



Province of Alberta

MARKETING OF AGRICULTURAL PRODUCTS ACT

REVIEW AND APPEAL REGULATION

Alberta Regulation 242/2025

Current as of October 28, 2025

Extract

© Published by Alberta King's Printer

Alberta King's Printer
Suite 700, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952

E-mail: kings-printer@gov.ab.ca
Shop on-line at kings-printer.alberta.ca

Copyright and Permission Statement

The Government of Alberta, through the Alberta King's Printer, holds copyright for all Alberta legislation. Alberta King's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and copyright is acknowledged in the following format:

© Alberta King's Printer, 20__.*

*The year of first publication of the legal materials is to be completed.

Note

All persons making use of this document are reminded that it has no legislative sanction. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(no amdt)

ALBERTA REGULATION 242/2025
MARKETING OF AGRICULTURAL PRODUCTS ACT
REVIEW AND APPEAL REGULATION

Table of Contents

1 Definitions

Part 1
Reviews

2 Application for review

3 Conducting the review

4 Timing of the review

5 Refusal to conduct review

6 Review adjournments

7 Right of applicant to participate in oral hearing

8 Evidence — review

9 Failure to appear — review oral hearing

10 Review decisions

Part 2
Appeals

11 Application for appeal

12 Conducting the appeal

13 Timing of the appeal

14 Refusal to refer to panel

15 Appeal adjournments

16 Extending or abridging time

17 Chair may act

18 Right of parties to participate in oral hearing

19 Evidence — appeal

20 Witnesses

21 Failure to appear — appeal oral hearing

22 Rules of Court

23 Refusal to conduct appeal

24 Appeal decisions

25 Appeal record

26 Cost recovery

Part 3 Appeal Tribunal

- 27 Appeal tribunal establishment and appointments
- 28 Remuneration of appeal tribunal members
- 29 Appointment to panel to conduct appeal

Part 4 Transitional, Repeal and Expiry

- 30 Transitional
- 31 Repeal
- 32 Expiry

Definitions

1 In this Regulation,

- (a) “appeal” means an appeal of a decision of a board or commission served under section 10(2), as authorized under section 36(2) of the Act;
- (b) “appeal tribunal” means the appeal tribunal established under section 27;
- (c) “applicant” means,
 - (i) in the case of a review, the person applying for the review, and
 - (ii) in the case of an appeal, the person applying for the appeal;
- (d) “contact information” means information used for the purpose of communicating with a person, such as the person’s name, mailing address, telephone number or email address;
- (e) “decision maker” means the board, commission or the Council whose decision is subject to an application for review;
- (f) “hearing” means the stage of a review or appeal during which the matter is decided, whether conducted by oral hearing or solely based on written submissions;
- (g) “party” means
 - (i) the applicant in an appeal, and

- (ii) the board or commission whose review decision is being appealed;
- (h) “review” means a review of a decision of a board, commission or the Council, as authorized under section 36(1) of the Act;
- (i) “review decision” means a decision made under section 10(1) and served under section 10(2) following the completion of a review.

Part 1 Reviews

Application for review

2(1) In accordance with section 36(1) of the Act, an applicant must serve the decision maker with an application for review within 60 days from the day the applicant is notified of or served with the decision that is to be reviewed, whichever is sooner.

(2) An application for review must

- (a) be in writing,
- (b) identify the decision to be reviewed,
- (c) state why the decision should be rescinded or varied,
- (d) state the requested outcome,
- (e) state whether the applicant
 - (i) requests that the review be conducted by oral hearing, or
 - (ii) consents to conduct the review solely based on written submissions,
- (f) provide the applicant’s contact information,
- (g) provide the contact information of the agent acting on the applicant’s behalf in respect of the review, if the applicant has such an agent,
- (h) provide a mailing address and, if available, an email address for the service of notices and other documents in respect of the review, and
- (i) be signed by the applicant or the applicant’s agent.

Conducting the review**3** Subject to section 5,

- (a) a decision maker who receives an application for review must conduct a review,
- (b) a review may be conducted solely based on written submissions only if the applicant consented in the application for review to conduct the review solely based on written submissions, and
- (c) if the review is conducted by oral hearing, the decision maker must determine the time and place of the review and provide written notice to the applicant.

