

SCC Gives Green Light for Cull of Ostriches at BC Ostrich Farm

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November 7, 2025

On November 6, 2025, the Supreme Court of Canada (SCC) dismissed Universal Ostrich Farms' (Universal Farms) application for leave to appeal the decision of the Federal Court of Appeal, effectively allowing the Canadian Food Inspection Agency (CFIA) to proceed with culling approximately 330 ostriches. The birds, located at Universal Farms in Edgewood, British Columbia, were exposed to avian influenza (H5N1) in December 2024, and a temporary stay on the cull had been in place pending the appeal.

With the SCC's dismissal, Universal Farms has exhausted all legal avenues to challenge the cull, bringing a definitive close to its legal battle that has attracted national and international attention since early 2025.

Background

Below is short summary of the relevant background. For more insight, please see our previous article [here](#).

In December 2024, the CFIA investigated multiple ostrich deaths at Universal Farms. On December 31, 2024, the CFIA issued a Notice to Dispose, mandating the culling of all affected ostriches.¹

Universal Farms applied to the CFIA for an exemption of the Notice to Dispose. The CFIA then denied Universal Farms' request for exemption of the Notice to Dispose.² Universal Farms then applied to the Federal Court for judicial review of both the CFIA's decision to issue the Notice of Disposal and its denial of the exemption request. On August 21, 2025, the Federal Court found the CFIA's decisions reasonable and procedurally fair. As a final step, Universal Farms applied for leave to appeal to the SCC.

On September 24, 2025, the SCC granted a temporary stay pending appeal of the CFIA's Notice to Dispose.

Public Health Implications

In a statement released following the SCC's decision, the CFIA confirmed that it will be moving forward to complete depopulation and disposal measures as authorized by the *Health of Animals Act* and guided by the stamping out policy for highly pathogenic avian influenza (HPAI). As such, it will proceed with the

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disposing of the remaining 330 ostriches exposed to the H5N1 outbreak.³

The CFIA reiterated its mandate, to safeguard public health, protect Canada's global trade reputation, and control the spread of zoonotic and enzootic diseases. The CFIA emphasized that the culling will help protect the \$6.8 billion domestic poultry industry, thereby supporting Canadian families, poultry farmers, and the economy.⁴

According to CFIA statistics, British Columbia has the highest rate of avian influenza in Canada, with over 11 million birds affected as of October 2025, more than five times the number in the next most impacted province.⁵

If you have any questions about the content of this article or how to comply with guidance from the CFIA, please contact a member of the Cassels [Regulatory Group](#).

¹ [Supreme Court of Canada grants stay in the case of B.C. ostrich cull | CBC News](#)

² *Universal Ostrich Farms Inc. v. Canada (Food Inspection Agency)*, [2025 FC 878](#) at para 1.

³ [Canadian Food Inspection Agency to advance with disease response at British Columbia ostrich farm - Canada.ca](#)

⁴ *Ibid.*

⁵ [Canadian court dismisses farm's attempt to save ostrich flock despite efforts by RFK Jr. | CNN](#); [Status of ongoing avian influenza response by province - inspection.canada.ca](#)