



**NOTICE OF INTENT  
TO SUBMIT A CLAIM TO ARBITRATION  
UNDER SECTION B OF CHAPTER 11 OF  
THE NORTH AMERICAN FREE TRADE AGREEMENT**

**BAHIGE BASSEM CHAABAN,  
JEFFERY THOMAS, MOHAMUD SADDEDIN**

And

**CEN BIOTECH INC.**

Investors

v.

**GOVERNMENT OF CANADA**

Respondents

Pursuant to Articles 1116 and 1119 of the North American Free Trade Agreement (NAFTA), the Investors' **BAHIGE BASSEM CHAABAN, JEFFERY THOMAS, MOHAMUD SADDEDIN** and **CEN BIOTECH INC.**, hereby serve Notice of Intent to Submit a Claim to Arbitration for breach by Canada of its obligations under the NAFTA.

## **A. NAMES AND ADDRESSES OF THE PARTIES**

### **Investors**

The Investors are:

**BAHIGE BASSEM CHAABAN**  
29235 Stephenson Highway, #200  
Madison Heights, MI USA 48071

**JEFFERY THOMAS**  
29235 Stephenson Highway, #200  
Madison Heights, MI USA 48071

**SHAREHOLDER (for the CLASS)**  
**MOHAMUD SADDEDIN**  
114 Sydney Street Medford MA 02155

and

**CEN BIOTECH INC.** (and its shareholders) A FULLY OWNED SUBSIDIARY OF  
CREATIVE EDGE NUTRITION INC.  
8306 Wilshire Blvd.  
Suite 1674  
Beverly Hills, CA 90210

Each investor is a natural or juridical citizen of the United States of America.

### **Respondent**

The Respondent is the **Government of Canada** (“Canada”), represented through:

Office of the Deputy Attorney General of Canada  
284 Wellington Street  
Ottawa, ON K1A 0H8  
Canada

## **B. BREACH OF OBLIGATIONS**

1. The Investors claim that Canada has violated the provisions of Section A of Chapter 11 of the NAFTA, including:
  - a. Article 1105 – International Law Standards of Treatment
  - b. Article 1102 – National Treatment
  - c. Article 1103 – Most Favored Nation Treatmentcausing substantial damages to the Investors

## **C. FACTUAL BASIS FOR THE CLAIM**

2. This claim pertains to regulatory measures applied to the Investors' investment in a medical marijuana facility(s) project, both located in Lakeshore, Ontario Canada.
3. The measures applied to the Investors' and their investment by officials of the Government of Canada, specifically Health Canada and its actors and administration, through a government mandated review under the Marijuana for Medical Purposes Regulation ("the MMPR") and a government appointed panel, in a manner that was discriminatory, arbitrary, and unfair.
4. As a consequence, the administration denied the Investors' application for facilities to satisfy the mandate of the MMPR, which is also supported and mandated by the Supreme Court of Canada to provide legal and safe access to medical marijuana for patients in Canada.
5. The administration, namely Health Canada and its actors and administration, did not comply with its own regulations and obligations within its own regime under the MMPR, nor did they comply with Canada's international law obligations under the NAFTA, and have caused substantial damage to the Investors' and their investment to receive treatment far less favorable than that accorded to similar Canadian owned investments.

### The Investment

6. The core investor, CREATIVE EDGE NUTRITION INC., through its fully owned subsidiary, CEN Biotech Inc, and its shareholders, initially is and established as a US incorporation, under the laws of the State of NEVADA. The shareholders, collectively, own and control CEN Biotech Inc, and subsequent incorporation of the same name, a wholly owned unlimited liability corporation established under the laws of the Province of Ontario in Canada.
7. CEN Biotech Inc and it's investors constitutes an investment of investor of another Party to the NAFTA in the territory of a Party, as defined by NAFTA, Article 1101(1)(b).

### Canada's Obligations

8. Canada is responsible, for the measures and actions taken by its Ministries, in this case, Health Canada, that have caused substantial damage to the Investors' and their investment. The flawed measures and capricious and arbitrary actions of Health Canada under its own regime and regulation, the MMPR, to assess and issue production and sale licenses for medical marijuana facilities within Canada has led to a loss of revenues and shareholder value for all Investors'. The measures taken by Canada, via it's authority within Health Canada include but are not limited to the following:
  - a. A review of the Investors' application under the MMPR was not consistent with the review process under the MMPR, and thus failed and lack of compliance with the rule of law, or for that fact, the principle of due process and procedural fairness. Not only did the review and application take an unreasonable period of time to conduct for no reason, it was also the manner in which Health Canada conducted themselves internally, and in the public eye.
  - b. The Minister of Health, Rona Ambrose, publicly declared their intent to continue to 'fight' against an already court mandated program to support patients in Canada, and ensure safe and adequate access to medical marijuana. This public assertion is a near admittance of a politically motivated system to carry out and publicly smear the Investors' management and interfere with other applicants due to 'personal views' of the Minister, in order to deter their application from proceeding, or being successful.

