

**FORM 301 Rule 301**  
**Notice of Application**

Applicant: **Thomas B Winkler**  
Respondent: **Attorney General of Canada**

**Notice of Application**

TO THE RESPONDENT: Attorney General of Canada

A PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the applicant. The relief claimed by the applicant appears below.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at (*place where Federal Court of Appeal (or Federal Court) ordinarily sits*).

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must file a notice of appearance in Form 305 prescribed by the [Federal Courts Rules](#) and serve it on the applicant's solicitor or, if the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the [Federal Courts Rules](#), information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

January 28, 2022

Thomas Winkler



#407 – 6609 Godmere Rd, Sooke BC V9Z 1P5

Issued by: (*Registry Officer*)

Address of local office:

TO: Dept of Justice, 840 Howe St, Vancouver BC

Canada Border Agency, 333 North River Rd, Tower A, 11 floor, Ottawa, ON, K1A 0L8

# Application

This is an application for judicial review in respect of

Ministerial Decision Appeal #2103139-1 / EA #8904-200066 dated Nov 1, 2021

The applicant makes application for: To dismiss the ministerial decision and dismiss the charge under section 131 under the Customs Act against the applicant.

The grounds for the application are: The applicant never left Canada, therefore provision 133 of the Customs Act does not apply. After passing the non descriptive Fraser border station going west bound towards the Canada /US border I turned my car around prior to the physical border that was marked by signs and monuments to that effect. On my return I stopped at the non descriptive Fraser Border station that was obstructed by construction. The station was not manned, no officer was outside or in a booth observing the traffic. After a short stop I proceeded. What border services refer to alarms, I slowed down and inquired, I came to the conclusion that it was related to the construction, I never experienced anything like it. When I stopped a short distance after no person waved or yelled at me to come back. To this point no officer bothered to exit the building. I continued east bound.

The distance between the actual border and the border station in my submission was an estimate and might be inaccurate. As said before I never left Canada. The **assumption** made by the Canada Border Services is false.

This application will be supported by the following material: My submission to the Canada Border Service

The applicant requests Canada Border Services Agency to send a certified copy of the all material in the possession of the Canada Border Service Agency to the applicant and to the Registry: All submission (reports and video tapes) by Officers of the Canada Border Service Agency

January 28, 2022



Thomas Winkler, #407 – 6609 Goodmere Rd, Sooke BC, V9Z 1P5, Phone 778 232 2787