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White v. Chief Animal Welfare Inspector, 2026 ONACRB 230

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TRIBUNALS ONTARIO **TRIBUNAUX DÉCISIONNELS ONTARIO**

Animal Care Review Board **Commission d'étude des soins aux animaux**

2026 ONACRB 230 (CanLII)

Citation: *White v. Chief Animal Welfare Inspector*, 2026 ONACRB 230

Date: May 8, 2026
File Number: 18373/ACRB

Appeal under s. 38 of the *Provincial Animal Welfare Services Act, 2019*, S.O. 2019, c. 13.

Between:

Ashley White Appellant

and

Chief Animal Welfare Inspector Respondent

DECISION AND ORDER

Adjudicator: **Robert Patchett, Vice Chair**

Appearances:

For the Appellant: Ashley White, self-represented

For the Respondent: Joshua Matson, Regional Supervisor, Animal Welfare Services (AWS)

Jason Kirsch, Counsel

Heard By Videoconference: April 10, 2026

2026 ONACRB 230 (CanLII)

OVERVIEW

[1] Ashley White (Appellant) appeals a Statement of Account (SOA#2) issued pursuant to section 35(3) of the *Provincial Animal Welfare Services Act, 2019, S.O. 2019, c. 13 (PAWS Act)* by Animal Welfare Services (AWS) on March 5, 2026, for the Boarding costs of lambs born in care on January 17, 2026, January 24, 2026, February 6, 2026 and on February 9, 2026.

[2] Ashley White, was the owner of 19 sheep, six goats, five cattle, two alpacas, five chickens, two geese, two ducks, four puppies and one dog that lived on her property.

[3] On January 7, 2026, AWS attended the Appellant's property and removed four sheep, one alpaca, and four puppies after a veterinarian advised in writing that removal was necessary to relieve the animals of distress ("NOR#1").

[4] On January 7, 2026, AWS also made a number of orders pursuant to s. 30 of the *PAWS Act*, in relation to the remaining animals.

[5] On January 8, 2026, AWS returned to the Appellant's property and removed the remaining animals, being 16 sheep, one alpaca, five cattle, six goats, as well as the birds after a veterinarian advised in writing that removal was necessary to relieve the animals' distress ("NOR #2").

[6] On January 12, 2026, a Decision to Keep Animal(s) in the Chief Animal Welfare Inspector's Care (DTK#1) was issued in relation to all of the animals on that were removed on January 7-8, 2026 on the basis that the Chief Animal Welfare Inspector (Respondent) had reasonable grounds to believe that the animals would be in distress if returned to the Appellant.

[7] On January 17, 2026, two (2) lambs were born while in the care of the Respondent.

2026 ONACRB 230 (CanLII)

[8] On January 19, 2026, the Respondent issued a Statement of Account (SOA#1) to the Appellant in relation to the animals that had been removed from the Appellant's property on January 7, 2026, and January 8, 2026.

[9] On January 24, 2026, a (1) lamb was born while in the care of the Respondent.

[10] On February 6, 2026, two (2) more lambs were born while in the Respondent's care.

[11] On February 9, 2026, another (1) lamb was born while in the Respondent's care.

[12] On February 17, 2026, a Decision to Keep Animal(s) in the Chief Animal Welfare Inspector's Care was issued to the Appellant by the Respondent in relation to six lambs that had been born in care (DTK#2).

[13] According to the DTK#2, there were a total of eight (8) lambs born in care, including one stillborn lamb.

[14] On March 5, 2026, the Respondent issued another Statement of Account (SOA#2) to the Appellant in the amount of $1,639.63 in relation to six (6) lambs that were born in the Respondent's care.

[15] On March 13, 2026, the Animal Care Review Board (Board) received from the Appellant via email an incomplete Notice of Appeal which was deemed by the Board to be an appeal of SOA#2. The incomplete appeal did not provide any particulars regarding the grounds of appeal or remedy sought by the Appellant.

[16] The Board held a case conference on March 16, 2025 regarding the appeal of the SOA. The matter proceeded to a videoconference hearing on April 10, 2025.

ISSUE IN DISPUTE

[17] The issue before me is whether SOA#2 in the amount of $1,639.63, should be confirmed, revoked, or varied.

RESULT

[18] For the reasons that follow, I have decided to vary SOA#2.

ANALYSIS

[19] SOA#2 pertains to costs incurred by the Chief Animal Welfare Inspector (CAWI or Respondent) for boarding the lambs that were born in care.

[20] Section 35(1) of the *PAWS Act* states that the CAWI may serve on an animal owner or custodian a statement of account respecting costs incurred where an animal welfare inspector has taken steps to relieve the animal's distress, which may include providing it with necessaries to relieve its distress under s. 33 of the *PAWS Act*.

[21] In this matter, the burden is on the Appellant to show that the SOA#2 should be revoked or varied. The Respondent, however, has an initial evidentiary burden to prove, on a balance of probabilities, that the SOA#2 reflects the actual costs of boarding for the lambs born in care. [1]

[22] SOA#2 shows the costs for boarding in the amount of $1,639.63 for six (6) lambs born in care.

Costs for Boarding are varied

[23] Erin Brule, a senior investigator for AWS testified.

[24] When the Appellant's animals were removed, they were placed at two different local facilities.

