Docket: 2005-1778(EA)G

BETWEEN:

9129–9321 QUEBEC INC.,

Appellant,

and

HER MAJESTY THE QUEEN,

Respondent.

Appeal heard on August 8, 2006, at Montreal, Québec.

Before: The Honourable D.G.H. Bowman, Chief Justice

Appearances:

Counsel for the Appellant: Conrad Shatner

Counsel for the Respondent: Marie-Andrée Legault

JUDGMENT

The appeal from the assessment made under section 42 of the *Excise Act, 2001,* is allowed with costs and the assessment is referred back to the Minister of National Revenue for reconsideration and reassessment in accordance with the reasons for judgment to delete the duty of $825,008.90 imposed under section 42 of the *Excise Act, 2001* together with any interest and penalties related thereto that may have been imposed.

Signed at Calgary, Alberta, this 30th day of January 2007.

"D.G.H. Bowman"

Bowman, C.J.

Citation: 2007TCC2
Date: 20070130
Docket: 2005-1778(EA)G

BETWEEN:

9129–9321 QUEBEC INC.,

Appellant,

and

HER MAJESTY THE QUEEN,

Respondent.

REASONS FOR JUDGMENT

Bowman, C.J.

[1] This is an appeal from an assessment made under subsection 42(1) of the *Excise Act, 2001* (the "*E.A.*") in the amount of $825,008.90.

[2] Since this is the first case to come before this court under the *E.A.*, which imposes a duty on spirits, wine and tobacco, it is useful to set out or refer to a few of the relevant statutory provisions.

[3] Subsection 42(1) of the *E.A.* reads:

> **42.** (1) Duty is imposed on tobacco products manufactured in Canada or imported and on imported raw leaf tobacco at the rates set out in Schedule 1 and is payable
>
> (*a*) in the case of tobacco products manufactured in Canada, by the tobacco licensee who manufactured the tobacco products, at the time they are packaged; and
>
> . . . . .

[4] "Manufacture" is defined in section 2 of the ***E.A.*** as follows:

> "manufacture", in respect of a tobacco product, includes any step in the preparation or working up of raw leaf tobacco into the tobacco product. It includes packing,

> stemming, reconstituting, converting or packaging the raw leaf tobacco or tobacco product.

[5] "Manufactured tobacco" is defined as follows:

> "manufactured tobacco" means every article, other than a cigar or packaged raw leaf tobacco, that is manufactured in whole or in part from raw leaf tobacco by any process.

[6] "Prescribed package" is defined at length in the Stamping and Marking of Tobacco Products Regulations, PC 2003-1202 of August 13, 2003. I need not reproduce these regulations. They contain detailed provisions about what should go on packages of tobacco products. "Tobacco product" is defined:

> "tobacco product" means manufactured tobacco, packaged raw leaf tobacco or cigars.

[7] Schedule 1 to the *E.A.* provides for various rates of duty on tobacco products. It would seem that the rate applicable here is $53.981 per kilogram.

[8] Section 188 permits the Minister of National Revenue to assess duty; section 195 provides for objections to assessments; section 198 provides for appeals to this court; and section 203 sets out what the court may do with an appeal. All these provisions parallel substantially similar provisions in other Canadian taxing statutes such as the *Income Tax Act* and the *Excise Tax Act*.

[9] The issue in this appeal is whether the appellant is taxable on 15,283.32 kilograms of tobacco at $53.981 per kilogram for an aggregate of $825,008.90, as the respondent alleges or, as the appellant alleges, on 253 kilograms. The question is whose version of the facts should be accepted.

[10] The appellant, through its president and sole shareholder, Nuruddin Wallani, stated that on November 5, 2003, and November 12, 2003, it purchased 248 pounds and 310 pounds of tobacco respectively from "Les tabacs du Québec", a tobacco wholesaler owned and operated by Daniel Coutu. The total of 558 pounds is the equivalent of 253 kilograms which the appellant admits to having purchased and on which it says it paid duty.

[11] The same rules apply in cases under the *E.A.* with respect to onus of proof and assumptions as in appeals arising under the *Income Tax Act* and the *Excise Tax Act*.

