

Canada Agricultural  
Review Tribunal



Commission de révision  
agricole du Canada

K1R 7Y3

Date: 20190409  
Docket: CART - 1988

**WayAlta Livestock Ltd**

**APPLICANT**

**- and -**

**Canadian Food Inspection Agency,**

**RESPONDENT**

**BEFORE: Patricia L. Farnese  
Member**

**WITH: Ms. Lacey Barkley representing the Applicant; and  
Ms. Jennifer Lee representing the Respondent**

In the matter of an application to the Canada Agricultural Review Tribunal (Tribunal) pursuant to subsection 12(2) of the [Agriculture and Agri-Food Administrative Monetary Penalties Act](#) (AAAMP Act), for a review of decision #1718WA0181, rendered June 8, 2018, in which the Minister's delegate held that the Applicant violated paragraph 138(2)(a) of the [Health of Animals Regulation](#) (HA Regulation).

**ORDER ARISING FROM THE RESPONDENT'S REQUEST TO SUBMIT ADDITIONAL  
DOCUMENTS**

## **1. BACKGROUND**

[1] On January 30, 2019, the Tribunal held a mandatory Case Management Conference Call where I allowed the Parties to make a written request to submit additional documents. The Parties were also encouraged to submit an Agreed Statement of Facts.

[2] In their request and reply for admission of documents, the Applicant disputed a previous agreed material fact, namely where the cattle were loaded. Therefore, in an order dated March 7, 2019, I gave the Respondent until April 1, 2019, to request the admission of additional documents and to amend their witness list.

[3] On March 29, 2019, the Respondent sent a proposed Agreed Statement of Facts to the Applicant for consideration.

[4] On April 1, 2019, the Respondent sent an email to the Tribunal requesting that the following documents be admitted as evidence:

- a. Fax from Wayne Barkley to the CFIA dated March 1, 2018
- b. Three Alberta Livestock Permits
- c. Canadian Cattle Identification Agency (CCIA) trace on the euthanized Jersey Cow and corresponding investigation notes
- d. Excerpts from the *Transportation of Animals Manual of Procedures*

[5] On April 2, 2019, the Applicant replied to the Respondent's recent correspondence. The reply did not object to the Respondent's request to submit additional documents. Instead, it presented legal arguments about the matter before the Tribunal and expressed the Applicant's disagreement with the proposed Agreed Statement of Facts.

[6] On April 2, 2019, the Respondent asked that the Tribunal Issue a Summons for the attendance of Mr. Jason Barnes at the hearing as a witness.

[7] On April 3, 2019, the Tribunal held a Case Management Conference call to finalize the Witness and Documents List. During this call, the Respondent undertook to provide the Tribunal with a Book of Documents.

## **2. CONSIDERATIONS**

[8] Section 6 of the [\*Rules of the Review Tribunal \(Canada Agricultural Review Tribunal\)\*](#) grants me the authority to extend the time limit for the admission of documents prescribed by s.52.

[9] Admission of a Party's document does not signify acceptance of their assertion that the document proves what is being asserted. The Parties are expected to speak to the appropriate weight to be afforded to the document at the hearing.

[10] Legal arguments as to whether the Notice of Violation is justified are to be made at the hearing whereby the Tribunal will consider the evidence and arguments presented and subsequently render a decision.

### **3. ORDER**

[11] I ORDER that all of the additional documents submitted by the Respondent are admitted into the evidentiary record and will be given due consideration during the forthcoming hearing.

[12] I ORDER that the Applicant is limited to the following two witnesses at the hearing:

- a. Darin Barkely
- b. Dr. Shacklady

[13] I ORDER that the Respondent is limited to the following five witnesses at the hearing:

- a. Jason Barnes
- b. Investigation Specialist Heather Willis
- c. Inspector Meldez
- d. Dr. Romano
- e. Inspector Laforner

[14] I ORDER that Mr. Jason Barnes is compelled to testify at the upcoming hearing and a Summons for his attendance will be issued.

Dated at Saskatoon, Saskatchewan, on this 9<sup>th</sup> day of April 2019.

(Original signed)

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Patricia L. Farnese  
Part-time Member  
Canada Agricultural Review Tribunal