



Canada Agricultural
Review Tribunal

Commission de révision
agricole du Canada

2023-2024 Annual Report

CANADA AGRICULTURAL
REVIEW TRIBUNAL

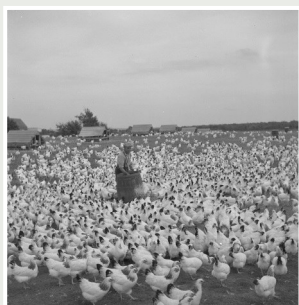




Harvesting manoomin (wild rice), 1919, Lac Seul, Ontario, Frederick Wilkerson Waugh / Library and Archives Canada/ Department of Indian Affairs and Northern Development fonds / e006078827.

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Cover Photo:
A man feeding 25,000 birds on a Nova Scotia poultry farm, between 1930-1960, Canada. Dept. of Manpower and Immigration / Library and Archives Canada.



Potato harvest, 1953, New Brunswick, Library and Archives Canada / National Film Board fonds / e011176012.



CHAIRPERSON'S MESSAGE

It's my pleasure to present the Annual Report for the Canada Agricultural Review Tribunal (CART) for the fiscal year 2023-2024.

PRIORITY 1: IMPROVING EFFICIENCY

This year, we became much more efficient in holding hearings and issuing decisions.

We benefited from many of the initiatives we took last year, including the simplification of our communications with parties and holding all oral hearings virtually. We also created and followed service standards and created more training for our adjudicators and lawyers.

Later in this report, we share the detailed statistics that demonstrate our improved efficiencies. For example, we became more efficient by:

- **24%** when closing a file where an oral hearing was held;
- **104%** when publishing decisions online after they were issued;
- **111%** closing a file where a written hearing was held; and
- **121%** when issuing decisions after oral hearings.

PRIORITY 2: IMPROVING ACCESS TO JUSTICE (A2J)

My second priority at CART continued to be to improve the accessibility of our services.

E-Filing Portal

One important way that we have improved CART's Access to Justice (A2J) was the launching of our e-filing portal.

CART's e-filing portal is user-friendly and allows parties to have complete access to the official record from the opening to the closing of their file. It also provides a secure way for parties to submit and receive large volumes of documents.

Expert Advice on A2J

We hired an Access to Justice (A2J) expert to provide us with advice on how to improve CART's A2J.

This expert reviewed our website, template documents, procedures, and the [A2J Index report](#) that the Department of Justice Canada issued about CART in early 2023.

In April of 2024, CART received the advice of the external A2J expert. I look forward to updating you on the work we have taken to implement the expert's recommendations in next year's Annual Report.

CLOSING THOUGHTS

I am so proud of the thoughtful, enthusiastic, and hard work that CART performed in 2023-2024.

Going forward, if you have ideas on how we can continue to become more efficient and accessible, please [contact us](#). The more ideas we have, the better!

Sincerely,



Emily Crocco

Chairperson

Canada Agricultural Review Tribunal

*Examining section in McGregor's apiary alpine,
1913, Inglewood, Ontario, John Boyd / Library and
Archives Canada.*



CART'S JURISDICTION AND MANDATE

CART determines the validity of administrative monetary penalties for violations of agriculture and agri-food laws.

CART is part of the Department of Agriculture and Agri-Food Canada's (AAFC) portfolio. That said, CART is arm's length from the AAFC and the rest of the Federal government.

This means that CART makes its decisions independently from the government.

There is one full-time Chairperson and three part-time adjudicators. The Governor in Council appoints the members of CART.

CART receives support from the [Administrative Tribunals Support Service of Canada](#) (ATSSC). The ATSSC provides CART with registry, legal, and administrative support.

SUMMARY OF FILE WORK

CART reviews notices and decisions that have warnings or administrative monetary penalties relating to agriculture and agri-food. These reviews, referred to in this report as "casefiles" or simply "files", are initiated at the request of the person who received the original notice or decision.

CASEFILE STATISTICS

CART has reviewed statistics from previous fiscal years and has updated those statistics below to more accurately reflect our work.

