



Canadian International  
Trade Tribunal

Tribunal canadien du  
commerce extérieur

CANADIAN  
INTERNATIONAL  
TRADE TRIBUNAL

# Appeals

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## ORDER

Appeal No. AP-2011-015

Levolor Home Fashions Canada

v.

President of the Canada Border  
Services Agency

*Order issued  
Thursday, August 16, 2012*

IN THE MATTER OF an appeal filed by Levolor Home Fashions Canada under section 61 of the *Special Import Measures Act*, R.S.C. 1985, c. S-15;

AND IN THE MATTER OF a decision of the Canadian International Trade Tribunal dated May 22, 2012, allowing the appeal;

AND IN THE MATTER OF a motion filed by the intervener, Regal Ideas Inc., on July 11, 2012, for a finding that the President of the Canada Border Services Agency is in contempt of the Canadian International Trade Tribunal's decision and for an order relieving the intervener from a re-determination by the President dated July 6, 2012, that duties are payable with respect to the intervener's goods.

**BETWEEN**

**LEVOLOR HOME FASHIONS CANADA**

**Appellant**

**AND**

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

**Respondent**

**ORDER**

WHEREAS a finding of contempt must be based on an order that states clearly and unequivocally what should and should not be done and on proof beyond a reasonable doubt that the party who disobeys the order does so deliberately and wilfully;

WHEREAS the onus of proof is on the party seeking such finding;

WHEREAS the appeal was filed with respect to the goods of Levolor Home Fashions Canada;

WHEREAS the decision of the Canadian International Trade Tribunal to allow the appeal did not address the goods of Regal Ideas Inc.;

AND WHEREAS Regal Ideas Inc. has not shown beyond a reasonable doubt that the President of the Canada Border Services Agency deliberately and wilfully disobeyed a clear and unequivocal order of the Canadian International Trade Tribunal with respect to the goods of Regal Ideas Inc.;

THEREFORE, the Canadian International Trade Tribunal dismisses the motion.

Stephen A. Leach  
Stephen A. Leach  
Presiding Member

Diane Vincent  
Diane Vincent  
Member

Jason W. Downey  
Jason W. Downey  
Member

Dominique Laporte  
Dominique Laporte  
Secretary