

Canada Agricultural
Review Tribunal



Commission de révision
agricole du Canada

Citation: Maple Lodge Farms v. Canada (CFIA), 2010 CART 028

Date: 20101130
Docket: RTA-60295R;
RT-1400

Between:

Maple Lodge Farms Ltd., Applicant

- and -

Canadian Food Inspection Agency, Respondent

Before: Chairperson Donald Buckingham

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 the facts of a violation of section 143(1)(d) of the *Health of Animals Regulations*, alleged by the Respondent.

DECISION

[1] Further to a decision of the Federal Court of Appeal in *Canadian Food Inspection Agency v. Maple Lodge Farms Ltd.* (FCA file A-187-08) dated 4 February 2009, and by agreement between the parties, the Canada Agricultural Review Tribunal (Tribunal) acknowledges that the applicant has agreed to pay the amount set out in the Notice of Violation in question to the respondent in respect of the above alleged violation. As a result, the Tribunal, by order, adopts this agreement between the parties as constituting the redetermination of the matters as ordered by the Federal Court of Appeal in above-mentioned decision.

For reconsideration from the Federal Court of Appeal,
4 February 2009.

Canada 

REASONS

[2] The respondent, the Canadian Food Inspection Agency (Agency), sought judicial review before the Federal Court of Appeal of four decisions of the Tribunal, all dated 12 February 2008 under the style of cause *Maple Lodge Farms Ltd. v. Canadian Food Inspection Agency*. Before the Tribunal (Tribunal files RTA-60291/RT-1399; RTA-60295/RT-1400; RTA-60296/RT-1401; and RTA-60297/RT-1402) and before the Federal Court of Appeal (FCA files A-187-08; A-189-08; FCA file A-190-08; and FCA file A-191-08), the parties agreed that the four cases would be heard together and that the same decision would attach to each of the four cases.

[3] On 4 February 2009, the Federal Court of Appeal rendered its decision indicating that on consent, the four applications for judicial review were allowed, the decisions of the Tribunal dated February 12, 2008 (RTA-60291, RTA-60295, RTA-60296, and RTA-60297) were set aside and the matters were referred back to the Tribunal for determination.

[4] On 12 February 2009, Mr. Ron E. Folkes, counsel for Maple Lodge Farms Ltd. (Maple Lodge) indicated that his client had agreed to pay the Administrative Monetary Penalties set out in the Notices of Violation that were the subject of the Tribunal proceedings and that the Agency had accepted this offer.

[5] As a result of this agreement between Maple Lodge and the Agency, no in-depth reconsideration of these matters by the Tribunal was necessary, and these files are by this decision formally closed before the Tribunal.

[6] The Tribunal wishes to inform Maple Lodge Farms Ltd. that this violation is not a criminal offence. After five years, it will be entitled to apply to the Minister to have the violation removed from its record, in accordance with section 23 of the *Agriculture and Agri-Food Administrative Monetary Penalties Act*:

23. (1) *Any notation of a violation shall, on application by the person who committed the violation, be removed from any records that may be kept by the Minister respecting that person after the expiration of five years from*

(a) where the notice of violation contained a warning, the date the notice was served, or

(b) in any other case, the payment of any debt referred to in subsection 15(1),

unless the removal from the record would not in the opinion of the Minister be in the public interest or another notation of a violation has been recorded by the Minister in respect of that person after that date and has not been removed in accordance with this subsection.

Dated at Ottawa, this 30th day of November, 2010.

Dr. Donald Buckingham, Chairperson