

GERLING, Melvin Leonard



Alias(es), if any: None known

Age at time of offence: 66

Name(s) of co-accused:

- ENGLISH, Patrick Alexander
- ENGLISH, Damara Jaye

Name(s) of victim(s): Unknown

Species and breed of victim(s): Dogs; shih tzus, chihuahuas, pugs and terrier crosses (puppy mill)

Province(s) of offence(s): British Columbia

Town/City of offence(s): Abbotsford

Date(s) of offence(s): March 1, 2006; July 13 and September 24, 2010

Nature of offence:

- puppy mill
- neglected (lack of adequate food, water, shelter, exercise, care)

Charges:

- Owner failing to provide necessities for animals; Criminal Code of Canada, Section 446(1)(b)
- Causing unnecessary pain, suffering, or injury to an animal; Criminal Code of Canada, Section 445.1(1)(a)
- Causing an animal to continue to be in distress; British Columbia Prevention of Cruelty to Animals Act, Section 24(1) (subsumed under the category of "lesser included")

Date(s) of sentence(s): April 8, 2014

Sentence details:

- **20 YEAR BAN ON OWNING ANIMALS (Canada-wide)**
- 6 month conditional jail sentence
- \$75 victim surcharge

Other charges convicted of:

- Impaired driving (1998 and 1999)
- Criminal Code of Canada Section 161 prohibition (in relation to a conviction of a sexual offence with someone under the age of 16) (1999)

Name of Judge: Various

Additional notes:

- The names of the businesses operated by Melvin Gerling were B&B Kennels, Mountain View Kennels and Puppy Paradise
- Melvin Gerling's case was the subject of one of our [blog posts](#).

Links to news articles:

- [Dog breeder banned from owning animals for 20 years](#)
- [Man accused of running Abbotsford puppy mill says SPCA search violated his rights](#)
- [B.C. puppy mill operator convicted of cruelty denied appeal](#)

Links to written court decisions:

