



BC COURTHOUSE LIBRARY SEMINAR 🏛️ 🐾

October 6, 2026

“Beyond the Bark”

Topic: Companion Animals in BC Family Law



Panel Chair- V. Victoria Shroff, KC —

Animal Lawyer at Shroff Animal Law, Adjunct Professor of Animal Law at UBC's Allard School of Law, Faculty Capilano University. Associate Fellow Oxford Centre for Animal Ethics, UK, Founding Chair of the Canadian Animal Law Study Group

Copyright 2026 — V. Victoria Shroff. This is an educational seminar/CLE, information in this presentation is not legal advice. Please do not copy or use without express permission. www.shroffanimallaw.com



Overview- A
Contextual Legal
Framework
Involving
Companion
Animals in
'Disputes'

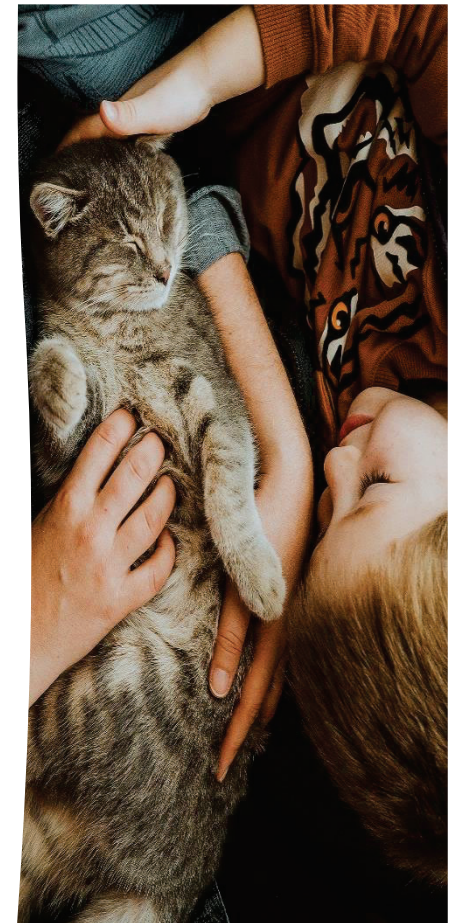
" ... battles for and involving pets are increasing. There is a necessity to deal equitably with the family pet in separation and divorce, to look at the needs of pets and the humans holistically in the context of a breakup.[because] Ownership of a family pet is more nuanced than who owns the family car." – Canadian Animal Law, (2nd Ed. Lexis Nexis, 2025, V.V. Shroff, KC)

BC's FLA – Companion Animal Possession & Ownership

- Section 97 of BC's *Family Law Amendment Act* in 2024 added a list of **8 Relational and Contextual factors** that Courts must consider before making an order for who gets the pet in a family law matter.
- I summarize the framework as the **"best interest for all concerned" standard.**

Courts **Must** Apply an 8 Part Test for Who Gets the Pet:

- "(a) the circumstances in which the companion animal was acquired;
- (b) the **extent to which each spouse cared for the companion animal**;
- (c) any history of family violence;
- (d) the risk of family violence;
- (e) a spouse's cruelty, or threat of cruelty, toward an animal;
- (f) the **relationship that a child has with the companion animal**;
- (g) the **willingness and ability of each spouse to care for the basic needs of the companion animal**;
- (h) any other circumstances the court considers relevant."



Some Key FLA Pet Related Considerations—terms

- Application: The *Family Law Act* applies to spouses in a “marriage-like relationship”.
- A companion animal” is: an animal that is “kept primarily for the purpose of companionship”.
- **Not “Pet Custody’** (though this is the term used informally by some lawyers, the media and the public)-The Court embarks on an inquiry about **ownership, not custody of the pet in question**. I.e. Who ultimately is the legal owner of this dog or cat?
- Traditional common-law framework of "who paid for the pet owns the pet" is no longer the guiding factor under BC family law.
- Companion animals are sentient beings
- 3 of the 8 factors deal with family violence
- **Courts cannot order shared possession or spouses to jointly own the animal**

www.ShroffAnimalLaw.com

+
O

“Best Interests for All Concerned” is not the same as the simplistic “best interest of the pet”

—
Pets don’t live in a legal silo—they are wholly dependent on their human family/caregivers for life.

- We've moved away from a simplistic best ownership formulation towards a *best interest for all concerned* approach that considers the interests of the whole family, including relational aspects.
- Caregiving history considered
- Animal’s relationship with children considered
- Family violence dynamics considered
- **The Tension:**
- Animal welfare interests= one factor, not the whole test because companion animals are wholly reliant on the humans around them.

