

**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 subsection 176(1) 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*.

Ron Yarish, 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 \$500.00 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 Edmonton on September 11, 2003.

The Applicant, although properly served with a Notice of Hearing, did not appear.

The Respondent was represented by its solicitor, Mr. Marc Deveau.

The Notice of Violation dated January 3, 2003, alleges that the Applicant, on or about 2:10 pm on the 24th day of October 2002, at Ft. Saskatchewan in the province of Alberta, committed a violation namely: “remove or cause the removal of an animal not bearing an approved tag from its farm of origin”, contrary to subsection 176(1) of the *Health of Animals Regulations* which states:

176(1). Subject to section 183, no person shall remove, or cause the removal of, an animal from its farm of origin unless the animal bears an approved tag.

The Respondent’s evidence was set out in its report which stated that a number of calves were inspected at North Country Livestock on October 24th 2002, not bearing approved tags and belonging to the Applicant.

The Applicant admitted the calves were born on his farm, and did not dispute the evidence of the Respondent.

Accordingly, the Respondent has established, on a balance of probabilities, that the Applicant committed the violation.

Dated at Ottawa this 17th day of September, 2003.

Thomas S. Barton, Q.C., Chairman