



Louise van Zyl <louise@swartlandwestcoastspca.co.za>

Re: Request for action: Hopefield Border Collies

1 message

Louise van Zyl <louise@swartlandwestcoastspca.co.za>

Mon, Nov 4, 2024 at 9:33 AM

To: NSPCA Liaison Unit Inspector NW/NKZN <liaison3@nspca.co.za>

Cc: NSPCA Society Liaison Unit Secretary <liaison@nspca.co.za>, NSPCA Society Liaison Unit LMPU <liaison6@nspca.co.za>, NSPCA Society Liaison Unit Manager <liaison2@nspca.co.za>, Colette Mang <colette.mang@gmail.com>

Dear Jaimin,

As anticipated, the dogs were removed this past weekend.

I've attached the warrant Natalie Brink mentioned, which was issued to the Local Law Enforcement. They oversaw the removal of the animals based on the bylaw breach regarding the number of animals kept and the breeding concerns.

Stellenbosch Animal Welfare did not conduct the removal, and there was no formal denial of ownership paperwork involved.

We're working to confirm the new location of the animals to assess the premises.

Any guidance from the NSPCA on how to proceed with regard to the complainants would be greatly appreciated.

Kind regards,



We speak and
care for all
animals

Inspector Louise van Zyl
Manager
Swartland and West Coast SPCA

Tel: 022 492 2781 - Swartland Darling

Tel: 022 289 0998 - West Coast Vredenburg

louise@swartlandwestcoastspca.co.za

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On Fri, Nov 1, 2024 at 4:43 PM Natalie Brink <witt.natalie@gmail.com> wrote:

Dear Louise,

Thank you for your feedback. I am afraid it is all too late and Mr Cilliers will again evade the authorities by moving his dogs to an unknown location.

There are some outstanding matters from your response. I have added feedback (in **bold**) into your narrative below for ease of reference.

Regards
Natalie

Volunteer
Border Collie Rescue Cape Town
www.bcrcafetown.com

On Fri, 1 Nov 2024 at 15:44, Louise van Zyl <louise@swartlandwestcoastspca.co.za> wrote:

Dear Ms Brink,

Thank you for reaching out with your concerns regarding Mr. Cilliers' dogs. We understand and share your passion for animal welfare, and we assure you that the SPCA is equally committed to protecting animals from harm. We fully appreciate the frustration you feel, and we hope this response clarifies both our actions and the legal limitations we face.

We are not sure if you have visited this property yourself, but I want to reassure you that our inspector has been to Mr. Cilliers' property on multiple occasions to monitor the animals' well-being. Specifically, we have conducted inspections on the following dates: 4th, 5th, 7th, 11th, 17th, 22nd, 28th, 29th, 30th, and 31st October 2024, as well as twice today. On each visit, our inspector has assessed the conditions in line with the Animal Protection Act. To date, we have found no legal grounds for obtaining a warrant to remove the animals from Mr. Cilliers' care, as there have been no contraventions of the APA that would justify such action.

While the APA empowers us to act when there is clear evidence of cruelty or neglect, it does not permit us to remove animals solely on the basis of previous incidents or concerns unless a court order specifically prohibits the person from owning animals. You mentioned that animals were removed from Mr. Cilliers' custody in 2021; if a court order was issued at that time prohibiting him from owning animals, please share a copy of it with us. Without such documentation, we have no legal recourse to restrict his ownership of animals at this time. **Correct, there was a court order which the Stellenbosch Animal Welfare Organisation obtained to remove 14 of Mr Cilliers dogs. I mentioned this in the telephone call to you on Monday 28 October 2024 and advised that a copy of such warrant was sent to Inspector October of the Swartland SPCA on 09 April 2024. I assumed you can access (or request) all SPCA records.**

The SPCA is also strongly opposed to irresponsible breeding practices, and we have informed relevant law enforcement officials to apply pressure on this matter. We understand that Mr. Cilliers has decided to move some of his animals, and we are attempting to determine where he is relocating them to. **I fail to see the point of knowing where he is moving them. You had his location for 4 weeks, you visited on all of the dates mentioned above, you received numerous complaints as well as video and photo footage. Nothing happened to Mr Cilliers, other than requests to comply while the animals continue to suffer.** However, please understand that we do not have the authority to prevent him from moving, nor can we stop him from relocating his property.

