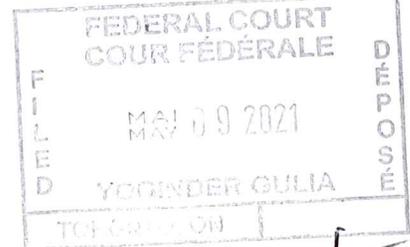


**FORM 301 Rule 301
Notice of Application**



Court File No. **T-944-22**

FEDERAL COURT

BETWEEN

AVELINA BAGUIO

Applicant,

And

The MINISTER OF NATIONAL REVENUE

Respondent

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 Toronto, 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.

MAY 09 2022

YOGINDER GULIA
REGISTRY OFFICER
AGENT DU GREFFE

Date: ~~May 8, 2022~~

Issued by: ~~BERNADETTE ROUSSEAU~~

Address of local office::180 Queen St West
Suite 200
Toronto, Ontario
M5V 3L6

TO: MINISTER OF NATIONAL REVENUE
c/o The Manager, Canada Emergency Benefits Validation
Canada Revenue Agency
Sudbury Tax Centre
Post Office Box20000 Station A
Sudbury , Ontario P3A 5C1

AND TO: ATTORNEY GENERAL OF CANADA

APPLICATION

- This is an application by Avelina Baguio (the “ **Applicant** “) pursuant to Section 18.1 of the Federal Courts Act for judicial review of a decision made by the Canada Revenue Agency (“the **CRA** “) on behalf of the Minister of National Revenue (the “ **Minister**”) denying the Applicant’s eligibility for Canada Recovery Benefit (CRB).
 - The Decision included two stages: the initial consideration (the “ Initial Review Letter -FINALIZED “) and the Second Review Letter (the “ Final Decision-No Adjustment “)
 - The Initial review letter was marked “PENDING” that started in my first CRB Application on September 27,2020 and consequent “PENDING” results in the Applicants biweekly CRB application on line till October of 2021.
- 4, The applicant sent a letter of request dated October 29, 2021 for a second review of the Canada Recovery Benefit (CRB) application.
- The second review decision by CRA was made by letter dated April 8,2022 referencing account number C0041911761-001-45 and issued by Donna Bolvin, Manager, Canada Emergency Benefits Validation on behalf of the Minister.

Grounds for the Application

- The applicant worked as self-employed from January 2020 till March of 2020 that earned her net self-employment income of at least \$5,000.00 (before taxes) contrary to CRA's final review that the Applicant did not earn \$5,000.00(before taxes) of net self-employment income in 2019, 2020 or in the 12 months before the date of the applicants first application;

To prove the validity of the amount received by the applicant from the contractors A Marked Numbered invoices signed by the applicant contractors were submitted to CRA for second review which amount has more than the required total amount of \$5,000.00 (before taxes) .

- Certain Facts or details in the Applicant's letter of request for a Second review Were misinterpreted or may not considered in the proper context.
 - Contrary to what was stated in the applicants letter dated October 29,2020 though afraid of deadly disease (Covid 19) the applicant spent time and effort to find on line, babysitting or cleaning jobs using canadiannanny .com website, continuously without fail.
 - The applicant must not be penalized for any human error or Mistakes typographically done with no intention of fraud while honestly Answering all questions to finish the application.

Relief Sought:

- The Applicant makes the application for:
 - a. An Order to reconsider my CRB application , its approval and release of funds as it deems just;

Request for Certified Copies of the Material

- The Applicant requests that the Respondent send certified copies of the

Following materials that are not in the possession of the Applicant but are

In the possession of the Respondent to the Applicant and to the Registry:
 - a. A copy of all documents, records and information which were Considered by the CRA staff in making the pending decision of the bi-weekly on-line application;
 - b. A copy of all records and information which were relevant to the initial review;
 - c. A copy of all documents, records and information which were considered by the Manager in the making of Final Decision;
 - d. A copy of all documents, records and information which were Relevant to the Final Decision.

Documentary Evidence Relied Upon

- The Applicant will rely on the following documentary evidence:
 - a. The materials requested from the Respondent in this application.
 - b. The affidavit of Avelina Baguio to be sworn later;
 - c. Such further evidence as Counsel for the applicant May 8, 2022
Submit and this Honourable Court may permit.

Statutory Provisions Relied upon

- Federal Courts Act, 18, 18.1

This Notice of application will be supported by the following Material

- Copy of Invoices issued to Heather Beamish and Tav Garcia (Contractors)
- Copy of certification of Job Contracts Issued by Contractors
- Copy of Second Review Letter for Canada Recovery Benefit Application
- Copy of Receipts Of Payments Received by Applicant from Contractors
- Dated documents in Job Search
- Copy of a cited passage from La Forest J. Mckinney v. University of Guelph, [1990] 3 SCR 229 (Difficulty in Finding Job As you Age)

Date: May 8, 2022



Avelina A. Baguio

Mailing Address: 801-3355 Ponytrail Dr
Mississauga Ontario
L4X 1V7

Email: avelinabaguio@yahoo.com

Mobile Nos. 437-229-4250

I HEREBY CERTIFY that the above document is a true copy of the
original issued out of / filed in the Court on the _____

day of MAY 09 2022 A.D. 20 _____

Dated this _____ day of MAY 09 2022 20 _____



YOGINDER GULIA
REGISTRY OFFICER
AGENT DU GREFFE