	2023-2024	2022-2023	2021-2022
Open Files During Fiscal Year	62	72	75
Files at Start of Fiscal Year	20	37	38
New Files Received During Fiscal	42	35	37
Hearings Held	22	23	20
Written Hearings	4	14	8
Oral Hearings	18	9	12
Files Closed During Fiscal	31	52	38
Inadmissible	4	14	13
Withdrawn	13	13	1
Decisions on Merits*	14	23	20
Outstanding Files at End of Fiscal Year	31	20	37

*Of the 14 merit decisions it made in 2023-2024, the Tribunal:

- Upheld the notice of violation in 13 files
- Set aside the notice of violation in 1 file

PARTIES' IDENTITIES

In 2023-2024, only 30% of applicants at CART had representation. By contrast, 100% of CART's respondents were represented.

In 2023-2024, the respondents in the Tribunal's new files were:

- The Canadian Food Inspection Agency (57%),
- The Minister of Public Safety and Emergency Preparedness (24%), and
- The Canada Border Services Agency (19%).



E. P. Jarvis (left) secretary of the N.B. Holstein Association, and district agricultural representative J. A. Galloway (right) discuss future plans with dairy farmer Doug Neill under the watchful eye of Devon Rag Apple Mary, Grand Champion of the 1958 N.B. Provincial cattle show, Library and Archives Canada, accession number 1972-047.

Japanese man and woman on tractor harvest sugar beets, ca. 1950, Imperial Oil / Library and Archives Canada / PA-49563.

