



Citation: *Adebamiro v Canada (Minister of Public Safety and Emergency Preparedness)*, 2020  
CART 06

**Docket: CART – 2059**

**BETWEEN:**

**SUNDAY ADEBAMIRO**

**APPLICANT**

**- AND -**

**MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

**RESPONDENT**

**BEFORE: Luc Bélanger, Chairperson**

**WITH: Mr. Sunday Adebamiro, representing himself; and  
Ms. Ghislaine Murango Ishaka, representing the Respondent**

**DECISION DATE: March 25, 2020**

**WRITTEN SUBMISSION ONLY**

**DECISION**

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

## **1. OVERVIEW**

[1] This matter concerns a request by the Applicant to the Canada Agricultural Review Tribunal (Tribunal) for review of the Minister's decision #18-01963, confirming the Notice of Violation #4971-18-0891 (NOV), pursuant to paragraph 13(2)(b) of the [Agriculture and Agri-Food Administrative Monetary Penalties Act](#) (AAAMP Act).

[2] On July 3, 2018, following his arrival at Lester B. Pearson International Airport in Toronto, Mr. Adebamiro allegedly imported to Canada an animal by-product, to wit: rolls with beef, without a certificate or licence to do so and did not declare these products to a Border Services Officer. Consequently, the Canada Border Services Agency (Agency) issued him a NOV with a penalty of \$800 for a "serious" violation of section 40 of the [Health of Animals Regulations](#).

## **2. PROCEDURAL HISTORY**

[3] On November 16, 2018, the Minister's decision confirming the NOV was delivered via registered mail to Mr. Adebamiro.

[4] On December 11, 2018, Mr. Adebamiro applied to the Tribunal for a review of the Minister's decision pursuant to paragraph 13(2)(b) of the [AAAMP Act](#).

[5] On February 6, 2019, the Tribunal found the request for review admissible.

## **3. OFFER TO SETTLE**

[6] On March 5, 2019, the Agency presented a written offer to settle the case to Mr. Adebamiro, which offered to remove the penalty of \$800 associated with the NOV originally issued.

[7] Mr. Adebamiro communicated his acceptance to this offer via email, received by the Tribunal on October 16, 2019.

[8] As explained in the Agency's offer to settle, their systems will reflect that a settlement has been reached and confirm the removal of the penalty amount.

[9] Mr. Adebamiro must understand that all travelers entering into Canada may be subject to secondary customs examinations by the Agency, regardless of previous enforcement action.

[10] Furthermore, I wish to reiterate to Mr. Adebamiro that the introduction of undeclared food, plant or animal products into Canada can result in serious risk to our plant and animal health and can endanger our food supply, agriculture, economy, environment and even our own wellbeing.

#### **4. THE SETTLEMENT**

[11] The Tribunal has the sole and exclusive jurisdiction to hear and determine all questions of fact or law regarding any matter over which it is given jurisdiction under the [AAAMP Act](#) or any Act of Parliament, pursuant to section 38(1) of the [AAAMP Act](#).

[12] Moreover, as a court of record, the Tribunal is vested with additional powers to the ones explicitly conferred by its enabling legislation. These powers are available to the Tribunal as they are necessary to fulfill the purpose and objective of the statutory regime created by the legislature.<sup>1</sup> This ensures the enforcement of its orders and other matters necessary to duly exercise its jurisdiction pursuant to section 41(2) of the [AAAMP Act](#).

[13] The Tribunal does not have the explicit authority to vary a NOV with penalty to a NOV without penalty. However, the Tribunal has the jurisdiction by necessary implication and practical necessity to give effect to the settlement agreement as established in *Atkinson*<sup>2</sup>.

[14] Given these powers provided to me by statute, I agree that the most just and efficient outcome in this case is to amend the NOV with penalty of \$800 to what in essence amounts to a Notice of Violation without penalty in accordance with the agreed settlement by the parties.

[15] This is not an order of the Tribunal which can be the subject of a judicial review application pursuant to section 38(2) of the [AAAMP Act](#).

[16] This settlement agreement constitutes a final settlement of the rights of both parties in relation to file CART - 2059 and the events which occurred on July 3, 2018.

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

#### **5. ORDER**

[18] As requested by the parties and pursuant to the powers coffered to me, I confirm, by **ORDER**, the settlement agreement.

---

<sup>1</sup> [ATCO Gas & Pipelines Ltd. v. Alberta \(Energy & Utilities Board\)](#), 2006 SCC 4 at para 51

<sup>2</sup> *Atkinson v. Canada (Minister of Public Safety and Emergency Preparedness)*, 2018 CART 3

[19] I wish to inform Mr. Adebamiro that this violation is not a criminal offence. After five years, he may apply to the Minister of Public Safety and Emergency Preparedness to have the violation removed from the records, in accordance with section 23 of the [AAAMP Act](#).

Dated at Ottawa, Ontario, on this 25<sup>th</sup> day of March 2020.

(Original signed)

---

Luc Bélanger  
Chairperson  
Canada Agricultural Review Tribunal