Timing of the review**4** Subject to section 5,

- (a) if the review is conducted by oral hearing, the decision maker must hold an oral hearing within 60 days from the day the applicant served the decision maker with the application for review, or
- (b) if the applicant consented to complete the review solely based on written submissions,
 - (i) the applicant must serve the decision maker with the written submissions within 30 days from the day the applicant served the decision maker with the application for review, and
 - (ii) the decision maker must hold a review within 30 days from the day the applicant served the decision maker with the written submissions.

Refusal to conduct review

5(1) The decision maker may refuse to conduct a review if the decision maker considers the review to be trivial or not made in good faith.

(2) If the decision maker refuses to conduct a review, the decision maker must serve a written notice that sets out the reasons for refusal to the applicant within 30 days from the day the applicant served the decision maker with the application for review.

Review adjournments

6(1) The granting and duration of an adjournment in a review is at the sole discretion of the decision maker.

(2) The time limits set out in sections 4 and 9 do not apply during a period of adjournment.

Right of applicant to participate in oral hearing

7 If a review is conducted by oral hearing, the applicant has the right to attend, make representations at, present evidence at and cross-examine witnesses at the hearing.

Evidence — review

8(1) The decision maker may receive any evidence that it considers relevant to the matter being reviewed.

(2) The rules of evidence that apply in judicial proceedings do not apply in a review.

Failure to appear — review oral hearing

9 If a review is conducted by oral hearing and the applicant fails to appear for the hearing within one hour from the time set out in the applicable notice or adjournment, the decision maker may

- (a) dismiss the review,
- (b) adjourn the hearing, or
- (c) conduct the hearing in the applicant's absence.

Review decisions

10(1) On completion of a review, the decision maker may confirm, rescind or vary the decision being reviewed.

(2) The decision maker must serve the applicant with a written decision that includes reasons within 30 days of completing the hearing.

Part 2 Appeals

Application for appeal

11(1) In accordance with section 36(2) of the Act, an applicant must serve the appeal tribunal with an application for appeal respecting a review decision served by a board or commission under section 10(2) within 60 days from the day the applicant was served with the decision.

(2) An application for appeal may be served on the appeal tribunal by courier, registered mail, email or other delivery.

- (3)** An application for appeal must
- (a) be in writing,
 - (b) include a copy of the review decision being appealed,
 - (c) state why the review decision should be rescinded,
 - (d) state the outcome requested,
 - (e) state whether the applicant
 - (i) requests that the appeal be conducted by oral hearing, or
 - (ii) consents to conduct the appeal solely based on written submissions,
 - (f) provide the applicant's contact information,
 - (g) provide the contact information of the agent acting on the applicant's behalf in respect of the appeal, if the applicant has such an agent,
 - (h) provide a mailing address and, if available, an email address for service of notices and other documents in respect of the appeal, and
 - (i) be signed by the applicant or the applicant's agent.
- (4)** The appeal tribunal must provide a copy of the application for appeal
- (a) to the board or commission whose review decision is being appealed, and
 - (b) to the Minister.
- (5)** The board or commission whose review decision is being appealed must, within 15 days from the day the board or commission received a copy of the application for appeal, state in writing whether the board or commission
- (a) requests that the appeal be conducted by oral hearing, or
 - (b) consents to conduct the appeal solely based on written submissions.

Conducting the appeal

12(1) Subject to section 14, if the appeal tribunal is served with an application for appeal, the appeal tribunal must refer the application for appeal to a panel established under section 29.

(2) A panel may conduct an appeal

- (a) by oral hearing, or
- (b) solely based on written submissions only if the parties consent.

(3) Subject to section 23, the panel must determine the time and place of the hearing and provide written notice to

- (a) the parties,
- (b) the Minister, and
- (c) the Council.

Timing of the appeal

13 Subject to section 23,

- (a) if the appeal is conducted by oral hearing, the panel must hold the hearing within 120 days from the day the appeal tribunal was served with the application for appeal, and
 - (b) if the appeal is completed based solely on written submissions,
 - (i) the applicant, within 30 days from the day the applicant was served with notice under section 12(3), must serve the applicant's written submissions on
 - (A) the board or commission whose review decision is being appealed, and
 - (B) the panel,
 - (ii) the board or commission whose review decision is being appealed, within 30 days from the day it was served with the applicant's submissions, must serve its written submissions on
 - (A) the applicant, and
 - (B) the panel,
- and

- (iii) the panel must hold the hearing within 60 days from the day the panel was served with the written submissions of the board or commission whose review decision is being appealed.

