

Citation: *Zeid v Registrar of Motor Vehicles*, 2026 NBKB 115

IN THE COURT OF KING'S BENCH OF NEW BRUNSWICK

TRIAL DIVISION

JUDICIAL DISTRICT OF MONCTON

MM-43-2026

BETWEEN:

RAME ZEID,

APPLICANT

-and-

**~~THE ATTORNEY GENERAL OF NEW BRUNSWICK and~~
THE REGISTRAR OF MOTOR VEHICLES,**

RESPONDENTS

DECISION

BEFORE: Justice Maya Hamou

DATE OF HEARING: April 16, 2026

DATE OF DECISION: May 27, 2026

APPEARANCES: Guillaume LeBlanc, appearing on behalf of Rame Zeid
Jillian R. Trail, counsel appearing on behalf of the Registrar of Motor Vehicles

OVERVIEW

1. The Applicant, Rame Zeid (“Zeid”), seeks to quash the decision of the Registrar of Motor Vehicles (“Registrar”) issued on December 23, 2025 (“Decision”), which denied the reinstatement of Zeid’s driver’s license. Zeid’s license was suspended following the issuance of an Immediate Roadside Suspension under section 310.06 of the *Motor Vehicle Act*, RSNB 1973, c M-17 (“MVA”).
2. Paragraph 310.06(2)(b) of the MVA authorizes a peace officer to issue an Immediate Roadside Suspension and vehicle impoundment where a peace officer had reason to believe the person had alcohol in their body and refused to comply with a demand under section 320.27 or 320.28 of the *Criminal Code*, RSC 1985, c C-46 (“CC”).
3. The administrative review process permits the challenge of an Immediate Roadside Suspension issued under section 310.06 of the MVA (section 310.07 of the MVA). The MVA outlines that the Immediate Roadside Suspension will be maintained if: (1) the applicant was the driver, and (2) the applicant failed or refused to comply with a demand under section 320.27 or 320.28 of the CC (subsections 310.07(8) and (12) of the MVA). Under the administrative review process, the Registrar has the authority to sustain or revoke the Immediate Roadside Suspension after considering the evidence identified in subsection 310.07(6) of the MVA.
4. Zeid suggests the Registrar’s Decision to sustain the Immediate Roadside Suspension was unreasonable and was made in breach of procedural fairness. Consequently, Zeid seeks reinstatement of his driver’s license and all associated fees (subsection 310.07(12) of the MVA) in addition to solicitor-client costs.
5. The Registrar maintains the administrative review process outlined in the MVA was followed, that the Decision was reasonable and that no breach of procedural fairness occurred.
6. The lawfulness or constitutionality of the administrative regime is not being questioned in this Application. The Application for Judicial Review raises the reasonableness of the Decision and the procedural fairness afforded to Zeid in the decision-making process.
7. The Court agrees with the Registrar’s arguments and upholds the Registrar’s Decision for the following reasons.

BACKGROUND

8. By way of background, the relevant facts to this Application for Judicial Review can be summarized as follows:

- On November 22, 2025, a member of the Royal Canadian Mounted Police (“Officer”) observed a vehicle drifting close to the center lane and not maintaining a consistent rate of speed.
- The Officer pulled the vehicle over. As the Officer advised the driver, Zeid, of the reason for the stop, the Officer noted a strong odour of alcohol.
- The Officer read Zeid a demand for a breath sample in an Approved Screening Device (ASD) and explained the process to provide a breath sample. Zeid declined to provide a breath sample.
- Zeid was served with an Immediate Roadside Suspension which included additional details on the Officer’s observations, including the mention of Zeid’s slurred speech and watery eyes.
- The Officer, on November 24, 2025, forwarded to the Registrar of Motor Vehicles an Affidavit including as attachments copies of Zeid’s driver’s licence, the Immediate Roadside Suspension document, the notice of vehicle impound and the occurrence report (subsection 310.06(9) of the *MVA*).
- On November 28, 2025, Zeid applied for a review of his Immediate Roadside Suspension and requested an oral hearing.
- Zeid received disclosure of all the documents the Registrar had in their possession relating to the Immediate Roadside Suspension two weeks prior to the oral hearing (the documents received from the Officer on November 24, 2025, and Zeid’s request for review).
- A few days before the oral hearing, Zeid filed an Affidavit with the Registrar confirming he was pulled over by an Officer on November 22, 2025, for speeding and swerving. The Affidavit also confirms the Officer asked Zeid for a breath sample and that Zeid refused to comply. Included in the Affidavit was a signed statement of the passenger of the vehicle stating: she did not drink, she did not observe signs of impairment in Zeid, she did not observe Zeid swerving or speeding, and she did not see Zeid refuse to provide a breath sample to the Officer.

