



Canada Agricultural
Review Tribunal

Ottawa, Canada
K1A 0B7

Commission de révision
agricole du Canada

Citation: *Brian's Poultry Services Inc. v Canadian Food Inspection Agency*,
2024 CART 02

Docket: CART-2024-FNOV-006

BETWEEN:

BRIAN'S POULTRY SERVICES INC.

APPLICANT

- AND -

CANADIAN FOOD INSPECTION AGENCY

RESPONDENT

BEFORE: Emily Crocco, Chairperson

**WITH: Robert W. Scriven, representing the Applicant
Matthew Purchase, representing the Respondent**

DECISION DATE: February 22, 2024

DECISION ON ADMISSIBILITY

1. INTRODUCTION

[1] The Applicant is requesting that the Canada Agricultural Review Tribunal (“Tribunal”) review the Notice of Violation (“Notice”) number 2122ON0193-2 that the Respondent issued against it.

[2] For the following reasons, I find that the Applicant’s request is inadmissible because it was not sent within the prescribed time limit.

2. ISSUE

[3] Did the Applicant file its request in the prescribed time?

3. APPLICABLE LAW

[4] Subsection 11(2) of the [Agriculture and Agri Food Administrative Monetary Penalties Regulations](#) (*AAAMP Regulations*) states that an applicant must submit a request within 30 days after the person is served the Notice.

[5] Subsection 9(4) of the *AAAMP Regulations* states that a document sent by fax or other electronic means is served on the date it is sent.

4. EVIDENCE AND ANALYSIS

[6] On January 5, 2024, the Respondent served the Notice on the Applicant by email.

[7] Given subsections 9(4) and 11(2) of the *AAAMP Regulations*, the Applicant had until February 5, 2024, to submit the request to the Tribunal, because that was 30 days after the Notice was served on the Applicant.

[8] The Applicant did not email the Tribunal its request until February 15, 2024. In the correspondence accompanying the request, the Applicant asked that the request be accepted because they had intended to send the request within the time limit.

[9] As the Applicant failed to send the request within the time limit, and given that I do not have the authority to “soften the strict application” of these requirements (per [Clare v Canada \(Attorney General\)](#), 2013 FCA 265 at para 24), the Applicant’s request is inadmissible.

5. ORDER

[10] The Applicant’s request for review is inadmissible.

Dated on this 22nd day of February 2024.



Emily Crocco
Member and Chairperson
Canada Agricultural Review Tribunal