

**AGRICULTURE AND AGRI-FOOD ADMINISTRATIVE  
MONETARY PENALTIES ACT**

**DECISION**

In the matter of an application for a review of the facts of a violation of provision 143(1)(d) of the *Health of Animals Regulations* alleged by the Respondent, and requested by the Applicant pursuant to paragraph 9(2)(c) of the *Agriculture and Agri-Food Administrative Monetary Penalties Act*.

**473629 Ontario Inc., carrying on business as Little Rock Farm Trucking, Applicant**

**-and-**

**Canadian Food Inspection Agency, Respondent**

**CHAIRMAN BARTON**

**Decision**

**Following an oral hearing and a review of the written submissions of the parties including the report of the Respondent, the Tribunal, by order, determines the Applicant committed the violation and is liable for payment of the penalty in the amount of \$2,000.00 to the Respondent within 30 days after the day on which this decision is served.**

## REASONS

The Applicant requested an oral hearing pursuant to subsection 15(1) of the *Agriculture and Agri-food Administrative Monetary Penalties Regulations*.

The oral hearing was held in Kitchener on November 6, 2006.

The Applicant was represented by its solicitor, Mr. G. Edward Oldfield.

The Respondent was represented by its solicitor, Ms. Andrea Horton.

Upon the agreement of the solicitors for both parties, the Notice of Violation was amended to be issued to 473629 Ontario Inc., carrying on business as Little Rock Farm Trucking.

The Notice of Violation # 0506ON00721 dated November 7, 2005, alleges that the Applicant, on or about 2:30 hours on the 31<sup>st</sup> day of August, 2005, at Norval, in the province of Ontario, committed a violation, namely: “did transport or cause to be transported an animal, to wit: 10,008 chickens with undue exposure to the weather”, contrary to provision 143(1)(d) of the *Health of Animals Regulations*. Subsection 143(1) states as follows:

143(1) No person shall transport or cause to be transported any animal in a railway car, motor vehicle, aircraft, vessel, crate or container if injury or undue suffering is likely to be caused to the animal by reason of

- (a) inadequate construction of the railway car, motor vehicle, aircraft, vessel, container or any part thereof;
- (b) insecure fittings, the presence of bolt-heads, angles or other projections;
- (c) the fittings or other parts of the railway car, motor vehicle, aircraft, vessel or container being inadequately padded, fenced off or otherwise obstructed;
- (d) undue exposure to the weather; or
- (e) inadequate ventilation.

Paragraph (d) is a separate violation pursuant to the *Agriculture and Agri-Food Administrative Monetary Penalties Regulations*.

Primarily on the basis that approximately 53% of the load of chickens was dead on arrival, the Applicant's solicitor conceded that the Applicant had committed the violation.

I concur there is ample evidence in the documentation to support the Applicant's commission of the violation.

Dated at Ottawa this 5<sup>th</sup> day of December 2006.

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Thomas S. Barton, Q.C., Chairman