TIMELINESS OF CART'S DECISION MAKING

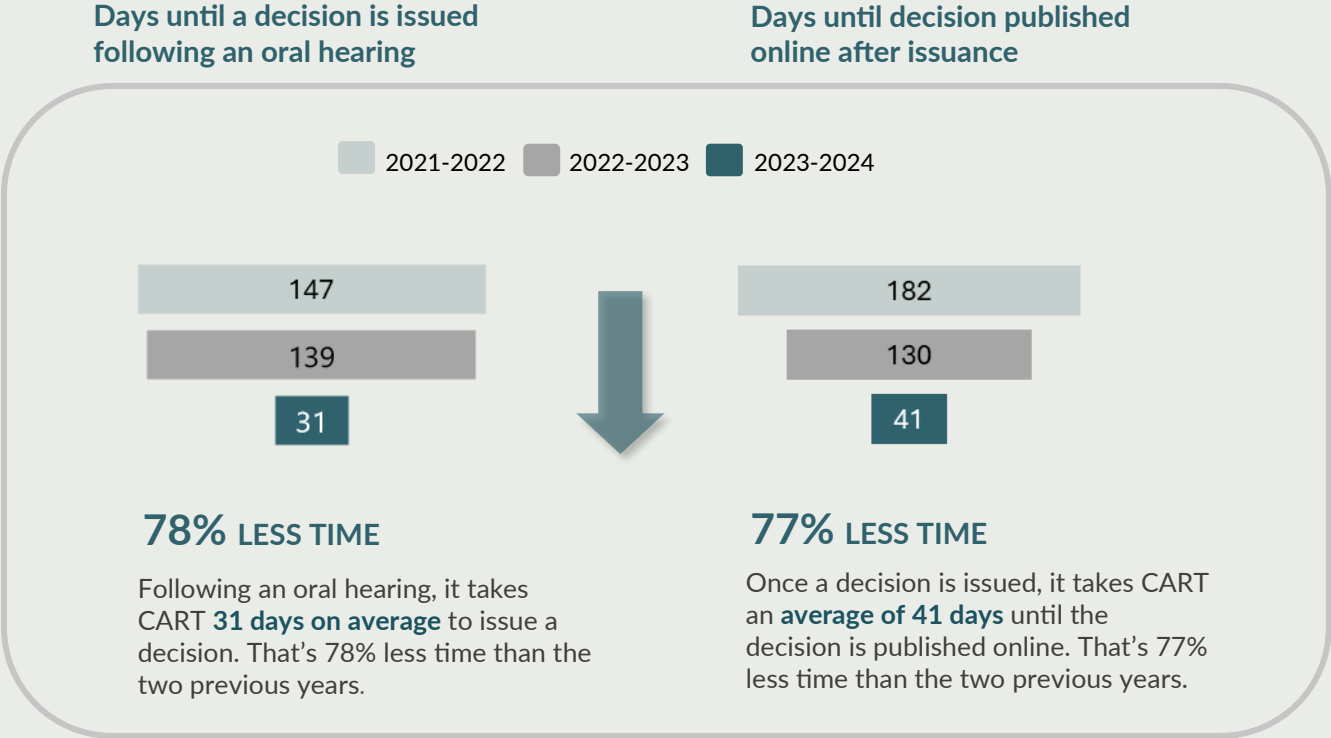
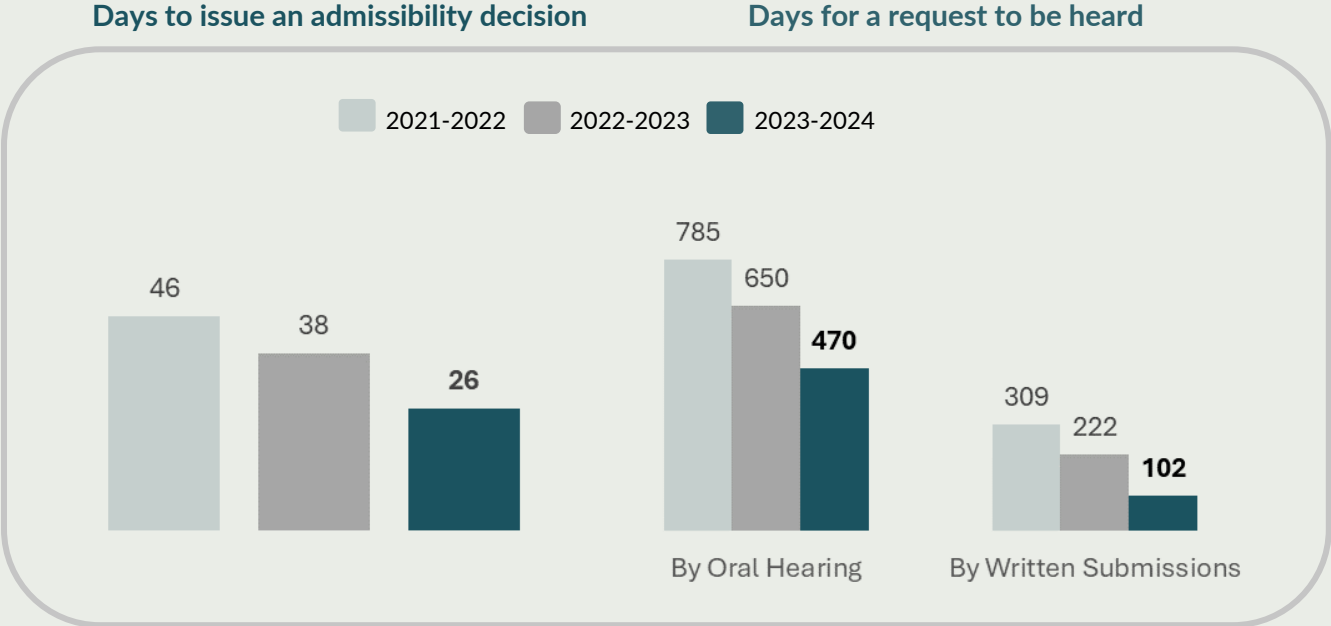
In every key category this year, CART improved its timeliness, including:

- The time it takes for CART to close a file is now well under a year, representing a 37% decrease over last year, and a 43% decrease since 2021-2022.
- It now takes CART only 22 days on average to issue a decision following a written hearing. That's approximately 90% less time than the two previous years, when the average was over 200 days.
- Following an oral hearing, it takes CART 31 days on average to issue a decision. That's approximately 78% less time than the two previous years.
- Once a decision is issued, it takes CART an average of 41 days until the decision is published online. That's 68% less time than last year, and 77% less than 2021-2022.



