

Federal Court



Cour fédérale

Date: 20210208

Docket: T-1270-19

Citation: 2021 FC 122

Ottawa, Ontario, February 8, 2021

PRESENT: Mr. Justice Norris

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF CANADA

Plaintiff

and

**HORSESHOE VALLEY RANCH LTD.,
STACY ELVERN ESAU
AND ELVERN KENNETH ESAU**

Defendants

JUDGMENT AND REASONS

[1] The Crown has moved for summary judgment against the defendants under Rule 213 of the *Federal Courts Rules*, SOR/98-106.

[2] The underlying action seeks recovery of a debt allegedly owed by the defendants in relation to an advance payment made to Horseshoe Valley Ranch Ltd. by the British Columbia Breeders and Feeders Association in 2016 under the Agriculture and Agri-Food Canada Advance

Payments Program, a program established under the *Agricultural Marketing Programs Act*, SC 1997, c 20 (“*AMPA*”).

[3] The background and the Court’s analysis of the issues arising are set out in the Court’s Judgment and Reasons in a related matter, *Her Majesty the Queen in Right of Canada v Elvern Kenneth Esau* (Court File No. T-1075-19).

[4] For the reasons stated there, the motion is granted.

JUDGMENT IN T-1270-19

THIS COURT'S JUDGMENT is that

1. Summary judgment in the amount of \$96,206.97 is granted in favour of the plaintiff;
2. Pre-judgment interest shall be calculated on this amount from the date of July 31, 2019, in accordance with the terms of the Advance Payment application at the rate of BMO Prime Rate plus 1% calculated daily and compounded monthly;
3. Post-judgment interest is fixed at an annual rate of 5.00 % per annum, as set by the *Interest Act*, RSC 1985, c I-15, section 3, from the date of this judgment;
4. Costs shall be payable to the plaintiff in the fixed, all-inclusive amount of \$2,303.41 in accordance with the bill of costs submitted.

“John Norris”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-1270-19

STYLE OF CAUSE: HER MAJESTY THE QUEEN IN RIGHT OF CANADA
v HORSESHOE VALLEY RANCH LTD ET AL

**MOTION IN WRITING CONSIDERED AT OTTAWA, ONTARIO PURSUANT TO
RULE 369 OF THE *FEDERAL COURTS RULES***

JUDGMENT AND REASONS: NORRIS J.

DATED: FEBRUARY 8, 2021

WRITTEN REPRESENTATIONS BY:

Don Klaassen

FOR THE PLAINTIFF

Benjamin La Borie

FOR THE DEFENDANTS

SOLICITORS OF RECORD:

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FOR THE PLAINTIFF

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FOR THE DEFENDANTS