It is also important to note that each warrant application requires a compelling basis to convince a magistrate of the need for such a measure. Acting without sufficient grounds could not only jeopardize our ability to act in future cases but could also undermine our credibility in court, making it more difficult to secure warrants where genuine need exists. **Please don't patronise me. I might not have walked in your shoes, but I have been involved in animal rescue for 16 years. I understand the severity of animal abuse and neglect in this country. No one asked you to act outside of your mandate. But we all know that there is a soft approach to this and then there is a "full force of the law and putting someone under pressure" approach. I am afraid that Mr Cillier with his charming way and ability to fly under the radar and just about meet the bare minimum of standards was sufficient to appease you. It wasn't enough to help that group of Border Collies. And so I ask again: was the cause of death of the one Border Collie investigated? Has Mr Cillier been asked for veterinary and vaccination records? Has every single one of those Border Collies been examined for weight, injuries, medical conditions?**

If you feel that our approach to the legal process is insufficient or if you would prefer to pursue this independently, you may consider seeking legal assistance, and we are more than willing to support you with any information needed.

Please rest assured that we are doing all we can within our legal capacity to monitor and address this situation. Like you, we are here for the animals, and we are committed to safeguarding their well-being within the framework we

must operate under. I am afraid that this is the second time the SPCA under your jurisdiction has failed to help the animals and that I cannot rest assured, as I know their suffering will continue in a new location.

Thank you again for your concern and commitment to animal welfare.

Kind regards,



We speak and care for all animals

Inspector Louise van Zyl
Manager
Swartland and West Coast SPCA

Tel: 022 492 2781 - Swartland Darling
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On Tue, Oct 29, 2024 at 7:33 PM Natalie Brink <witt.natalie@gmail.com> wrote:

-  Affidavit 1.jpg
-  Affidavit 2.jpg
-  Affidavit 3.jpg
-  Affidavit 4.jpg
-  Affidavit 5.jpg
-  Affidavit 6.jpg
-  Affidavit 7.jpg
-  Affidavit 8.jpg
-  Affidavit 9.jpg



Affidavit 10.jpg



Affidavit 11.jpg



Food being collected for testing.mp4



Food containers overflowing, the dogs are not eating the what we assume is sheep feed.jpg



Taken Monday 28 October after Mr Cilliers filled food and water bowls.mp4



Taken Sunday, 27 October - no food or water, Mr Cilliers was not at the location since Friday 25 ...



Video showing puppies, no food or water.mp4



Video showing puppies.mp4

Dear Louise and Inspector Carina, West Coast SPCA

I am writing to again express my concern regarding the basic care and living conditions of the approximately 28 Border Collies living at Erf 891, Hoewe Street, Hopefield.

Mr Jan Cilliers is renting a pigsty at the above-mentioned address to house his Border Collies (including 2 litters of puppies). The pigsty is not designed for dogs and lacks proper sanitation, ventilation, and space for the dogs to move freely and exhibit natural behaviours. This environment poses significant health risks and contributes to the animals' physical and psychological distress.

While technically, the animals are provided with some form of shelter, as well as periodically with food and water, the conditions are far from what is considered adequate and humane.

Summary of some of the details I am aware of:

- In April 2021 Mr Cilliers' Border Collies were removed by the Stellenbosch Animal Welfare Society with a "Search and Seizure Warrant". Border Collie Rescue, Cape Town assisted in the rehoming process of the seized Border Collie and is aware of the severe parasitic infestation and lengthy veterinary intervention some of the dogs required
- Mr Cilliers was inspected and monitored by the Swartland SPCA in Chatsworth in April 2024, removing and disappearing with all dogs between SPCA visits
- Mr Cilliers and his assistant Ms Dalinda Scholtz sell Border Collie puppies for a minimum of R5000 each, advertising on Gumtree
- One dog has died at the Hopefield address already
- A number of the dogs had escaped the Hopefield pigsty and were roaming freely
- The dogs are not vaccinated, and no veterinarian has been to the location
- The ventilation of the building is completely inadequate, especially during the hot summer months
- The dogs have gone for a whole weekend without food and water when Mr Cilliers is not there between Friday and Monday on at least one occasion
- The food provided appears to be sheep or goat food instead of dog food, the dogs are not eating it

I have attached affidavits written and signed by numerous concerned residents. I recognise that they convolute the following three matters and ask that you focus only on the matter pertaining to the dogs' care:

1. Noise complaint due to barking – Please ignore, Law Enforcement is investigating this matter
2. Refusal to vacate the premises – Please ignore, the owner is handling this matter
3. The poor conditions and care of the Border Collies – this is the matter being raised by this letter for the attention and action of the SPCA

I have also attached several videos showing the poor conditions. Residents can provide CCTV footage indicating Mr Cilliers' entry times and the period between his visits.

I again urge the West Coast SPCA to take more proactive action instead of continuing to monitor the situation and requesting Mr Cilliers to comply. This is enabling Mr Cilliers to continue evading the law and risking the death of more dogs.

Regards
Natalie Brink

Volunteer
Border Collie Rescue Cape Town
www.brcapetown.com



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Law Enforcement Warrant Jan Cilliers Matter.pdf
5075K