

SEP 03 2025

Justice of the Peace

CANADA: Province of British Columbia

WARRANT TO SEARCH

Pursuant to Section 41(1) of the *Health of Animals Act*
(*Re UOF's Quarantine Burial Pit*)

TO: Inspectors and Officers of the Canadian Food Inspection Agency:

WHEREAS it appears on the affirmation of Heather June Willis, a Public Officer and Inspector with the Canadian Food Inspection Agency of the City of Edmonton, in the Province of Alberta,

THAT there are reasonable grounds to believe that the following offences or violations have been committed:

Count 1: Fail to notify a Veterinary Inspector, HOAA 5(1)
(on or between December 11, 2024, to December 28, 2024)

On or between December 11, 2024, to December 28, 2024, Universal Ostrich Farms Inc., having ownership or possession, care or control of an animal, failed to notify the nearest veterinary inspector of the presence of a reportable disease or toxic substance, or a fact indicating its presence, in or around the animal, immediately after becoming aware of the presence or fact, contrary to section 5(1) of the *Health of Animals Act*, thereby committing an offence pursuant to section 65 of the *Health of Animals Act* or a violation pursuant to section 7 of the *Agriculture and Agri-Food Administrative Monetary Penalties Act*.

Count 2: Fail to Comply with Conditions of a Notice, HAR 91.4(6)
(on or between December 28, 2024, to February 26, 2025)

On or between December 28, 2024, to February 26, 2025, Universal Ostrich Farm Inc. failed to comply with a Notice - Requirement to Quarantine, in such manner that quarantine was breached, to wit: ostriches were not segregated by age and sex; fencing was not secure; personal protective equipment was not worn in the quarantine area; biocontainment protocols were not observed; wildlife was not prevented from comingling with ostriches; daily mortality logs were not provided to the CFIA; and permits were not sought for the movement of things off and into the quarantined area, contrary to section 91.4(6) of the *Health of Animals Regulations*, thereby committing an offence pursuant to section 65 of the *Health of Animals Act* or a violation pursuant to section 7 of the *Agriculture and Agri-Food Administrative Monetary Penalties Act*.

Count 3: Fail to Produce Documents, HOAA 36(2)
(on or between July 2, 2025, to July 4, 2025)

On or between July 2, 2025, to July 4, 2025, Universal Ostrich Farms Inc., Karen Espersen and Dave Bilinski failed to provide documents or information, to wit: mortality logs, logs of egg production, and pictures or videos of fencing, netting, and housing of ostrich, contrary to section 36(2) of the *Health of Animals Act*, thereby committing an offence pursuant to section 65 of the *Health of Animals Act*.

Count 4: Obstruct an Inspector, HOAA 35(1)
(on July 4, 2025)

On July 4, 2025, Universal Ostrich Farms Inc., Karen Espersen, and Dave Bilinski obstructed Inspector Cortnie Fotheringham in the discharge of her duty by not producing records required to verify UOF's compliance with quarantine conditions subject to her Order dated July 2, 2025, contrary to section 35(1) of the *Health of Animals Act*, thereby committing an offence pursuant to section 65 of the *Health of Animals Act* or a violation pursuant to section 7 of the *Agriculture and Agri-Food Administrative Monetary Penalties Act*.

Count 5: Fail to Comply with Conditions of a Notice, HAR 91.4(6)
(on or between February 27 to August 5, 2025)

On or between February 27, 2025, to August 5, 2025, Universal Ostrich Farm Inc. failed to comply with a Notice - Requirement to Quarantine issued on February 5, 2025, by failing to ensure that mortalities were reported immediately; Daily Mortality Logs were submitted daily; wildlife, humans and dogs were prevented from co-mingling with ostriches; and ostriches were segregated by age and sex, contrary to section 91.4(6) of the *Health of Animals Regulations*, thereby committing an offence pursuant to section 65 of the *Health of Animals Act* or a violation pursuant to section 7 of the *Agriculture and Agri-Food Administrative Monetary Penalties Act*.

(the "Named Offences");

AND THAT there are reasonable grounds to believe that the following are animals or things by means of or in relation to which the Named Offences have been committed:

- a) Live avians (*ostrich*),
- b) Ostrich eggs, and
- c) Unburied deceased avians (*ostrich*) carcasses or parts thereof

(the "Animals/Things");

AND THAT there are reasonable grounds to believe that the Animals/Things or some part of them are on the property (except for any buildings thereon) bearing the:

Parcel Identifier: 013-753-312; and

Legal Description: THE SOUTHEAST 1/4 OF SECTION 14 TOWNSHIP 69
KOOTENAY DISTRICT EXCEPT PARCEL A (SEE 1013701)

at or near Edgewood, an unincorporated place within the Regional District of Central Kootenay, in the Province of British Columbia (the "Place");

SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- a) Pursuant to Section 39(3) of the *Health of Animals Act* and Section 25 of the *Criminal Code*, an inspector or officer who executes this warrant is, if he or she acts on reasonable grounds, authorized to use as much force as is necessary to do anything that he or she is required or authorized by law to do, provided that he or she is accompanied by a peace officer; and
- b) Upon the execution of this warrant, inspectors and officers may remain at the Place for as long as is necessary to search for and seize the Animals/Things, and to dispose of them pursuant to Section 48 of the *Health of Animals Act* and the Notice - Requirement to Dispose of Animals or Things issued December 31, 2024, as amended January 27, 2025;

THIS IS THEREFORE to authorize you to enter the Place between the hours of 6:00 AM and 8:59 PM on or between September 22, 2025, and October 22, 2025, and to search for, seize, and detain the Animals/Things therein.

Dated this 3rd day of September 2025, at Burnaby, in the Province of British Columbia.

CERTIFIED TRUE COPY

SEP 03 2025

Justice of the Peace



A Judicial Justice in and for the
Province of British Columbia

G. Hayes
Judicial Justice