



Canadian International  
Trade Tribunal

Tribunal canadien du  
commerce extérieur

CANADIAN  
INTERNATIONAL  
TRADE TRIBUNAL

# Appeals

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## ORDER

Appeal No. AP-2004-049

Comp Sit Inc.

v.

President of the Canada Border  
Services Agency

*Order issued  
Thursday, September 15, 2005*

*Corrigendum issued  
Wednesday, September 21, 2005*

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

AND IN THE MATTER OF a letter dated May 20, 2005, from the Canadian International Trade Tribunal directing Mr. Eligio Marini to show cause why the above-noted appeal should not be dismissed pursuant to paragraph 29(c) of the *Canadian International Trade Tribunal Rules*.

**BETWEEN**

**COMP SIT INC.**

**Appellant**

**AND**

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

**Respondent**

**ORDER**

WHEREAS the above-noted appeal was filed by Mr. Eligio Marini on November 29, 2005, under section 67 of the *Customs Act*;

AND WHEREAS Mr. Marini is not represented on the appeal;

AND WHEREAS, by letter dated December 3, 2004, the Canadian International Trade Tribunal (the Tribunal) acknowledged receipt of the appeal and notified the Canada Border Services Agency;

AND WHEREAS, by letter dated February 4, 2005, the Tribunal indicated that Mr. Marini was to file his brief, pursuant to rule 34 of the *Canadian International Trade Tribunal Rules* (the *Rules*), and the Tribunal had not yet received the brief;

AND WHEREAS, by letter dated March 14, 2005, the Tribunal advised Mr. Marini to file an amended brief, because his letter dated March 8, 2005, did not satisfy the requirements for an appellant's brief found under rule 34 of the *Rules*;

AND WHEREAS, by letter dated April 14, 2005, the Tribunal wrote to Mr. Marini, since his amended brief had not been filed, and attached a notice of discontinuance to be signed by Mr. Marini;

AND WHEREAS, by letter dated April 28, 2005, the Tribunal wrote to Mr. Marini and attached a second notice of discontinuance for Mr. Marini's signature;

AND WHEREAS, by letter dated May 20, 2005, the Tribunal directed Mr. Marini to show cause by June 3, 2005, why the appeal should not be dismissed and warned him that failure to show cause might result in the appeal being dismissed without any further proceedings;

AND WHEREAS Mr. Marini's amended brief has still not been filed as directed by the Tribunal in its letters of December 3, 2004, February 4, March 14, April 14 and 28 and May 20, 2005;

AND WHEREAS, by letter dated June 3, 2005, the Tribunal received Mr. Marini's reply to the show cause letter, but was not satisfied with the justification provided for the failure to submit the required appellant's brief, i.e. the company "cannot afford to seek legal coun[sel]" and its "resources are limited";

AND WHEREAS Mr. Marini failed to submit the amended brief by June 20, 2005, the date on which he had indicated, in his letter dated June 3, 2005, that he hoped to file the brief;

THEREFORE, the Tribunal hereby orders that the above-noted appeal be dismissed pursuant to paragraph 29(c) of the *Rules*.

Pierre Gosselin  
Pierre Gosselin  
Presiding Member

Hélène Nadeau  
Hélène Nadeau  
Secretary

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

AND IN THE MATTER OF a letter dated May 20, 2005, from the Canadian International Trade Tribunal directing Mr. Eligio Marini to show cause why the above-noted appeal should not be dismissed pursuant to paragraph 29(c) of the *Canadian International Trade Tribunal Rules*.

**BETWEEN**

**COMP SIT INC.**

**Appellant**

**AND**

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

**Respondent**

**CORRIGENDUM**

The first sentence of the order should read as follows:

WHEREAS the above-noted appeal was filed by Mr. Eligio Marini on November 29, 2004, under section 67 of the *Customs Act*;

By order of the Tribunal,

Hélène Nadeau  
Secretary