



Canada Agricultural
Review Tribunal
Ottawa, Canada
K1A 0B7

Commission de révision
agricole du Canada

Citation: *Prairie Pride Natural Foods Ltd. v Canadian Food Inspection Agency*, 2022 CART 21

Docket: CART-2022-FNOV-010

BETWEEN:

PRAIRIE PRIDE NATURAL FOODS LTD.

APPLICANT

- AND -

CANADIAN FOOD INSPECTION AGENCY

RESPONDENT

BEFORE: Luc Bélanger, Chairperson

WITH: Ms. Jessica D. Buhler and Mr. Rangi Jeerakathil, representing the Applicant

DECISION DATE: July 8, 2022

1. INTRODUCTION

[1] This matter concerns the request for review of the Notice of Violation #2122WA0058 (Notice), pursuant to paragraph 9(2)(c) of the [Agriculture and Agri-Food Administrative Monetary Penalties Act](#) (AAAMP Act).

[2] On April 10, 2022, Prairie Pride Natural Foods Ltd. (Prairie Pride) was served with the Notice for allegedly loading, confining, transporting or unloading or causing to be loaded, confined, transported or unloaded an animal that is likely to suffer, sustain an injury or die because of inadequate ventilation or exposure to meteorological or environmental conditions contrary to section 146 of the [Health of Animals Regulations](#). This violation is classified as “Very serious” and was served with a \$15,000 monetary penalty.

[3] The issue is to determine the admissibility of this request. I must evaluate whether or not Prairie Pride satisfies the admissibility threshold established by the [AAAMP Act](#), the [Agriculture and Agri Food Administrative Monetary Penalties Regulations](#) (AAAMP Regulations) and the [Rules of the Review Tribunal \(Canada Agricultural Review Tribunal\)](#) (Tribunal Rules).

[4] For the following reasons, in accordance with section 32 of the [Tribunal Rules](#), I find that Prairie Pride’s request for review is inadmissible because it was not sent by registered mail within the time limit prescribed by subsections 11(2) and 14(3) of the [AAAMP Regulations](#). As confirmed by the Federal Court of Appeal in [Clare](#), this is a strict deadline which the Tribunal does not hold jurisdiction “to deviate from”.¹ Therefore, Prairie Pride is deemed to have committed the violation in accordance with subsection 9(3) of the [AAAMP Act](#).

¹ [Clare v. Canada \(Attorney General\)](#), 2013 FCA 265 at para 24.

2. BACKGROUND

[5] On May 9, 2022, Prairie Pride's request for review of the Notice was received by the Canada Agricultural Review Tribunal (Tribunal). The request was sent via email.

[6] On May 12, 2022, the Tribunal sent a first acknowledgement letter to both parties requesting them to comply with rules 30 and 31 of the [Tribunal Rules](#).

[7] On May 17, 2022, the Minister complied with rule 30 of the [Tribunal Rules](#), by filing a copy of the proof of service of the Notice with the Tribunal via email.

[8] On May 18, 2022, Prairie Pride complied with the requirements of rule 31 of the [Tribunal Rules](#) and sent its request for review by registered mail.

[9] On May 24, 2022, the Tribunal received Prairie Pride's request for review by registered mail.

3. ISSUE

[10] Does Prairie Pride meet the admissibility threshold established in the [AAAMP Act](#) and the [AAAMP Regulations](#)? The threshold consists of three requirements:

1. filing the request for review in the prescribed time and manner;
2. the non-payment of the penalty associated to the notice of violation, if applicable; and
3. providing the required information and motives of the request for review in accordance with the [Tribunal Rules](#).

4. ANALYSIS

[11] The legislative scheme encompassed in the [AAAMP Act](#) provides a review mechanism whereby a Notice can be reviewed either by the Minister of Public Safety and Emergency Preparedness or by the Tribunal. The legislation further provides Prairie Pride an opportunity to have a Minister's Decision reviewed by the Tribunal if she first elected for a ministerial review.

[12] The [AAAMP Act](#), the [AAAMP Regulations](#) and the [Tribunal Rules](#) require that the Tribunal, before it proceeds to a full hearing of a matter, makes a decision on the admissibility of an applicant's request for the review. Absolute bars to admissibility arise when the applicant has already paid the penalty attached to the Notice², or has failed to file a request for review within the prescribed time and manner as set out in the [AAAMP Act](#) and the [AAAMP Regulations](#).

[13] Subsections 11(2), 14(1) and 14(2) of the [AAAMP Regulations](#) outline the required statutory period and the permitted modes of delivery for the filing of a request for review of the facts of a violation before the Tribunal. Additionally, subsection 14(3) of the [AAAMP Regulations](#) sets out how and when the request for review must be sent by registered mail following an electronic transmission.

[14] Under the abovementioned provisions, Prairie Pride had the responsibility to file the request for review by a permitted method of transmission within 30 days after having been served the Notice, according to subsections 11(2) and 14(1) of the [AAAMP Regulations](#).

² [Hershkovitz v Canada \(Attorney General\), 2021 FCA 38.](#)

[15] Additionally, in the event of a request sent electronically, Prairie Pride had the responsibility to proceed by filing a copy by registered mail within the 48 hours following that deadline according to subsection 14(3) of the [AAAMP Regulations](#). Reiterating the principle enounced in [Clare](#), the Tribunal is not authorized to bend this strict deadline, and the request for review will have to be considered as not received within the statutory time period.³

[16] Prairie Pride was served with the Notice on April 10, 2022. The request for review had to be filed within 30 days after the Notice had been served, which gave Prairie Pride until May 10, 2022, to do so. On May 9, 2022, Prairie Pride sent its request for review by email. Because it was sent electronically, Prairie Pride had an obligation to send a copy by courier or registered mail within 48 hours after the time limit for making the request pursuant to subsection 14(3) of the [AAAMP Regulations](#). This gave Prairie Pride until May 12, 2022, to send a copy of their request either by courier or registered mail. Prairie Pride only sent it's request for review by registered mail on May 18, 2022. Since it was sent after the deadline to do so, there is no valid request for review before the Tribunal.

[17] Given my findings with regards to the first threshold requirement, it is not necessary to consider the other two requirements.

³ [Ibid.](#)

5. ORDER

[18] For the abovementioned reasons, I **ORDER** that the request for review is **inadmissible**.

[19] Finally, I wish to inform Prairie Pride that this violation is not a criminal offence. After five years, Prairie Pride is entitled to apply to the Minister of Agriculture and Agri-Food to have the Notice removed from the records, in accordance with section 23 of the [AAAMP Act](#).



Luc Bélanger
Chairperson
Canada Agricultural Review Tribunal