

---

**Appeal by 1366675 Alberta Ltd.**  
**o/a Green-Line Auto Clearance**  
**of**  
**AMVIC Administrative Penalty decision dated January 19, 2021**

**Decision Respecting**  
**Preliminary Issue of Timeliness**

---

**INTRODUCTION:**

In January 2021, the Registrar of the Alberta Motor Vehicle Industry Council (“AMVIC”) was of the opinion and concluded that between August 2020 and October 2020, 1366675 Alberta Ltd. o/a Green-Line Auto Clearance (“Green-Line”) failed to provide business records when requested by AMVIC, was using a non-compliant bill of sale, did not fully complete the Mechanical Fitness Assessment, misled a consumer, and failed to comply with an Undertaking thereby contravening provisions of the *Automotive Business Regulation, Vehicle Inspection Regulation* and the *Consumer Protection Act* (“CPA”). Green-Line now appeals the Registrar’s decision whereby an administrative penalty (“AP”) in the amount of \$7500.00 was imposed pursuant to Section 158.1 of the CPA and the *Administrative Penalties (CPA) Regulation, AR135/2013*.

It should be noted that AMVIC is represented in this proceeding by Paula Hale. Green-Line is self-represented. Vicky Zepeda has spoken on behalf of Green-Line throughout this proceeding.

**PRELIMINARY ISSUE:**

At a pre-hearing conference on May 21, 2021 a preliminary issue of timeliness in terms serving notice of the appeal was raised by Ms. Hale. I agreed on that occasion that the issue had merit and directed that it should be resolved before proceeding further in terms of any next steps. Therefore, I asked the parties to provide written submissions addressing the issue of timeliness.

Written submissions were received from Ms. Hale on behalf of AMVIC on June 8, 2021. Written submissions were also received from Vicky Zepeda on behalf of Green-Line on June 21, 2021.

**FINDINGS OF FACT RELEVANT TO THE PRELIMINARY ISSUE:**

On January 19, 2021, the Registrar of AMVIC issued an AP in the amount of \$7500.00 against Green-Line. On January 20, 2021, a copy of the AP was served on Green-Line by personal service on Stanley Igiwa (a Director) at the business address of Green-Line.

Included with the AP are details regarding the right to appeal, notice of the 30-day time limit to appeal and the address for service of a written notice of appeal on the Minister of Service Alberta. Also included are details with respect to what the appeal notice must contain. Specifically, it must contain “your name, your address for service, details of the decision being appealed and your reason for appealing.” A copy of the Affidavit of Service of the AP with the specific details concerning the “right of appeal” can be found at Tab 3 of the written submissions received from AMVIC.

On February 23, 2021, the Registrar of AMVIC wrote a demand letter to Green-Line because the 30-day appeal period had expired and the AP remained unpaid.

On February 25, 2021, Vicky Zepeda emailed “Notice of Appeal” to the Minister on behalf of Green-Line. In the text of the email, Ms. Zepeda acknowledges submitting the Notice of Appeal after the 30-day statutory period and explains “there was just a misunderstanding”. She further adds that she misunderstood where exactly the Notice of Appeal should be served and that she was confused in terms of what specific form the Notice of Appeal should take (including the proper name of the document).

The written submissions received from Green-Line also acknowledge that the Notice of Appeal was submitted a “few days late” on account of “miscommunication of where to go.” The submissions further request “an exemption for my case to be rightfully heard.”

In her written submissions on behalf of AMVIC, Ms. Hale calculates the 30-day appeal period as starting on January 21, 2021 and expiring on February 19, 2021. I can think of no reason to challenge this calculation.

Ms. Hale submits that Green-Line did not comply with the 30-day statutory deadline to serve an appeal and as a result, this Appeal Board lacks jurisdiction to hear the appeal. She

also submits that the AP included all of the correct information needed for Green-Line to properly serve a Notice of Appeal on the Minister of Service Alberta.

I will now turn my attention to the question of whether a person sitting as Chair of this Appeal Board has the legal authority or jurisdiction to grant exceptions regarding compliance with statutory appeal periods (the period of time in which notice of an appeal must be served).

**REASONS:**

The AP was imposed by the Registrar in accordance with the provisions of Section 158.1(1) of the CPA. Pursuant to section 179(1) of the CPA, a person can appeal an AP by “serving the Minister with a notice of appeal within 30 days after being notified in writing of the decision or order or being given the notice of administrative penalty.”

Ms. Hale argues that “even if the Appeal Board finds the facts sympathetic to Green-Line, this does not cloak the Appeal Board in authority to extend the statutory deadline.”

Ms. Zepeda may have received incorrect or misleading information from the Court due to a misunderstanding. However, both section 179(1) of the CPA and the AP document, are unequivocal regarding the requirements of an appeal and who must be served with a copy of the Notice of Appeal. They are also unequivocal regarding the appeal period.

In this case, I am asked by Green-Line to make an exception and to extend the appeal period notwithstanding the statutory provisions contained in the CPA. I rely upon a decision by the Alberta Court of Appeal in *Kirchmeir v. Edmonton (City) Police Service*, 2001 ABCA 301. In that decision leave was sought to appeal a decision of the Law Enforcement Review Board by virtue of a similar provision governing appeals under the Police Act, S.A. 1988. Costigan J.A. of the Alberta Court of Appeal held that:

“the Act does not confer a power to extend the time for appealing a decision of the Board to this court. In *Lakevold v. Dome Petroleum* (1979) 181 A.R. 254, this court held that where the time for appealing is fixed by a statute which confers no power to extend time, the Rules of Court, which allow for extensions of time, do not apply.”

I find in this case, that the Notice of Appeal was not served within the 30-day statutory deadline. The time for appealing a decision of the Registrar respecting an AP is fixed by section 179 of the CPA and the statute does not confer power to extend the time for service of the Notice of Appeal. Accordingly, this Board does not have legal authority or jurisdiction to grant

an extension of time to serve the Notice of Appeal. The appeal by Green-Line is therefore dismissed and the AP issued on January 19, 2021 is confirmed.

Dated July 28, 2021

Per:

"original signed by"

---

Michael J. Swanson QC.  
Chair, Service Alberta Appeal Board