

Canada Agricultural
Review Tribunal



Commission de révision
agricole du Canada

Ottawa, Canada K1A 1J4

Date : 20181207
Docket: CART | CRAC-1924

2328782 ONTARIO INC. DBA GOLDEN ONTARIO PRODUCTS INC.

APPLICANT

- AND -

CANADA (CANADIAN FOOD INSPECTION AGENCY)

RESPONDENT

BEFORE: Luc Bélanger, Chairperson

**WITH: Mr. Pat Donato, representing the Applicant; and
Ms. Wendy Wright, representing the Respondent**

In the matter of the Applicant's request for review of the facts of a violation of subsection 30.1(1) of the [*Meat Inspection Regulations*](#), alleged by the Respondent, pursuant to paragraph 9(2)(c) of the [*Agriculture and Agri-Food Administrative Monetary Penalties Act*](#).

ORDER ARISING FROM THE RESPONDENT'S REQUEST OF NOVEMBER 20, 2018

1. BACKGROUND TO THE CURRENT ORDER

[1] The Canada Agricultural Review Tribunal (the Tribunal) convened a third case management conference call (CMCC) on July 20, 2018. The Applicant, Golden Ontario Products Inc. (Golden) and the Respondent, the Canadian Food Inspection Agency (CFIA) were both present and participated in this CMCC.

[2] Following this third CMCC, the Chairperson issued an order on July 23, 2018, ordering:

- a. That the witnesses – with the exception of Ms. Kingsley and Mr. Donato—be excluded from the hearing room while the other witnesses are called to give evidence;
- b. That Ms. Kingsley be called as Golden’s first witness and Mr. Donato testify as Golden’s second witness;
- c. That the parties submit their completed witness lists as well as the order in which they plan to call them by **November 20, 2018**;
- d. That the hearing be set for three days;
- e. That both parties confirm their availability for a three-day hearing from January 21, 2019 to January 23, 2019, on or before **September 28, 2018**.

[3] On November 20, 2018, the Respondent submitted its completed witness list in the order in which they will be called to testify.

[4] On November 20, 2018, the Applicant confirmed that Maggie Pearce will be their expert witness to rebut the testimony of Dan Gesinghaus.

[5] Following the Applicant’s submission, on the same date, the Respondent communicated with the Tribunal in order to:

- a. Request that the Applicant provide to the Respondent Ms. Pearce’s title or connection to the Applicant;
- b. Request that the Applicant state the order in which it will be calling its witnesses as directed by the Tribunal in its order issued on July 23, 2018; and
- c. Object to the admissibility of the Applicant’s new evidence submitted on November 20, 2018.

2. ORDERS

[6] The Tribunal **ORDERS** that by **December 14, 2018**, the Applicant must provide to the Respondent Ms. Pearce’s title or connection to the Applicant.

[7] The Tribunal **ORDERS** the Respondent to submit by **December 14, 2018**, formal written submissions outlining their objections on the admissibility of the contested submission of new evidence made by the Applicant on November 20, 2018.

[8] The Tribunal **ORDERS** that, following the Respondent's submission, the Applicant will have five (5) days to respond.

[9] With regards to the administration of the hearing, the Tribunal **ORDERS** the parties to provide by **December 21, 2018**, a joint hearing and witness plan, to include the order of the witnesses and the time allocated for their respective examinations in chief and cross-examinations, for all three days of the hearing.

Dated at Ottawa, Ontario, on this 7th day of December, 2018.

(Original signed)

Luc Bélanger
Chairperson
Canada Agricultural Review Tribunal