[12] The assumptions upon which the assessment was based are set out in the Reply to the Notice of Appeal as follows:

> (a) The Appellant is a corporation wholly owned by Mr. Nuruddin Wallani;
>
> (b) The Appellant was granted, in July 2003, a license to manufacture tobacco products in Canada, under the trade name of "Les Tabacs d'Or du Québec";
>
> (c) Between November 5, 2003 and May 28, 2004, the Appellant purchased from various wholesalers more than 16 009 kilos of raw leaf and blended fine cut tobacco;
>
> (d) However, the Appellant only declared purchases of 253 kilos of raw leaf tobacco on which it paid duties under the *Excise Act, 2001*, leaving 15,756 kilos of blended fine cut tobacco purchases undeclared, on which duties were not paid;
>
> (e) The Appellant is therefore liable to pay excise duty totalling $ 825,008.90, calculated as follows:
>
> | | |
> |---|---|
> | Purchases not declared | 15,756 kilos |
> | Less 3% loss allowed | 472.68 kilos |
> | | 15,283.32 kilos |
> | @ duty rate of $ 53.981/kilo (for blended fine cut tobacco) | $ 825,008.90 |

[13] Similarly, in part B of the Reply to the Notice of Appeal the Crown states the issue as follows:

> **B. ISSUES TO BE DECIDED**
>
> 6. The Court has to determine if between November 5, 2003 and May 28, 2004, the Appellant purchased at least 15,756 kilos of blended fine cut tobacco that it did not declare and hence did not pay excise duty on.

[14] Since the liability for duty arises at the time of packaging under paragraph 42(1)(*a*), I should have thought that an assumption or allegation would have been made that the appellant packaged the tobacco and its obligation to pay duty arose at that time. The pleading of assumptions and its effect upon the onus of

proof gives the Crown a significant advantage. It is therefore incumbent upon the respondent in an appeal to plead that the Minister made assumptions that clearly lead to a liability for the duty that is being asserted. Where neither the assumptions nor the assertions pleaded do so, the appellant would be entitled to move for judgment on the pleadings. No such motion was made and I am, in any event, reluctant to dispose of a case on the basis of the pleadings. Moreover, in light of my acceptance of the appellant's version of the facts it does not really matter. Had I rejected the appellant's evidence and accepted that tendered by the respondent, I would have had to consider the adequacy of the assumptions pleaded in the Reply. I shall deal with the appeal on the basis of the factual issue that was put to me: Did the appellant purchase 15,756 kilograms of fine cut tobacco between November 5, 2003 and May 28, 2004?

[15] Mr. Wallani's evidence was clear and unequivocal. He made two purchases of uncut leaf tobacco, one on November 5, 2003 and one on November 12, 2003 in the amount of 248 pounds and 310 pounds, respectively for a total of 558 pounds. He cut it up and sold part of it. His records indicate that between November and December, he sold 16.2 kilograms, about 35 pounds and in January to April, he sold another 42 pounds. In the result he sold 134 pounds and had 424 pounds left or 192 kilograms.

[16] Mr. Wallani testified that he tried, without success, to get the vendor to take back the unsold leaf and that he telephoned Mr. Richard Granger, an excise duty officer with the Canada Revenue Agency, who inspected the warehouse and gave him, on May 31, 2004, a certificate that 354 pounds were destroyed as well as 11,600 empty 200 gram bags. He testified that the tobacco was destroyed by being put in cases of used oil.

[17] Mr. Wallani testified that the tobacco that he sold was sold to dépanneurs (convenience stores) and that he collected the duty from them. He testified that the only tobacco he purchased was on the two occasions when he visited Mr. Coutu's establishment and he paid for the tobacco by cheque. He said he was accompanied by a helper, Hussein.

[18] Mr. Wallani gave his evidence in a straightforward manner. It was not shaken on cross-examination and there was nothing in his demeanour on the witness stand that would lead me to question the veracity of his testimony. Moreover, his testimony in itself contained no internal contradictions or improbabilities. Therefore, at the conclusion of Mr. Wallani's testimony the appellant had made out a *prima facie* case that it did not purchase 15,283.32

kilograms of tobacco and that it purchased only 253 kilograms. That evidence, if unrebutted, would be dispositive of the appeal.

[19] The Crown's evidence was put in through three witnesses.

[20] The first was Mr. Richard Granger. He appeared to be a conscientious public servant. He confirmed that he visited the appellant's premises and authorized the destruction of 354 pounds of tobacco and 11,600 empty bags.

