



## TRANSPORTATION APPEAL TRIBUNAL OF CANADA

**Citation:** *Canadian National Railway Company v. Canada (Minister of Transport)*,  
2020 TATCE 19 (Ruling)

**TATC File No.:** Q-0051-41

**Sector:** Rail

### **BETWEEN:**

**Canadian National Railway Company, Applicant**

- and -

**Canada (Minister of Transport), Respondent**

**Heard by:** Written submissions on November 18, 2020

**Before:** Raymon J. Kaduck, Member

**Rendered:** November 23, 2020

### **RULING**

**Held:** The late submission for a request for review is accepted.

## **I. BACKGROUND**

[1] On November 12, 2020, Mr. Yannick Landry, acting as Counsel for Canadian National Railway Company (CN), contacted the Transportation Appeal Tribunal of Canada (Tribunal) via email requesting that the Tribunal accept a request for review despite having missed the November 3, 2020 deadline to file said request, as outlined in the Notice of Violation issued on October 2, 2020 and received by CN on October 3, 2020, for Transport Canada file number 4004-16-9-105738.

[2] On November 16, 2020 Mr. Eric Villemure, representing the Minister of Transport (Minister), submitted via email that the Minister had no arguments to submit in opposition to the request, and that the Minister had not been prejudiced by the delay and would not be, should the Tribunal accept the request.

## **II. ANALYSIS**

[3] In the matter of the late application for review by CN regarding the Notice of Violation issued against CN, received on October 3, 2020, I note that the Tribunal, according to its policy, is not required to accept late applications.

[4] Mr. Landry, acting for CN, has explained that this was an oversight on his part, for which he accepts full responsibility. Mr. Villemure, acting for the Minister, does not oppose the application and states that his client would not be prejudiced by the acceptance of the submission.

[5] Given the magnitude of the administrative monetary penalties involved, and accepting Mr. Landry's explanation in this instance, I accept the late submission.

## **III. RULING**

[6] The late submission for a request for review is accepted.

November 23, 2020

(Original signed)

Raymon J. Kaduck  
Member

Appearances

For the Minister: Eric Villemure  
For the Applicant: Yannick Landry