



Citation: *Halina Poszwa v. Canada (Minister of Public Safety and Emergency Preparedness)*,
2018 CART 10

Date: 20181003
Docket: CART/CRAC--1987

BETWEEN:

Halina Poszwa,

APPLICANT

- and -

Minister of Public Safety and Emergency Preparedness,

RESPONDENT

**BEFORE: Luc Bélanger
Chairperson**

**WITH: Ms. Halina Poszwa, applicant, representing herself; and
Mr. Pierre Dastous, 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 16 of the [Health of Animals Act](#).

DECISION

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

By written submissions only.

SETTLEMENT

I. BACKGROUND

[1] On August 20, 2017, it is alleged that the Applicant, Ms. Halina Poszwa, imported to Canada an animal by-product, namely sausages, without a certificate or permit to do so and did not declare this product to an inspector, thereby contravening section 16 of the [*Health of Animals Act*](#). Consequently, the Canada Border Services Agency (Agency) issued her Notice of Violation 7011-17-0648 with penalty of \$1,300 for a “very serious” violation of the law.

[2] On June 6, 2018, the Minister of Public Safety and Emergency Preparedness’ (the Minister) delegate issued decision 17-03046, confirming the issuance of Notice of Violation 7011-17-0648 with penalty of \$1,300.

[3] Ms. Poszwa 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 August 3, 2018, the Agency, who represents the Minister in these matters, presented an offer to settle the case to Ms. Poszwa.

[5] Following this proposal, the Notice of Violation 7011-17-0648 would become a Notice of Violation with warning, and the violation by Ms. Poszwa 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*](#).

[6] Ms. Poszwa accepted this proposal by way of a letter attached to an email received by the Tribunal on August 13, 2018.

[7] The Agency proceeded to withdraw Notice of Violation 7011-17-0648 with penalty of \$1,300, replacing it with Notice of Violation 7011-18-0579, 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-1987 and the events which occurred on August 20, 2017.

[10] As was described in the Agency's settlement offer letter, a violation in the name of Ms. Poszwa 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 3rd day of October 2018.

Luc Bélanger
Chairperson
Canada Agricultural Review Tribunal