Refusal to refer to panel

14(1) The chair of the appeal tribunal may refuse to refer an application for appeal to a panel for the panel to conduct the appeal

- (a) if the chair of the appeal tribunal considers the application for appeal to be trivial or not made in good faith, or
- (b) if the application for appeal does not satisfy the requirements set out in section 11(1) and (3).

(2) If the chair of the appeal tribunal refuses to refer an application for appeal under subsection (1), the chair of the appeal tribunal must provide a written notice that sets out the reasons for refusal to the applicant within 30 days from the day the appeal tribunal was served with application for appeal.

Appeal adjournments

15(1) The granting and duration of an adjournment in an appeal is at the sole discretion of the panel.

(2) The time limits set out in sections 13 and 21 do not apply during a period of adjournment.

Extending or abridging time

16(1) The panel may, at its sole discretion and on any terms it considers appropriate, extend or abridge any of the time limits set out in sections 13, 21, 23(2) and 24(2).

(2) The panel may exercise its discretion under subsection (1) at any time before or after the expiration of the time limit.

Chair may act

17(1) The chair of the appeal tribunal may exercise a power or perform a duty of the appeal tribunal under section 11(4) or 12(1).

(2) The chair of a panel may exercise a power of the panel under sections 12(3) and 15(1).

Right of parties to participate in oral hearing

18 A party to an appeal has the right to attend the oral hearing, make representations, present evidence and cross-examine witnesses.

Evidence — appeal

19(1) A panel may receive any evidence that it considers relevant to the matter being appealed.

(2) The rules of evidence that apply to judicial proceedings do not apply in an appeal.

Witnesses

20(1) A panel has the powers vested in the Court of King's Bench in a civil action to

- (a) summon and enforce the attendance of a witness,
- (b) compel a witness to give evidence under oath or otherwise, and
- (c) compel a witness to produce any record or thing.

(2) Subsection (1) does not apply to a member of the Council or an employee under the Council's administration.

Failure to appear — appeal oral hearing

21 If an appeal is conducted by oral hearing and the applicant fails to appear for the appeal hearing within one hour from the time set out in the applicable notice or adjournment, the panel may

- (a) dismiss the appeal,
- (b) adjourn the hearing, or
- (c) conduct the hearing in the applicant's absence.

Rules of Court

22 The provisions of the *Alberta Rules of Court* (AR 124/2010) relating to the payment of conduct money and witness fees apply to witnesses in appeals conducted by oral hearing.

Refusal to conduct appeal

23(1) The panel may, at any time following the referral of an application for appeal, refuse to conduct the appeal if

- (a) the panel considers the application for appeal to be trivial or not made in good faith, or
- (b) the application for appeal does not satisfy the requirements set out in section 11(1) and (3).

(2) If the panel refuses to conduct the appeal, the chair of the panel must serve the applicant with a written notice that sets out the reasons for refusal within 30 days from the day of the refusal.

Appeal decisions

24(1) The panel may, after conducting an appeal,

- (a) confirm the review decision, or
- (b) rescind the review decision and refer the matter being appealed back to the relevant decision maker with or without recommendations.

(2) The panel must serve the following with a written decision that includes reasons for the appeal decision within 60 days of completing the hearing:

- (a) the parties;
- (b) the Council;
- (c) the Minister.

(3) The Minister may publish a decision served under subsection (2).

Appeal record

25(1) The appeal tribunal must make and maintain, as required by the Minister, a record of the hearing.

(2) A record of the hearing must include

- (a) a transcript or an audio or audiovisual recording of the oral hearing, if the appeal is conducted by oral hearing,
- (b) all records or things received in evidence,
- (c) the written submissions of the parties, and
- (d) the panel's decision served under section 24(2).

Cost recovery

26(1) The appeal tribunal may assess and recover the costs of administering and hearing an appeal, including the costs for legal counsel for the appeal tribunal.

