

# Gail Benoit gets probation, five-year ban on having animals other than current pets

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*Gail Ruth Benoit, shown at Dartmouth provincial court Jan. 12, was sentenced Friday for selling two kittens without a veterinary certificate. (ERIC WYNNE / Local Xpress)*

A notorious animal broker has been handed a suspended sentence with a year's probation for her latest conviction.

Gail Ruth Benoit, 47, of Cole Harbour [pleaded guilty in November](#) to an Animal Protection Act charge of selling kittens without a health certificate from a veterinarian.

Benoit was sentenced Friday in Dartmouth provincial court by Judge Flora Buchan, who also prohibited her from possessing or having control of any animals for a period of five years.

The judge granted an exception to the ban that will allow Benoit to keep her three pet dogs, providing microchips are implanted in the animals and they are examined by a veterinarian within 30 days and

then on an annual basis.

Under the prohibition order, Nova Scotia SPCA inspectors are permitted to show up at Benoit's residence unannounced without a warrant to check on her pets.

The offence was committed last March, when Benoit used Kijiji to sell two kittens to a man in Dartmouth.

Defence lawyer Sarah White said Benoit "wasn't fully aware" that the Animal Protection Act required her to have the kittens certified as healthy by a veterinarian before selling them.

"She admits that's not an excuse and she did plead guilty and take responsibility," White told the court.

Crown attorney Janine Kidd said the kittens were found to be in good health.

Benoit has 20 previous convictions, including six for breaching court orders.

In 2009, she was convicted under the former Animal Cruelty Prevention Act for causing 10 puppies to be in distress. She was fined \$1,500 and ordered to make restitution to the SPCA, which had seized and treated the dogs.

In 2014, Benoit was convicted of theft and given a suspended sentence with 15 months' probation for selling two dogs she stole from a New Brunswick woman.

Both sentences included shorter bans on buying or selling animals.

At her latest sentencing hearing, Benoit agreed to the five-year prohibition on possessing any more animals but said the proposed SPCA visits would be an extreme remedy.

"These animals are not involved in any way in this event and there's been no allegation ... that (they) haven't been well taken care of," White said. "I do have their health certificates. All of the animals are in good health."

White said her client has been vilified by the media and on the Internet.

"There is a whole website that someone has created that is dedicated to tracking Ms. Benoit's movements," the lawyer said.

White read aloud examples of comments posted on social media about Benoit. The posts refer to her in derogatory terms, suggest that she be tied to something heavy and thrown into a lake and accuse her of stealing animals in the Truro and East Hants areas.

"The media and the public have taken a view of Ms. Benoit that I would suggest is extreme and inaccurate," White said.

"Her last offences were (committed) in 2012. The offence that she's being sentenced for is selling cats without proper paperwork. The cats were not ill."

Benoit told the judge she accepts responsibility for the offence but feels that she has been targeted and "picked on" by the SPCA for a long time.

She said she is constantly lied about on the Internet.

"I feel threatened for my life, to be totally honest with you," Benoit said.

The judge said she had no doubt that the public attention is embarrassing to Benoit, "but such is often the case when court proceedings are reported or referred to ... on the Internet.

"Criminal proceedings are open to the public to ensure public confidence in the administration of justice, and the media are part of that public," Buchan said. "In this case, I would consider the type of public notoriety to which Ms. Benoit has referred as being only marginally mitigating in all the circumstances."

The prosecutor stressed in her submissions that the Crown has a duty of fairness to the accused and to society as well.

"Ms. Benoit has a well-known reputation but she's coming before the court to be sentenced only for the matter that's here today," Kidd said.

Because Benoit has more than \$5,000 in outstanding fines and is on a disability pension, Kidd believed another fine would not be appropriate.

The probation order includes a condition that Benoit take part in any counselling deemed necessary by her sentence supervisor.

Outside court, the Crown attorney said she was pleased with the judge's decision.

"We put a lot of thought into the sentence that was put forward," Kidd said. "The recommendation was based on looking at the offence to which she pleaded guilty while also bearing in mind her record.

"There was a lot of outcry from the public as to what they thought should happen and included things that we obviously can't do, things like hanging and a life sentence. I wanted to make sure my position was a reasonable one.

"We can't throw the book at her for something like this. But that being said, if she didn't have the history that she did, if it was someone with no record coming before the court pleading guilty to the same offence, there likely would be a fine and wouldn't be a ban on having animals."

