



Canada Agricultural
Review Tribunal
Ottawa, Canada
K1A 0B7

Commission de révision
agricole du Canada

Citation: *Dadollahi v Minister of Public Safety and Emergency Preparedness*, 2022 CART 28

Docket: CART-2022-BMR-016

BETWEEN:

HOSSEIN DADOLLAHI

APPLICANT

- AND -

MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

RESPONDENT

BEFORE: Luc Bélanger, Chairperson

WITH: Mr. Hossein Dadollahi, representing himself; and
Ms. Cassandra Ianni-Lucio, representing the Respondent

DECISION DATE: September 28, 2022

1. INTRODUCTION

[1] On September 20, 2021, Mr. Dadollahi was served with Notice of Violation (Notice) # 4971-21-1278 upon his entry at the Pearson International Airport in Toronto, Ontario, for importing “Lamb in Lamb Stomach 3.6 kg” contrary to section 16(1) of the [Health of Animals Act](#)¹ (HA Act). This Notice was issued with a penalty of \$1300.

[2] On October 17, 2021, Mr. Dadollahi challenged the Notice by filing a request for a review of the facts of the case with the Minister of Public Safety and Emergency Preparedness (Minister). On May 3, 2022, the Minister upheld the Notice with a penalty of \$1,300. It was determined that the facts presented confirmed that Mr. Dadollahi failed to meet the obligation set out by subsection 16(1) of the [HA Act](#).

[3] On May 31, 2022, Mr. Dadollahi filed a request for review of the ministerial decision with the Canada Agricultural Review Tribunal (Tribunal). Mr. Dadollahi complied with paragraph 13(a) of the [Agriculture and Agri-Food Administrative Monetary Penalties Regulations](#)² (AAAMP Regulations) and section 13 of the [Rules of the Review Tribunal \(Canada Agricultural Review Tribunal\)](#)³ (Tribunal Rules) by sending his request in a timely matter as prescribed.

[4] On June 8, 2022, the Minister’s delegate complied with the requirements of section 46 of the [Tribunal Rules](#) by filing with the Tribunal the proof of service confirming that the Minister’s decision had been served on the applicant.

[5] On July 6, 2022, relying on the information on file, the Tribunal found Mr. Dadollahi’s request admissible and agreed to grant a review of the Minister’s decision.

¹ [Health of Animals Act, S.C. 1990, c. 21](#).

² [Agriculture and Agri-Food Administrative Monetary Penalties Regulations \(SOR/2000-187\)](#).

³ [Rules of the Review Tribunal \(Canada Agricultural Review Tribunal\) \(SOR/2015-103\)](#).

[6] On September 12, 2022, the Agency informed the Tribunal via email that Mr. Dadollahi had paid the Notice on September 1, 2022. Pursuant to subsection 9(1) of the [Agriculture and Agri-Food Administrative Monetary Penalties Act](#)⁴ (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.

2. CONSIDERATIONS

[7] Section 32 of the [Rules of the Review Tribunal \(Canada Agricultural Review Tribunal\)](#) (*Tribunal Rules*) requires that the Tribunal render a decision on the admissibility of Mr. Dadollahi's request. Bars to the admissibility, include the Tribunal's jurisdiction and the party's compliance with its enabling statute and regulations.

[8] Subsection 9(2) of the [AAAMP Act](#) reveals that a dual-track procedure for challenging a Notice, with a penalty, exists either before the Minister or before the Tribunal. There is no ambiguity in the language used to establish these review mechanisms. Both are alternatives to paying the penalty set out in a Notice of Violation.

[9] The Tribunal has no jurisdiction to review the facts of the Notice when the penalty set in it has been paid as confirmed by the Federal Court of Appeal in [Herskovitz](#).⁵ Mr. Dadollahi is deemed to have committed the violation pursuant to subsection 9(1) of the [AAAMP Act](#).

⁴ [Agriculture and Agri-Food Administrative Monetary Penalties Act, S.C.1995, c. 40.](#)

⁵ [Herskovitz v. Canada \(Attorney General\), 2021 FCA 38.](#)

3. ORDER

[10] For the above-mentioned reasons, I **ORDER** that the request for review is **inadmissible**.

[11] Finally, I wish to inform Mr. Dadollahi that this violation is not a criminal offence. After five years, he 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