



Citation: *Alkhalidy v. Canada (Canada Border Services Agency)*, 2018 CART 8

Date: 20180830  
Docket: CART/CRAC-1986

**BETWEEN:**

**Ali Alkhalidy,**

**APPLICANT**

**- and -**

**Canada Border Services Agency,**

**RESPONDENT**

**BEFORE: Luc Bélanger  
Chairperson**

**WITH: Mr. Ali Alkhalidy, the Applicant, representing himself; and  
Ms. Sonya Bisson, representing the Respondent**

In the matter of an application made by the Applicant to the Canada Agricultural Review Tribunal, pursuant to paragraph 9(2)(c) of the [Agriculture and Agri-Food Administrative Monetary Penalties Act](#), for a review of the facts of a violation of section 39 of the [Plant Protection 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 May 25, 2018, it is alleged that the Applicant, Mr. Ali Alkhalidy, imported to Canada a thing that is or could be infested or constitutes or could constitute a biological obstacle to the control of a pest, namely plums, and did not declare this product to an inspector, thereby contravening section 39 of the [\*Plant Protection Regulations\*](#). Consequently, the Canada Border Services Agency (Agency) issued him Notice of Violation 4312-18-0079 with penalty of \$800 for a “serious” violation of the law.

[2] Mr. Alkhalidy applied to the Canada Agricultural Review Tribunal (Tribunal) for a review of the facts of the alleged violation pursuant to paragraph 9(2)(c) of the [\*Agriculture and Agri-Food Administrative Monetary Penalties Act\*](#).

### **II.   OFFER TO SETTLE**

[3] On August 8, 2018, the Agency presented an offer to settle the case to Mr. Alkhalidy.

[4] Following this proposal, the Notice of Violation 4312-18-0079 would become a Notice of Violation with warning, and the violation by Mr. Alkhalidy would remain in the Agency’s records for a period of five years in accordance with section 23 of the [\*Agriculture and Agri-Food Administrative Monetary Penalties Act\*](#).

[5] Mr. Alkhalidy accepted this proposal by way of a letter attached to an email received by the Tribunal on August 21, 2018.

[6] The Agency proceeded to withdraw Notice of Violation 4312-18-0079 with penalty of \$800, replacing it with Notice of Violation 4312-18-0100, issued with warning.

### **III. THE SETTLEMENT**

[7] 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).

[8] This settlement agreement constitutes a final settlement of the rights of both parties in relation to docket CART | CRAC-1986 and the events which occurred on May 25, 2018.

[9] As was described in the Agency's settlement offer letter, a violation in the name of Mr. Alkhalidy will remain in the Agency's records for the next five years.

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

### **IV. ORDER**

[11] 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 30<sup>th</sup> day of August 2018.

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Luc Bélanger  
Chairperson  
Canada Agricultural Review Tribunal