

Notice of Application

FEDERAL COURT

BETWEEN

HEATHER STILES

Applicant

and

MINISTER OF NATIONAL REVENUE
(Canada Revenue Agency)

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 Guelph Ontario.

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.

November 2nd, 2022

Issued by:

Address of local office:

TO: MINISTER OF NATIONAL REVENUE

Per: S. Constantin
Manager
Canada Emergency Benefits Validation

Application

This is an application for judicial review in respect of the Canada Revenue Agency's ("CRA") Second Review Letter – No Adjustment, dated October 3rd, 2022, reference no. C0049894046-001-45

The applicant makes application for:

1. To refer the applicants most recent Canada Recovery Benefit decision back to the Canada Revenue Agency to be reconsidered by another delegated official;
2. To reverse the decision;
3. To require the Canada Revenue Agency, specifically the Canada Emergency Benefits Validation department therein, to redetermine the Applicant's adjustment as reflected in the October 3rd Second Review Letter; and/or
4. Any other remedy that this Court, in its discretion, sees fit to apply.

The grounds for the application are:

1. The Applicant believes the Canada Revenue Agency did not properly exercise its discretion in arriving at its decision;
2. The Applicant questions the reasonability of the process followed by the Canada Revenue Agency in making its determination since there is evidence that its conclusion was incorrect;
3. The Applicant, Heather Stiles, meets the criteria for the Canada Response Benefit payments I received but she is being asked to repay those payments by Canada Revenue Agency, who state that she is/was ineligible to receive said payments;

4. There was no first written review requested and performed as defined by CRA, but only a phone call, and there was confusion whether it applied solely to Canada Response Benefits;
5. The Applicant was told the telephone inquiry was regarding the Canada Response Sickness Benefit;
6. The Applicant believes the author of the phone call was the same person (S. Constantin) who conducted the supposed second review, they're supposed to have a different officer to avoid bias;
7. The facts show that none of the ineligibility factors, as described in the October 3rd, 2022, Second Review Letter, were violated by the Applicant;
8. In 2022, the Applicant electronically filed ("e-filed") documents to the CRA in response to the telephone inquiry referred to, *above*, that show that none of the eligibility requirements were violated. Thus, the Applicant's eligibility in the Response Benefit program should have been beyond question.
9. The CRA never responded to those documents, nor were there any other discussions regarding this matter;
10. The only response the Applicant received was the aforementioned Second Review Letter of October 3rd, 2022; and
11. CRA self-admitted (and posted publicly online) that it was having trouble receiving documents that were submitted online, or e-filed, throughout the 2022 year, and would not return calls, when Applicant called them, to confirm they received uploaded documents.

This application will be supported by the following material:

Documents to be include by Applicant in Court

1. Chronology and Narrative of Events;
2. CRA Phone call April. 13, 2022 Applicant testimony or by Applicant affidavit;
3. Documents Submitted April. 14 by e-filing;
4. CRA Letter of May 1st, 2022;
5. Documents submitted in response to CRA letter;
6. CRA Letter 2 Oct. 03 FINAL DECISION – Second Review Letter;
7. Chart 1 of 50% loss for each period to the exact income;
8. Chart 2 of 50 % loss each period to the average weekly income;
9. Ledgers and profit loss per period;
10. Profit and Loss 2020;
11. Profit and Loss 2021;

12. Image of CRA notification to the public of their inability to consistently receive uploads; and
13. Profit and Loss Statement/s for 12 months prior to first Canada Response Benefit application

The applicant requests the Canada Revenue Agency's Canada Emergency Benefits Validation department 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's Canada Emergency Benefits Validation department to the applicant and to the Registry:

Documents requested from CRA:

1. Phone transcripts April.13, 2022;
2. All and any Letters mailed to me regarding CRB; and
3. Any receipt of the documents submitted by Applicant through e-filing.

November 2, 2022



ROBERT WRONG

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