



Canada Agricultural
Review Tribunal
Ottawa, Canada
K1A 0B7

Commission de révision
agricole du Canada

Citation: *Moiz v Canada Border Services Agency*, 2023 CART 09

Docket: CART-2023-BNOV-003

BETWEEN:

BUSHRA MOIZ

APPLICANT

- AND -

CANADA BORDER SERVICES AGENCY

RESPONDENT

BEFORE: Emily Crocco, Chairperson

WITH: Bushra Moiz, representing herself; and
Veronica Raymond, representing the Respondent

DECISION DATE: March 7, 2023

1. INTRODUCTION

[1] The Applicant is requesting that the Canada Agricultural Review Tribunal (Tribunal) review the Notice of Violation with Warning #7011-23-0076 (the Notice) that the Respondent issued against her.

[2] For the following reasons, I find that the Applicant's request is inadmissible because a copy of the request for review was not sent by registered mail or courier within the prescribed time limit.

2. BACKGROUND

[3] On January 19, 2023, the Respondent served the Notice on the Applicant in person.

[4] On January 21, 2023, the Applicant emailed the Canada Agricultural Review Tribunal (Tribunal) and requested that the Tribunal review the Notice.

[5] On January 26, 2023, the Tribunal wrote to the Applicant and informed her of the requirement to send the request by registered mail required by subsection 14(3) of the [Agriculture and Agri Food Administrative Monetary Penalties Regulations](#) (AAAMP Regulations).

3. ISSUE

[6] Did the Applicant file her request for review in the prescribed time and manner as required by the AAAMP Regulations?

4. ANALYSIS

[7] Among other requirements, subsection 11(1) the *AAAMP Regulations* requires that an applicant submit their request for review to the Tribunal within 30 days after the day they are served a notice with a warning.

[8] Subsection 14(3) of the *AAAMP Regulations* adds that where a request for review is sent to the Tribunal by electronic means (like an email), an applicant has a further 48 hours to submit a copy of the request to the Tribunal via courier or registered mail.

[9] Given these requirements, as the Notice was served on her on January 19, 2023, and that sections 26 and 35 of the [Interpretation Act](#), specify how time is to be counted, the Applicant had until February 23, 2023, to send the request for review to the Tribunal by courier or registered mail following her emailed request for review.

[10] Despite the Tribunal's reminder to her, the Applicant failed to send her request for review by courier or registered mail on or before February 23, 2023.

[11] As the Applicant failed to send the request for review within the prescribed manner and time limit, and as the Federal Court of Appeal in [Clare v Canada \(Attorney General\)](#), 2013 FCA 265 at para 24, has determined that I do not have the authority to extend that time limit, the Applicant's request for review is inadmissible.

5. ORDER

[12] The Applicant's request for review is inadmissible.

Dated on this seventh day of March 2023.

A handwritten signature in cursive script that reads "Emily Crocco". The signature is written in black ink and is positioned above a horizontal line.

Emily Crocco
Chairperson
Canada Agricultural Review Tribunal