



# Record of Determination

DET 25-H112

In the Matter of

Requestor Sirati & Partners Consultants Ltd.

Subject Review of the penalty amount for  
Administrative Monetary Penalty  
2025-AMP-02

Record of  
Determination  
Date September 12, 2025

**RECORD OF DETERMINATION - DET 25-H112**

Requestor: Sirati & Partners Consultants Ltd.

Address/Location: 160 Konrad Crescent, Unit 4  
Markham, ON, L3R 0G5

Purpose: Review of the penalty amount for Administrative  
Monetary Penalty 2025-AMP-02

Request received: May 8, 2025

Date of Determination: September 12, 2025

Panel of the Commission: A. Hardie, Presiding Member

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| <b>Administrative Monetary Penalty Amount: Upheld</b> |
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## 1.0 INTRODUCTION

1. Sirati & Partners Consultants Ltd. (the licensee) holds Canadian Nuclear Safety Commission<sup>1</sup> (CNSC) nuclear substances and radiation devices licence 16146-1-26.3. This licence authorizes the licensee to possess, transfer, use, and store portable nuclear gauges. The licence is valid until August 31, 2026.
2. The licensee is located at 160 Konrad Crescent, Unit 4 in Markham, Ontario. This is in the traditional territory of many nations, including the Mississaugas of the Credit, the Anishinaabeg, the Chippewa, the Haudenosaunee and the Wendat peoples, and now home to many diverse First Nations, Inuit and Métis peoples.
3. On April 15, 2025, a CNSC Designated Officer issued a [Notice of Violation](#)<sup>2</sup> to the licensee for failing to comply with a regulation. The licensee failed to comply with paragraph 16(a) of the [Radiation Protection Regulations](#)<sup>3</sup> (RPR), which requires a licensee to immediately notify the Commission when a dose limit is exceeded. To promote compliance with the RPR, the Designated Officer issued an Administrative Monetary Penalty (AMP) to the licensee in the amount of \$6,460 (2025-AMP-02<sup>4</sup>).
4. On May 8, 2025, pursuant to section 65.1 of the [Nuclear Safety and Control Act](#)<sup>5</sup> (NSCA) the licensee requested a review of the amount of the AMP. Specifically, the licensee requested that the Commission review the “Degree of Intention or Negligence” factor, as set out in section 5 of the [Administrative Monetary Penalties Regulations \(Canadian Nuclear Safety Commission\)](#)<sup>6</sup> (AMPs Regulations).

## 2.0 ISSUES

5. Pursuant to subsection 65.14(1) of the NSCA, the Commission must determine whether the amount of the penalty was determined in accordance with the AMPs Regulations.

## 3.0 RELEVANT LEGAL PROVISIONS

6. Subsection 65.1 of the NSCA provides that a person who is served with a notice of violation may make a request<sup>7</sup> to the Commission for a review of the amount of the penalty or the facts of the violation, or both.

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<sup>1</sup> The *Canadian Nuclear Safety Commission* is referred to as the “CNSC” when referring to the organization and its staff in general, and as the “Commission” when referring to the tribunal component.

<sup>2</sup> The Notice of Violation for 2025-AMP-02 is provided in Appendix A of CNSC staff’s CMD 25-H112.

<sup>3</sup> SOR/2000-203

<sup>4</sup> Reference 1 of CNSC staff submission, CMD 25-H112.

<sup>5</sup> S.C. 1997, c. 9.

<sup>6</sup> SOR/2013-139.

<sup>7</sup> This request must be submitted within 30 days after the day on which the notice of violation is served, or within any longer period that the Commission allows.

7. When a person served with a notice of violation requests a review of the penalty amount, the Commission shall determine whether the amount of the penalty for the violation was determined in accordance with the AMPs Regulations.<sup>8</sup>
8. If the Commission determines that the amount of the penalty for the violation was not determined in accordance with the AMPs Regulations, the Commission corrects the amount of the penalty.<sup>9</sup>

#### 4.0 COMMISSION REVIEW AND DETERMINATION

9. Pursuant to section 22 of the NSCA, the President of the Commission established Commission Member A. Hardie as a Panel of the Commission to consider the licensee's request for review. The Commission, in making its determination, considered written submissions from CNSC staff (CMD 25-H112) and the licensee (Appendix B of CMD 25-H112).
10. For the reasons described below, the Commission determines that the amount of the penalty for the violation was determined in accordance with the AMPs Regulations. Therefore, **Sirati & Partners Consultants Ltd. is liable to pay \$6,460**. Payment is due within 30 days of the date of this determination.

