



DOCKET: CART -2145

MARINA CHU

APPLICANT

- AND -

MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

RESPONDENT

BEFORE: Patricia L. Farnese, Member

**WITH: Ms. Marina Chu representing the Applicant; and
Ms. Gaynor Holden representing the Respondent**

ORDER DATE: January 21, 2021

In the matter of the Applicants request for review pursuant to subsection 12(2) of the [*Agriculture and Agri-Food Administrative Monetary Penalties Act*](#), for an alleged violation of subsection 16(1) of the [*Health of Animals Act*](#).

**ORDER ARISING FROM THE CASE MANAGEMENT CONFERENCE CALL HELD ON
JANUARY 19, 2021**

1. BACKGROUND TO THE CURRENT ORDER

[1] The Applicant was issued a Notice of Violation (NOV) with a penalty of \$1300 on March 11, 2019 for breaching subsection 16(1) of the [Health of Animals Act](#). The Applicant applied for a Ministerial review of the NOV and was unsuccessful in having the NOV rescinded or altered.

[2] The Applicant subsequently submitted a request to the Canada Agricultural Review Tribunal (Tribunal) to review the Minister's decision #19-00867. The Tribunal Chairperson, Mr. Luc Bélanger, found Ms. Chu's application admissible on December 13, 2019, and the decision was made to proceed by oral hearing.

[3] In the spring of 2020, The Tribunal elected to suspend all hearings in response to the global COVID-19 pandemic. The Tribunal resumed oral hearings in November 2020.

[4] Given the current public health guidelines to avoid unnecessary travel and in-person gatherings, the Tribunal is exercising its authority granted to it under section 20 of the [Rules of the Review Tribunal \(Canada Agricultural Review Tribunal\)](#) (Tribunal rules) to conduct the hearing by video conference. The Tribunal will be using the Zoom platform.

[5] On January 19, 2021 the Tribunal held a Case Management Conference Call (CMCC) to establish the parameters and date for an expeditious and fair hearing.

[6] During the CMCC, the parties have agreed that:

- a. The hearing will be held on March 5, 2021.
- b. The Applicant will provide the Respondent with any new evidence the Applicant wishes to put before the Tribunal that was not part of the record before the Minister by January 26, 2021.
- c. If the Respondent wishes to object to the admission of this document, I will hear arguments on the admissibility of this evidence on the day of the hearing.
- d. The Parties do not intend to call witnesses. The Respondent maintains the right to notify the Tribunal by February 19, 2021 of the name of any witness they intend to call in response to the Applicant's submission of the new document.
- e. The Parties will work together to provide an *Agreed Statement of Facts*.

[7] Member Farnese informed the parties, as part of the case management discussions, that she would consider applications for admission of new evidence prior to the hearing provided that the new evidence is submitted in accordance with the requirements for admission of documents outlined in the section 44 of the [Tribunal rules](#) and [Practice Note #13](#). If no application is made, the record will consist of the Minister's certified record brief.

2. ORDERS

[8] I **ORDER** that the oral hearing be held via video conference on March 5, 2021 commencing at 9:30 am and concluding no later than 4:00 pm (EST).

[9] I **ORDER** that the Applicant provide the Respondent with a copy of any new evidence the Applicant wishes to submit to the Tribunal by January 26, 2021.

[10] I **ORDER** that the Applicant ensure that the author of the document proposed to be admitted as new evidence is available for questioning at the hearing

[11] I **ORDER** that the Respondent notify the Tribunal by February 19, 2021 of any witness the Respondent wishes to call in response to the Applicant's request that the Tribunal accept new evidence

Dated at Saskatoon, Saskatchewan, on this 21st day of January, 2021.

(Original signed)

Patricia L. Farnese
Member
Canada Agricultural Review Tribunal