

Federal Court of Appeal



Cour d'appel fédérale

Date: 20121113

Docket: A-51-12

Citation: 2012 FCA 291

**CORAM: SHARLOW J.A.
STRATAS J.A.
WEBB J.A.**

BETWEEN:

VOLPAK INC.

Applicant

and

**THE PRESIDENT OF THE
CANADA BORDER SERVICES AGENCY**

Respondent

Heard at Ottawa, Ontario, on November 13, 2012.

Judgment delivered from the Bench at Ottawa, Ontario, on November 13, 2012.

REASONS FOR JUDGMENT OF THE COURT BY:

WEBB J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Ottawa, Ontario, on November 13, 2012)

WEBB J.A.

[1] This is an application by Volpak Inc. for judicial review of the decision of the Canadian International Trade Tribunal dated February 2, 2012 (EP-2011-002). That decision denied the application of Volpak under section 60.2 of the *Customs Act*, R.S.C. 1985 (2d Supp.), c.1, for an extension of time to request (under section 60 of the Act) that the CBSA re-determine the tariff classification of certain chicken breasts imported by Volpak.

[2] The parties agree, as do we, that the standard of review is reasonableness.

[3] The Tribunal concluded, for reasons stated at paragraphs 27 and 28 of its reasons, that Volpak could have filed its application for an extension of time months earlier than it did. Volpak argues that it was necessarily delayed by the need to assemble acceptable security for the unpaid amounts. The Tribunal was aware of those facts when it reached its conclusion. That conclusion was reasonably open to the Tribunal on this record.

[4] For these reasons, we will dismiss this application for judicial review with costs.

“Wyman W. Webb”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-51-12

STYLE OF CAUSE: Volpak Inc. v. The President of the
Canada Border Services Agency

PLACE OF HEARING: Ottawa, Ontario

DATE OF HEARING: November 13, 2012

REASONS FOR JUDGMENT OF THE COURT BY: SHARLOW, STRATAS AND
WEBB J.J.A.

DELIVERED FROM THE BENCH BY: WEBB J.A.

APPEARANCES:

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