[21] He was unable to provide any direct evidence of the purchase of the additional 15,756 kilograms. Indeed the destruction of 11,600 empty bags would seem to be consistent with the appellant's not having bought the substantial amount of tobacco that the Crown alleges and certainly with its not having packaged such an amount. Moreover, Mr. Wallani's having called Mr. Granger and invited him to his premises to do an inventory of the tobacco on hand is hardly consistent with the appellant's having purchased an additional 15,756 kilograms of tobacco on which it evaded payment of excise tax.

[22] Mr. Granger's evidence with respect to the large quantity of tobacco which it is alleged the appellant bought is, with respect, insufficient to establish taxability. It is in part hearsay and in part conjecture. The following is an excerpt from his evidence in chief.

> Q. Puis, ça serait quoi la différence par rapport à du tabac qui est du « fine cut »? Les droits sont payables à quel moment ?
>
> R. Le droit est payable quand le matériel est emballé, qu'il a été ouvragé, là, emballé puis que vous allez le. . .
>
> Q. O.K. Mais quand vous n'avez pas de preuve qu'il est emballé, là, pourquoi ici, comme par exemple, si on ne sait pas quand est-ce qu'il a été emballé, pourquoi qu'on émet la cotisation?
>
> R. Par rapport à ce que l'on a cotisé, là ?
>
> Q. Oui. Oui.
>
> R. Bon. Étant donné qu'on a trouvé ou j'ai trouvé qu'il y avait eu des quantités de tabac haché qui avaient été achetées, c'est du tabac qui est prêt à être emballé ou qu'on pourrait faire des cigarettes avec, là, il est déjà ouvragé ce tabac-là. Alors, il a été acheté, il n'a pas été déclaré sur des déclarations mensuelles chez nous comme quoi il a été acheté puis on n'a pas de trace de ce qui est arrivé après. Tout ce qu'on peut, c'est présumer qu'il a été vendu sur le

marché canadien alors il y a des droits d'accise qui sont payables là-dessus, c'est comme. . .

Q. Comme par exemple, si je reviens au tabac que monsieur Wallani dit avoir acheté, qui n'était pas coupé. . .

R. Oui.

Q. . . . O.K., il l'a coupé mais il n'était pas vendu?

R. Oui.

Q. Est-ce qu'il a payé des douanes là-dessus?

R. Des droits d'accise, non.

Q. Des droits d'accise, excusez.

R. Non. Étant donné qu'il a été détruit puis en ma présence, puis que moi, j'étais assuré, là, suffisamment, que ce tabac-là n'était pas... était impropre à la consommation donc qu'il ne pourrait pas se retrouver sur le marché de consommation domestique, bien, il n'y a pas de droits à payer.

Q. O.K. Ça fait que ce n'est pas parce qu'il n'a pas été vendu, là, c'est parce qu'il a été détruit?

R. Non, non. Ça aurait pu être du tabac qu'il aurait déjà emballé puis qu'il n'aurait pas vendu puis qu'il nous aurait payé les droits, bien là, s'il l'avait détruit, on aurait pu... il aurait pu réclamer un crédit puis on aurait pu lui donner un crédit, là, mais ce n'était pas le cas.

[23] Mr. Granger was unable to swear that the money that went into the bank account of the vendor "Les tabacs du Québec" (allegedly in cash) came from Mr. Wallani. He also had no evidence that the tobacco, whatever its quantity, was ever packaged. I have seen no reliable or admissible evidence that the appellant ever bought more than 558 pounds of tobacco.

[24] In *Chomica v. The Queen,* 2003 DTC 535, I discussed at some length the evidentiary effect of the evidence of assessors. Usually it is hearsay. At pages 538-9 the following appears:

> [26] I do not intend this judgment to be a discussion of the recent developments in the hearsay rule. That it is an evolving concept is unquestioned, as is obvious from the discussion in The Law of Evidence in Canada, *supra*, at pages 187 to 220. The rule nonetheless continues to exist and effect must be given to it. Even if I believed that I could stretch the principles stated in the recent cases, which

require at least reliability and necessity, the assessor's report and the memoranda would still have to be excluded. For example, no witness was able to say who prepared the memoranda found at tabs A, B and C of Tab 18. They were said to be based on material seized by the police from files from the personal computer of Alan Benlolo by a detective.

[27] Such material is at best unreliable and at most wholly inadmissible as evidence.