- On December 17, 2025, Zeid, represented by Counsel, attended the virtual hearing before the Appeal's Manager from the office of the Registrar of Motor Vehicles.
- On December 23, 2025, the Appeal's Manager issued its Decision dismissing the appeal and upholding the Immediate Roadside Suspension of Zeid's licence.
- The Decision addressed two issues to be considered in determining whether to uphold the appeal. Under subsections 310.07(8) and 310.07(12) of the *MVA* these factors were:
 - i. Whether Zeid was the driver of the vehicle on November 22, 2025?
 - ii. Whether Zeid failed or refused to comply with a demand under section 320.27 or 320.28 of the *CC*?
- The Registrar's Decision concluded that Zeid was the driver and that Zeid failed or refused to comply with a demand.

POSITION OF THE PARTIES

9. Zeid argues the decision is unreasonable and was rendered in breach of procedural fairness. Consequently, Zeid requests that the Decision of the Registrar be quashed.
10. The Registrar maintains the Decision was reasonable, that it followed the procedural fairness requirements and was made in accordance with the administrative nature of the regime. The Registrar requests the dismissal of the Application with costs.

PRELIMINARY ISSUES

Proper Respondent

11. Zeid's Application named as Respondents, the Attorney General of New Brunswick and the Registrar of Motor Vehicles. Counsel for the Respondents suggest, considering the nature of the Application, that the proper Respondent is the Registrar of Motor Vehicles and requests the removal of the Attorney General of New Brunswick as Respondent on the Application.
12. The Application involves a review of a Decision made by the Registrar of Motor Vehicles under section 310.07 of the *MVA*. The Attorney General of New Brunswick could be a party to the Application if Zeid was contesting the constitutionality of a statute (section 22 of the *Judicature Act*, RSNB 1973, c J-2), however, that is not the case in this Application.

13. In this case, the proper Respondent is the “Registrar of Motor Vehicles.” As such, under Rule 5.04(2) of the *Rules of Court*, the Attorney General of New Brunswick will be removed from the style of cause.

ISSUES

14. What is the standard of review of the Registrar’s Decision on judicial review? Is the Registrar’s Decision reasonable? More specifically, is the Registrar required to determine under which section the Officer made a demand by identifying either section 320.27 or 320.28 of the CC? Is the conclusion that Zeid refused to provide a breath sample a reasonable conclusion on the evidentiary record?
15. What are the elements of procedural fairness applicable to the Registrar’s Decision and were they breached in the issuance of the Registrar’s Decision? Did the Registrar breach procedural fairness by failing to meaningfully engage with the evidence and submissions advanced including the Applicant’s Affidavit on the question of the refusal? Did the Registrar breach procedural fairness by failing to produce additional documents relating to the ASD?

ANALYSIS

Standard of Review

16. The parties agree the standard of review in this matter is governed by the Supreme Court’s decision in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 (“*Vavilov*”), wherein the Supreme Court held that reasonableness is the presumptive standard of review for administrative decisions.
17. The key elements from *Vavilov*, as it pertains to the reasonableness review may be summarized as follows:
- Reasonableness aims to give effect to the legislature’s intent to leave decisions with administrative bodies while ensuring the exercise of state power is subject to the rule of law (*Vavilov*, para 82).
 - The reviewing Court does not determine which decision it would have made, does not ascertain the “range” of possible conclusions, does not conduct a *de novo* analysis, and does not determine the “correct” solution to the problem (*Vavilov*, para 83).

- Reasons are the primary mechanism for administrative decision makers to communicate the rationale for their decision and show the decision is reasonable (*Vavilov*, paras 81 and 84).
- A decision is reasonable if it is based on an internally coherent and rational chain of analysis, justified in relation to the facts and the law that constrain the decision maker. The decision must bear the hallmarks of reasonableness – justification, transparency and intelligibility (*Vavilov*, para 85 and 99).
- Reasons provided by an administrative body must not be assessed against a standard of perfection, nor are they required to include all arguments, statutory provisions, jurisprudence or details a judge may have included (*Vavilov*, para 91).
- The decision maker does not need to respond to every minor point or line of analysis but must meaningfully grapple with key issues and central arguments raised by the parties (*Vavilov*, para 128).
- The onus is on the party challenging the decision to show it is unreasonable. The shortcoming must be serious or central to the merits of the decision rather than merely superficial or peripheral (*Vavilov*, para 100).

