

FORM 301 Rule 301

Notice of Application

Between

**Jerry Browne
Applicant**

AND

**Canada Revenue Agency
Respondent**
(Court seal)

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 *(place where Federal Court of Appeal (or 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 FURTHER NOTICE TO YOU.

(Date)

Issued by: *(Registry Officer)*

Address of local office:

TO: 1. Canada Revenue Agency
2. E. Thistle
Manager
Canada Emergency Benefits Validation

Application

This is an application for judicial review in respect of

1. Re: Second review for your Canada Recovery Benefit application 2023-06-01

We are writing to advise you of our decision regarding your request dated February 13, 2023, for a second review of your Canada Recovery Benefit (CRB) application. We have completed your request and have carefully considered all the information to support your CRB eligibility. Based on our review, you are not eligible. You did not meet the following criteria:

You did not earn at least \$5,000 (before taxes) of employment or net self-employment income in 2019, 2020, or in the 12 months before the date of your first application.

2. Re: Second review for your Canada Emergency Response Benefit application 2023-06-01

We are writing to advise you of our decision regarding your request dated February 13, 2023, for a second review of your Canada Emergency Response Benefit (CERB) application. We have completed your request and have carefully considered all the information to support your CERB eligibility. Based on our review, you are not eligible. You did not meet the following criteria:

You did not earn at least \$5,000 (before taxes) of employment or self-employment income in 2019 or in the 12 months before the date of your first application.

3. The CRA asked for proof of receiving \$5000 in the 12 months prior to applying for CERB & CRB. Applicant provided initial pdf of bank deposits which didn't total more than \$5000. Applicant then provided another pdf of bank deposits, which he had forgotten to include in first set because the deposits were at his secondary bank. Again, the total was less than \$5000 because the applicant explained that some of the payments were in cash. Then the applicant provided a pdf of cash deposits made to the bank, which brought the total to more than the required \$5000. The CRA still decided against the applicant and said he didn't qualify for the CERB & CRB payments.

The applicant makes application for:

1. To be re considered and qualified for CERB & CRB
2. To not return payment given
3. Avoid legal action
4. Court to return to CRA for another review

The grounds for the application are:

1. Section 18 of the Federal Court Act
2. The applicant sent three sets of documentation to the CRA over the course of the two reviews. These included a pdf file of selected bank direct deposits from customers to my main bank at RBC, another pdf file of more direct deposits to my other bank at BMO, and a third pdf of cash deposits to my bank at BMO.

This application will be supported by the following material:

The applicant requests Canada Revenue Agency to send a certified copy of the following material that is not in the possession of the applicant but is in the possession of the CRA to the applicant and to the Registry.

All copies of correspondence and submitted material relating to both CRA reviews.

June 30, 2023

A handwritten signature in black ink, appearing to read "J. Browne". The signature is stylized with a large, looped initial "J" and a long, horizontal stroke extending to the right.

Jerry Browne

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[SOR/2021-151, s. 22](#)