Discussion-
-3 BC Case
Law Snapshots



we're starting to see
cases, particularly in
the BCSC that are
providing guidance on
the 2024 FLA
changes

www.shroffanimallaw.com

Glassen v. Glassen, 2025 BCSC 640

2025: The first major final decision in B.C. on companion animals in the family setting

The significance of the amended legislation became clear in *Glassen v. Glassen*, 2025 BCSC 640, the first reported final ruling applying the amended companion animal provisions at trial.

Glassen involved the family dog, Toba and included an analysis of Toba's relationship with the family child. The case illustrates the application of the relational "best interest for all concerned standard"

key: when a court decides who gets the family pet, the remedy is exclusive ownership or possession to one party only; the legislation does not permit court-ordered joint ownership or shared possession

Kennedy v. Dubois, 2026 BCSC 723

Kennedy v. Dubois, court considered Fergus the dog's welfare as an important factor in determining possession, while also emphasizing the other aspects prescribed by the *Family Law Act*

Mr. Dubois sought sole interim possession of Fergus or shared possession.

Court distinguishing *Bayat v. Mavedati*, 2024 BCSC 619 in light of the *statutory prohibition on court ordered shared possession*.

Court also noted that pets are no longer ordinary chattel:

- [154] In *Gass v. Hill*, 2025 BCSC 1602 [Gass #1], aff'd 2025 BCSC 2076 [Gass #2], Associate Judge Hughes in *Gass #1* commented on the purpose of the FLA amendments, as follows:

[10] ... Companion animals, as defined in s. 1, are no longer treated as ordinary chattels to be divided in a family law dispute. Although the legislation still treats companion animals as property, it now requires the court to consider a non-exhaustive list of factors when determining ownership and possession of a companion animal.

R.K.S. v. G.S.S., 2026 BCSC 1608



the court applied the legislative requirements with an additional “best interests” welfare overlay concerning Spike, the family dog, who had an ongoing medical condition.



The circumstances included one party's withdrawal from Spike's care and was clearly relevant to the determination of who should retain Spike.



The court pointed to the elevated status of companion animals from mere property.



[388] *While companion animals are addressed under the Property Division provisions of the Family Law Act, the provisions reflect a legislative intention that companion animals are different from other family property in that they are not mere chattels but are sentient beings often regarded as a type of family member: Kennedy v. Dubois, 2026 BCSC 723 at para. 154; Palm v. Macdonald, 2025 BCSC 2510 at para. 14.*

- **Who Gets the Pet?**

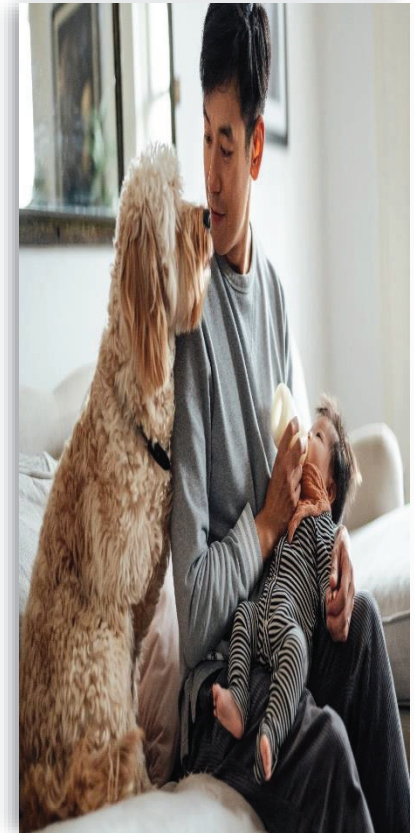
Summary Slide: courts must apply a contextual relational assessment

“...B.C.’s approach to companion animal disputes may be descriptively characterized as a “best interests for all concerned” standard that recognizes companion animals’ place within the family.