[R. v. Gerling](#), 2013 BCSC 1659

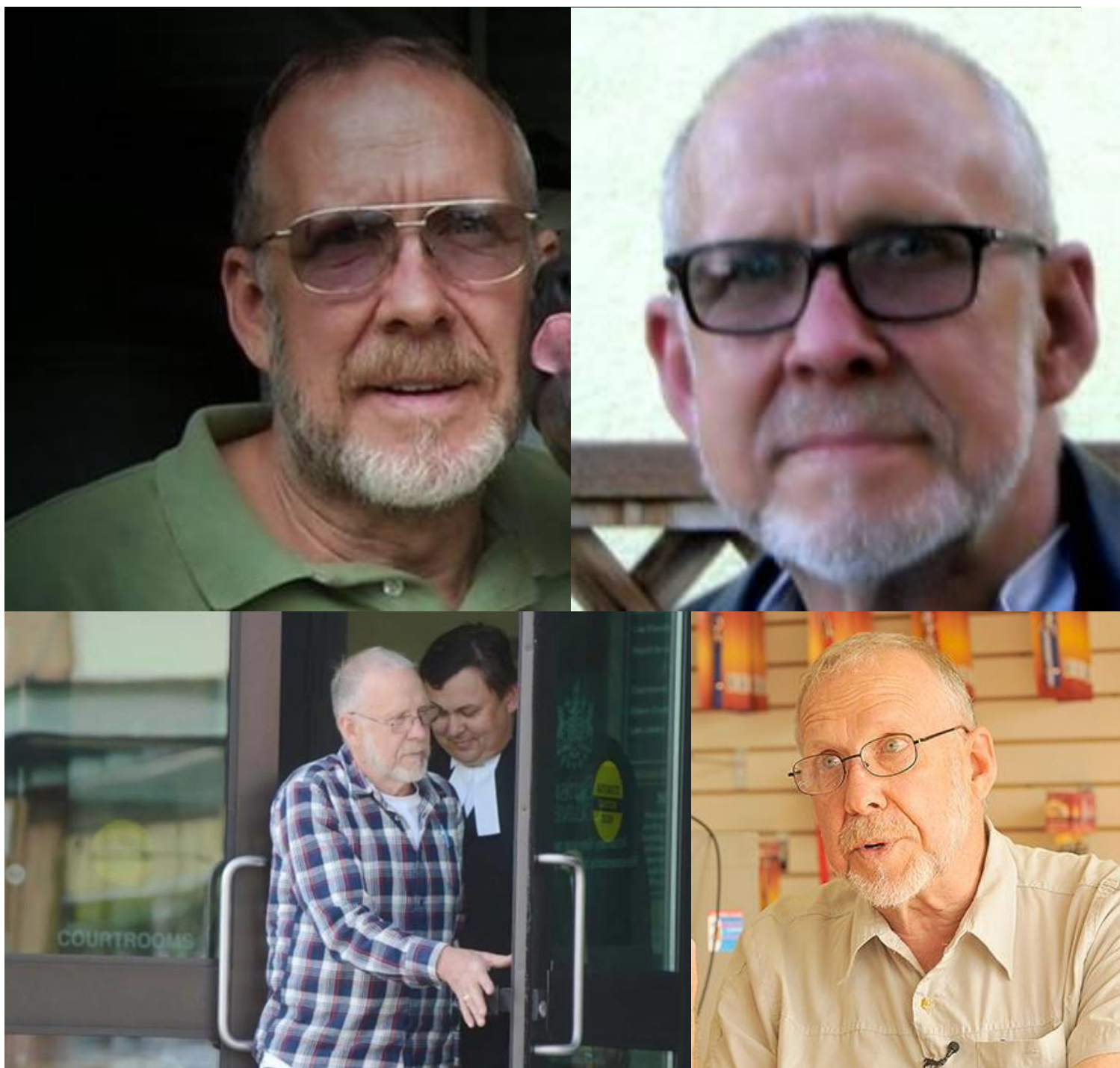
[R. v. Gerling](#), 2013 BCSC 2503

[R. v. Gerling](#), 2014 BCSC 220

[R. v. Gerling](#), 2016 BCCA 72

See photos and PDFs of news articles on following pages

GERLING, Melvin Leonard



Dog breeder banned from owning animals for 20 years

Mel Gerling was charged after the SPCA removed 14 of his dogs from a property in Abbotsford in 2010.

VIKKI HOPES / Apr. 9, 2014 12:00 p.m. / NEWS



A man
accused of
running a
puppy mill in
Abbotsford
has received a
six-month
conditional
sentence

Mel Gerling has been sentenced to six months' house arrest and a 20-year ban from owning animals in relation to the SPCA seizure of 14 dogs in September 2010.

(house arrest) and a 20-year ban on owning animals in relation to the SPCA seizure of 14 dogs in September 2010.

Mel Gerling, 70, was sentenced Tuesday in B.C. Supreme Court in New Westminster on charges of causing unnecessary suffering to an animal

and failing to provide necessities for an animal.

He must also complete 50 hours of community service.

Gerling was convicted of those charges in December following his trial, which had begun in April 2013.

He was charged in May 2011, several months after the SPCA seized shih tzus, chihuahuas, pugs and terrier crosses from a property on Sumas Way in Abbotsford.

At the time, the SPCA said the dogs were not receiving proper protection from the elements and were suffering from a range of health issues, including badly matted fur, eye infections, dental disease and badly overgrown nails.

Some of them also had luxating patellas – a hereditary condition in which the kneecap moves out of place.

The SPCA alleged that Gerling was running a puppy mill – an operation that breeds dogs a high volume, placing profit before animal welfare.

All 14 dogs that were seized were spayed or neutered and were then adopted out by the agency.

At the time the dogs were taken, Gerling blamed their condition on the man whom he said he was paying to care for them while two new kennel buildings were being constructed in Maple Ridge.

Gerling, who operated Mountain View Kennels and Puppy Paradise, later said he had retired and sold his business.

Damara and Patrick English, Gerling's co-accused and former business partners, were also charged under the Prevention of Cruelty to Animals Act. They both pleaded guilty to causing an animal to continue to be in distress and were each sentenced last October to a \$500 fine and two years' probation.

Marcie Moriarty, chief prevention and enforcement officer with the SPCA, said the agency is "extremely pleased" with Gerling's sentence.

”,,, the ban means he will no longer be able to operate substandard breeding operations that inflict suffering on animals ... Unfortunately, individuals like Mel Gerling prey on people who don't take the time to research whether or not they are dealing with a reputable breeder,” she said.

Gerling had been a focus of SPCA animal cruelty investigations dating back to 2006.

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B.C. puppy mill operator convicted of cruelty denied appeal

CTV Vancouver

Published Friday, February 19, 2016 8:52AM PST

Last Updated Friday, February 19, 2016 1:13PM PST

In what is being hailed as a legal milestone in the fight against puppy mills in this province, a B.C. dog breeder banned from owning animals for two decades has been denied a bid to appeal his criminal conviction.

Puppy mill operator Mel Gerling was convicted of two counts of animal cruelty after 14 badly neglected puppies and dogs were seized from his Abbotsford property in 2010. The seizure followed nearly 50 compliance orders by the BC SPCA, and four years of complaints about "substandard care" of dogs in his care.

