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| F<br>I<br>L<br>E<br>D | FEDERAL COURT<br>COUR FÉDÉRALE        |
|                       | November 02, 2022<br>02 novembre 2022 |
| Lindsay Krieger       |                                       |
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**Form 301**  
[Rule 301]

Clerk's Stamp

COURT FILE NUMBER

COURT FEDERAL COURT

JUDICIAL CENTRE EDMONTON

APPLICANT **AHMAD ABOU SHHADI**

RESPONDENT **THE MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

DOCUMENT **NOTICE OF APPLICATION**

TO THE RESPONDENT:

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 Courts 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 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.

Issued by: Registry Officer

Address of local office: Scotia Place, 10060 Jasper Avenue, Tower 1, Suite 530, Edmonton AB, T5J 3R8

TO: The Minister of Public Safety and Emergency Preparedness,  
Government of Canada,  
Public Safety Canada,  
269 Laurier Avenue West  
Ottawa, Ontario K1A 0P8

### APPLICATION

1. This is an application for judicial review in respect of the October 6, 2022 decision of the Minister of Public Safety and Emergency Preparedness (hereinafter referred to as the “Respondent”) pursuant to section 18.1(1) of the *Federal Courts Act*, RSC 1985, c F-7.
2. Ahmad Abou Shhadi (hereinafter referred to as the “Applicant”) makes application for the following relief from the Respondent:
  - a. Ministerial relief under Section 29(1)(a) of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, SC 2000, c 17 (hereinafter referred to as the “Act”), by returning the entire seized Funds, without penalty, in the total amount of \$31,290.00 CAD;
  - b. Interest thereupon pursuant to the Section 24.1(2) of the *Act* and Section 36 of the *Federal Courts Act*, RSC 1985 c F-71;
  - c. Costs of this action;
  - d. Such further and other relief as this Honourable Court may allow.
3. The grounds for the application are:
  - a. On April 16, 2021, the Applicant was travelling from the Pierre Elliott Trudeau International Airport in Dorval, Quebec on Flight AC844 to the country of Lebanon.
  - b. The Applicant had in his possession monetary instruments and currency amounting to \$31,290.00 CAD (hereinafter referred to as the “Funds”).
  - c. The Applicant was 19 years of age at the time and had no prior knowledge of or experience travelling internationally with large sums of money.
  - d. The Applicant was aware that he was required to declare currency and monetary instruments exceeding \$10,000.00 in value prior while travelling, but did not know where, how, to whom, or at what point he was required to declare them.
  - e. The Applicant sought to locate airport staff who could answer his questions and inform him of his legal obligations regarding the declaration of the Funds.

- f. The Applicant located an individual with a white uniform and a badge, the general appearance and body language of whom indicated that he was knowledgeable airport staff.
  - g. The Applicant asked this individual how and where he was required to declare the Funds he was carrying and was immediately advised that he only had to declare the Funds upon reaching his final travel destination, which is the country of Lebanon.
  - h. The Applicant inquired several more times and was told repeatedly that he only had to declare the Funds at his final travel destination and that he “had nothing to declare here”.
  - i. Accepting and relying on this individual’s information as accurate, the Applicant hurried to his boarding gate before being stopped by two Canadian Border Security Agents, who asked whether he was carrying any money, and the Applicant voluntarily, candidly, and honestly admitted the Funds he was carrying.
  - j. The Applicant was prevented from boarding his scheduled flight and the Funds were seized by the Canadian Border Security Agents (hereinafter referred to as the “Enforcement Action”) under the *Act*.
  - k. On May 17, 2021, The Applicant requested a ministerial review of the Enforcement Action by the Respondent.
  - l. The Applicant has forwarded extensive documentation to the Respondent to support the legitimacy and source and origin of the seized Funds.
  - m. On October 6, 2022, the Respondent decided that the Funds will remain seized as forfeit (hereinafter referred to as the “Decision”).
4. The Applicant pleads that the Funds were legitimately collected from his immediate and extended family with the sole purpose of providing financial aid to the members of his extended family who were struggling financially due to the ongoing economic crisis in the country of Lebanon at the time of the Enforcement Action.
  5. The Applicant pleads that the applicable standard of review for the Decision is one of reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65).
  6. The Applicant pleads that the Decision failed to exercise discretion in a manner consistent with the purpose and objective of the *Act* by failing to grant relief from forfeiture, given the legitimate source and origin of the funds and the absence of any reasonable indication of illicit or criminal origin.
  7. The Applicant pleads that the Decision is therefore unreasonable, and that relief may be granted on the grounds of review in Section 18.1(4) of the *Federal Courts Act*, RSC 1985 c F-7, including but not limited to:

- a. The Respondent's failure to observe a principle of natural justice, procedural fairness, or other procedure that it was required by law to observe;
  - b. Palpable and overriding error in law in making the Decision, whether or not the error appears on the face of the record;
  - c. Basing the Decision on an erroneous finding of fact that it made in a perverse or capricious manner or without regard for the material and evidence before it.
8. The Applicant further pleads the Section 24.1(2) of the *Act* and Section 36 of the *Federal Courts Act*, RSC 1985 c F-7, as amended, and regulations thereto and the Applicant relies upon the same.
9. The Applicant pleads and rely upon the provisions of the *Excise Tax Act*, RCS 1985, c E-15, Part IX, and amendments thereto, insofar as Goods and Services Tax is payable in respect of the Applicant's claims or in respect of the costs.
10. The Applicant proposes that this action be tried at the Law Courts Building, in the City of Edmonton, in the Province of Alberta.
11. This application will be supported by material including, but not limited to, the following:
  - a. May 7, 2021 Written Submission of the Applicant for Ministerial Decision
  - b. Documents in support of the legitimacy, source, and origin of the Funds, including:
    - i. Exhibit "A": \$400 from Mohammed Karaja;
    - ii. Exhibit "B": \$500 from Ameena Karamujic;
    - iii. Exhibit "C": \$600 from Samira Abougoush;
    - iv. Exhibit "D": \$500 from Said Makki;
    - v. Exhibit "E": \$200 from Nada Sleiman Jarout;
    - vi. Exhibit "F": \$700 from Mariam Rahall;
    - vii. Exhibit "G": Total of \$4,000 from Hamzi Tarabain;
    - viii. Exhibit "H": \$3,000 from Mohamad Jomaa;
    - ix. Exhibit "I": \$1,300 from Souraya (Feda) Taha;
    - x. Business Financial Statements and T2 tax forms from 889627 Alberta Ltd. (hereinafter referred to as "Prestige Jewellers") from 2017 to 2021, including business transactions between October 1, 2019 and March 31, 2022;
    - xi. T2 Sch. 2 E (18) Records of Charitable Donations and Gifts by Prestige Jewellers (from 2017 to 2021);
    - xii. Certificate of Incorporation for Prestige Jewellers;
    - xiii. Photographs of the Prestige Jewellers storefront and safe



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(Signature of the solicitor)

Signed on: November 2, 2022

Ali K. Tarrabain  
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SOR/2004-283, ss. 35 and 38