



Citation: *Vass Dezso v. Canada (Minister of Public Safety and Emergency Preparedness)*,
2018 CART 7

Date: 20180808
Docket: CART/CRAC-1979

BETWEEN:

Eniko Vass Dezso,

APPLICANT

- and -

Minister of Public Safety and Emergency Preparedness,

RESPONDENT

**BEFORE: Luc Bélanger
Chairperson**

**WITH: Ms. Eniko Vass Dezso, the applicant, representing herself; and
Mr. Pierre Dastous and Ms. Bria Hearty, representing the Respondent**

In the matter of a request for review of a decision by the Minister of Public Safety and Emergency Preparedness, made by the Applicant to the Canada Agricultural Review Tribunal, pursuant to paragraph 13(2)(b) of the [Agriculture and Agri-Food Administrative Monetary Penalties Act](#), pertaining to an alleged violation of section 40 of the [Health of Animals Regulations](#).

DECISION

The Canada Agricultural Review Tribunal, by ORDER, confirms the settlement agreement reached by the parties.

By written submissions only.

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SETTLEMENT

I. BACKGROUND

[1] On July 27 2017, it is alleged that the Applicant, Ms. Eniko Vass Dezso, imported to Canada an animal by-product, namely salami, without a certificate or permit to do so and did not declare this product to an inspector, thereby contravening section 40 of the [Health of Animals Regulations](#). Consequently, the Canada Border Services Agency (Agency) issued her Notice of Violation # 7023-17-0109 with penalty of \$800 for a “serious” violation of the law.

[2] On January 24, 2018, the Minister of Public Safety and Emergency Preparedness’ (the Minister) delegate issued decision # 17-02770, confirming the issuance of Notice of Violation # 7023-17-0109 with penalty of \$800.

[3] Ms. Vass Dezso applied to the Canada Agricultural Review Tribunal (Tribunal) for a review of the Minister’s delegate’s decision pursuant to paragraph 13(2)(b) of the [Agriculture and Agri-Food Administrative Monetary Penalties Act](#).

II. OFFER TO SETTLE

[4] On May 30, 2018, the Agency, who represents the Minister in these matters, presented an offer to settle the case to Ms. Vass Dezso.

[5] Following this proposal, the Notice of Violation #7023-17-0109 would become a Notice of Violation with warning, and the violation by Ms. Vass Dezso would remain in the Agency’s records for a period of five years.

[6] Ms. Vass Dezso accepted this proposal via email on June 7, 2018.

[7] The Agency proceeded to withdraw Notice of Violation # 7023-17-0109 with penalty of \$800, replacing it with Notice of Violation 7023-18-0134, issued with warning.

III. THE SETTLEMENT

[8] This agreement constitutes a settlement between the parties. This is not an order of the Tribunal which can be the subject of a judicial review application pursuant to subsection 12(2) of the [Canada Agricultural Products Act](#) (*CAP Act*).

[9] This settlement agreement constitutes a final settlement of the rights of both parties in relation to docket CART-CRAC-1979 and the events which occurred on July 27, 2017.

[10] As was described in the Agency's settlement offer letter, a violation in the name of Ms. Vass Dezso will remain in the Agency's records for the next five years.

[11] This settlement should not be cited as a precedent or otherwise relied on except in relation to the current settlement.

IV. ORDER

[12] As requested by the parties and pursuant to the powers attributed to it by section 8 of the [CAP Act](#), the Tribunal, by ORDER, confirms the settlement agreement.

Dated at Ottawa, Ontario, on this 8th day of August 2018.

Luc Bélanger
Chairperson
Canada Agricultural Review Tribunal