



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Appeals

ORDER

Appeal No. AP-2012-045

D. Andrews

v.

President of the Canada Border
Services Agency

*Order issued
Thursday, April 11, 2013*

IN THE MATTER OF an appeal under subsection 67(1) of the *Customs Act*, R.S.C. 1985, (2d Supp.), c.1;

AND IN THE MATTER OF a request made by the President of the Canada Border Services Agency dated March 1, 2013, pursuant to rule 23.1 of the *Canadian International Trade Tribunal Rules*, for an order dismissing the appeal on the basis that the Canadian International Trade Tribunal does not have the jurisdiction to deal with the issue on appeal;

AND IN THE MATTER OF two letters from the Canadian International Trade Tribunal dated March 1, 2013, and March 12, 2013, directing D. Andrews to file her views on the President of the Canada Border Services Agency's request to dismiss the appeal.

BETWEEN

D. ANDREWS

Appellant

AND

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

Respondent

ORDER

WHEREAS the above-noted appeal was filed by D. Andrews on November 14, 2012, pursuant to subsection 67(1) of the *Customs Act*;

AND WHEREAS, by letter dated November 15, 2012, the Canadian International Trade Tribunal (the Tribunal) accepted the appeal and notified the Canada Border Services Agency;

AND WHEREAS, on January 11, 2013, D. Andrews filed her brief;

AND WHEREAS, by letter dated March 1, 2013, the President of the Canada Border Services Agency requested an Order from the Tribunal, pursuant to rule 23.1 of the *Canadian International Trade Tribunal Rules*, dismissing the appeal on the basis that the Tribunal has no authority to order a refund of the Goods and Services Tax (GST), Provincial Sales Tax (PST) and postal handling fees applied to imported goods and, therefore, the Tribunal does not have the jurisdiction to deal with the issue on appeal;

AND WHEREAS, by letter dated March 1, 2013, the Tribunal directed D. Andrews to file her views in light of the Canada Border Services Agency's request;

AND WHEREAS, having received no response from D. Andrews, by letter dated March 12, 2013, the Tribunal again directed D. Andrews to file her views in light of the Canada Border Services Agency's request;

AND WHEREAS the Tribunal received no reply to its letter of March 12, 2013;

AND WHEREAS the Tribunal finds that D. Andrews has repeatedly failed to comply with directions issued by the Tribunal, thus showing that she has lost interest in the present appeal;

AND WHEREAS the Tribunal finds that it lacks jurisdiction to grant refunds of GST, PST or postal handling fees paid on imported goods, and further notes that its jurisdiction under the *Customs Act* is limited to issues of tariff classification, value for duty, origin and marking of imported goods—none of which has been contested by D. Andrews in the present appeal;

THEREFORE, the Tribunal grants the President of the Canada Border Services Agency's request and orders that the appeal be dismissed.

Serge Fréchette
Serge Fréchette
Presiding Member

Dominique Laporte
Dominique Laporte
Secretary