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December 06, 2023			
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# FEDERAL COURT OF APPEAL

B E T W E E N

**S. ROBERT CHAD**

Appellant

– and –

**MINISTER OF NATIONAL REVENUE**

Respondent

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## NOTICE OF APPEAL

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### TO THE RESPONDENT:

**A PROCEEDING HAS BEEN COMMENCED AGAINST YOU** by the appellant. The relief claimed by the appellant appears on the following page.

**THIS APPEAL** 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 appellant. The appellant requests that this appeal be heard at Montreal, Quebec.

**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 where the appellant is self-represented, on the appellant, **WITHIN 10 DAYS** of 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 (t. 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: Federal Court of Appeal  
30 McGill Street  
Montréal, Quebec  
H2Y 3Z7

**TO: MINISTER OF NATIONAL REVENUE**  
Department of Justice Canada  
National Capital Region  
99 Bank Street, 11<sup>th</sup> Floor  
Ottawa, Ontario  
K1A 0H8  
**ATTN: Justine Malone & Jason Stober**

## **APPEAL**

**THE APPELLANT APPEALS** to the Federal Court of Appeal from the judgment of the Honourable Justice Martine St-Louis of the Federal Court, dated November 9, 2023, on the respondent's motion to strike the appellant's Amended Notice of Application-Proposed Class Proceeding Application (the "**Application**"), without leave to amend.

### **THE APPELLANT ASKS:**

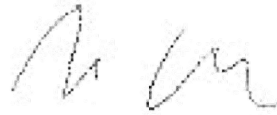
1. that this appeal be allowed;
2. that this Court:
  - (a) set aside the Federal Court's judgment;
  - (b) dismiss the respondent's motion to strike;
  - (c) in the alternative, grant the respondent's motion, in whole or in part, with leave to amend;
  - (d) for costs of this appeal and on the respondent's motion; and
3. such further and other relief as counsel may advise and this Court may deem just.

### **THE GROUNDS OF APPEAL** are as follows:

1. the Federal Court erred by:
  - (a) misapprehending the Application;
  - (b) misapplying the test on a motion to strike;
  - (c) finding that there existed no public legal duty for the respondent to act;
  - (d) finding that adequate and effective alternative remedies existed in the Tax Court of Canada and through the *Access to Information Act*;
  - (e) finding that section 18.5 of the *Federal Courts Act* (the "**Act**") applied;
  - (f) finding that paragraph 301(e) of the *Federal Courts Rules* ("**Rules**") was not satisfied;

- (g) misapplying the test to strike without leave to amend;
- (h) exercising discretion on the motion based upon the wrong principles;
- 2. sections 4, 6, 6.1, 16, 30, 31, 37, and 41 of the *Access to Information Act*;
- 3. section 12 of the *Tax Court of Canada Act*;
- 4. section 241 of the *Income Tax Act*;
- 5. sections 18, 18.1, 18.5, 27, and 52 of the Act;
- 6. sections 75, 301, and 363 of the Rules; and
- 7. such further and other grounds as counsel may advise and this Court may deem just.

DATED at the City of Montreal, in the Province of Quebec, on December 6, 2023.



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KPMG Law LLP  
KPMG Tower  
600 de Maisonneuve Blvd  
Montreal, Quebec  
H3A 0A3

Dov Whitman  
t. 514.985.7770  
e. [dwhitman@kpmg.ca](mailto:dwhitman@kpmg.ca)

Shara Sullivan  
e. [sharasullivan@kpmg.ca](mailto:sharasullivan@kpmg.ca)

f. 514.840.2118

Counsel for the appellant