

FEDERAL COURT

BETWEEN:

Tim Cheung Sherman Tai

Applicant

AND:

Attorney General of Canada

Respondent

Notice of Application

Application under 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 701 West Georgia Street, Vancouver, British Columbia.

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 6, 2022

Issued by: _____

Address of local office: Pacific Centre
P.O. Box 10065
701 West Georgia Street
Vancouver, British Columbia
V7Y 1B6

TO: Attorney General of Canada
c/o Department of Justice
#900 – 840 Howe Street
Vancouver, BC V6Z 2S9

Application

This is an application for judicial review in respect of a decision dated on November 21, 2022, rendered by the Investigator PRD of the Passport Entitlement and Investigations Division Domestic Network (the “Tribunal”), refusing to issue a passport in the Applicant’s name (henceforth referred to as the “Decision”).

The Tribunal does not have an identifiable address and phone number. The Applicant is only aware that the Tribunal is located in Gatineau, Canada K1A 1L1, and the fax number is (819) 953-5856.

The Tribunal’s File Number is PB000051668-j-mbz

The Decision was emailed to the Applicant on November 21, 2022.

Relief Sought

The applicant makes application for:

- a. An order of the court setting aside the Decision.
- b. An order that the matter be referred back to a different decision-maker for reconsideration in accordance with such direction as this Honourable Court deems appropriate.
- c. A declaration that the *Canadian Passport Order* is unconstitutional in whole or in part.
- d. An order of mandamus requiring the Tribunal to issue a Canadian passport to the applicant, pursuant to s. 18(1)(a) of the *Federal Courts Act*.
- e. A declaration that the applicant is entitled to possess a Canadian passport.
- f. The applicant be awarded costs.
- g. Such further and other relief counsel may advise and as the Court may permit.

Grounds Alleged

The grounds for the application are that the Tribunal:

- i. acted without jurisdiction, acted beyond its jurisdiction or refused to exercise its jurisdiction;
- ii. failed to observe a principle of natural justice, procedural fairness or procedure that it was required by law to observe;
- iii. erred in law in making its decision, whether or not the error appears on the face of the record;
- iv. based its decision on an erroneous finding of fact that it made in a perverse or capricious manner or without regard for the material before it;
- v. acted, or failed to act, by reason of fraud or perjured evidence;
- vi. acted in a way that was contrary to law.

Material in Support

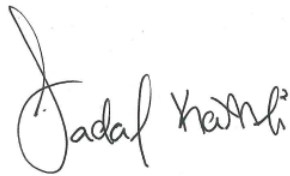
This application will be supported by the following material:

- i. The Notice of Application;
- ii. A copy of the Applicant’s written statement, documentation in support of the application, and counsel’s correspondence with the Tribunal.
- iii. Such further and other material as counsel may advise and the Court may permit.

The applicant requests the Passport Entitlement and Investigations Division Domestic Network 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 Tribunal to the applicant and to the Registry:

1. All material related to the Applicant's application for recourse that was before the Tribunal;
2. All policy manuals related to the adjudication of the Applicant's application for a limited-validity travel document;
3. All other material relating the Decision.

Date: December 6, 2022

A handwritten signature in black ink, appearing to read "Sadaf Kashfi". The signature is fluid and cursive, with the first name "Sadaf" being more prominent than the last name "Kashfi".

Sadaf Kashfi
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Counsel for the Applicant