



Canadian International  
Trade Tribunal

Tribunal canadien du  
commerce extérieur

CANADIAN  
INTERNATIONAL  
TRADE TRIBUNAL

# Appeals

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## ORDER AND REASONS

Application No. EP-2007-005

Andrew Taylor

*Order and reasons issued  
Tuesday, February 12, 2008*

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IN THE MATTER OF an application made by Mr. Andrew Taylor, under section 67.1 of the *Customs Act*, for an order extending the time to file a notice of appeal under section 67 of the *Customs Act* with respect to a decision dated April 18, 2007, by the President of the Canada Border Services Agency.

### ORDER

Having considered the submissions of Mr. Andrew Taylor and the submission of the President of the Canada Border Services Agency, and being satisfied that the requirements and conditions set out in subsection 67.1(4) of the *Customs Act* have been met, the Canadian International Trade Tribunal grants the extension of time and hereby accepts the documents filed by Mr. Andrew Taylor on October 18 and 19, 2007, as a notice of appeal, under subsection 67(1) of the *Customs Act*.

Serge Fréchette  
Serge Fréchette  
Presiding Member

Hélène Nadeau  
Hélène Nadeau  
Secretary

## STATEMENT OF REASONS

1. This case concerns the importation, by Mr. Andrew Taylor, of an Indian “Katar” dagger that was seized by the Canada Border Services Agency (CBSA) for being, in its opinion, a prohibited weapon. The grounds for the CBSA’s decision were issued on April 18, 2007.
2. Under subsection 67(2) of the *Customs Act*,<sup>1</sup> Mr. Taylor had 90 days from the day on which notice was given of the above-mentioned decision to file a notice of appeal. However, Mr. Taylor did not file the notice until October 18, 2007, well outside the 90-day limit.
3. On October 19, 2007, Mr. Taylor filed an application for an extension of the period in which to file a notice of appeal.
4. On December 13, 2007, the CBSA opposed the application on the basis that Mr. Taylor had failed to establish “. . . reasonable grounds for the appeal” under subparagraph 67.1(4)(b)(iv) of the *Act*. The CBSA relied on the fact that “push daggers” were prohibited weapons within the meaning of tariff item No. 9898.00.00 of the schedule to the *Customs Tariff*<sup>2</sup> and submitted evidence from online sources concerning “push-Katars” in general.
5. On January 2, 2008, Mr. Taylor replied with further evidence from online sources distinguishing other “Katars” from push knives and argued that the Tribunal’s finding in *Gordon Schebek v. President of the Canada Borders Services Agency*,<sup>3</sup> that the “Katar” in that case was not a prohibited weapon, applied to the dagger in issue.
6. The Tribunal finds that Mr. Taylor has met the burden of establishing “. . . reasonable grounds for the appeal.” There is clearly evidence on both sides of the issue. The Tribunal is of the view that it is in the interest of justice for the issue to be resolved through a proper proceeding on the merits rather than on the basis of an incomplete record at this early stage.

Serge Fréchette  
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Serge Fréchette  
Presiding Member

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1. R.S.C. 1985 (2d Supp.), c. 1 [*Act*].  
2. S.C. 1997, c. 36.  
3. (18 May 2006), AP-2005-009 (CITT).