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May 11, 2023 11 mai 2023			
Lindsay Krieger			
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ACTION NUMBER: _____

FEDERAL COURT

BETWEEN:

DENNIS JOHN PAUL TONDREAU

Applicant

And

THE KING IN THE RIGHT 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 Edmonton, Alberta

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.

11 May 2023

Issued by: Scotia Place Tower 1, Suite 530,
10060 Jasper Avenue
Edmonton, Alberta T5J 4R8

TO: The King in Right of Canada
c/o Attorney General of Canada
Office of the Deputy Attorney General of Canada
284 Wellington Street
Ottawa, Ontario K1A 0H8

**APPLICATION FOR JUDICIAL REVIEW
IN RESPECT OF:**

THE APPLICATION OF THE APPLICANT DENNIS JOHN PAUL TONDREAU

Remedy claimed or sought:

The Applicant, Dennis John Paul Tondreau, makes application for:

1. Leave to commence an application for judicial review under Federal Courts Act Section 17(1) and Section 19;
2. A judicial review of the decision of Colonel J.R. McKay, Commander, 33 Canadian Brigade Group of the Canadian Armed Forces ("CAF") to release of Major D.J.P Tondreau under a category of 5(a) pursuant to QR&O 15.01 effective 15 December 2022;
3. Reinstatement to the same exemplary standard in the CAF as prior to Chief of Defence Staff Directive 001 on CAF COVID-19 Vaccination 08 Oct 2021 including a Personal Evaluation Report that is commensurate with recent Personal Evaluation Reports and he is returned to the same unit command status;
4. A Declaration that the Applicant be given priority consideration for Regimental Command and transfer to an alternate unit of his choosing in 33 Canadian Brigade Group, 34 Canadian Brigade Group or 35 Canadian Brigade Group based on availability until such time that he may return to command the Cameron Highlanders of Ottawa and SD&G Highlanders;
5. A Declaration that a religious accommodation request to Chief of Defence Staff Directive 001 on CAF COVID-19 Vaccination 08 October 2021 is approved;
6. A Declaration that the Compulsory Retirement Age extension request to age 60 is approved;
7. In the alternative to reinstatement as per 3 and 4 above, the Applicant is to be reinstated and transferred to the Supplemental Reserve;
8. A Miscellaneous Loss/Damage Report is authorized for writing off of all equipment and clothing issued to the Applicant that was lost in a house fire of 10 January 2018;

9. Financial compensation for lost wages for full time employment from 29 November 2021 to present;
10. A written apology from the CoC within the 33 Canadian Brigade Group;
11. Costs of this action on a solicitor-client basis; and
12. Such further and other relief as this Honourable Court may deem just.

Grounds for making this application:

13. The Applicant had been informed that his release date was 31 March 2023. Upon his filing of four (4) grievances and a harassment complaint on 30 March 2023, he was informed by his Chain of Command (“CoC”) on 20 April 2023 that his release date was effective on 15 December 2022; therefore, no grievances or harassment complaint would be filed.

14. The Applicant continued to attend parades of his Regiment up to and including 23 March 2023. The pay clerks failed to enter these attendances for pay to be issued to the Applicant.

15. On 17 April 2023, the Applicant received confirmation of a release date of 31 March 2023 from the Adjutant.

16. The Applicant had no intention of releasing from the CAF at this time and actively sought to continue in service in the career trajectory of promotion to Lt Colonel and command of two Reserve Regiments for a tenure of 3 years to age 60 then a further 18 months of service to achieve a full military pension.

17. The Applicant has had several deployments during his service in the CAF. The Applicant was undergoing treatment for deployment related injuries prior to and during the process of his release. The Applicant believes the expedited release given the severity of his injuries made the release improper.

18. The Applicant continued to receive treatment at CAF facilities and perform release related activities with his unit after 15 December 2022. The Applicant contends any assertions to the contrary are categorically incorrect and not in accordance with the relevant Kings Regulation & Orders (“KR&Os”).

19. The Director Military Careers Administration (“DMCA”) nor the Commander of the 33 Canadian Brigade Group have the authority under any CAF policy or Federal Statute to back date a release. The Applicant was originally provided a release date after 15 December 2022, namely 31 March 2023.

20. The Applicant submitted a formal request for extension of release date to the Chief of the Defence Staff (“CDS”) on 26 March 2023. No reply has been received to the date of this Application. The Applicant submits the Commander of the 33 Canadian Brigade Group and DMCA were required to wait until a response was received from the CDS prior to releasing the Applicant.

21. The Commander of the 33 Canadian Brigade Group and/or DMCA failed to provide the documentation required prior to the Applicant’s release as prescribed by the relevant KR&Os.

22. The Applicant’s release administration has not been completed. He has not had an in - person Part 2 medical, Veterans Affairs Canada medical, and dental assessment. He has not received the required release administration including the Release Notification nor the Reserve Force Release letter. He still has an issued military ID card. He has also not received a copy of his Personnel File or Medical File nor has he received a Pension and Benefits briefing and package. In addition, he has not been paid for the release related activities up to his release date of 31 March 2023.

23. The Applicant contends the accelerated release was not reasonable and not justified. Concerned that the release was improper, he requested an extension to 15 June 2023. He did not receive a response to this request.

24. The deliberate actions of the CoC denied the Applicant any administrative recourse through the grievance system by backdating his release date and failing to inform him of their actions until several months later. Given the position of the CAF that the Applicant is no longer a member of the CAF, no other administrative processes are available to him except for judicial review.

Material or evidence to be relied upon:

25. Affidavit of Dennis John Paul Tondreau to be submitted no later than 14 June 2023.

11 May 2023



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