[28] Such reports of the CCRA (T-20 and T-401 reports) may be put in evidence for the limited purpose of showing the basis on which an assessment is made but not as evidence of the truth of their contents. There can be no objection to the CCRA basing its assessments on hearsay — it must of necessity base its assessing action on such material as is available, even though such material may be hearsay.[1] However, when the respondent is called upon to justify an assessment by calling evidence it must be evidence that is admissible under the ordinary rules governing admissibility.

[29] Not only must the rules of evidence be followed, particularly in cases governed by the General Procedure — but also, where serious allegations of fraud are made the court must scrutinize such evidence very carefully. Madam Justice L'Heureux-Dubé alluded to this in the second paragraph of her judgment in *Hickman Motors* which is quoted above.

[30] In *Farm Business Consultants Inc. v. The Queen*, 95 DTC 200 aff'd 96 DTC 6085, the same point was made about the care with which evidence adduced to establish penalties must be scrutinized, even where the standard of proof is a civil one. We are not dealing with penalties here, but we are dealing with an allegation that the appellant participated in a fraudulent scheme. At pages 205-6 , the following was said:

> A court must be extremely cautious in sanctioning the imposition of penalties under subsection 163(2). Conduct that warrants reopening a statute-barred year does not automatically justify a penalty and the routine imposition of penalties by the Minister is to be discouraged. Conduct of the type contemplated in paragraph 152(4)*a*)(i) may in some circumstances also be used as the basis of a penalty under subsection 163(2), which involves the penalizing of conduct that requires a higher degree of reprehensibility. In such a case a court must, even in applying a civil standard of proof, scrutinize the evidence with great care and

[1] I am not talking about illegally obtained evidence or evidence obtained in breach of a taxpayer's *Charter* rights or in breach of a promise of confidentiality. That raises entirely different considerations: see *O'Neill Motors Limited v. The Queen*, 96 DTC 1486 (T.C.C.), aff'd 98 DTC 6424 (F.C.A.); *The Promex Group Inc. v. The Queen*, 98 DTC 1588 (T.C.C.); *Crestbrook Forest Industries Ltd. v. The Queen*, [1992] 1 C.T.C. 100 (F.C.A.).

look for a higher degree of probability than would be expected where allegations of a less serious nature are sought to be established.[3] Moreover, where a penalty is imposed under subsection 163(2) although a civil standard of proof is required, if a taxpayer's conduct is consistent with two viable and reasonable hypotheses, one justifying the penalty and one not, the benefit of the doubt must be given to the taxpayer and the penalty must be deleted.[4] I think that in this case the required degree of probability has been established by the respondent, and that no hypothesis that is inconsistent with that advanced by the respondent is sustainable on the basis of the evidence adduced.

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[3] Cf. *Continental Insurance Co. v. Dalton Cartage Co.*, [1982] 1 S.C.R. 164; 131 D.L.R. (3d) 559; 25 C.P.C. 72, per Laskin, C.J.C. at 168-171; D.L.R. 562-564; C.P.C. 75-77; *Bater v. Bater*, [1950] 2 All E.R. 458 at 459; *Pallan et al. v. M.N.R.*, 90 DTC 1102 at 1106; *W. Tatarchuk Estate v. M.N.R.*, [1993] 1 C.T.C. 2440 at 2443.

[4] This is not simply an extrapolation from the rule in *Hodge's* Case (1838) 2 Lewin 227; 168 E.R. 1136, applicable in criminal matters such, for example, as section 239 of the *Income Tax Act* where proof beyond a reasonable doubt is required. It is merely an application of the principle that a penalty may be imposed only where the evidence clearly warrants it. If the evidence is consistent with both the state of mind justifying a penalty under subsection 163(2) and the absence thereof – I hesitate to use the words innocence or guilt in these circumstances – it would mean that the Crown's onus had not been satisfied.

[25] Here I am being asked to find that Mr. Wallani was not telling the truth under oath. This is a serious allegation and the evidence must be compelling.

[26] The following exchange of correspondence between Mr. Granger and Mr. Wallani illustrates the stark difference between the parties.

9129-9321 Quebec Inc
operating under the trade name of
“ Les Tabacs d’Or du Québec ”
829, Place Simon
St-Laurent, Qc
H4M 2W3

Attn: Mr. Nuruddin Wallani
president

Subject: Licence number : 51-TL-49

Account identifier number : 14505 3690 RD 0001

This letter is to advise you that according to our information, 9129-9321 Quebec Inc operating under the trade name of “Les Tabacs d’Or du Québec”, has purchased over 16009 kilos of tobacco between November 5, 2003 and May 28, 2004, from various wholesalers of raw leaf and blended fine cut tobacco.