- c. Health Canada did not assess the Investors' application with the same level of criteria as with other successful applicants under the MMPR. In fact, Canada took extraordinary measures to derive grounds for denial of the Investors' license by leveraging material of irrelevant consideration, including posts from random and unknown authors on the internet, rather than relying on the criteria as mandated and regulated under the MMPR.
9. Health Canada did not act in accordance with its regulations to which it was mandated to officiate and manage, the MMPR, and most certainly not in accordance with ordinary, reasonable, or well established protocols or procedures
10. The conduct and the behavior of Health Canada is, and continues to be a direct violation of Canada's obligations under the NAFTA which requires a level of protection of investment, and protection that is consistent with the rule of law, and/or the principles of due process and procedural fairness and reasonableness.
11. The project of the Investors' then, being arbitrarily selected to undergo an unknown and secretive assessment and process names the 'Interdepartmental Security Forum' ("the Forum") unknown to any applicant or licensed producer under the MMPR as a result of media articles written by one blogger on a Canadian website, prompting a unilateral assessment and ultimate denial of the Investors' application; without consideration of the principles of due process, and procedural fairness.
12. The Forum had no mandate, nor authority to act against the Investors', nor was previously known to the Investors', or any applicant under the MMPR as part of the mandated and legislated process approved by the Governor General of Canada.
13. The Forum, and the inherit process and recommendations being fundamentally flawed for multiple reasons including not taking into account any material and facts provided by the Investors' management team.
14. The actors of the Forum are unknown and for that very fact can come into question the credibility of the contributors of the Forum and their potential motivations to lead a unilateral process without contribution from the Investors'.
15. The Forum, and Health Canada, collectively ignored any submissions made by the Investors' pertinent to online and anonymous defamatory and irrelevant assertions against the Investors' or it's company and activities.

16. Health Canada has a history with other applicants in the program of changing acceptable criteria under the MMPR so as to prevent any applicant the ability to be successful.
17. Health Canada, also as a result of its actions against patients on the national stage, to prevent and roadblock access to medical marijuana, even as mandated by the Supreme Court of Canada, shows malicious intent and contemptuous actions by Canada to have little to no regard of the rule of law, nor the Constitutional Rights of its citizens, guaranteed by Canada's Charter of Rights and Freedoms.
18. The refusal by actors in Health Canada, to allow Investors' an opportunity to be heard properly with an appropriate appeal process, before outright denying a license under the MMPR, despite numerous requests to meet with Health Canada and it's 'Forum' through Health Canada's counsel, the Attorney General's office in Toronto, Ontario Canada, is in complete disregard for their rights of due process.
19. Canada also bears responsibility that all provinces, including the Province of Ontario, whereby the Investors' two primary locations reside, abide by Canada's NAFTA obligations pursuant to Article 105.
20. Health Canada has recently published the importance to allowing accessibility to medical marijuana to patients, even in light of 90 Federal Court cases against the MMPR on the potential unconstitutional merits of the MMPR. The actions of Health Canada appear to be in contradiction of their court ordered mandate, and that of the rule of law, to allow patients (and providers such as the Investors') access to safe and quality medical marijuana.

#### **D. ISSUES RAISED**

21. Has Canada, and Health Canada, taken measures inconsistent with its obligations under the NAFTA, including under Articles 1105, 1102, and 1103 of Chapter 11?
22. What amount of compensation is to be paid to the Investors as a result of Canada's failure to comply with its obligations under the NAFTA?

## E. RELIEF SOUGHT AND APPROXIMATE AMOUNT OF DAMAGES CLAIMED

- a. The Investors respectfully claim the following:
- i. Damages of not less than US\$4,800,000,000 BILLION in compensation for the loss, harm, injury, and substantial damages caused by the actions of Health Canada, the loss to market capitalization, resulting from Canada's breach of its obligations under Part A of Chapter 11 of the NAFTA;
  - ii. Costs associated with these proceedings, including ALL professional fees and disbursements;
  - iii. Fees and expenses incurred to mitigate the effect of the measures;
  - iv. Pre-award and post-award interest at a rate to be fixed by the Tribunal; and;
  - v. Such further relief as counsel may advise, and the Tribunal may deem appropriate

**DATE OF ISSUE:** August 30, 2015

CEN Biotech Inc.  
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Lakeshore, Ontario Canada N0R 1K0

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Suite 1674  
Beverly Hills, CA 90210

/s/ Roger Glasel

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ROGER GLASEL  
for CEN BIOTECH INC, Appellant

SERVED TO:  
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