



Ottawa, Friday, February 26, 1993

Appeal No. AP-91-258

IN THE MATTER OF an appeal heard on
December 9, 1992, under section 81.19 of the *Excise Tax Act*,
R.S.C. 1985, c. E-15;

AND IN THE MATTER OF a decision of the Minister of
National Revenue dated January 24, 1992, with respect to
a notice of objection served under section 81.17 of the
Excise Tax Act.

BETWEEN

ISLAND CHEMICALS DISTRIBUTION

Appellant

AND

THE MINISTER OF NATIONAL REVENUE

Respondent

DECISION OF THE TRIBUNAL

The appeal is dismissed.

Desmond Hallissey
Desmond Hallissey
Presiding Member

Robert C. Coates, Q.C.
Robert C. Coates, Q.C.
Member

Arthur B. Trudeau
Arthur B. Trudeau
Member

Michel P. Granger
Michel P. Granger
Secretary

UNOFFICIAL SUMMARY

Appeal No. AP-91-258

ISLAND CHEMICALS DISTRIBUTION

Appellant

and

THE MINISTER OF NATIONAL REVENUE

Respondent

HELD: *The appeal is dismissed.*

Place of Hearing: Vancouver, British Columbia

Date of Hearing: December 9, 1992

Date of Decision: February 26, 1993

Tribunal Members: Desmond Hallissey, Presiding Member
Robert C. Coates, Q.C., Member
Arthur B. Trudeau, Member

Counsel for the Tribunal: Hugh J. Cheetham

Clerk of the Tribunal: Nicole Pelletier

Appearance: Linda J. Wall, for the respondent

Appeal No. AP-91-258

ISLAND CHEMICALS DISTRIBUTION

Appellant

and

THE MINISTER OF NATIONAL REVENUE

Respondent

TRIBUNAL: DESMOND HALLISSEY, Presiding Member
ROBERT C. COATES, Q.C., Member
ARTHUR B. TRUDEAU, Member

REASONS FOR DECISION

This is an appeal under section 81.19 of the *Excise Tax Act*¹ of a determination of the Minister of National Revenue (the Minister). On February 10, 1991, the appellant applied for a federal sales tax inventory rebate (the rebate) in the amount of \$447.26 with respect to its tax-paid inventory held on January 1, 1991. On May 21, 1991, the Minister issued a notice of determination disallowing the application on the basis that the raw materials did not qualify for the rebate because they were not in "inventory" and that the finished goods did not qualify for the rebate because they were not "tax-paid goods." By notice of objection dated June 7, 1991, the appellant objected to the determination. On January 24, 1992, the Minister issued a notice of decision disallowing the objection and confirming the determination. Island Chemicals Distribution appealed the determination to the Tribunal.

A hearing in this matter was scheduled for December 9, 1992. The appellant did not appear at the hearing and, thus, the written documents previously filed with the Tribunal were the only evidence put before the Tribunal. The Tribunal is of the view that, in this case, those materials are not sufficient to clearly establish that the goods in issue fall within the rebate provisions under which the appellant put forward its claim and that all of the conditions of those provisions have been met. Accordingly, the appeal is dismissed.

Desmond Hallissey

Desmond Hallissey
Presiding Member

Robert C. Coates, Q.C.

Robert C. Coates, Q.C.
Member

Arthur B. Trudeau

Arthur B. Trudeau
Member

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