



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Appeals

ORDER

Appeal No. AP-2009-035

Celadon Canada Inc.

v.

Minister of National Revenue

*Order issued
Monday, January 12, 2015*

IN THE MATTER OF an appeal filed by Celadon Canada Inc. 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 May 13, 2009, with respect to a notice of objection pursuant to section 81.17 of the *Excise Tax Act*.

BETWEEN

CELADON CANADA INC.

Appellant

AND

THE MINISTER OF NATIONAL REVENUE

Respondent

ORDER

WHEREAS the above-noted appeal was filed by Celadon Canada Inc. (Celadon) on July 29, 2009, under section 81.19 of the *Excise Tax Act*;

AND WHEREAS, by letter dated August 21, 2009, the Canadian International Trade Tribunal (the Tribunal) accepted the appeal and notified the Minister of National Revenue;

AND WHEREAS the above-noted appeal was held in abeyance pending the outcome of Appeal No. AP-2009-024;

AND WHEREAS Appeal No. AP-2009-024 was heard on September 19, 2013, and the decision and reasons were issued on January 17, 2014;

AND WHEREAS, by e-mail dated May 20, 2014, counsel for Celadon requested until August 29, 2014, to provide additional records to the Tribunal in support of this appeal, failing which he would recommend that the appeal be discontinued;

AND WHEREAS, by e-mail dated August 29, 2014, counsel for Celadon requested an extension of time until October 31, 2014, to provide additional records to the Tribunal in support of this appeal, failing which he would recommend that the appeal be discontinued;

AND WHEREAS, by letter dated September 4, 2014, the Tribunal informed Celadon that this appeal would no longer be held in abeyance and directed Celadon to file an amended or supplemental brief and any additional records by October 31, 2014;

AND WHEREAS, by letter dated December 2, 2014, the Tribunal informed Celadon that, if the amended or supplemental brief and any additional records were not received by January 2, 2015, the Tribunal would dismiss this appeal without further notice;

AND WHEREAS Celadon has not filed an amended or supplemental brief or any additional records as directed by the Tribunal in its letters of September 4 and December 2, 2014;

THEREFORE, the Tribunal dismisses this appeal pursuant to paragraph 29(c) of the *Canadian International Trade Tribunal Rules*.

Stephen A. Leach
Stephen A. Leach
Presiding Member

Jason W. Downey
Jason W. Downey
Member

Serge Fréchette
Serge Fréchette
Member