However, as per the B267 E tobacco licensee excise duty monthly returns that were completed by your company during the same period, you declared only purchases of 253 kilos of raw leaf tobacco whereas an additional 15756 kilos of blended fine cut tobacco was purchased by your company, but not declared on the said returns.

Consequently, we ask you to provide us with explanations in order to account for the 15756 kilos which represents the difference between the 253 kilos and the total purchases of 16009 kilos.

In the absence of a satisfactory explanation, we will have no choice but to assess your company 9129-9321 Quebec Inc in the amount of $ 850,524.63 plus interest and penalties applicable, representing the 15756 kilos of fine cut tobacco at the duty rate of $ 53.981 per kilo.

Please be advised that this information is required by July 30th, 2004 at the latest. If no information is provided by this date, an official notice of assessment will be issued.

If more information related to this matter is needed, do not hesitate to communicate with me at phone number (514) 229-0584 or by fax at (514) 283-6154.

Your cooperation in concluding this matter will be greatly appreciated.
Regards,

Richard Granger
Excise Duty Officer
Canada Revenue Agency
Montreal district office

and

Canada Customs and Revenue Agency,
305, Rene, Levesque Boul. Ouest
Montreal, Quebec H2Z 1A6

Attn: Mr. Richard Granger

Excise Duty Officer

Subject: License # 51-TL-49
Account #: 14505 3690 RD0001

We are in receipt of your letter dated July 12, 2004 and write to advise you that we bought a total of 253 kilograms of Raw Tobacco Leaf on two different occasions and thereafter we never bought anything from anywhere.

Mr. Granger, if you remember, we called you sometime in the last week of May 2004 and requested you if you could come over to our premises in Dorval to carry out the necessary inspection as we were unable to pay the rent for April 2004. We then explained to you the urgent need for inspection because we had advised the landlord of our inability to meet our rental commitment until the end of the lease and that they came up with new tenants who wanted to rent the premises from June 1, 2004. Since I had no idea if we could move our Tobacco stock elsewhere without your consent, you agreed to come over to our place on 31st May 2004 for inspection thus accommodating our urgent request.

On 31st May 2004 you inspected the complete Tobacco Stock cut/uncut. You weighed every kilo we had on the premises, you counted all plastic bags and after you reconciled all entries, verified invoices and issued the destruction certificate.

Sir, if you remember, you suggested to us that if we were not willing to continue to do this business in future, then you should destroy these bags since it bears Tabac D'Or name on it. We readily agreed and gave you the bags for destruction. In view of the above, we request you to please drop all charges laid against us and confirm to us as soon as possible.

Thanks and Kind Regards

_____
N. Wallani
For, 9129-9321 Quebec Inc.
Dated: July 13, 2004

[27] Mr. Daniel Coutu, the owner of "Les tabacs du Québec inc." put in evidence a group of invoices. The first two were made out to the appellant (9129-9321 Québec inc.) and were for the tobacco that Mr. Wallani agrees he bought and paid duty on. The payment was by cheque. All of the other invoices are to 9129-9326 Québec inc. They are for substantial amounts of tobacco. They total over $150,000 and are in amounts running from a few hundred dollars to over $10,000. The transactions took place at intervals of a few days and everything was said to have been paid in cash.

[28] Mr. Coutu stated that the persons who picked up the tobacco were called Nacime (or Nissim as it appears in the transcript) and Adam. He met Mr. Wallani (who went under the name of "Jack"). He said "Jack" would telephone him or his son and order tobacco. Mr. Wallani denies all this. He asserts that he never telephoned Mr. Coutu at his company, that the only transactions he had with "Les tabacs du Québec inc." were the two when he bought the 558 pounds. I am not satisfied that Mr. Mathieu Coutu was able to tell from the telephone conversation whose voice it was, if indeed there was such a telephone conversation.

[29] I do not find that the evidence of Mr. Daniel Coutu is sufficient to rebut Mr. Wallani's testimony. I say this for several reasons:

> (a) The name on all the invoices except the first two is 9129-9326 Québec inc., not the appellant's name 9129-9321 Québec inc. A mistake could be made once but not on dozens of invoices.
>
> (b) Mr. Wallani knew of no one called Nacime or Adam and Mr. Coutu knew of no one called Hussein.
>
> (c) The sheer improbability of large quantities of fine cut tobacco being bought for cash by Mr. Wallani without any trace militates against the assertion that Mr. Coutu sold such amount to Mr. Wallani or his company.