Three-Year Trends

Time efficiency processing caseload



NOTABLE CASES

The following cases are examples of the variety of matters decided by CART. Please visit the [CART website](#) to read full versions of all the [Tribunal's published decisions](#).

FALSE AND MISLEADING INFORMATION ON CERTIFICATE

[Sadykow v Canadian Food Inspection Agency, 2023 CART 21](#) was about the alleged importation of regulated animals with a certificate that contained false or misleading information (a violation of section 13 of the [Health of Animals Regulations](#)) (HA Regulations).

The Applicant imported puppies from Poland into Canada with a permit requiring certification from an “official veterinary inspector”. The applicant provided certificates signed by someone who was not an official veterinarian, and which misled the reader into believing she was authorized to make the certifications. As a result, the Tribunal found that the applicant had provided certificates that were misleading and contained false information. CART upheld the violation of \$10,000.

VIOLATION NOT AS BUSINESS, PENALTY RECALCULATED

[Zonnekeyn v Canadian Food Inspection Agency, 2023 CART 25](#) was about an Applicant who allegedly obstructed, hindered, or made a false or misleading statement to an analyst, inspector or officer, contrary to subsection 35(1) of the [Health of Animals Act](#).

In attempting to export finches to the USA, the applicant had declared that the birds had been in Canada for at least 90 days. CART found that the applicant’s declaration was false. As a result, the violation was established.

However, the applicant’s business related to pigeons - not to finches. Moreover, the finches had been exported as a gift. As a result, CART reduced the penalty from \$10,000 to \$1,300 because the violation was not made in the course of a business or for profit.



Henry Fisher, 1956, Library and Archives Canada / National Film Board fonds / e011176343.

DETERMINING ANIMAL'S FITNESS AT TIME OF LOADING

[Hamel v Canadian Food Inspection Agency, 2024](#)

[CART 1](#) related to the alleged loading and transportation of a cow that was unfit, contrary to subsection 139(1) of the HA Regulations with a penalty of \$13,000.

CART agreed that the evidence demonstrated the cow was unfit at the time the Respondent's veterinarian conducted the ante-mortem and post-mortem assessment. However, CART determined that the evidence failed to establish the animal's condition at the time of loading and transport. As a result, CART set aside the Notice of Violation.

LIKELIHOOD OF ANIMALS SUFFERING DUE TO METEOROLOGICAL OR ENVIRONMENTAL CONDITIONS

[S&G Bobcat Service Ltd. v Canadian Food Inspection Agency, 2023 CART 27](#) involved a warning for an

alleged violation of section 146 of the HA Regulations, specifically relating to the confining of animals that are likely to suffer, be injured or die because of exposure to meteorological or environmental conditions. This decision is CART's first assessment of a violation relating to section 146 of the HA Regulations.

CART determined that the applicant had loaded chickens onto modules that were covered in ice. When the ice melted during transit, the icy water dripped down into lower crates, causing the birds to become wet. CART concluded that it was likely the birds in the lower crates would suffer, be injured or die when they were placed into modules that would become soaked with icy water on a night where it was very cold outside. The warning was upheld.



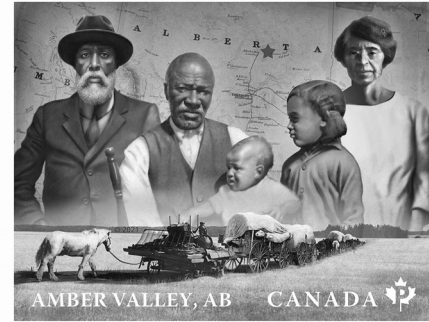
Loading cattle in railway cars, 1944, Harry Rowed / Library and Archives Canada / PA-155464 .

