

## IN THE FEDERAL COURT OF APPEAL

### BETWEEN:

**UNIVERSAL OSTRICH FARMS INC.**

Appellant

– and –

**CANADIAN FOOD INSPECTION AGENCY**

Respondent

---

## PETITION TO THE COURT

We, the undersigned Citizens and Residents of Canada, respectfully petition this Honourable Court in relation to the appeal currently before it concerning the enforcement of the *Health of Animals Act* by the Canadian Food Inspection Agency (CFIA) in the matter of **Universal Ostrich Farms Inc. v. CFIA**.

---

## BACKGROUND AND CONCERNS

The CFIA exercises broad powers under the *Health of Animals Act*, including the authority to seize and destroy animals:

- **Without warrant**
- **Without consent**
- **Without appeal**
- **Without judicial or independent oversight**

In the present case, the CFIA ordered the destruction of ostriches at Universal Ostrich Farms (UOF) based on limited PCR results from two deceased animals, while denying the farm owners:

- Access to **independent scientific testing**

- The opportunity to **rebut or test CFIA evidence**
- The right to **propose veterinary alternatives**
- A hearing before an **independent, impartial tribunal**

These actions bypassed essential legal safeguards and constitute a **violation of procedural fairness and fundamental rights**, particularly those enshrined in the **Canadian Bill of Rights**.

---

## RELEVANT RIGHTS AT ISSUE

Under the **Canadian Bill of Rights**, the following legal protections apply:

- **Section 1(a):** The right of the individual to life, liberty, security of the person, and the **enjoyment of property**, and the right not to be deprived thereof **except by due process of law**.
- **Section 2(e):** The right to a **fair hearing in accordance with the principles of fundamental justice** for the determination of rights and obligations.

We submit that any law that permits irreversible government action—such as the destruction of private animals—**without due process or a fair hearing**, is **inconsistent with the Bill of Rights**, and cannot stand as constitutionally valid.

---

## LEGAL BASIS FOR COURT INTERVENTION

We respectfully urge this Honourable Court to recognize that:

- The **Health of Animals Act**, as applied in this case, permits arbitrary and unconstitutional enforcement;
- The **CFIA's denial of hearing, evidence rebuttal, and alternative proposals** violates both procedural fairness and fundamental justice;
- Such denial contravenes binding legal precedents, including:
  - **Campbell Motors Ltd. v. Gordon, 1946 SCR 541** – Due process required before property can be seized or destroyed.

- **Singh v. Minister of Employment and Immigration, [1985] 1 SCR 177** – Fundamental justice applies to all affected by government action.
  - **R. v. S.S. (T.D.), 2003 SCC 14** – Administrative bodies must observe natural justice.
  - **Attorney General of Canada v. Power, 2024 FC 115** – Courts may strike down rights-infringing agency action; public officials may incur **personal liability** for enforcement of unconstitutional measures.
  - **Roncarelli v. Duplessis, [1959] SCR 121** – Government discretion cannot be exercised arbitrarily or punitively.
- 

## OUR REQUEST TO THE COURT

We respectfully ask this Honourable Court to:

1. **Acknowledge** that the CFIA's actions, unless rights are read into the governing statute, violate **Sections 1(a) and 2(e)** of the *Canadian Bill of Rights*;
  2. **Declare** that the Health of Animals Act cannot be constitutionally enforced unless interpreted in conformity with these rights;
  3. **Support** a judicial outcome that upholds due process, property rights, and the right to a fair hearing for all Canadians;
  4. **Recognize** the growing concern that certain federal powers are being exercised under international frameworks—such as the **One Health Agenda**, developed by the World Health Organization and related entities—**without democratic debate or rights oversight**;
  5. **Affirm** that where legislation or executive action is found to violate fundamental rights, **no immunity exists** for those who choose to enforce it once such violations are known.
- 

## CONCLUSION

This is not merely a dispute between a farm and a government agency. It is a constitutional test of whether **any Canadian** may be deprived of their property, livelihood, or legal rights without fair process.

We submit that **fundamental rights must come first**—and that all state action must comply with the guarantees of **due process and impartial adjudication**, as enshrined in Canadian law.

We thank the Court for its attention to this matter and for its role in protecting the rule of law for all.