

Federal Court
of Appeal



Cour d'appel
fédérale

Date: 20101013

Docket: A-67-10

Citation: 2010 FCA 268

**CORAM: NADON J.A.
TRUDEL J.A.
MAINVILLE J.A.**

BETWEEN:

THE ATTORNEY GENERAL OF CANADA

Applicant

and

STEVE OUELLET

Respondent

Hearing held at Montréal, Quebec, on October 13, 2010.

Judgment delivered from the Bench at Montréal, Quebec, on October 13, 2010.

REASONS FOR JUDGMENT OF THE COURT BY:

TRUDEL J.A.

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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Montréal, Quebec, on October 13, 2010)

TRUDEL J.A.

[1] We are of the view that the application for judicial review of the decision of the Canada Agricultural Review Tribunal (RTA60361) should be allowed.

[2] It is clear from the Tribunal's decision that the alleged event occurred in the course of transport, thus resulting in the violation.

[3] Consequently, the Tribunal's decision will be set aside, and the matter will be remitted back to the Tribunal for (a) redetermination on the basis that the respondent Steve Ouellet committed the violation under subsection 141(1) of the *Health of Animals Regulations*, C.R.C., c. 296; and (b) assessment of the appropriate penalty in this case.

“Johanne Trudel”

J.A.

Certified true translation
Michael Palles

FEDERAL COURT OF APPEAL

SOLICITORS OF RECORD

DOCKET: A-67-10

STYLE OF CAUSE: AGC v. STEVE OUELLET

PLACE OF HEARING: Montréal, Quebec

DATE OF HEARING: October 13, 2010

REASONS FOR JUDGMENT OF THE COURT BY: NADON J.A.
TRUDEL J.A.
MAINVILLE J.A.

DELIVERED FROM THE BENCH BY: TRUDEL J.A.

APPEARENCES:

Pascale-Catherine Guay FOR THE APPLICANT

Steve Ouellet FOR THE RESPONDENT
(On his own behalf)

SOLICITORS OF RECORD:

Myles J. Kirvan FOR THE APPLICANT
Deputy Attorney General of Canada