

Canada Agricultural
Review Tribunal



Commission de révision
agricole du Canada

K1A 0B7

Citation: *Radu v Minister of Public Safety and Emergency Preparedness*, 2021 CART 07

Docket: CART – 2063

BETWEEN:

MARIN RADU

APPLICANT

- AND -

MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

RESPONDENT

BEFORE: Geneviève Parent, Member

**WITH: Mr. Marin Radu, the Applicant; and
Ms. Stephanie Belanger, representing the Respondent**

DECISION DATE: March 25, 2021

DATE:

DECISION

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

1. INTRODUCTION

[1] The Applicant (Mr. Radu) requested a review by the Canada Agricultural Review Tribunal (Tribunal) of the Minister's decision upholding the issuance of Notice of Violation # 3961-18-1690 (Violation) with a penalty of \$1300 by the Canada Border Services Agency (Agency). The Violation alleges that on September 18, 2019, Mr. Radu failed to present for inspection 3 kg of smoke swine meat (bacon) upon entering Canada, contrary to section 16(1) of the [Health Animal Act](#).

2. THE SETTLEMENT

[2] On February 9, 2021, the Agency made Mr. Radu a written offer to settle this case by amending the Violation originally issued with a penalty of \$1300 to a NOV with warning, without monetary penalty.

[3] Mr. Radu accepted this offer via email on February 10, 2021.

[4] The Agency's settlement offer noted that a violation will remain in the Agency's records for a period of six years from the date of violation. In addition, the existing record of the violation may be considered in the event of any future instances of non-compliance.

[5] This settlement constitutes a final settlement of the rights of both parties in relation to docket CART-2063 and the events which occurred on September 18, 2019.

This settlement should not be cited as a precedent or otherwise relied on except in relation to the Violation in this case.

3. THE TRIBUNAL'S JURISDICTION TO GIVE EFFECT TO A SETTLEMENT AGREEMENT

[6] 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 [Agriculture and Agri- Food Administrative Monetary Penalties Act](#) (AAAMPA) or any Act of Parliament.¹

[7] The Tribunal is a court of record² and has powers over all matters necessary or proper for the due exercise of its jurisdiction and to fulfil the purpose and objective of the statutory regime.

¹ [Agriculture and Agri-Food Administrative Monetary Penalties Act](#), SC 1995, c 40, s 38(1).

² [Ibid](#), s 41.

[8] The [Rules of the Review Tribunal \(Canada Agricultural Review Tribunal\)](#) (*Rules*) are interpreted and applied in order to permit the just, most expeditious and least expensive conduct of proceedings. The Tribunal may determine any procedural matter not provided for in the [Rules](#) in a manner consistent with the [Rules](#).

[9] The Tribunal does not have the explicit authority to vary a Violation with penalty to a Violation without penalty. However, the Tribunal has the jurisdiction by necessary implication and practical necessity to give effect to the settlement agreement as demonstrated in the Tribunal's decision in [Atkinson](#)³.

4. ORDER

[10] The Tribunal confirms, by **ORDER**, the settlement agreement, including the Agency amending the Violation originally issued with a penalty of \$1300 to a Violation with warning, without monetary penalty.

[11] The Tribunal informs Mr. Radu 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 [AAAMPA](#).

Dated at Québec, Québec, on this 25th day of March 2021.

(Original signed)

Geneviève Parent
Member
Canada Agricultural Review Tribunal

³ [Atkinson v. Canada \(Minister of Public Safety and Emergency Preparedness\)](#), 2018 CART 3.