



Canada Agricultural
Review Tribunal
Ottawa, Canada
K1A 0B7

Commission de révision
agricole du Canada

Citation: *Simidu v Canada Border Services Agency*, 2022 CART 26

Docket: CART-2022-BNOV-025

BETWEEN:

YETUNDE VALENTINA SIMIDU

APPLICANT

- AND -

CANADA BORDER SERVICES AGENCY

RESPONDENT

BEFORE: Luc Bélanger, Chairperson

WITH: Ms. Yetunde Valentina Simidu, representing herself; and
Ms. Cassandra Ianni-Lucio, representing the Respondent

DECISION DATE: September 9, 2022

1. OVERVIEW

[1] On July 12, 2022, Ms. Simidu was served with Notice of Violation #8212-22-0728 (Notice) for failing to present an animal or thing, namely cooked chicken, to the Canada Border Services Agency (Agency) officer contrary to section 16(1) of the [Health of Animals Act](#). This is a very serious violation and a penalty of \$1,300 was issued at the point of entry.

[2] On August 9, 2022, the Canada Agricultural Review Tribunal (Tribunal) received Ms. Simidu's request for review and sent a corresponding letter acknowledging receipt of the request on August 11, 2022.

[3] On August 11, 2022, Ms. Simidu sent an inquiry to the Tribunal via email about the process by which she should proceed with the payment of the penalty. On August 18, 2022, Ms. Simidu sent a bank draft in the amount of \$1,300 to the Receiver General for Canada and on September 7, 2022, the Agency confirmed that the payment had been received.

[4] Pursuant to subsection 9(1) of the [AAAMP Act](#), when a person pays the penalty set out in a Notice, the person is deemed to have committed the violation and the Minister shall accept that amount as complete satisfaction of the penalty, in effect, ending the proceedings.

[5] Therefore, a request for review is no longer an option as Ms. Simidu chose to pay the penalty and is thus deemed to have committed the violation.

2. ANALYSIS

[6] Section 32 of the [Rules of the Review Tribunal \(Canada Agricultural Review Tribunal\)](#) (*Tribunal Rules*) requires that the Tribunal renders a decision on the admissibility of an applicant's request.

[7] As confirmed by the Federal Court of Appeal in [Hershkovitz](#), the person is deemed to have committed the violation pursuant to subsection 9(1) of the [AAAMP Act](#) once the penalty has been paid. Therefore, the Tribunal no longer has jurisdiction to review the facts of the Notice.

3. ORDER

[8] In accordance with section 9 of the [AAAMP Act](#), the Tribunal cannot review the facts in a notice of violation when the penalty set within has been paid. As such, I **ORDER** that this request for review is **inadmissible**.



Luc Bélanger
Chairperson
Canada Agricultural Review Tribunal