18. The crux of Zeid’s reasonableness argument rests on the claim that the Registrar either failed to determine whether a lawful demand was made under section 320.27 or 320.28 of the CC or made that determination based on incomplete or deficient information. To support this argument, Zeid relies upon the absence of evidence:

- that a demand card was read,
- that the statutory wording of a demand was communicated,
- that Zeid was advised of the legal obligation to comply or the consequences of non-compliance with the demand, or
- that a roadside screening device was present at the roadside.

19. In addressing the reasonableness of the Decision, the Registrar maintains that criminal law jurisprudence relating to demands made under sections 320.27 and 320.29 of the CC and protections available in the criminal context are not applicable in the administrative regime. Additionally, the Registrar counters Zeid’s argument and asserts the Registrar is not required to establish that a demand was lawful in the context of criminal charges. The Registrar points

to the requirements of subsection 310.07(8) of the *MVA* which identify the components to be assessed by the Registrar. The Registrar further asserts that the findings of fact and credibility made by the Registrar are entitled to deference. Further, the Registrar maintains that the *MVA* does not require a peace officer to submit the specific "demand card" used at the roadside as part of the evidentiary record.

Lawful Demand

20. Paragraph 310.06(2)(b) of the *MVA* authorizes the issuance of an Immediate Roadside Suspension where "the peace officer has reason to believe that the person, while having alcohol [...] in the person's body [...] refused, without reasonable excuse, to comply with a demand under section 320.27 or 320.28 of the *Criminal Code* (Canada)".
21. Zeid argues that the Immediate Roadside Suspension regime is not triggered by the suspicion of alcohol consumption alone; rather, Zeid suggests the Immediate Roadside Suspension regime is triggered by a failure or refusal to comply with a demand under the specific provisions of the CC. Thus, Zeid argues the existence of a lawful demand under either section 320.27 or 320.28 of the CC is a mandatory statutory precondition to the exercise of the authority conferred upon the peace officer under section 320.06(2)(b) of the *MVA*.
22. The Registrar is required to sustain the Immediate Roadside Suspension issued under paragraph 310.06(2)(b) of the *MVA* unless satisfied: (1) that the applicant was not the driver, or (2) that the applicant did not fail or refuse to comply with a demand under section 320.27 or 320.28 of the CC (sections 310.07(8) and 310.07(12) of the *MVA*). In the context of a refusal or failure to comply, these are the mandated criteria the Registrar must consider on review.
23. This argument raised by Zeid on judicial review was also raised in arguments in the hearing before the Registrar. Zeid argued the Registrar must identify under which section of the CC the demand was made. Upon further inquiry during the hearing before this Court, it became apparent that the need for specification, as argued by Zeid, was based on the rights associated with those sections of the CC. That is, the rights arising in those sections of the CC which are anchored in the *Charter*.
24. Zeid argued that he was not afforded the right to speak to a lawyer. Additionally, Zeid argued based on *R v Breault*, 2023 SCC 9, that for a demand to be valid under section 320.27 of the CC, the officer must have an ASD immediately available at the time the demand is made.

However, it is important to note that the immediacy requirement discussed in *R v Breault* is tied to *Charter* rights, specifically subsection 10(b) and sections 8 and 9 of the *Charter* (*R v Breault*, para 50).

25. A similar argument relying on the application of standards from the criminal regime being applied in the administrative regime was also raised in a decision of this Court in *Jason Savoie v The Registrar of Motor Vehicles*, 2026 NBKB 83 (paras 45 to 47). The importation of criminal requirements to the administrative regime was expressly rejected by Justice Roy in this decision.
26. Justice Dysart, in assessing the parameters of procedural fairness in Immediate Roadside Suspension reviews, touched upon the issue of different regimes which bring about different protections (*Tyler Anthony Tower v The Attorney General of New Brunswick and the Registrar of Motor Vehicles*, 2025 NBKB 216, para 94 (“Tower”)).