#### 5.0 COMMISSION FINDINGS

11. Applying section 65.14(1) of the NSCA, the Commission considered whether the amount of the penalty for the violation was determined in accordance with the AMPs Regulations. Section 5 of the AMPs Regulations sets out 7 factors which influence the amount of the penalty. As requested by the licensee, the Commission focused its review on factor 5(b):

5. The amount of a penalty is determined by the Commission having regard to

...

(b) the degree of intention or negligence on the part of the person

...

12. Based on the facts of the violation, each factor is assessed using a six-point scale and a score is applied. The more severe the violation is, the higher the score and the penalty amount will be. In this case, the Designated Officer gave factor 5(b), Degree of Intention or Negligence, a score of +3 on a scale of 0 to +5.

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<sup>8</sup> Subsection 65.14(1) of the NSCA.

<sup>9</sup> Subsection 65.14(3) of the NSCA.

**5.1 The score of +3 for the Degree of Intention or Negligence factor is appropriate**

13. During an inspection on November 30, 2023, CNSC staff identified that a worker had received an effective dose which exceeded the annual regulatory dose limit for a person who is not a nuclear energy worker (NEW).<sup>10,11</sup> Paragraph 16(a) of the RPR requires licensees to immediately notify the Commission when a dose limit is exceeded. CNSC staff issued a notice of non-compliance, communicated the reporting obligation to the licensee, and noted in the inspection report that continued non-compliance would result in additional enforcement. The licensee did not report the event to the Commission until January 15, 2024.<sup>12</sup>
14. During a follow-up inspection on December 5, 2024, CNSC staff identified that a second worker had received an effective dose that exceeded the annual regulatory dose limit for a person who is not a NEW.<sup>13</sup> Again, the licensee had not reported the dose limit exceedance to the Commission as required by paragraph 16(a) of the RPR. At the time of CNSC staff's submission of CMD 25-H112, the licensee had still not provided adequate notification despite multiple reminders from CNSC staff.<sup>14</sup>
15. To promote compliance with the RPR, the Designated Officer issued 2025-AMP-02 to the licensee in the amount of \$6,460. When determining the amount of the AMP, the Designated Officer considered the factors in section 5 of the AMPs Regulations. The Designated Officer reported that the penalty amount was determined by following the calculation equation and factor values described in [CNSC REGDOC-3.5.2, Compliance and Enforcement: Administrative Monetary Penalties](#).<sup>15</sup> The ratings given by the Designated Officer for each factor were as follows:
  - 5(a) Compliance History, rating of +1 (on a scale from 0 to +5)
  - 5(b) Degree of Intention or Negligence, rating of +3 (on a scale from 0 to +5)
  - 5(c) Actual or Potential Harm, rating of +1 (on a scale from 0 to +5)
  - 5(d) Competitive or Economic Benefit, rating of 0 (on a scale from 0 to +5)
  - 5(e) Efforts to Mitigate or Reverse Effects, rating of 0 (on a scale from -2 to +3)
  - 5(f) Assistance to Commission, rating of -2 (on a scale from -2 to +3)

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<sup>10</sup> A nuclear energy worker is a person who is required, in the course of the person's business or occupation in connection with a nuclear substance or nuclear facility, to perform duties in such circumstances that there is a reasonable probability that the person may receive a dose of radiation that is greater than the prescribed limit for the general public. As set out in section 13 of the RPR, the annual effective dose limit for a person who is not a NEW is 1 millisievert (mSv) per year.

<sup>11</sup> The worker received an effective dose of 1.92 mSv between March 14, 2023 and June 14, 2023.

<sup>12</sup> Section 2.1, CMD 25-H112.

<sup>13</sup> The worker received an effective dose of 1.102 mSv between January 1, 2024 and October 31, 2024.

<sup>14</sup> Section 2.1, CMD 25-H112.

<sup>15</sup> REGDOC-3.5.2, *Compliance and Enforcement: Administrative Monetary Penalties*, Version 2, CNSC, August 2015.

