

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20250904**

**Docket: A-12-25**

**Citation: 2025 FCA 155**

**CORAM: GLEASON J.A.  
GOYETTE J.A.  
BIRINGER J.A.**

**BETWEEN:**

**FERME AVICOLE LAPLANTE LTEE / LAPLANTE POULTRY FARMS LTD**

**Applicant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

Heard at Ottawa, Ontario, on September 4, 2025.  
Judgment delivered from the Bench at Ottawa, Ontario, on September 4, 2025.

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

**GOYETTE J.A.**

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**REASONS FOR JUDGMENT OF THE COURT**

**(Delivered from the Bench at Ottawa, Ontario, on September 4, 2025).**

**GOYETTE J.A.**

[1] Ferme Avicole Laplante Ltée/ Laplante Poultry Farms Ltd seeks judicial review of a decision of the Canadian Agricultural Review Tribunal: 2024 CART 39. The Tribunal confirmed a notice of violation against Laplante Poultry for “caus[ing]” the transportation of thousands of broiler chickens in extremely cold temperatures, contrary to section 146 of the *Health of Animals Regulations*, C.R.C., c. 296.

[2] Section 146 of the Regulations says: “No person shall load, confine or transport an animal in or unload an animal from a conveyance or container, or cause one to be so loaded, confined, transported or unloaded, if the animal is likely to suffer, sustain an injury or die due to inadequate ventilation or by being exposed to meteorological or environmental conditions.”

[3] The Tribunal described the facts in this case in greater detail. In short, Laplante Poultry ordered chickens in January 2022. Less than two weeks before the delivery, the supplier twice warned it was having trouble keeping the birds’ litter dry. Laplante Poultry did not verify that these problems were resolved before the chickens were transported. The chickens were wet when transported on a cold day and 67 of them died.

[4] The Tribunal found that Laplante Poultry caused the transportation of the chickens because it ordered them and exercised control over the transportation process. The Tribunal further found that Laplante Poultry’s failure to verify that the wet litter issue was resolved before the birds’ transportation attracted liability under the Regulations. In support of its conclusion, the Tribunal relied on a decision from this Court involving somewhat similar facts and a similar provision of the Regulations: *Maple Lodge Farms Ltd. v. Canada (Food Inspection Agency)*, 2017 FCA 45. There, this Court held that a person could be liable under the Regulations not only for positive acts but also for omissions or failures to act: *Maple Lodge Farms* at para. 67.

[5] The Tribunal dismissed Laplante Poultry’s argument that it was absolved of responsibility because the transporter did not provide it with a transfer of care document as required by subsection 153(2) of the Regulations. That subsection provides that “[t]he

responsibility for the care of the animal is transferred from the person who transports the animal to the consignee as soon as the consignee acknowledges receipt of the notice and document.”

The Tribunal determined that subsection 153(2) means that Laplante Poultry would not be responsible if it were not otherwise part of the transportation process. However, because Laplante Poultry had caused transportation of the chickens, subsection 153(2) could not apply to absolve it of responsibility.

[6] Laplante Poultry argues that it was unreasonable for the Tribunal to find that a failure to follow up amounted to inaction and that providing routine instructions amounted to exercising control over the transportation process. According to Laplante Poultry, this would impose unrealistic obligations on processors. This unreasonable finding, says Laplante Poultry, led the Tribunal to erroneously conclude that Laplante Poultry was liable even though it was not provided with a transfer of care document as required by subsection 153(2) of the Regulations.

[7] We disagree.

[8] The Tribunal’s finding that Laplante Poultry caused the transportation of the chickens because it exercised control over the transportation process was based on the record, including the testimony of Laplante Poultry’s witness. Given Mr. Laplante’s knowledge that the supplier was having difficulties keeping the chickens and their litter dry, it was reasonably open to the Tribunal to conclude that Mr. Laplante ought to have verified if the humidity problem was resolved before confirming the instructions to transport the chickens. Accordingly, it was reasonable for the Tribunal to find a violation of section 146 of the Regulations.

[9] Further, we see no error in the Tribunal’s findings with respect to subsection 153(2) of the Regulations. In this regard, to say that a chicken purchaser’s liability only crystallizes the moment they receive a “transfer of care” document would contradict the broad language of section 146 and undermine “the protection of animals”, a central objective of the *Health of Animals Act*, S.C. 1990, c 21, the statute under which the Regulations were made: Preamble, s. 64 of the *Act*. This is especially true when the purchaser’s inaction contributed to the animals being transported in weather conditions in which they were likely to suffer, sustain an injury or die.

[10] The style of cause is amended to substitute the Attorney General of Canada as the respondent in accordance with Rule 303 of the *Federal Courts Rules*, SORS/98-106, and the application for judicial review is dismissed with costs, fixed in the all-inclusive amount of \$3,500.00.

“Nathalie Goyette”

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-12-25

**STYLE OF CAUSE:** FERME AVICOLE LAPLANTE  
LTEE / LAPLANTE POULTRY  
FARMS LTD v. ATTORNEY  
GENERAL OF CANADA

**PLACE OF HEARING:** OTTAWA, ONTARIO

**DATE OF HEARING:** SEPTEMBER 4, 2025

**REASONS FOR JUDGMENT OF THE COURT BY:** GLEASON J.A.  
GOYETTE J.A.  
BIRINGER J.A.

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

**APPEARANCES:**

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