



**Docket: CART -2139  
CART -2140**

**EUSI FARMS LTD.**

**APPLICANT**

**- AND -**

**T. BURGIN TRUCKING LTD.**

**APPLICANT**

**- AND -**

**CANADIAN FOOD INSPECTION AGENCY**

**RESPONDENT**

**BEFORE: Patricia L. Farnese, Member**

**WITH: Mr. Eugen Burgin and Mr. Tobias Burgin representing the  
Applicants; and  
Mr. Benjamin Wong representing the Respondent**

**ORDER DATE: November 26, 2020**

In the matter of the Applicants request for review pursuant to paragraph 9(2)(c) of the [Agriculture and Agri-Food Administrative Monetary Penalties Act](#), for an alleged violation of paragraph 138(2)(a) of the [Health of Animals Regulation](#).

**ORDER ARISING FROM THE CASE MANAGEMENT CONFERENCE CALL HELD ON  
NOVEMBER 20, 2020**

## **1. BACKGROUND TO THE CURRENT ORDER**

[1] The Applicants were issued an identical Notice of Violation (NOV) arising from the single transport of a steer on June 8, 2018. Each applicant submitted a request to the Canada Agricultural Review Tribunal (Tribunal) to review the NOV on August 23, 2019.

[2] The Tribunal's Chairperson, Mr. Luc Bélanger, found T. Burgin Trucking Ltd.'s request for review admissible on September 25, 2019 and EUSI Farms Ltd.'s application admissible on November 1, 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 s. 20 of the [Rules of the Review Tribunal \(Canada Agricultural Review Tribunal\)](#) to conduct the hearing by video conference. The Tribunal will be using the Zoom platform.

[5] On November 20, 2020 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 last two days and be held February 10 and 11, 2021.
- b. Subject to any new evidence being admitted, the Applicants will call up to three (3) witnesses and the Respondent will call two (2) witnesses.
- c. The Parties will work together to provide a *Joint Hearing Plan and 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. If no application is made, the record will consist of the Agency's violation brief.

## **2. ORDERS**

[8] I **ORDER** that the oral hearing be held via video conference on February 10th and 11th, 2021, commencing at 9:30 am and concluding at 4:00 pm each day.

[9] I **ORDER** that the Applicants confirm in writing by December 4, 2020 the name of their legal representative.

[10] I **ORDER** that a Joint Hearing Plan be submitted in writing and is to be submitted by January 11, 2021.

Dated at Saskatoon, Saskatchewan, on this 26<sup>th</sup> day of November, 2020.

(Original signed)

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Patricia L. Farnese  
Member  
Canada Agricultural Review Tribunal