

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20140520**

**Docket: A-262-13**

**Citation: 2014 FCA 132**

**CORAM: SHARLOW J.A.  
DAWSON J.A.  
MAINVILLE J.A.**

**BETWEEN:**

**BALANCECO CANADA**

**Appellant**

**and**

**PRESIDENT OF THE CANADA BORDER  
SERVICES AGENCY AND J. CHEESE INC.**

**Respondents**

Heard at Ottawa, Ontario, on May 20, 2014.  
Judgment delivered from the Bench at Ottawa, Ontario, on May 20, 2014.

**REASONS FOR JUDGMENT OF THE COURT BY:**

**SHARLOW J.A.**

**Federal Court of Appeal**



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**and**

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**REASONS FOR JUDGMENT OF THE COURT  
(Delivered from the Bench at Ottawa, Ontario, on May 20, 2014).**

**SHARLOW J.A.**

[1] This is an appeal of the decision of the Canadian International Trade Tribunal (AP-2012-036) dismissing for want of jurisdiction a tariff classification decision of the President of the Canada Border Services Agency.

[2] We have not been persuaded that the Tribunal's decision discloses any error warranting the intervention of this Court.

[3] The appeal will be dismissed with costs to the respondent J Cheese Inc. The respondent President of the Canada Border Services Agency did not ask for costs.

"K. Sharlow"

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-262-13

**(APPEAL FROM A DECISION OF THE CANADIAN INTERNATIONAL TRADE TRIBUNAL ISSUED FRIDAY, MAY 3, 2013, APPEAL NO. AP-2012-036)**

**STYLE OF CAUSE:** BALANCECO CANADA v.  
PRESIDENT OF THE CANADA  
BORDER SERVICES AGENCY  
AND J. CHEESE INC.

**PLACE OF HEARING:** Ottawa, Ontario

**DATE OF HEARING:** MAY 20, 2014

**REASONS FOR JUDGMENT OF THE COURT BY:** SHARLOW J.A.  
DAWSON J.A.  
MAINVILLE J.A.

**DELIVERED FROM THE BENCH BY:** SHARLOW J.A.

**APPEARANCES:**

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PRESIDENT OF THE CANADA  
BORDER SERVICES AGENCY

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FOR THE RESPONDENT J.  
CHEESE INC.

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FOR THE RESPONDENT  
PRESIDENT OF THE CANADA  
BORDER SERVICES AGENCY

FOR THE RESPONDENT J.  
CHEESE INC.