

Canada Agricultural  
Review Tribunal



Commission de révision  
agricole du Canada

Citation: *Vorobyov v. Canada (Minister of Agriculture and Agri-Food Canada)*,  
2014 CART 16

Date: 20140605  
Docket: CART/CRAC-1776

**BETWEEN:**

**Sergiy Vorobyov, Applicant**

**- and -**

**Minister of Agriculture and Agri-Food Canada, Respondent**

**BEFORE: Chairperson Donald Buckingham**

**WITH: Sergiy Vorobyov, self-represented; and  
Melanie Charbonneau, representative for the respondent**

In the matter of an application made by the applicant, pursuant to paragraph 9(2)(c) of the *Agriculture and Agri-Food Administrative Monetary Penalties Act*, for a review of a violation of section 40 of the *Health of Animals Regulations* alleged by the respondent.

### **ORDER**

**In accordance with the directions of the Federal Court of Appeal (FCA), set out in its decision dated April 17, 2014, indexed as *Attorney General of Canada (Canada Border Services Agency) v. Sergiy Vorobyov* (2014 FCA 102; Docket A-557-12), the Canada Agricultural Review Tribunal (Tribunal), by order refers the applicant's request for a Ministerial review dated June 20, 2011, to the Minister of Agriculture with effect as of that date.**

## REASONS

[1] On December 20, 2012, the respondent, the Canada Border Services Agency (Agency), sought judicial review of the Tribunal's decision dated December 11, 2012, in the matter of *Sergiy Vorobyov v. Canada (Minister of Agriculture and Agri-Food)* (CART/CRAC-1659) (*Vorobyov*, 2012 CART 25).

[2] On April 17, 2014, the FCA rendered its decision in *Attorney General of Canada (Canada Border Services Agency) v. Sergiy Vorobyov*, 2014 FCA 102; Docket A-557-12 (*Vorobyov*, 2014 FCA 102). Justice Noël wrote the following at paragraph 48 of the decision:

*"I would therefore allow the application for judicial review in part, set aside the decision of the Tribunal declaring the Notice of Violation null and void, and return the matter before the Tribunal with a direction that an order be issued referring the respondent's request for a Ministerial review dated June 20, 2011 to the Minister of Agriculture with effect as of that date."*

[3] Accordingly, the Tribunal refers the applicant's request for a Ministerial review dated June 20, 2011, to the Minister of Agriculture and Agri-Food with effect as of that date.

Dated at Ottawa, Ontario, this 5<sup>th</sup> day of June, 2014.

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Donald Buckingham, Chairperson