

Court File No.

T-432-23

FEDERAL COURT

Between

EVERTON G. CATER

Applicant

And

CANADA REVENUE AGENCY

Respondent

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FEDERAL COURT COUR FÉDÉRALE		D É P O S É
F I L E D	MAR 06 2023 IAIN MCCANN	
TORONTO, ON		Z

NOTICE OF APPLICATION

TO THE RESPONDENT(S):

A PROCEEDING HAS BEEN COMMENCED by the applicant. The relief claimed by the applicant appears on the following page.

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 prepare a notice of appearance in Form 305 prescribed by the Federal Court Rules, and serve it on the applicant's solicitor, or where the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the Federal Court 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.

March 6, 2023

ALICE PRODAN GIL  
REGISTRY OFFICER  
AGENT DU GREFFE

Issued by: \_\_\_\_\_  
(Registry Officer)

Address of local office:

Federal Court of Canada

180 Queen Street W. Suite 200

Toronto, Ontario M5V 3L6

TO:

Canada Revenue Agency  
Sudbury Tax Centre  
1050 Notre Dame Ave  
Sudbury, ON P3A 5C2

## 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 as requested by the applicant. The applicant requests that this application be heard at Toronto.

This is an application for judicial review in respect of

Canada Revenue Agency

Canada Recovery Benefits eligibility. File: C0050866459-001-45

Manager: S. Constantin

Commissioner of Revenue: Bob Hamilton

DATE OF DECISION WAS FEB 6 2022

Re: Second review for Canada Recovery Benefits application

You did not earn at least \$5,000 (before taxes) of employment or net self-employment income in 2019, 2020, or in the 12 months before the date of your first application.

The applicant makes application for: The decision made by Canada Revenue Agency be reversed - null and void.

The grounds for the application are:

1. Denying me CRB benefits based on the criteria described is unfair and irrational by imposing a \$5000.00 of employment or net threshold to qualify for the benefit. Employment income should have nothing to do with receiving the benefit.
2. I collected CRB from March 15, 2020 to September 26, 2020; and from September 27, 2020 to June 5, 2021.
3. Denial of CRB, after receiving it for this period, penalizes my inability to generate revenue during the economic shutdown when government mandated health protocols shut down corporations whereby the agency who I was going to gain employment from was no longer able to accommodate their services during the lockdown.
4. I spoke with multiple CRA agents between March 2020 and June 2021 of whom could not provide a logical reason as to why I was allowed to collect CRB for the period of time I did, and now having to repay.
5. In 2019-2020 I was seeking employment with the Next Step Employment Agency, a government supported agency. They were in the process of helping me seek a new career after loosing my job of 30 plus years. They were going to provide me with financial support while being trained in a new career. Unfortunately, COVID happened causing a pandemic. The agency closed during the lockdown, which caused my financial and job training being placed on hold. At the time, I didn't qualify for Employment Insurance, and I had no source of income, I was told by the agency to apply for the CERB being provided by the government. I applied and was approved.

This application will be supported by the following material:

Letters from Canada Revenue:

The applicant requests 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:

A screen shot clearly displaying my CRA account's CRB prequalifying checklist page on or before March 15, 2020

Copies of the prequalifying questionnaires for Canada Recovery Benefit from my CRA account March 15, 2020-June 5, 2021.

March 6, 2023



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