

FORM 337 Rule 337

Notice of Appeal

(File No. T-2236-22).

FEDERAL COURT OF APPEAL

BETWEEN:

(David J. Yablecki.)

(The APPELLANT).

AND

(Attorney General of Canada/Canada Revenue Agency).

(The RESPONDENT(s)).

Notice of Appeal

TO THE RESPONDENT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Appellant. The relief claimed by the Appellant appears below.

THIS APPEAL will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court directs otherwise, the place of hearing will be as requested by the Appellant. The Appellant requests that this appeal be heard at the **Federal Court of Appeal office in Vancouver, BC.**

IF YOU WISH TO OPPOSE THIS APPEAL, to receive notice of any step in the appeal or to be served with any documents in the appeal, you or a solicitor acting for you must prepare a notice of appearance in Form 341A prescribed by the [Federal Courts Rules](#) and serve it on the Appellant's solicitor or, if the Appellant is self-represented, on the Appellant, WITHIN 10 DAYS after being served with this notice of appeal.

IF YOU INTEND TO SEEK A DIFFERENT DISPOSITION of the order appealed from, you must serve and file a notice of cross-appeal in Form 341B prescribed by the [Federal Courts Rules](#) instead of serving and filing a notice of appearance.

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 APPEAL, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

(Date)

Issued by: *(Registry Officer)*

Address of local office:

The Name and Address of the RESPONDENT is as Follows:

ATTORNEY GENERAL OF CANADA

Daniel Cortes-Blanquicet – Counsel.

Department of Justice, Canada.

National Litigation Sector ; British Columbia Region.

900 - 840 Howe Street,

Vancouver, BC. V6Z 2S9.

Telephone: (604) 666-4402.

Fax: (604) 666-2214

Email : Daniel.Cortes-Blanquicet@justice.gc.ca

Appeal

THE APPELLANT APPEALS to the Federal Court of Appeal for complete relief from the Court Order issued by **Judge Roger R. Lafrenière, on October 27, 2023**; by which the Appellant's Application for Judicial review (filed on October 25th, 2022), was dismissed.

On October 25th, 2022, the Appellant requested a Judicial review of two (2) decisions made in July 2022, by the Canada Emergency Benefits Validation Department of the Canada Revenue Agency (CRA), whereby the Appellant was found to be ineligible for the Canada Recovery Benefit (CRB) and the Canada Emergency Response Benefit (CERB) payments that he received in 2020 and 2021.

THE APPELLANT ASKS that the Order issued by **Judge Roger R. Lafrenière**, to Dismiss the Appellant's Judicial Review, be overturned Effective Immediately, and that said Judicial review be allowed to resume.

THE APPELLANT'S GROUNDS OF APPEAL ARE AS FOLLOWS:

The Appellant spoke with a Court Registry Agent on October 27, 2022, and the Registry Agent informed the Appellant that the Appellant would be notified of the hearing date that the Court would subsequently establish, and that said hearing date would likely be delayed for several weeks, due to the vast backlog of cases that the Court was occupied with at that time.

In addition, the Appellant did Not receive any Subsequent notice whatsoever, from Court Registry Agents, about the **November 25, 2022** deadline to serve the Applicant's Affidavit evidence and file Proof of service, until the Notice of Status Review issued by **Associate Judge Coughlan**, was received by the Appellant on **June 28th, 2023**.

When the Appellant responded to the above-mentioned **Notice of Status Review**, by asking why the Court had allowed such a Prolonged period of time to Lapse, without any form of follow-up by the Court, the Appellant was NOT provided with an explanation that the Appellant truly believed was fair and/or reasonable.

Throughout the duration of this Judicial review, the Court's Registry Agents have repeatedly failed to properly inform the Appellant of the Appropriate rules, Mandatory steps, and/or Documents that the Appellant was required to follow and/or Submit, in order to proceed with the Judicial review process in a timely manner.

The above-mentioned failures of Court Registry Agents to provide the Appellant with Accurate and Relevant information, combined with the Appellant's lack of experience in Judicial review and Legal matters, placed the Appellant in a Severely Disadvantaged Legal position, compared to the Legal position that was held by the Attorney General of Canada (**the Respondent**).

The Appellant has reason to believe that **Judge Roger R. Lafrenière** did not accept or acknowledge the repetitive failures of Court Registry Agents to provide the Appellant with Accurate and Relevant information in a timely manner that was necessary for the Appellant to proceed with said Judicial Review, and by doing so, **Judge Lafrenière** failed to observe an Appropriate level of Procedural Fairness.

The Appellant also believes that **Judge Lafrenière** based his decision to dismiss the Appellant's Judicial Review Application on Erroneous findings and/or a basic disregard for Factual materials that the Appellant had provided to the Court.

In closing, I humbly and respectfully ask that the **Federal Court of Appeal** consider the information that I have presented here in this Appeal, and to render a decision that is Balanced and Equitable to all the parties involved.

Thank you for Your time and consideration in this matter.

Sincerely,

David J. Yablecki (Appellant).

Dated : November 16, 2023.

A handwritten signature in black ink that reads "David Yablecki". The signature is written in a cursive, slightly slanted style.

(Appellant).

David J. Yablecki.

302-540 Comerford Street,

Esquimalt, BC.

Canada. V9A 6K8.

Email : **ShowCaseEntertainment@Yahoo.com**

Phone : 778-966-2223.