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Federal Court

Between

Willard G Day

of Morell, Kings County, Province of Prince Edward Island

Applicant

And

Attorney General of Canada

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 26, 2023

Issued by: (Registry Officer)

Federal Court of Canada

TO:

Canada Revenue Agency

Winnipeg Tax Centre, P.O. Box 1400 Station Main, Winnipeg, MB R3C 3M2

Application

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 requested by the applicant. The applicant requests that this application be heard in Charlottetown.

This is an application for Judicial review in respect of

Canada Revenue Agency, Assessment, Benefit and Services Branch.

Canada Recovery Benefit eligibility and Employment Insurance Benefit

Of March 24, 2023, communicated on April 3, 2023.

Re: Second review for Canada Recovery Benefits application:

Since you are not allowed to receive a payment from both Service Canada and the CRA for the same weeks, you must repay the amount of \$3,000 the CRA issued to you.

The applicant makes application for: the allowing of EI benefits and CERB.

The grounds for the application are:

1. I am a self-employed counsellor offering in person counselling services through a registered sole proprietorship "Victory Counselling" after completing employment with Hospice Palliative Care Association of PEI in November 2019.
2. As a result of federally mandated and provincially enforced health protocols commencing in March 2020, my business was effectively forced to close, leaving me with no employment income.
3. As a result of widely publicised relief offers of Canada Emergency Response Benefits (CERB), and after speaking with various federal government employees regarding my eligibility, I made application for CERB, having been fully assured that I was acting in compliance with the guidelines for CERB and Employment Insurance (EI) benefits.
4. At no time was I informed that my collecting CERB and EI benefits for a period of six weeks (March 29, 2020, to May 9, 2020) was in contravention of any rules, regulations, legislation or policy.
5. A letter of 7 October 2020 from the Montague, PEI scc was provided indicating that if it was to my advantage, it had delayed the start of my EI benefits starting October 4, 2020.

6. A review of all CRA correspondence from 5 August 2020 to 23 March 2023 was silent as to any wrongdoing on my part despite having filed the required income tax returns for 2020 and 2021.
7. It is my sincere belief that I always acted in accordance with directions received from employees of Service Canada, either by telephone or in person at the Montague PEI Service Canada Centre.

This application will be supported by the following material:

- Sworn Affidavit of Willard Day
- Relevant documents from Service Canada/Canada Revenue Agency on hand

The applicant requests Canada Revenue Agency, Service Canada, Employment and Social Development Canada (ESDC) 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, Service Canada, employment and Social Development Canada (ESDC) to the applicant and to the Registry:

- Copies of the telephone conversations between the applicant and various federal employees or those departments named.

April 29 2023

 Recoverable Signature

X 

Willard Day

Signed by: 0153ee59-77ee-4443-8cad-c9d0a1a5b36e

Willard Day
389 Creek Road
Morell PEI C0A1S0