94. In my view, in attempting to create a parallel process to address the scourge of impaired driving, the Legislative Assembly created a quasi-criminal regime. The suspected impaired driver loses various safeguards associated with the criminal justice system – the presumption of innocence and the right to a trial before a judge, for example. In exchange, the driver benefits by not having a criminal record and society benefits by diverting a number of cases from our over-burdened courts. Certain safeguards have been adopted to ensure the suspension is not arbitrary or otherwise unlawful – the police report is to be sworn by the peace officer and there is a right of review. But the elimination of a criminal pathway and sanction does not mean the review process is a rubber-stamping of these roadside suspensions. The Act requires that the Registrar or her designate conduct a review with an oral hearing at the request of the suspended driver. A suspension can only be upheld if the Registrar or her designate is satisfied that the applicant was the driver, that she or he blew a “fail,” and that the results of the analysis of the approved screening device are reliable. And that can only be the case if, as per s. 310.07(6) of the Act, she considers the sworn police report.

27. Additionally, Justice Ouellette addressed a similar question in a decision dealing with an Immediate Roadside Suspension following the failure to provide a breath sample (*Trevor Colin Chmura v The Registrar of Motor Vehicles*, 2026 NBKB 72 (“Chmura”)). Justice Ouellette, relying on *Fish v Alberta (Director of SafeRoads)*, 2024 ABKB 213, stated that in the administrative regime, the Registrar is not required to incorporate the same protections available under the CC considering the context, the text, and the purpose of the administrative regime. Similarly, Justice Ouellette noted that jurisprudence interpreting sections 320.27 and 320.28 of the CC do not apply in the administrative regime (*Chmura*, para 6).

28. As previously mentioned, while *Charter* rights are deemed applicable to sections 320.27 and 320.28 of the CC in the context of criminal charges, these *Charter* rights are not imported into the administrative regime.

29. Zeid questions the lawfulness of the demand made under sections 320.27 or 320.28 of the CC, by raising the absence of evidence that:

- a demand card was read,
- the statutory wording of a demand was communicated,
- Zeid was advised of the legal obligation to comply or the consequences of non-compliance with the demand, or
- a roadside screening device was present at the roadside.

30. The evidentiary record before the Registrar supports the conclusions of the Registrar. The Registrar was satisfied that the Officer pulled Zeid over after noticing his fluctuating speed and drifting and subsequently noted a strong odour of alcohol while speaking with Zeid. The Registrar was satisfied that a demand for a breath sample in an ASD was made to Zeid and that Zeid refused such a request.

31. The evidentiary record before the Registrar shows the Registrar had sworn evidence from the Officer. The Officer's sworn evidence suggests a demand was made to provide a breath sample in an ASD and that Zeid refused to provide a breath sample in an ASD after being advised of the consequences.

[...] I asked Zeid to follow me to the police vehicle to do a screening test for alcohol do (*sic*) be done with an Approved Screening Device (ASD). Zeid complied and followed me to the vehicle.

At 01:40, I read him the Active Offer of service and ASD demand:

Active offer: English

ASD: I do

Last drink: 3 hours ago.

I presented the ASD to Zeid and explained him how to provide a sample of breath. Zeid said that he will not blow in the ASD. I told him that if he doesn't provide a sample of breath, his driver's license would be suspended right away and his vehicle impounded. Zeid confirmed that he would not provide a sample of breath. I told Zeid that I will get the paperwork ready and he would be able to go home.

32. The evidentiary record before the Registrar also contains an Affidavit by Zeid which denies being read a demand, "from a card." Zeid's Affidavit also highlights Zeid's questioning of the reason for the stop, the reason for the breath sample request, and a request to speak with legal counsel.

12. I stepped out of the vehicle and agreed to comply with the field sobriety test. Once at his vehicle, the officer now said that I would have to "blow into a roadside device." At no point did the officer read me my demand from any cards.

13. Since the interaction from the officer seemed disingenuous and he seemed like he was trying to trick me, I had difficulty understanding exactly why he pulled me over and why he kept modifying the reasons for pulling me over. He was now changing the reason why he asked me to step out of the vehicle, and I wasn't certain what he was requiring of me.

14. I asked the officer to speak to a lawyer to know what my rights were and if the officer could invent reasons and change demands, to which the officer responded that I could not, I responded that I did not understand how an officer can do this and he responded, "I am a police officer, I can do what I want."

15. I never intentionally refused to blow into a roadside device. I simply told the officer that I did not understand why he could ask me to blow into a device if he had no signs of impairment and no device with him. The officer never explained anything further, he simply handed me documents and told me that I was suspended for a year and they would tow my car.

