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F I L E D	FEDERAL COURT COUR FÉDÉRALE August 21, 2024 21 août 2024
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Ginette Lischenski (SA)	
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Court File No.: _____

APPLICATION FOR JUDICIAL REVIEW

FEDERAL COURT

BETWEEN:

SERGE TETREULT

Applicant

and

THE KING IN THE RIGHT OF CANADA

Respondent

NOTICE OF APPLICATION

TO THE RESPONDENT:

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

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 Edmonton, Alberta.

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.

20 August 2024

Issued by: (*Registry Officer*)

Address of local office: Scotia Place Tower 1,
Suite 530, 10060 Jasper Avenue,
Edmonton, Alberta T5J 4R8

TO: The King in Right of Canada
c/o Attorney General of Canada
Office of the Deputy Attorney General of Canada
284 Wellington Street
Ottawa, Ontario K1A 0H8

APPLICATION UNDER Rule 300(a) of the *Federal Rules of Court*

APPLICATION FOR JUDICIAL REVIEW

IN RESPECT OF:

APPLICATION OF THE APPLICANT SERGE TETREAUULT

Remedy claimed or sought:

The Applicant, Serge Tetreault, makes application for:

1. Leave to commence an application for judicial review under *Federal Courts Act* Section 17(1) and Section 18;
2. A judicial review of the decision of the Final Authority (“FA”) of the Canadian Armed Forces (“CAF”), General Wayne Eyre, Chief of the Defence Staff (“CDS”), regarding the Applicant’s grievance (File Number MG017926) in response to the CAF COVID-19 vaccination policy, submitted on 11 December 2021;
3. A Writ of Certiorari, ordering that the CDS’ decision, dated 25 June 2024, be reviewed and set aside, or otherwise be modified as this Honourable Court deems just and proper;
4. A Declaration that the CAF COVID-19 vaccination policy, the associated CDS directives, and the implementation of the policy were unconstitutional and violated section 7 of the *Canadian Charter of Rights and Freedoms* (“the *Charter*”);
5. A Declaration that the CAF COVID-19 vaccination policy, including its coercive implementation threatening employment and income, was in violation of the principle of informed consent and was unlawful under statutory law and regulations governing the CAF;
6. An injunction to halt the enforcement of the CAF’s COVID-19 vaccination policy or any administrative and disciplinary actions resulting from non-compliance;

7. Damages pursuant to the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act 1982*, being Schedule B to the *Canada Act 1982* (U.K.) 1982 c 11 s 24(1) (“the *Charter*”);
8. A Declaration that an institutional apology, acknowledging that the rights of CAF members were violated by the CAF’s COVID-19 vaccination policy and its implementation, is warranted;
9. Prejudgment and post-judgment interest;
10. The costs of the action, including GST and other taxes applicable, on a full indemnity basis; and
11. Such further and other relief as this Honourable Court may deem just.

Grounds for making this application:

12. Lieutenant-Commander Tetreault (“the Applicant”) commenced the grievance process available to him through the Canadian Armed Forces (“CAF”) by filing a grievance with his chain of command (“CoC”) on 11 December 2021.
13. The grievance was received by the Military Grievances External Review Committee (“MGERC”) on 9 February 2022.
14. The MGERC issued their findings and recommendations (“F&R”) relative to the grievance on 30 January 2023. The MGERC found the Applicant was aggrieved through a breach of s 7 of the Charter that was not saved by s 1.
15. The FA issued a decision on 25 June 2024 stating, among other things, that the Applicant did not have his rights under s 7 breached by the COVID-19 Directives.
16. The Applicant received the decision letter from the FA on 24 July 2024. He is therefore within the 30 days to seek judicial review of the FA decision.
17. The FA based his decision on an erroneous finding of law and therefore could not have found on a balance of probabilities that the Applicant was not aggrieved.


18. The Applicant has exhausted all administrative measures available to him within the CAF.

Material or evidence to be relied upon:

19. Affidavit of Serge Tetreault, to be submitted no later than 20 September 2024.

20. Final Decision letter of General Eyre dated 25 June 2024.

20 August 2024



Catherine M. Christensen
Barrister & Solicitor

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