



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Appeals

ORDER

Appeal No. AP-2012-040

G & J Imports

v.

President of the Canada Border
Services Agency

*Order issued
Friday, February 22, 2013*

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

AND IN THE MATTER OF a request by the President of the Canada Border Services Agency dated January 16, 2013, pursuant to rule 23.1 of the *Canadian International Trade Tribunal Rules*, for an order dismissing the appeal on the basis that G & J Imports has failed to disclose the basis of its appeal;

AND IN THE MATTER OF a letter dated February 5, 2013, from the Canadian International Trade Tribunal directing G & J Imports to file its views on the President of the Canada Border Services Agency's request and to file an amended brief in conformity with subrule 34(2) of the *Canadian International Trade Tribunal Rules*.

BETWEEN

G & J IMPORTS

Appellant

AND

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

Respondent

ORDER

WHEREAS the above-noted appeal was filed by G & J Imports on October 31, 2012, under section 67 of the *Customs Act*;

AND WHEREAS, by letter dated November 2, 2012, the Canadian International Trade Tribunal (the Tribunal) accepted the appeal, notified the Canada Border Services Agency and directed G & J Imports to file a brief that conforms to subrule 34(2) of the *Canadian International Trade Tribunal Rules* (the *Rules*);

AND WHEREAS, by letter dated January 3, 2013, the Tribunal indicated that G & J Imports had failed to file its brief pursuant to subrule 34(2) of the *Rules* by the prescribed deadline and invited G & J Imports to file its brief immediately;

AND WHEREAS, on January 10, 2013, G & J Imports resubmitted its notice of appeal;

AND WHEREAS the notice of appeal is comprised of two paragraphs and states as the main ground of appeal that “[G & J Imports] ha[s] brought thousands of pocket knives in, and ha[s] never found one that . . . could open by the [f]lick of the wrist”;

AND WHEREAS, by letter dated January 16, 2013, the President of the Canada Border Services Agency requested an Order from the Tribunal, pursuant to subrule 23.1(1) of the *Rules*, dismissing the appeal on the basis that G & J Imports has failed to disclose the basis of its appeal;

AND WHEREAS, by letter dated January 17, 2013, the Tribunal invited G & J Imports to file its views in light of the Canada Border Services Agency's request;

AND WHEREAS, having received no response from G & J Imports, by letter dated February 5, 2013, the Tribunal again invited G & J Imports to file its views in light of the President of the Canada Border Services Agency's request and to file an amended brief that conforms to subrule 34(2) of the *Rules* and provides additional information concerning the basis of the appeal;

AND WHEREAS the Tribunal received no reply to its letter of February 5, 2013;

AND WHEREAS the Tribunal finds that G & J Imports has failed to comply with subrule 34(2) of the *Rules*, has failed to provide a viable basis for its appeal and, further, has repeatedly failed to comply with directions issued by the Tribunal, thus showing that it has lost interest in the present appeal;

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

Jason W. Downey
Jason W. Downey
Presiding Member

Eric Wildhaber
Eric Wildhaber
Secretary