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FORM 301 Rule 301
Notice of Application

Stanislawa Wojtasik Applicant
and
Canada Revenue Agency Respondent

Notice of Application

TO THE RESPONDENT:

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.

April 25, 2023

Issued by: *(Registry Officer)*
180 Queen Street West, Suite 200
Toronto, Ontario
M5V 3L6

TO: Canada Revenue Agency and S. Constantin, Canada Emergency Benefits Validation at the Canada Revenue Agency.

Canada Revenue Agency

Sudbury TSO/TC

Sudbury ON P3A 5C2

Application

This is an application for judicial review in respect of

Canada Revenue Agency and S. Constantin, Canada Emergency Benefits Validation at the Canada Revenue Agency.

Date of Decision was on a letter sent April 12, 2023 which stated that they reviewed this for the second time and I still need to repay CERB payments.

The applicant makes application for: Wrongful decision that I was not eligible for the CERB and that I must pay back the benefit monies sent. They continue to state that I did not earn at least \$5000 (before taxes) of employment or self-employment income in 2019 or in the 12 months prior to the date of your first application.

I did earn over \$5000 in the 12 months prior to the date of my first application and I did have to stop due to COVID-19 reasons. I have various evidence showing and collaborating with this, including invoice paid, letter from my employer at the time, Tax Form showing I declared that income in my 2020 taxes and also Tax Return payment of \$2,242.13 which included income made during my work.

The grounds for the application are: The rule relied on was inaccurate in the determination that I did not earn at least \$5000 in the 12 months prior to the date of my first application and that I did not stop working due to COVID-19, which I did. Also, I have already brought the CRA to Federal Court reference #T-1252-21 and was awarded a settlement and to the exact words of the lawyer representing the CRA, there is no way this would win in a court and that the CRA did wrongful in asking for the money back. I followed every rule and process as stated by the CRA and government to apply and receive the CERB payments.

I also have a signed letter from my employer at the time, stating exactly when I worked and that they paid me in cash and they also explain their health problems and concerns and why they needed me, however, then could not re-hire me due to COVID-19 and their compromised immune system due to a chemo-therapy drug that the employer was on for her MS (Multiple Sclerosis). She also happens to be my daughter and my son-in

law was extremely busy with work trips during that time and she was unable to take care of her daughter and herself, which is why they hired my full time for those few months. Her doctor and neurologist can collaborate with this as well.

I strongly believe I was entitled to the benefits received and should not pay back any of the CERB benefits.

This application will be supported by the following material:

- i) Federal Court Reference #T-1252-21 with Minutes of Settlement from when I brought the CRA to court and won.
- ii) *Paid invoices from Jan 1st, 2020 to March 13th, 2020 showing I made over \$6000 in total in 2020 from my work.*
- iii) *Official Letter from my employer showing that they hired me between the period of Jan 1 2020 to March 31, 2020 and explaining they paid me in cash and the extreme difficult situation they were in, with one person with MS (Multiple Sclerosis) and the other person with asthma and Graves Disease.*
- iv) *Tax Form showing I declared that cash income for 2020 taxes, following the specific rules of the CRA.*
- v) *Tax Return payment of \$2,242.13 which are taxes paid on my cash work, as well as both the CERB and CRB benefits, following all rules indicated by the CRA.*
- vi) *Receipts showing cash purchases after being paid cash for the everyday items like groceries, gas, etc. The amount almost equals the identical amount paid during my work.*

The applicant request Canada Revenue Agency to send a certified copy of the following material that is not in the possession of the applicant but is in the possession of the Canada Revenue Agency to the applicant and to the Registry.

(Notes explaining why the decision was made again, even though I brought the CRA to Federal Court of won a settlement decision. All notes taken during all communication on phone calls where they specifically indicated that a person making cash money in Canada and not depositing every single penny into a bank account is going against Canadian Law. Also, notes on determination, even though I followed all rules for application of benefits and followed all tax rules by the CRA.

April 25, 2023

A handwritten signature in black ink, appearing to be 'Wojtasik' with a stylized flourish at the end.

Stanislawa Wojtasik

3178 Pearwood Place, Mississauga, ON L5B 4H1

[SOR/2021-151, s. 22](#)