[1] See *Windrift v. CAWI, 2023* ONSC 4501, para 76.

2026 ONACRB 230 (CanLII)

[25] SOA#2 contains two invoices. The first in the amount of $1,261.08 for 2 lambs born in care and the second related to four (4) lambs born in care for an amount of $378.55 including taxes that is being charged back to the Appellant.

[26] The first invoice is for boarding costs for two (2) baby lambs at $18.00 per day for the period January 18, 2026 to February 17, 2026. Senior Investigator Brule testified that these costs were for extra care for baby sheep including blankets and food; more specifically these were not for a pen since these baby lambs were kept in a pen with their mothers.

[27] The second invoice contains two (2) line items that are being charged to the Appellant. Line one (1) is a flat charge for five (5) lambs in care at $35.00 per lamb. Line two (2) is a charge for four (4) hours of extra lamb care at $40.00 per hour for four (4) hours.

[28] Senior Investigator Erin Brule testified that the charges are reflective of charges in the north. They testified that the charges are higher in the second invoice because they only board adult sheep.

[29] I am not satisfied that the charges in the second invoice should be charged back to the Appellant. There is an issue over the number of lambs in care (four or five) at this facility. There was no explanation for this discrepancy. The notes for this invoice reflect that there were five (5) lambs born in care and one (1) late gestation abortion. SOA#2 is for total six (6) lambs born in care, and since two (2) are included in the first invoice, it stands to reason that only four (4) should be charged in the second.

[30] The second invoice does not appear to be for boarding costs since it only reflects a one-time fee for each lamb born in care or an hourly rate for extra animal care services. These are in my view more likely animal care costs because they include vitamin E, Seleniuym injections, Iodine Naval Dip, Floridale Lamp Creep and tagging. The hourly charges also appear to be animal care costs and not boarding costs.

2026 ONACRB 230 (CanLII)

[31] The Appellant did not challenge the evidence concerning boarding rates or choice of facility.

[32] I find the Respondent's choice of boarding facility was reasonable.

[33] The first invoice accurately reflects a Boarding fee of $18.00/night x 31 days plus HST.

[34] The second invoice appears to reflect animal care costs and not boarding fees. Therefore the $378.55 shall be removed from the SOA#2 and not charged to the Appellant. The Respondent had only sought recovery of Boarding Costs and not the additional animal care costs in SOA#2.

Appellant's ability to pay

[35] The Appellant stated that she cannot afford to pay SOA#2.

[36] The Appellant testified that they have limited employment earning on average about $500.00 every two weeks. They testified that their spouse earns about $1,000.00 every two weeks when they are also able to work. They stated that they have no other income.

[37] They testified that they cannot afford to pay SOA#2, would like "this appeal over with" and the animals returned. The Board did not give any consideration to the request to have the animals returned, since that issue is not properly before the Board in this appeal.

[38] On cross-examination they agreed that it does take a fair level of financial commitment to care for all of the animals they owned that had been removed from their care.

[39] The CAWI introduced, as exhibit five (5), an image taken from the Appellant's Facebook page that appears to show that the Appellant has recently acquired

2026 ONACRB 230 (CanLII)

sheep. The Appellant denied the allegations they had acquired new animals, stating that this was an AI-generated image they deliberately posted.

[40] I have given the Facebook image no consideration. The AWS does not have proactive investigatory powers; they only react to complaints they receive. As a result, it is doubtful that social media monitoring is a reasonable practice if used for monitoring a party after animals have been removed.

[41] Beyond their testimony, the Appellant has not provided any documents as to their current financial circumstances such as recent pay stubs, or a notice of assessment of their income tax returns. They have not explained how payment of SOA#2 would result in financial hardship. They testified that they would have preferred a payment plan.

[42] The Appellant has not met the onus to vary or revoke the authorized SOA#2 charges in the lesser amount of $1,261.08. Beyond the reasons set out above regarding varying SOA#2, the Board is not satisfied that there are any other reasons to vary or revoke SOA#2 based on financial hardship or an inability to pay.

CONCLUSION

[43] The Respondent met their initial evidentiary burden and proved, on a balance of probabilities, that the costs shown in SOA#2, the first invoice only reflect the actual costs incurred by the Respondent for the boarding provided to two (2) lambs born in care. The second invoice is excluded because it more likely reflects animal care costs that were not sought in SOA#2.

[44] The Appellant led no evidence to prove why the SOA#2 should be varied or revoked, other than her testimony regarding ability to pay, which I found unpersuasive.

2026 ONACRB 230 (CanLII)

[45] Having considered all the relevant evidence, I find that the varied costs in SOA#2 for boarding of $1,261.08 are reasonable. The animal care costs are excluded. The revised total of the SOA#2 is varied to $1,261.08.

[46] The Appellant requested that she be allowed to pay any varied or confirmed amount of SOA#2 through a form of payment plan.

[47] The Board does not have authority to set, or order, any payment plans.

ORDER

[48] Pursuant to the powers of the Board under s. 38(9)(3.1) of the *PAWS Act*, I vary the SOA#2 and order the costs of $1,261.08 be paid by the Appellant to the Minister of Finance.

Released: May 08, 2026

Robert Patchett, Vice-Chair

2026 ONACRB 230 (CanLII)