This approach can be understood as a significant shift beyond their characterization as mere property such as a toaster toward a more modern and nuanced relational model that accounts for their role as family companions while retaining a clear statutory boundary.” - V. Victoria Shroff, KC

More than property, less than kids: How B.C. family law treats companion animals

www.law360.ca/ca/all_news/articles/2528448

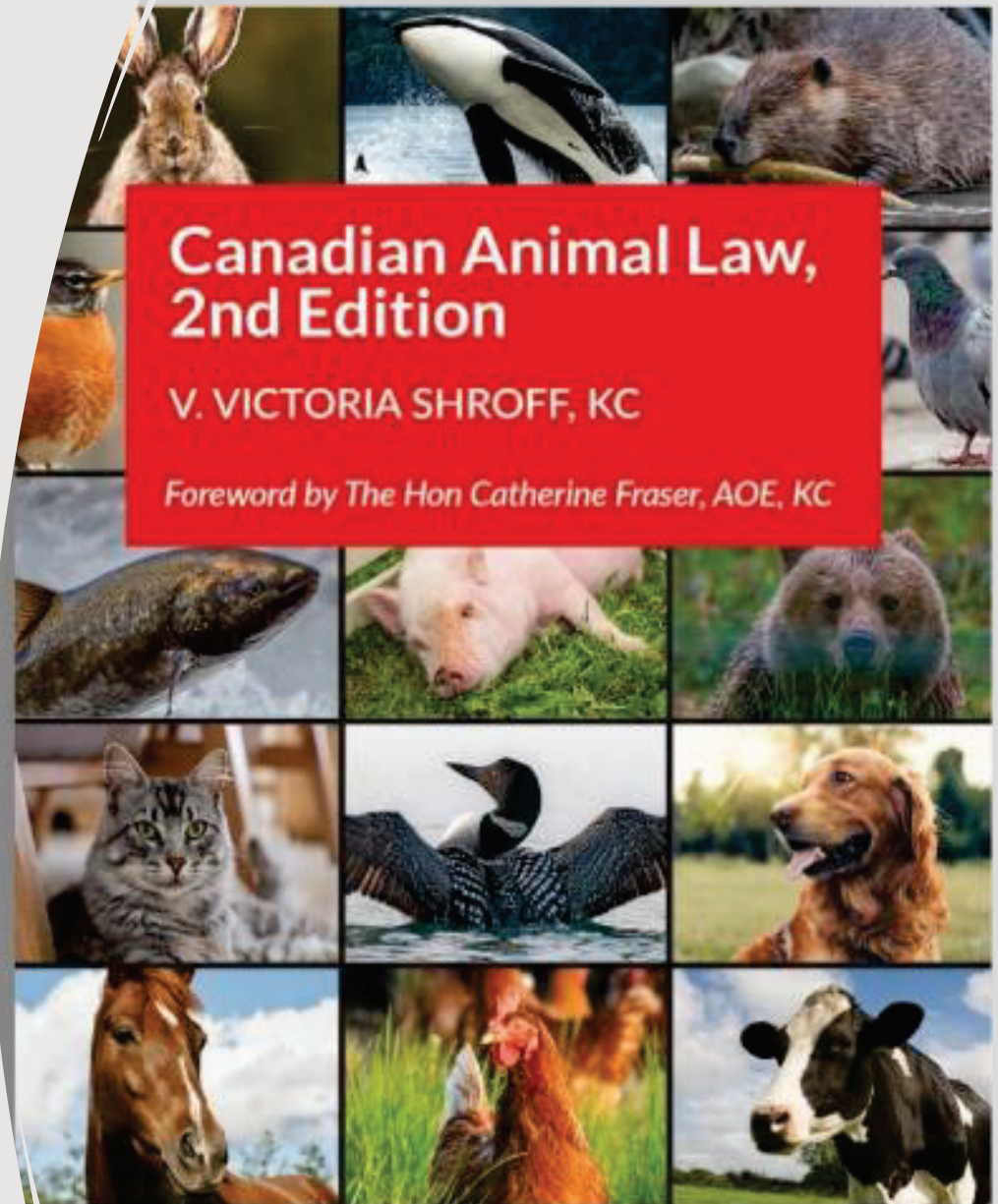




Chapter 7 of **Canadian Animal Law (Lexis Nexis, 2025)** is all about Pets in family settings
<https://store.lexisnexis.ca/en/categories/shop-by-jurisdiction/federal-13/canadian-animal-law-skusku-cad-6857/details->