[30] Again, with respect to the evidence of Mr. Daniel Coutu's son, Mathieu, I do not think that I can rely on it to justify a finding that Mr. Wallani was lying. He testified that whenever he delivered the tobacco to 2236 rue Pitre, he never saw "Jack". Mr. Wallani testified that he had never seen that place before the day before trial.

[31] In *Faulkner v. M.N.R.*, [2006] T.C.J. No. 173, I said:

> [13] Where questions of credibility are concerned, I think it is important that judges not be too quick on the draw. In *1084767 Ontario Inc. (c.o.b. Celluland) v. Canada*, [2002] T.C.J. No. 227 (QL), I said this:
>
> > 8 The evidence of the two witnesses is diametrically opposed. I reserved judgment because I do not think findings of credibility should be made lightly or, generally speaking, given in

> oral judgments from the bench. The power and obligation that a trial judge has to assess credibility is one of the heaviest responsibilities that a judge has. It is a responsibility that should be exercised with care and reflection because an adverse finding of credibility implies that someone is lying under oath. It is a power that should not be misused as an excuse for expeditiously getting rid of a case. The responsibility that rests on a trial judge to exercise extreme care in making findings of credibility is particularly onerous when one considers that a finding of credibility is virtually unappealable.

> [14] I continue to be of the view that as judges we owe it to the people who appear before us to be careful about findings of credibility and not be too ready to shoot from the hip. Studies that I have seen indicate that judges are no better than any one else at accurately making findings of credibility. We do not have a corner on the sort of perceptiveness and acuity that makes us better than other people who have been tested such as psychologists, psychiatrists or lay people. Since it is part of our job to make findings of credibility, we should at least approach the task with a measure of humility and recognition of our own fallibility. I know that appellate courts state that they should show deference to findings of fact by trial judges because they have had the opportunity to observe the demeanour of the witness in the box. Well, I have seen some accomplished liars who will look you straight in the eye and come out with the most blatant falsehoods in a confident, forthright and frank way, whereas there are honest witnesses who will avoid eye contact, stammer, hesitate, contradict themselves and end up with their evidence in a complete shambles. Yet some judges seem to believe that they can instantly distinguish truth from falsehood and rap out a judgment from the bench based on credibility. The simple fact of the matter is that judges, faced with conflicting testimony, probably have no better than a 50/50 chance of getting it right and probably less than that when their finding is based on no more than a visceral reaction to a witness. Moreover, it is essential that if an adverse finding of credibility is made the reasons for it be articulated.

[32] In the circumstances I am satisfied on a balance of probabilities that the appellant has satisfied the onus of proof and has established that it did not purchase the 15,283.32 kilograms of tobacco as alleged by the respondent. For the reasons given above I do not think the Crown's evidence is sufficiently reliable to warrant a finding that Mr. Wallani engaged in a massive evasion of excise duty and, in addition, committed perjury. Such serious allegations require compelling evidence.

[33] Counsel for the appellant suggested that possibly the invoices were fabricated. Counsel for the respondent suggested that perhaps Mr. Wallani was acting or being used as a front for someone else. Interesting though it might be to pursue these conjectural hypotheses (for which I might say there is no evidence) I

need only deal with the more mundane question whether the appellant purchased 15,756 kilograms of blended fine cut tobacco. I am satisfied on the evidence that it did not.

[34] The appeal is therefore allowed with costs and the assessment is referred back to the Minister of National Revenue for reconsideration and reassessment in accordance with these reasons to delete the duty of $825,008.90 imposed under section 42 of the *Excise Act, 2001* together with any interest and penalties related thereto that may have been imposed.

Signed at Calgary, Alberta, this 30th day of January 2007.

"D.G.H. Bowman"

Bowman, C.J.

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STYLE OF CAUSE:	9129 – 9321 Quebec Inc. v. Her Majesty The Queen
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DATE OF HEARING:	August 8, 2006
REASONS FOR JUDGMENT BY:	The Honourable D.G.H. Bowman, Chief Justice
DATE OF JUDGMENT AND REASONS FOR JUDGMENT:	January 30, 2007

APPEARANCES:

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Counsel for the Respondent:	Marie-Andrée Legault

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