

BETWEEN

FEDERAL COURT

KARIM MENEHBI

Applicant

And

MINISTER OF PUBLIC SECURITY AND SAFETY PREPAREDNESS

Defendant

NOTICE OF APPLICATION
Section 18.1 (1) of the Federal Courts Act

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 30, McGill Street, Montréal (Québec) H2Y 3Z7.

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.

December 2nd 2022

Issued by:

Address of local office: 30, McGill Street, Montréal (Québec) H2Y 3Z7.

TO: MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS CANADA

333 North River Rd, Tower A
11th Floor
Ottawa, ON, K1A 0L8

Application

This is an application for judicial review in respect of:

Decision of Mr M. Brunet, Senior Program Advisor, Enforcement Appeals Division, Recourse Directorate For the Minister of Public Safety and Emergency Preparedness, dated November 4th 2022 about a Request for a Ministerial Decision of Enforcement Action 3281-22-0025/ Recourse No 2207440-1, received on November 8th 2022, confirming the determination by an officer of the Canada Border Services Agency (CBSA) deciding that :

- Under the provisions of section 27 of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, there has been contravention of section 12 of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* with respect to the currency or monetary instruments that were seized.
- Under the provisions of section 29 of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, that the seized currency or monetary instruments shall be held as forfeit.

The applicant makes application to:

- Set aside the decision rendered on November 4, 2022 ;
- Order the full return of the seized currency or monetary instruments to the applicant ;

Or, alternatively:

- Order payment of a penalty in the prescribed amount by the applicant, Order the Minister to return the seized currency or monetary instruments to the applicant;

The grounds for the application are:

- The decision dated November 4th 2022 is unreasonable in fact and in law ;
- The Minister has no reasonable grounds to conclude that the Applicant contravened to Section 12 (1) of the Act;
- The Minister has no reasonable grounds to seize the currency as forfeit;
- The Minister did not take into consideration the Applicant's explanations about the legitimate source of the money.
- The Minister did not take into consideration the Applicant's documentary evidence demonstrating the legitimate source of the money;
- The Minister's decision to seize the currency as forfeit is arbitrary.

This application will be supported by the following material:

- Applicant's bank statements;
- Business Corporation Annual Report of the Applicant's restaurants ;
- Tax returns 2020;

- Yearly statements from the Rhodes Island Lottery;
- Copy of the Applicant cell phone recording;
- Communications between the Applicant and his nephew;

The applicant requests the Minister 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 Minister to the applicant and to the Registry:

- All the communications from the CBSA to the Canadian Mounted Police about the Applicant's case;
- The confirmation sent by the Canadian Mounted Police to the CBSA that the currency or monetary instruments were not proceeds of crime;

The Applicant reserves the rights to ask for any other documents that he may deem necessary.

Montréal, 2nd December 2022



Me Yasmina Boukossa

For the Applicant

Sabbagh et Associé inc.

500-1600 Boul Henri Bourassa Ouest

Montréal, Québec H3M3E2

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ORIGINAL

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