5(g) Attention of Commission, rating of +1 (on a scale from -2 to +3)

16. Regarding factor 5(b), Degree of Intention or Negligence, the Designated Officer based the rating of +3 on the following:
- the RPR and the licensee's radiation safety manual both explicitly require the licensee to immediately report dose limit exceedances to the Commission
  - the licensee received clear communication from CNSC staff of its repeated non-compliance and the need for prompt corrective actions
  - a licensee who was issued a written notice of non-compliance should exercise the level of care and attention required to prevent a repeated non-compliance within the span of 13 months
  - failure to exercise this level of care and attention is indicative of a high degree of negligence
  - based on internal CNSC guidance,<sup>16</sup> a score of +3 is appropriate when a high degree of negligence is demonstrated
17. In its request for review, the licensee disputed the rating for factor 5(b), Degree of Intention or Negligence, and asked that the rating for that factor be reduced. The licensee submitted that it did not intentionally neglect to report the dose limit exceedances to the CNSC. Rather, the licensee asserted that the exceedances occurred because it failed to designate those employees as NEWs in a timely manner.<sup>17</sup> The licensee has since designated both impacted employees as NEWs.<sup>18</sup>
18. The Designated Officer submitted that the licensee did not provide any additional information in the request for review that would warrant a revision to the score of +3 for negligence. The Designated Officer noted that the category of the violation, Category B, is prescribed by the AMPs Regulations and cannot be recategorized.<sup>19</sup>
19. Regarding the designation of workers as NEWs, the Designated Officer submitted that licensees are responsible for actively monitoring worker doses and job duties to ensure that workers are correctly designated before a dose limit is exceeded. The licensee's failure to designate the workers as NEWs is independent of the licensee's non-compliance with paragraph 16(a) of the RPR. Once a dose limit has been exceeded, the licensee is required under the RPR to immediately report it to the Commission. The Designated Officer noted that a lack of oversight in the designation of workers also meets the criteria for negligence.<sup>20</sup>

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<sup>16</sup> Reference 8, CMD 25-H112.

<sup>17</sup> Appendix B, CMD 25-H112.

<sup>18</sup> Reference 4 and Reference 7, CMD 25-H112.

<sup>19</sup> Appendix C, CMD 25-H112.

<sup>20</sup> Appendix C, CMD 25-H112.

20. The Commission finds that the score of +3 for factor 5(b), Degree of Intention or Negligence, is appropriate and that the Designated Officer determined the penalty amount in accordance with the AMPs Regulations. The Commission comes to this conclusion based on the following:
- the licensee demonstrated a high degree of negligence by failing to make the necessary changes to correct the non-compliance with the RPR, despite having received multiple communications from CNSC staff, and by repeating the non-compliance
  - a score of +3 for factor 5(b), Degree of Intention or Negligence, is consistent with the licensee having demonstrated a high degree of negligence
  - the licensee did not provide any additional information in its request for review to warrant a change in the score
  - the Designated Officer accurately determined the penalty amount using the calculation equation and factor values described in REGDOC-3.5.2
21. The Commission emphasizes that licensees are expected to take prompt action to correct non-compliances and to prevent repeat non-compliances.

## **5.2 The penalty amount remains \$6,460**

22. Based on the above, the amount of the penalty for the violation was determined in accordance with the AMPs Regulations and the Commission maintains the score given to factor 5(b), Degree of Intention or Negligence. Therefore, the scores for each of the seven factors remain as stated in section 5.1 of this *Record of Decision*.
23. Accordingly, the resulting penalty amount remains at \$6,460.

## **6.0 CONCLUSION**

24. The Commission has considered all the information submitted by the licensee and the Designated Officer regarding this matter.
25. Based on all the evidence, the Commission finds that the Designated Officer determined the penalty in accordance with the AMPs Regulations. The Designated Officer determined the penalty amount by following the calculation equation and factor values described in REGDOC-3.5.2. In accordance with subsection 65.14(4) of the NSCA, the licensee is liable to pay the administrative monetary penalty, as calculated by the Designate Officer. The licensee is to submit payment for 2025-AMP-02 in the amount of \$6,460. Payment is due within 30 days of the date of this determination.

26. In accordance with subsection 65.14(5) of the NSCA, this determination is final and binding, subject to judicial review under the [\*Federal Courts Act\*](#).<sup>21</sup>



September 12, 2025

Andrea Hardie  
Presiding Member  
Canadian Nuclear Safety Commission

Date

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<sup>21</sup> R.S.C., 1985, c. F-7.