



Canada Agricultural
Review Tribunal
Ottawa, Canada
K1A 0B7

Commission de révision
agricole du Canada

Citation: *Chaudhry v Canada Border Services Agency*, 2023 CART 13

Docket: CART-2023-BNOV-007

BETWEEN:

JAVED SAEED CHAUDHRY

APPLICANT

- AND -

CANADA BORDER SERVICES AGENCY

RESPONDENT

BEFORE: Emily Crocco, Chairperson

**WITH: Mr. Javed Saeed Chaudhry, representing himself; and
Ms. Veronica Raymond, representing the Respondent**

DECISION DATE: April 24, 2023

1. INTRODUCTION

[1] The Applicant is requesting that the Canada Agricultural Review Tribunal (Tribunal) review (the request) the Notice of Violation with Warning #4974-23-0257 (the Notice) that the Respondent issued against him.

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

2. BACKGROUND

[3] On March 13, 2023, the Respondent served the Notice on the Applicant in person.

[4] On March 27, 2023, the Applicant emailed his request to the Tribunal.

[5] On April 4, 2023, the Tribunal wrote to the Applicant and informed him of the requirement to follow an emailed request with one submitted by registered mail.

[6] The Applicant has not submitted anything further to the Tribunal.

3. ISSUE

[7] Did the Applicant file his request in the time and manner required by the [Agriculture and Agri Food Administrative Monetary Penalties Regulations](#) (AAAMP Regulations)?

4. ANALYSIS

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

[9] Subsection 14(3) of the *AAAMP Regulations* adds that where a request 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.

[10] Sections 26 and 35 of the [Interpretation Act](#), specify how time is to be counted.

[11] Given these requirements, and recalling that the Respondent served the Notice on the Applicant on March 13, 2023, and that the request was emailed to the Tribunal, the Applicant had until April 14, 2023, to send the request to the Tribunal by courier or registered mail. He failed to do so.

[12] In [Clare v Canada \(Attorney General\)](#), 2013 FCA 265 at para 24, the Federal Court of Appeal determined that the Tribunal does not have the authority to extend the time limit.

[13] As the Applicant failed to send it in the required manner and time limit, his request is inadmissible.

5. ORDER

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

Dated on this 24th day of April 2023.



Emily Crocco
Chairperson
Canada Agricultural Review Tribunal