33. While the version provided by Zeid is different from the version provided by the Officer, it is not incompatible and does not give rise to a misapprehension of evidence rendering the Decision unreasonable. Ultimately, the evidentiary record supports the threshold requirement that the Officer had reason to believe Zeid had alcohol in his body and was operating a conveyance within the three preceding hours.

34. In terms of the other issues or evidentiary gaps raised by Zeid, these are not determinative.

35. First, Zeid suggested that an alleged flat tire on the vehicle explained the swerving observed by the Officer on the night in question. Zeid provided an undated photograph of a flat tire on the vehicle which the Registrar refused to consider. While this evidence, if considered by the Registrar, may have explained the swerving the Officer observed, it would not invalidate the observations made by the Officer and the grounds to believe Zeid had alcohol in his body.

36. Second, Zeid suggested the "demand card" was not read and the Officer did not advise him of the consequences of non-compliance with the demand. However, the evidence of the Officer and the evidence of Zeid confirm the Officer requested a breath sample in an ASD

immediately at the roadside. Zeid's suggestion that the Registrar needs to consider the specific wording of the demand card used, imports a further requirement that is not provided for in the *MVA*, the enabling statute. The request was made and it was reasonable for the Registrar to reach that conclusion even absent the wording of the demand card.

37. Third, Zeid suggests the passenger's witness statement was unreasonably dismissed by the Registrar. However, the witness statement of the passenger suggesting the Officer's instructions were unclear and suggesting that they at no time heard Zeid refusing anything, does not account for Zeid's temporal location during Zeid's discussion with the Officer. Both the evidence of the Officer and the Affidavit of Zeid confirm that any discussion about the ASD occurred in and around the police vehicle. It was reasonable for the Registrar to dismiss the passenger's evidence on this basis.

38. The Registrar was satisfied that: (1) the applicant was the driver of the vehicle in question on November 22, 2025, and (2) the applicant failed or refused to comply with a demand under section 320.27 or 320.28 of the *CC*. These are the only two questions the Registrar must address on review as provided for by subsection 310.07(8) of the *MVA*. The Registrar's reasons for arriving at this conclusion was reasonable and based on the evidentiary record presented.

Refusal

39. In addition, on the argument of the lawfulness of the demand, Zeid suggests the Registrar's Decision is unreasonable as the refusal to comply with the demand for a breath sample in an ASD was not established on the evidentiary record.

40. Zeid relied upon the case of *Mains v British Columbia (Superintendent of Motor Vehicles)*, 2015 BCSC 1701, in which the decision maker failed to expressly resolve conflicts in the evidence going to the heart of the dispute and made negative credibility findings based on flawed rationale. Essentially, the Court found the decision maker in that case afforded the officer's evidence a presumption of baseline reliability which was problematic.

41. In the current case, the Registrar's Decision relied upon the Officer's narrative of the events on the night in question. The Officer's notes indicate Zeid refused to provide a breath sample and that after being advised of the possible consequences of refusing to provide a breath sample, Zeid confirmed he would not provide a breath sample. The Registrar specifically concluded in the Decision as follows, as it relates to the refusal.

Cst Labbe read the Mandatory Demand for a breath test by an approved screening device. You then refused to provide the sample of breath. Cst. Labbe explained how to provide a sample of breath, and you refused and confirmed that you would not provide a sample. Your counsel presented an argument that we cannot confirm which demand was read; however, it is not a requirement under the MVA that an officer submit the demand read during an administrative document transfer. Your counsel also submitted an argument that you did not unequivocally refuse however your affidavit did not indicate your request for a breath test once you understood the severity of the situation. Therefore, it is of my opinion that a refusal occurred. Furthermore, your counsel submitted an argument stating that the ASD calibration documents were not submitted along with the serial number of the device presented to you, however in the case of a refusal this is not a requirement.

42. The Registrar grappled with the evidence presented and considered the issues before her. In fact, the Registrar specifically relied upon the Affidavit of Zeid and tied its contents to her conclusion. In his Affidavit, Zeid simply reiterates his discontent with the reason provided by the Officer to pull him over. In doing so, he acknowledges in paragraph 12 of his Affidavit, that the Officer requested he “blow” in the “roadside device”.
43. The key in an Immediate Roadside Suspension is that a demand was made and that it was refused. Additionally, there must be, on the evidentiary record, some basis to support that the peace officer had a reason to believe the person had alcohol in his body, but this requirement need not meet the rigours imposed in criminal prosecutions under sections 320.27 and 320.28 of the CC. The Registrar grappled with these issues.
44. For these reasons, the Court finds that in the circumstances of this case, the Registrar’s Decision is reasonable.

