

**File No: 160865-1
Registry: Victoria**

In the Provincial Court of British Columbia

REGINA

v.

HUBERT JOSEPH GUS HENRY

**REASONS FOR SENTENCE
OF
THE HONOURABLE JUDGE D. GARDNER**

COPY

Crown Counsel: L. O'Grady

**Defence Counsel: T. Hemphill
N. Ross, Articled Student**

Place of Hearing: Victoria, B.C.

Date of Judgment: July 30, 2014

[1] THE COURT: I am not going to repeat the facts here; they have been set out very concisely by Crown counsel. I think there is a lot to be said for the old expression, there is no such thing as a bad dog, just a bad owner. The dog that was taken into care here by the authorities was being kept in a deplorable condition, as set out in the facts.

[2] The Crown is asking for a lifetime ban on Mr. Henry from essentially owning any pets. This is the second time that Mr. Henry has been before the court for this type of offence, and although he says he enjoys the companionship of dogs, that would be all the more reason for properly caring for them. Perhaps it is due to the depression that he suffers from occasionally, as I understand it some fairly simple tasks can be overwhelming, but he did not address the task of properly caring for his dog. In my view, he has demonstrated that he is simply incapable of fulfilling the responsibility of a responsible dog owner.

[3] I think the Crown's position is entirely reasonable in these circumstances. I have looked at the case law and I agree that the circumstances in those cases were more aggravating, but still who is to speak for the dogs who do not have a voice in these proceedings?

[4] The circumstances in which this pit bull was being kept

are alarming. Accordingly, I will impose a fine of \$300 and give him until March 2, 2015, to pay that fine.

[5] Also, I will make an order that he is not to own or have custody or control of an animal for lifetime, and I am signing that order now.

[6] Thank you, counsel, for your assistance.

(REASONS CONCLUDED)