

Court File No.

T-1894-23

Toronto Registry

Seal

FEDERAL COURT COUR FÉDÉRALE	
FILED	SEP 12 2023
SHERRI ALLY	
TORONTO, ON	-1-

FEDERAL COURT

BETWEEN:

OLEG CHUBAR

Applicant

And

HONOURABLE MARIE-CLAUDE BIBEAU

THE MINISTER OF NATIONAL REVENUE

Respondent

NOTICE OF APPLICATION

APPLICATION UNDER section 18 and 18.1 of the Federal Courts Act

On August 30, 2023 I got a "Second review letter – no adjustment" from S.Constantine, Manager Canada Emergency Benefits Validation regarding my CWLB eligibility that said I was not eligible to CWLB benefits as I did not meet the criteria that I did not earn at least \$5000 (before taxes) of employment and/or net self-employment income in 2020, 2021, or in the 12 months before the date of my application, and the region where I live, work, or provide a service was not designated as a Covid-19 lockdown region. It was also said that if I disagree with the result of the second review, I may apply to the Federal Court for a judicial review within 30 days of the date of this letter.

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 requested by the applicant. The applicant requests that this application be heard at *(place where Federal Court of Appeal for 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 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 FUTURE NOTICE TO YOU.

September 12, 2023

Issued by:

Address of local office:

180 Queen Street West
Suit 200
Toronto, Ontario
M5V 3L6

TO: Honourable Marie-Claude Bibeau
The Minister of National Revenue
7th Floor 555 Mackenzie Avenue,
Ottawa, K1A 0L5

TO: Oleg Chubar
7240 Custer Crescent,
Mississauga, Ontario,
L4T 3K7

September 12, 2023

Issued by:  **SHERRI ALLY**
REGISTRY OFFICER
AGENT DU GREFFE

Address of local office:

180 Queen Street West
Suit 200
Toronto, Ontario
M5V 3L6

Shalene Curtis-Micallef
Deputy Minister of Justice and Deputy
Attorney General of Canada

APPLICATION

This is an application for judicial review pursuant to section 18 and 18.1 of the Federal Courts Act, R.S.C., 1985, c.F-7 in respect of the decision of the Canada Revenue Agency ("CRA") on behalf of the Minister of National Revenue (the "Minister") communicated to the Applicant by a letter dated August 30, 2023, reference number C0056921973-001-45, (the "Decision").

In the Decision, the CRA:

1. Found that the Applicant was ineligible for the Canada Worker Lockdown Benefit (CWLB), pursuant to the *Canada Worker Lockdown Benefits Act*.
2. Denied CWLB benefits pursuant to the finding of ineligibility.

The Applicant makes an application for:

1. an Order setting aside the Decision and referring the matter back to the Minister for reconsideration in accordance with such directions as this Honourable Court considers appropriate;
2. an Order for costs; and
3. such other Order as this Honourable Court deems appropriate and just in the circumstances.

The grounds for the application are:

- a) relied on erroneous findings of fact made in a perverse and capricious manner and/or without regard for the material before her;
- b) rendered a decision that is not within the range of acceptable or defensible outcomes on the facts and the law;
- c) did not answer any phone calls or attempts to supply relevant information, despite multiple calls a month; and
- d) breached her duty of procedural fairness to the Applicant, including by failing to consider the material before her, failing to respond to attempts to contact, failing to communicate, failing to receive information, failing to provide direction as to the material required for consideration, failing to ask for the clarification, failing to provide reasons for decisions in a transparent manner, failing to provide a transparent process for application and request for reconsideration, failing to exercise her discretion impartially, and failing to consider the Applicant's request without undue delay.

This application will be supported by the following materials:

- 1. Second review letter – no adjustment dated August 30, 2023, reference number: C0056921973-001-45
- 2. Bank activity from 2021
- 3. Receipt from my business.

REQUEST FOR MATERIAL PURSUANT TO RULE 317

The Applicant requests that the Respondent provide certified copies of every document in the possession of the CRA that was relied upon by the CRA (including its current or former officers, employees or agents) in making the Decision or that otherwise relates to the Decision, including but not limited to the directives, guidelines, memoranda, briefing notes, file coding screens, working papers, working notes, diary entries, notes of telephone conversations, correspondence, (including internal correspondence and email), reports, and any other documents (including documents in electronic form) prepared by or for, or addressed to, any current or former officer, employee or agent of the CRA.

DATED this 12 Day of September, 2023

Oleg Chubar
7240 Custer Crescent,
Mississauga, Ontario, L4T 3K7
Cell: (416) 886-4798



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 SEP 12 2023 A.D. 20 _____

Dated this SEP 12 day of 2023 20 _____
