



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Appeals

ORDER

Appeal No. AP-2018-029

Atlantic Owl (PAS) Limited
Partnership and Oceaneering
Canada Ltd.

v.

President of the Canada Border
Services Agency

*Order issued
Wednesday, October 17, 2018*

IN THE MATTER OF notices of appeal filed on August 15, 2018, by Atlantic Owl (PAS) Limited Partnership and Oceaneering Canada Ltd. pursuant to subsection 67(1) of the *Customs Act*, R.S.C., 1985, c.1 (2nd Supp.), in respect of a decision of the President of the Canada Border Services Agency;

AND IN THE MATTER OF a letter of the Canadian International Trade Tribunal dated August 22, 2018, acknowledging receipt of the notices of appeal filed by Atlantic Owl (PAS) Limited Partnership and Oceaneering Canada Ltd.;

AND IN THE MATTER OF a request by the President of the Canada Border Services Agency that the Canadian International Trade Tribunal reconsider the decision to grant appellant status to Oceaneering Canada Ltd.

BETWEEN

**ATLANTIC OWL (PAS) LIMITED PARTNERSHIP AND
OCEANEERING CANADA LTD.**

Appellant

AND

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

Respondent

ORDER

WHEREAS

- on October 4, 2018, the President of the Canada Border Services Agency (CBSA) requested that the Canadian International Trade Tribunal (the Tribunal) reconsider the decision to grant appellant status to Oceaneering Canada Ltd. (Oceaneering), on the basis that Oceaneering is not a “person aggrieved” within the meaning of section 67 of the *Customs Act*;
- on October 10, 2018, Atlantic Owl (PAS) Limited Partnership and Oceaneering filed a response, indicating that Oceaneering is a “person aggrieved” for the purposes of the *Customs Act* and is therefore an appropriate appellant, and, in the alternative, requesting that intervener status be granted to Oceaneering;
- on October 11, 2018, the CBSA reiterated that Oceaneering should not be considered an appellant in this proceeding, but agreed that Oceaneering should be granted intervener status, with full rights of participation;
- it therefore appears that the parties agree that Oceaneering qualifies as an intervener in this proceeding;
- having regard to the circumstances, changing the status of Oceaneering to that of intervener would neither interfere with its right to be heard in this appeal, nor have any practical impact on the parties in this appeal;

- treating Oceaneering as an intervener rather than an appellant in the circumstances of this appeal would be consistent with the approach taken by the Tribunal in similar circumstances, including in Appeal No. AP-2018-004 (*Noble Drilling Services Canada Corp.*); and
- the determination of the question whether Oceaneering can also properly be considered a “person aggrieved” within the meaning of section 67 of the *Customs Act* has become of theoretical value in the context of this appeal;

THEREFORE, the Tribunal hereby grants Oceaneering intervener status in this proceeding, with full rights of participation. As Oceaneering is hereafter considered an intervener rather than an appellant, the style of cause will be amended by removing the words “Oceaneering Canada Ltd.”

Jean Bédard

Jean Bédard, Q.C.

Chairperson