA was not a party to the court case. The responding party to the application was the Ontario Government through its representative the Attorney General of Ontario. All decisions on how to argue the case were made by the Attorney General although the Ontario SPCA cooperated with the government lawyers and provided any and all information they requested.

The court suspended its ruling for a 12 month period. During that time, the Ontario SPCA will continue its work to protect animals from abuse, neglect and distress. Any decision regarding an appeal of the court ruling rests with the Province. The Ontario SPCA will not comment on whether an appeal should be launched.

Finally, the Ontario SPCA is, and has always been committed to working with all stakeholders to ensure that all animals are free from distress, neglect and abuse. It will continue to do so.

Enforcement of the legislation is a small part of the work of the Ontario SPCA. The Ontario SPCA prides itself on delivering quality services and programs to advance animal protection and advocacy and seeks to educate and bring awareness of the needs of all animals and to develop and enforce laws that completely protect animals and respect their rights as sentient beings.

Yours truly,



Brian Shiller  
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