The dogs, which were bred through an operation called B&B Kennels, suffered a range of physical and genetic problems, including matted fur, rotting teeth, overgrown nails, skin infections, ear mites and ulcerated eyes. They included purebred Shih Tzus, Chihuahuas, pugs and terrier crosses.

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[82 cats and dogs seized from Surrey breeding and boarding facility](#)

[Under quarantine, SPCA asks for help to care for 66 seized dogs](#)

The dogs were bred at various kennels in the Fraser Valley, including Chilliwack and Abbotsford, and sold through his now-closed pet store in Surrey, Puppy Paradise.

During the trial in 2014, an expert witness testified the animals were clearly in distress, and their condition would have taken a considerable time to develop.

But Gerling maintained after the seizure that the BC SPCA was on a "witch hunt" against him. A man who boarded the dogs for Gerling said the canines were just in need of a bath.

The trial judge disagreed, and ruled that the breeder willfully neglected to provide suitable care and shelter for the animals under the Criminal Code. The ruling said Gerling should have understood the animals were in distress, and said there was no evidence to show he had a plan to relieve it – or rectify the problems.

RELATED LINKS

Gerling was given a relatively light sentence. While the crimes he was convicted of are punishable by a fine of \$10,000 and 18 months in prison, the longtime dog breeder was only ordered to serve a six-month conditional sentence, including house arrest, plus 50 hours of community service.

The real coup for the BC SPCA was the fact he was handed a 20-year ban on owning animals, which essentially put him out of business.

Gerling did not agree with the decision. He has been fighting against the conviction since 2015, with the argument that the trial judge did not adequately prove his intention to break the law.

In his defence, Gerling said the seized dogs were not in distress because “he did not see any of the dogs limping or having difficulty walking and did not notice any of them wince in pain,” according to court documents.

He claimed he was busy, not neglectful.

But in a judgement released by the B.C. Court of Appeal Wednesday, Justice Edward Chiasson dismissed those claims – and his bid for an appeal.

Chiasson said the initial conviction successfully established the “deplorable state of the dogs” and “ample” evidence to establish that the neglect was in fact willful.

Speaking to the animal cruelty charges, the judge ruled that Gerling should have reasonably understood the dogs were not being cared for properly.

The written decision said Gerling never offered sufficient evidence during his initial trial to explain for the conditions of the dogs.

The court decision comes as the BC SPCA deals with two massive seizures of animals from breeders and suspected puppy mills in Metro Vancouver.

In both cases, the operators are suspected of keeping dogs and cats in deplorable conditions in order to sell animals for profit to unsuspecting consumers.

Speaking about the court’s decision to dismiss Gerling’s appeal, BC SPCA chief enforcement officer Marcie Moriarty says they are “thrilled.”

It’s hoped the strongly-worded decision by the appeals court will influence upcoming proceedings to prosecute puppy mill operators, and strengthen the SPCA’s powers to shut them down.

Instead of being limited to issuing “endless” compliance orders that compel the breeder to deal with welfare concerns, the SPCA could take stronger action to remove vulnerable animals from a property.

“This upholds our ability to issue a warrant and not give more opportunities to relieve distress in similar circumstances, where someone responds to our orders, but only in a very minimal way.”

And that’s key when dealing with puppy mill operators who promise to clean up their act, only to quickly slip back into old habits.

“In cases where they’ve slipped a few times, we can be justified in saying ‘no, we’re going for a warrant, you’ve had enough chances,’” Moriarty said.

“That’s a powerful precedent.”

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ronniefrommtl

1101 days ago

he should be banned for life after what he did to all those animals period time for justice for the animals

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Charlene Myers

1101 days ago

This is fantastic!! Thank you so much to Justices Chiasson, Savage, and Fitch!!

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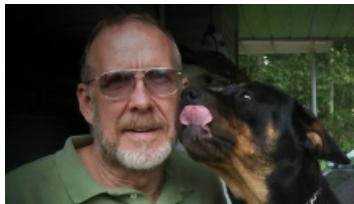
4



L Dubya

1101 days ago

penalties for cruelty to animals will never be stiff enough in my eyes.



B&B Kennel owner Mel Gerling has been convicted of animal cruelty and banned from owning animals for two decades. (CTV)



A dog at B&B Kennels in Abbotsford, B.C., is seen in an image on its website.



Puppies at B&B Kennels in Abbotsford, B.C., are seen in an image on its website. Facility owner Mel Gerling is being investigated by the SPCA.