ADMISSIBILITY WHERE REQUEST SENT ELECTRONICALLY

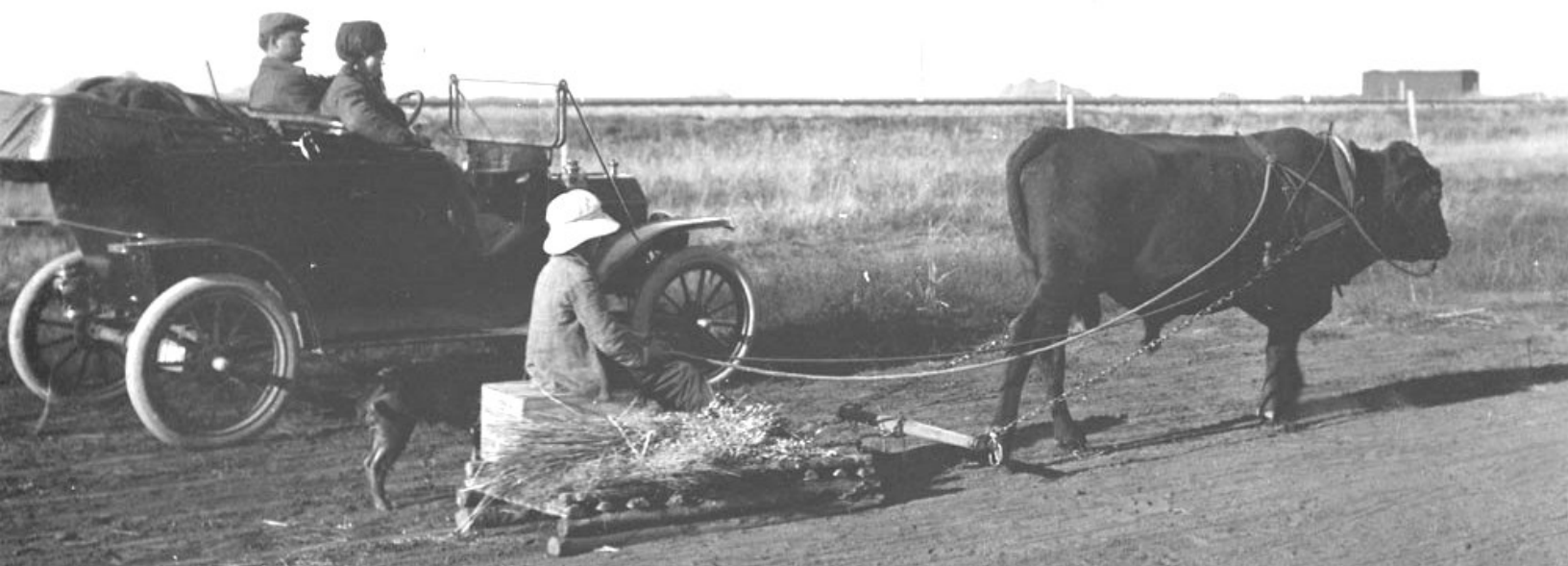
In [Prairie Pride Natural Foods Ltd v Canadian Food Inspection Agency, 2022 CART 21](#), CART had previously determined that this request was inadmissible since it did not comply with subsection 14(3) of the [Agriculture and Agri-Food Administrative Monetary Penalties Regulations](#) (AAAMP Regs). This provision states that if a request for review is sent to the Tribunal by fax or other electronic means, the applicant “shall” send a copy of the request by courier or registered mail within a prescribed time.

However, in its decision, the Federal Court of Appeal (FCA) in [2023 FCA 152](#) at para 25 determined that subsection 14(3) of the AAAMP Regs does not state that sending a copy is a requirement for making the request. The FCA then instructed CART to reconsider.

As a result of the FCA’s decision, CART determined in [2023 CART 23](#) that the applicant’s failure to submit a copy of the request in accordance with subsection 14(3) of the AAAMP Regs was not a barrier to the request being admissible. The file was then sent for determination on its merits.



*The Amber Valley, Alberta.
© Canada Post Corporation, 2021.*



*Scene near Moose Jaw, Saskatchewan,
ca.1909, Rice / Library and Archives Canada.*

ACCESS TO JUSTICE INITIATIVES

Chaired by Pierre Lampron, CART's [Advisory Committee](#) of external stakeholders assists the Tribunal in ensuring that its procedures and practices are as fair, accessible, and efficient as possible.

