

Ottawa, Thursday, January 13, 1994

Appeal No. AP-90-171

IN THE MATTER OF an appeal heard on August 30, 1993,  
under section 81.22 of the *Excise Tax Act*, R.S.C. 1985,  
c. E-15;

AND IN THE MATTER OF a notice of objection served  
under section 81.15 of the *Excise Tax Act* with respect to an  
assessment of the Minister of National Revenue dated  
December 10, 1986.

**BETWEEN**

**AMBASSADOR CLOCKS OF CANADA LTD.**

**Appellant**

**AND**

**THE MINISTER OF NATIONAL REVENUE**

**Respondent**

**DECISION OF THE TRIBUNAL**

The appeal is dismissed.

W. Roy Hines

W. Roy Hines  
Presiding Member

Sidney A. Fraleigh

Sidney A. Fraleigh  
Member

Charles A. Gracey

Charles A. Gracey  
Member

Michel P. Granger

Michel P. Granger  
Secretary

*UNOFFICIAL SUMMARY*

**Appeal No. AP-90-171**

**AMBASSADOR CLOCKS OF CANADA LTD.**

**Appellant**

**and**

**THE MINISTER OF NATIONAL REVENUE**

**Respondent**

*This is an appeal under section 81.22 of the Excise Tax Act of an assessment of the Minister of National Revenue in the amount of \$71,996.34, plus \$18,275.26 for interest and \$21,420.01 for penalty, in respect of undeclared taxable sales and clerical errors.*

***HELD:** The appeal is dismissed. The appellant did not provide the Tribunal with sufficient information to support a decision that it was incorrectly assessed and, therefore, failed to satisfy its burden of proving that the assessment was incorrect.*

*Place of Hearing: Ottawa, Ontario  
Date of Hearing: August 30, 1993  
Date of Decision: January 13, 1994*

*Tribunal Members: W. Roy Hines, Presiding Member  
Sidney A. Fraleigh, Member  
Charles A. Gracey, Member*

*Counsel for the Tribunal: Shelley Rowe*

*Clerk of the Tribunal: Janet Rumball*

*Appearance: Alain Lafontaine, for the respondent*

Appeal No. AP-90-171

**AMBASSADOR CLOCKS OF CANADA LTD.**

**Appellant**

**and**

**THE MINISTER OF NATIONAL REVENUE**

**Respondent**

TRIBUNAL: W. ROY HINES, Presiding Member  
SIDNEY A. FRALEIGH, Member  
CHARLES A. GRACEY, Member

**REASONS FOR DECISION**

This is an appeal under section 81.22 of the *Excise Tax Act*.<sup>1</sup> The issue in this appeal is whether the appellant was properly assessed for \$71,996.34, plus \$18,275.26 for interest and \$21,420.01 for penalty, in respect of undeclared taxable sales and clerical errors, as set out in the notice of assessment dated December 10, 1986.

The appellant, which apparently went bankrupt in January 1992, did not file a brief with the Tribunal and did not attend the hearing. As a result, the Tribunal had little or no information relating to the appellant's claim. The Tribunal reviewed the only information available, namely, the appellant's notice of objection, which was received by the respondent on March 6, 1987. The Tribunal finds that the notice of objection is insufficient to support the appellant's claim that it was incorrectly assessed and that the appellant, therefore, failed to satisfy its burden of proving that the assessment was incorrect.

Accordingly, the appeal is dismissed.

W. Roy Hines  
W. Roy Hines  
Presiding Member

Sidney A. Fraleigh  
Sidney A. Fraleigh  
Member

Charles A. Gracey  
Charles A. Gracey  
Member

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1. R.S.C. 1985, c. E-15.