(2) If the appeal tribunal assesses costs under subsection (1), it must serve each party with written notice of the costs owed.

(3) The total costs assessed by the appeal tribunal under subsection (1) is a debt owing to the Government of Alberta as follows:

- (a) for the first day of the hearing, 35% is owed by each party;
- (b) for every other day of the hearing, 50% is owed by each party.

(4) The Minister may, on the request of a party, waive payment, in whole or in part, of the costs owed under this section by the party.

(5) A request made under subsection (4) must be made within 60 days from the day the party making the request was served with written notice of the costs owed under this section by the party.

Part 3 Appeal Tribunal

Appeal tribunal establishment and appointments

27(1) The Minister must establish an appeal tribunal.

(2) The appeal tribunal must consist of at least 5 members appointed by the Minister.

(3) The term of an appointment to the appeal tribunal is 3 years.

(4) A person who has been appointed to the appeal tribunal for 2 consecutive terms is not eligible to be reappointed to the appeal tribunal until one year has passed since the expiration of the 2nd consecutive term.

(5) Despite subsections (3) and (4), the Minister may appoint additional persons to the appeal tribunal to hear a single appeal and that appointment shall not be considered a term for the purpose of subsection (4).

(6) A member of the Council or an employee under the Council's administration is not eligible to be appointed to the appeal tribunal.

(7) The Minister must designate one member of the appeal tribunal as the chair and another member as the vice-chair of the appeal tribunal.

(8) The chair of the appeal tribunal must perform the responsibilities imposed on, and may exercise the powers given to, the chair by this Regulation.

(9) If the chair is absent or unable to act for any reason or if the position of chair is vacant, the vice-chair must act as chair and, while so acting, must perform all the responsibilities imposed on, and may exercise all the powers given to, the chair.

(10) In accordance with the *Public Service Act*, there may be appointed employees to provide administrative services in respect of appeals.

Remuneration of appeal tribunal members

28 The Minister may determine the remuneration and expenses payable to members of the appeal tribunal.

Appointment to panel to conduct appeal

29(1) Subject to subsection (4), when the appeal tribunal is served with an application for appeal, the chair of the appeal tribunal or, in the absence or inability to act of the chair, the vice-chair of the appeal tribunal must

- (a) establish a panel and appoint 3 members of the appeal tribunal to the panel to conduct the appeal, and
- (b) subject to subsections (2) and (3), designate one of the 3 members of the panel as chair of the panel.

(2) If the chair of the appeal tribunal is a member of a panel established under subsection (1), the chair must be designated as chair of the panel.

(3) If the vice-chair of the appeal tribunal is a member of a panel established under subsection (1) and the chair of the appeal tribunal is not a member of the panel, the vice-chair must be designated as chair of the panel.

(4) This section does not apply if the chair of the appeal tribunal refuses to refer the application for appeal under section 14.

Part 4 Transitional, Repeal and Expiry

Transitional

30(1) In this section, “former Regulation” means the *Review and Appeal Regulation* (AR 199/2016).

(2) A person who, immediately before the coming into force of this Regulation, is a member, the chair or the vice-chair of the appeal tribunal appointed under section 25 of the former Regulation continues as a member, the chair or the vice-chair, as the case may be, of the appeal tribunal under this Regulation.

(3) A notice, adjournment, referral, refusal or any other thing made or done in the course of a review or appeal under the former Regulation before the coming into force of this Regulation is deemed to have been made or done in the course of a review or appeal under this Regulation.

(4) If, before the coming into force of this Regulation, a decision maker under the former Regulation received an application for review in accordance with the former Regulation and the review was not completed and decided before the coming into force of this Regulation, the decision maker must complete the review and provide a decision in accordance with this Regulation.

(5) If, before the coming into force of this Regulation, the appeal tribunal under the former Regulation received an application for appeal in accordance with the former Regulation and the appeal was not completed and decided before the coming into force of this Regulation, the appeal tribunal must complete the appeal and provide an appeal decision in accordance with the former Regulation as if the former Regulation was still in force.

Repeal

31 The *Review and Appeal Regulation* (AR 199/2016) is repealed.

Expiry

32 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on November 30, 2034.



Printed on Recycled Paper 