Due to the Advisory Committee's insights, we:

- Updated our [Mission and Mandate](#),
- Published information about [Accommodations](#),
- Created and published [Service Standards](#),
- Published [Mental Health Supports](#),
- Published [How to Get Help With Your Request](#), and
- Published [How members of the public can observe virtual hearings](#).

The external members of the 2023-2024 Advisory Committee were:

- **Pierre Lampron**, Chair of the Advisory Committee, President of the Dairy Farmers of Canada and Second Vice-President of the Canadian Federation of Agriculture
- **Robin Horel**, Advisor, and **Skyler Veazey**, Director of Regulatory and Technical Affairs, at the Canadian Poultry & Egg Processors
- **Jorge Correa**, Vice-President of Market Access and Technical Affairs at the Canadian Meat Council
- **Moya McAlister**, Communications, Manager at the National Self-Represented Litigants Project
- **Russell Reitsema**, Vice-Chair at BC Young Farmers
- **Sherri-Lynn Foran**, Director of Enforcement Appeals and Litigation Division at the Canadian Border Services Agency
- **Melanie Nobre**, Manager of National Enforcement and Investigations Office at the Canadian Food Inspection Agency
- **Ryan Wilkes**, Deputy Director of Portfolio Coordination in the Deputy Minister's Office at Agriculture and Agri-Food Canada

FINANCIAL INFORMATION

Financial resources come from an integrated budget administered by the Administrative Tribunals Support Service of Canada (ATSSC).

Because of this, most CART-specific financial data is part of an amalgamated budget under ATSSC. However, CART's adjudicators' salaries continue to be tracked separately.

The chart below shows the salaries of CART's four adjudicators (including one full-time Chairperson and three part-time adjudicators).

	2023-2024	2022-2023	2021-2022
Adjudicators' Salaries	\$243,634	\$305,696	\$313,845

For information on the ATSSC's expenditures, please see its [financial reports](#) or contact the ATSSC directly.



Farming Ontario, Mrs. Moran preparing winter's preserves, 1942, Ontario, Library and Archives Canada / Ronny Jaques.

CART'S TEAMS

Many thanks to CART's and the ATSSC's hardworking teams, whose enthusiasm, skill, patience, and kindness serve Canadians incredibly well.

- Chairperson: **Emily Crocco**
- Adjudicators: **Emily Crocco, Patricia Farnese, Geneviève Parent, and Marthanne Robson**
- Executive Director: **Mijin Kim**
- Director of Member and Mandate services: **Guillaume Phaneuf**
- Senior Counsel: **Maria El Hachem**
- Legal Counsel: **Tamarah Nutik, Jean-François Cham, Mario Gosselin, Jac Strandberg, and Princess Tino**
- Registrar: **Frédéric (Fred) Lapointe**
- Registry Officers: **Danielle Herbert and Claudia Larocque**
- Senior Policy Advisor: **Steven Artelle**
- Project Manager: **Robyn Edwards**
- Business Administration Officer: **Ramon Coligado**

CONTACT INFORMATION

CART's offices are located in the National Capital Region, the traditional unceded territory of the Algonquin Anishinaabe people.

You can reach the Tribunal at the following coordinates:

Our website	cart-crac.gc.ca
By email	infotribunal@cart-crac.gc.ca
By telephone	613-943-6405
By fax	613-943-6429
By mail	Canada Agricultural Review Tribunal 344 Slater Street, 15th Floor, Suite 300 Ottawa, Ontario, K1A 0B7
Our decisions	Decisions - Canada Agricultural Review Tribunal (cart-crac.gc.ca)
RSS FEED	RSS Feeds - Canada Agricultural Review Tribunal (cart-crac.gc.ca)

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Farmers with team of horses work the wheat fields in Manitoba, 1933, Felix H. Man / Library and Archives Canada / PA-150338.