Procedural Fairness

45. Procedural fairness is distinct and separate from the standard of review. Procedural fairness is required and its scope is determined by a contextual assessment of the decision under review. The components depend on the nature of the decision (*Wilson v Department of Social Development*, 2024 NBCA 41, paras 42 to 44).
46. Recent decisions from this Court have confirmed that the Registrar owes applicants a broad duty of procedural fairness in Immediate Roadside Suspension appeals. Included in this broad duty of procedural fairness is reasonable notice of the hearing date and time, timely disclosure of all documents in the possession of the Registrar, including documents listed in

subsection 310.07(6) of the *MVA*, the right to present evidence and make submissions, and the right to obtain a written decision within the timeframe set out in the *MVA (Tower)*.

47. On the procedural fairness argument, Zeid points to the inability to meaningfully challenge the allegation of the refusal. Additionally, Zeid points to the failure to disclose evidence necessary to assess the reliability of the approved roadside device, namely the absence of evidence of:

- the calibration and maintenance records for the approved screening device,
- the Officer's qualifications to operate the approved screening device,
- the validity, certification, expiry and traceability of Airgas or other dry-gas alcohol standards,
- the certificate of analysis (while its existence was disclosed, it was not produced).

48. Zeid also asserts that the Registrar's Decision concludes the Officer read a demand card despite the absence of evidence as to the contents of that demand card.

49. In addressing procedural fairness, the Registrar states that Zeid was afforded procedural fairness as Zeid received reasonable notice of the hearing, Zeid received full disclosure of documents in possession of the Registrar, Zeid was provided the right to present evidence and make submissions, and Zeid received the written Decision by the Registrar within the proper timeframe.

50. The Court finds the procedural fairness components identified by Justice Dysart in the *Tower* decision were met in this case. Zeid was provided notice of the hearing date and time and Zeid was provided the written Decision within 7 days of the hearing.

51. As it relates to the production of documents, Zeid received all the documents in the possession of the Registrar and all the documents considered by the Registrar in its Decision, including the items listed in subsection 310.07(6) of the *MVA*. Zeid pointed to the absence of evidence relating to the ASD. Considering the matter in this case involves an Immediate Roadside Suspension flowing from a refusal, the Court finds that the information sought by Zeid was not in the possession of the Registrar and was of limited relevance.

52. Additionally, as noted by Justice Ouellette in *Chmura* at paragraphs 26 to 32, the Registrar is bound to produce the documents received but has no obligation or power to require further documents.

53. Procedural fairness does not require the Registrar to produce documents which were not provided to the Registrar. Further, the production of the documents and information sought by Zeid are irrelevant to the questions to be determined by the Registrar on a refusal. The reliability of the instrument on a refusal is not a question which the Registrar is required to consider. An Immediate Roadside Suspension flowing from a refusal shuts the door to the request for this evidence.
54. As it concerns the alleged failure to disclose the specific wording of the demand card, the Registrar was satisfied an ASD demand was made to Zeid. This finding is based on the report of the Officer which references a request for an ASD and references the explanation of the consequences for refusing an ASD demand. The Officer states in his notes that he asked Zeid to follow him to the police vehicle “to do a screening test for alcohol” “with an Approved Screening Device (ASD)”, that he read the Active Offer of service and ASD demand, and that he “presented the ASD to Zeid and explained to him how to provide a sample of breath” to which Zeid responded, “he would not blow in the ASD.” Additionally, the Registrar concluded that once Zeid understood the severity of the situation, Zeid did not request to take a breath sample. The statutory administrative regime does not include a requirement for a copy of the demand card. The Court sees no basis to require the production of such evidence based on procedural fairness.
55. As it relates to the right to be heard, Zeid was provided an opportunity to present evidence by filing affidavit evidence prior to the hearing and was provided an opportunity to make submissions during the hearing.
56. There is no identified gap in the procedure followed by the Registrar which gives rise to procedural fairness concerns. The Court concludes that the procedural fairness requirements arising from the administrative regime were met in this case.

DISPOSITION

57. The Application is dismissed with \$1,000 in costs payable to the Registrar of Motor Vehicles.

Justice Maya Hamou
Court of King's Bench of New Brunswick