-Attendees can get 15% off for a limited time at checkout with "Shroff15" –

-Book is available at BC Courthouse Library Call # KN84.3.S37 2025



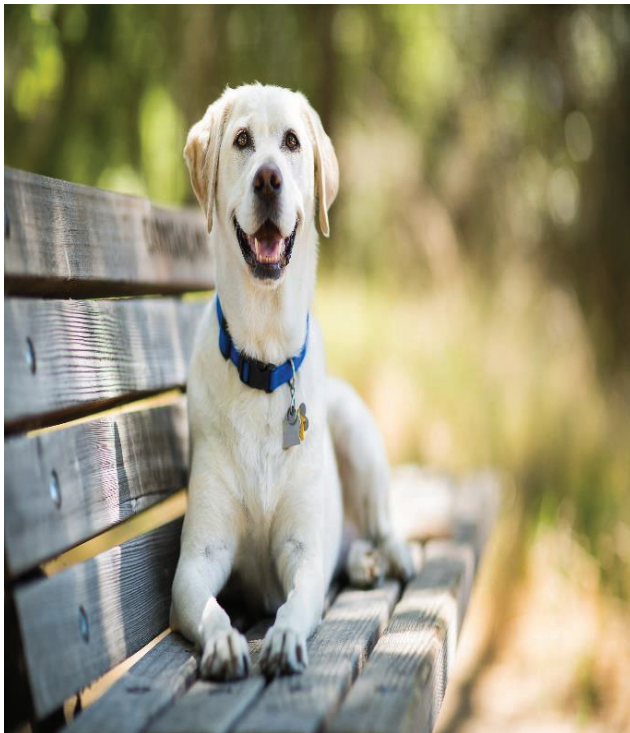
EXTRA CONTENT/RESOURCES For Who Gets the Pet



Bayat v. Mavedati case 2024
BCSC 619 –interim order of 'joint
custody 'ordered' for Stella the
dog by the BC Supreme Court &
Broader context of new laws

source: CBC News

- 1st BCSC case under the new FLA--Judge orders
shared custody of pet dog --Video to watch if time
permits: **CBC News**, The National
https://www.youtube.com/watch?v=_LXxaSZM48g



***Contrast Bayat with **Glassen**
v. Glassen 2025 BCSC 640

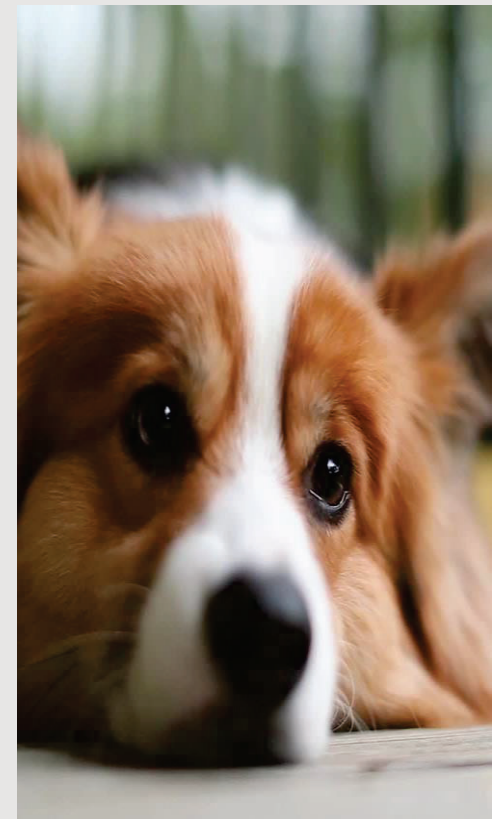
For the 1st time, BCSC judge awards sole
custody of family pet in divorce case

Globalnews.ca

<https://globalnews.ca/news/11149900/bc-judge-awards-custody-family-pet-divorce/>

► Articles, News Items About BC's Companion Animal/'Pet Custody' FLA Laws:

- 1. B.C. has set up a family model for other jurisdictions across Canada: lawyer | Watch News Videos Online <https://globalnews.ca/video/10226990/b-c-has-set-up-a-family-model-for-other-jurisdictions-across-canada-lawyer> (January 2024)
2. Who gets the dog in a divorce? Changes to B.C. family law hope to help courts decide - The Globe and Mail <https://www.theglobeandmail.com/canada/article-pets-divorcefamily-law/> (January 2024)
3. Who gets Rover after a breakup? Changes to B.C. family law aim to help courts decide pet custody | CBC News <https://www.cbc.ca/news/canada/british-columbia/bc-family-lawchanges-1.7084748>
4. B.C. family pets no longer considered 'property' in separation or divorce proceedings | Globalnews.ca <https://globalnews.ca/news/10226594/bc-family-law-bill-17/>
5. Your pet dog in B.C. can now be part of custody agreements - Victoria Times Colonist <https://www.timescolonist.com/animal-stories/your-pet-can-be-part-of-custody-battles-inbc-following-law-reforms-8112201>
6. Pet custody: B.C. changes Family Law Act | CTV News <https://bc.ctvnews.ca/pets-no-longer-considered-property-in-b-c-separation-divorce-proceedings-1.6726628>
7. New rules on pets come into effect in B.C., province consulting on further family law changes - Law360 Canada <https://www.law360.ca/ca/articles/1786271/new-rules-on-petscome-into-effect-in-b-c-province-consulting-on-further-family-law-changes>
8. Who gets to keep the pet after a breakup? | CBC.ca <https://www.cbc.ca/player/play/2299992131761>
9. B.C. family courts to prioritize pets in separation and divorce - Veterinary Practice News Canada <https://www.veterinarypracticenews.ca/b-c-family-courts-to-prioritize-pets-inseparation-and-divorce/>
10. Your pet can be part of custody battles in B.C. following law reforms - Economy, Law & Politics | Business in Vancouver <https://biv.com/article/2024/01/your-pet-can-be-partcustody-battles-bc-following-law-reforms>
11. Pets no longer considered property in B.C. family law cases <https://vancouver.citynews.ca/video/2024/01/15/pets-no-longer-considered-property-in-b-c-family-law-cases/>
12. New changes will make family law work better for families <https://nationtalk.ca/story/new-changes-will-make-family-law-work-better-for-families>
13. Pets are now considered family under BC law | iNFOnews | Thompson-Okanagan's News Source <https://infotel.ca/newsitem/pets-are-now-considered-family-under-bclaw/> it102675
14. New changes will make family law work better for families - Indo-Canadian Voice <https://voiceonline.com/new-changes-will-make-family-law-work-better-for-families/>
15. Pet Custody: BC Amends Family Law Act IG News | IG News <https://irshadgul.com/pet-custody-bc-amends-family-law-act-ig-news-3/>
16. Pets are no longer 'property' under B.C. family law – Vancouver Humane Society <https://vancouverhumanesociety.bc.ca/posts/pets-are-no-longer-property-under-b-c-family-law/>
17. Pets no longer considered property in B.C. separation, divorce proceedings - Local News 8 <https://localnews8.com/cnn-regional/2024/01/15/pets-no-longer-considered-propertyin-b-c-separation-divorce-proceedings/>
18. National radio Pet Custody Interview A Little More Conversation with Ben O'Hara-Byrne | Global News <https://globalnews.ca/national/program/a-little-more-conversation-withben-ohara-byrne>



Further Companion Animal FLA Resources Contd.

- - 19. Groundbreaking BC family law changes weighs interests of pets in custody cases: animal rights lawyer | Canadian Lawyer <https://www.canadianlawyermag.com/practiceareas/family/groundbreaking-bc-family-law-changes-weighs-interests-of-pets-in-custody-cases-animal-rights-lawyer/376011>
 - 20. Family Law and Companion Animals in British Columbia companion-animals-info-guide.pdf <https://www2.gov.bc.ca/assets/gov/birth-adoption-death-marriage-and-divorce/divorce/family/property-and-debt/companion-animals-info-guide.pdf>
 - 21. Who gets the pet in a divorce? BC's new pet custody laws make it easier to decide <https://www.straight.com/city-culture/who-gets-pet-in-a-divorce-bcs-new-pet-custody-laws-make-it-easier-to-decide>
 - 22. Ontario should adopt BC's family law reforms dealing with family pets during divorce, say lawyers | Law Times <https://www.lawtimesnews.com/practice-areas/family/ontarioshould-adopt-bcs-family-law-reforms-dealing-with-family-pets-during-divorce-say-lawyers/383304>
 - 23. Groundbreaking BC family law changes weighs interests of pets in custody cases: animal rights lawyer | Canadian Lawyer <https://www.canadianlawyermag.com/practice-areas/family/groundbreaking-bc-family-law-changes-weighs-interests-of-pets-in-custody-cases-animal-rights-lawyer/376011>
 - 25. Judge orders shared custody of pet dog under new B.C. law - CBC April 2024 YouTube https://www.youtube.com/watch?v=_LXxaSZM48g
 - 26. 2024 CLE BC- Featured panel on Pet Custody with keynote speaker BC Attorney General, Niki Sharma, K.C. Animal Law Express 2024 | CLE B.C. <https://store.cle.bc.ca/productdetails.aspx?title=Animal-Law-Express-2024&cid=212237>
 - 27. Journal Article: Lazare, Jodi, 'Who Gets the Dog?' A Family Law Approach (January 5, 2020). Available at SRN
- 24. CBA National - Holly Lake- Feb. 2024-In the animal's best interest National - In the animal's best interest <https://www.nationalmagazine.ca/en-ca/articles/law/hot-topics-in-law/2024/in-the-animal-s-best-interest>