



[2022] 2 F.C.R. D-21

AGRICULTURE

Judicial review of Canada Agricultural Review Tribunal decision (2022 CART 21) determining applicant's request for review of violation inadmissible because not made in time and manner prescribed — Applicant served with notice of violation under *Agriculture and Agri-Food Administrative Monetary Penalties Act*, S.C. 1995, c. 40 alleging it had transported chickens in truck with defective tarps, inadequate ventilation — Applicant submitting Tribunal wrong to conclude request for review not properly made — Applicant sent request for review to Tribunal by email on May 9, 2022, followed up by copy sent by registered mail on May 18, 2022 — That copy received on May 24, 2022 — Tribunal determined that request for review not made in time prescribed because copy was sent late (it was required to be sent by May 12, 2022) — Prescribed time and manner to request review set out in *Agriculture and Agri-Food Administrative Monetary Penalties Regulations*, SOR/2000-187, ss. 11(2), 14(1),(3) — Whether Tribunal reasonably found that request for review was inadmissible because follow-up copy of request was out of time — Question here whether sending copy necessary to have valid request for review — Tribunal relying on *Clare v. Canada (Attorney General)*, 2013 FCA 265, *Hershkovitz v. Canada (Attorney General)*, 2021 FCA 38 — However, neither of these decisions dealing with requirement to send follow-up copy of request for review — Relevant statutory language for sending original request (Regulations, s. 14(1)) materially different from language for sending follow-up copy (Regulations, s. 14(3)) — Regulations, s. 14(3) not explicitly linking requirement to send copy with manner to make valid request for review — Although its text states that sending copy is mandatory, does not state that copy is requirement to make request — Further difficulty with Tribunal's interpretation of s. 14(3) is that it results in an inconsistency as to deadline for making request — These considerations concerning text, context and purpose of s. 14(3) may impact decision at issue — Had they been considered by Tribunal, it may have reached a different result — Matter referred back to Tribunal for reconsideration — Application allowed.

PRAIRIE PRIDE NATURAL FOODS LTD. V. CANADA (ATTORNEY GENERAL) (A-241-22, 2023 FCA 152, Woods J.A., reasons for judgment dated June 29, 2023, 10 pp.)