

Federal Court of Appeal



Cour d'appel fédérale

Date: 20250430

Docket: A-269-24

Citation: 2025 FCA 87

**CORAM: STRATAS J.A.
LASKIN J.A.
MONAGHAN J.A.**

BETWEEN:

**EARL MACDONALD AND SON
TRANSPORT LIMITED**

Applicant

and

CANADIAN FOOD INSPECTION AGENCY

Respondent

Heard at Toronto, Ontario, on April 30, 2025.
Judgment delivered from the Bench at Toronto, Ontario, on April 30, 2025.

REASONS FOR JUDGMENT OF THE COURT BY:

MONAGHAN J.A.

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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Toronto, Ontario, on April 30, 2025).

MONAGHAN J.A.

[1] In 2020, an employee of Earl MacDonald and Son Transport Limited transported 171 pigs in the company's trailer from two farms in Ontario to a slaughterhouse in Quebec. Three pigs located in the rear compartment of the trailer died. Following an investigation, the Canadian Food Inspection Agency (Agency) concluded the company had loaded and transported the

animals in a manner that resulted in overcrowding contrary to subsection 148(1) of the *Health of Animals Regulations*, C.R.C., c. 296.

[2] In 2022, the Agency issued a notice of violation, imposing a \$10,000 administrative monetary penalty on the company under the *Agriculture and Agri-Food Administrative Monetary Penalties Act*, S.C. 1995, c. 40. The company brought the matter before the Canada Agricultural Review Tribunal (Tribunal).

[3] Because the company agreed the pigs were loaded and transported in its trailer, the only issue was whether there was overcrowding. Following a two-day hearing, the Tribunal concluded that the Agency had established there was overcrowding and that the company violated the regulation: *Earl MacDonald and Son Transport Limited v. Canadian Food Inspection Agency*, 2024 CART 17. The company now seeks judicial review of the Tribunal's decision.

[4] The only question before us is whether the Tribunal's decision is reasonable: *Canada (Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 at paras. 23-25, 83 [Vavilov]; *Canada (Attorney General) v. Fauteux*, 2020 FCA 165 at para. 7. In answering that question, we must limit ourselves to considering whether the decision, including its rationale and the outcome, was reasonable.

[5] In its written submissions, the company submits that the Tribunal erred in interpreting the relevant regulation because it requires a finding that the pigs suffered, or were likely to suffer, during transport but the Tribunal made no such finding. This submission is without merit.

[6] The Tribunal set out the text of the regulation, including the definition of “overcrowding”: Tribunal reasons at paras. 4, 7. Quoting from that definition, the Tribunal stated that overcrowding would “have occurred if, due to the number of pigs in the compartment, the animal is *likely* to develop hyperthermia...or is otherwise *likely to suffer* from heat or die”: Tribunal reasons at para. 26 (emphasis added); see also paras. 51, 53. This is precisely the interpretation the company advances before us: see Applicant’s Memorandum of Fact and Law at para. 26.

[7] Absent exceptional circumstances, we cannot reweigh and reassess the evidence the Tribunal considered: *Vavilov* at para. 125. Despite the company’s written and oral submissions, nothing calls into question the acceptability and defensibility of the result and the reasons offered. The reasons indicate that the Tribunal carefully and thoroughly evaluated the evidence, including that of the witnesses, and on that basis found overcrowding: Tribunal reasons at paras. 3, 50, 53.

[8] We conclude that the decision is reasonable. Accordingly, we will dismiss the application for judicial review with costs in the fixed amount of \$3,500.

“K.A. Siobhan Monaghan”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

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