

Federal Court



Cour fédérale

**Date: 20260410**

**Docket: 26-T-130**

**Montréal, Quebec, April 10, 2026**

**PRESENT: The Honourable Madam Justice Ferron**

**BETWEEN:**

**BABAK TASLIMI HAMEDANI**

**Applicant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

**ORDER AND REASONS**

I. Overview

[1] On March 10, 2026, the Applicant, Babak Taslimi Hamedani, filed a motion in writing, pursuant to section 369 of the *Federal Court Rules*, SOR/98-106 [*Rules*], seeking an Order for extension of time of another fifteen (15) days, to commence an Application for Judicial Review [Application] pursuant to subsection 18.1 of the *Federal Courts Act*, RSC 1985, c F-7 [*Act*], of a decision rendered on October 22, 2025, by the Canadian Revenue Agency [CRA] which found

him ineligible for both the Canada Emergency Response Benefit [CERB] and the Canada Recovery Benefit [CRB] [Decision].

[2] The Respondent, the Attorney General of Canada [ACG], filed a responding motion record on March 27, 2026, indicating that he opposes the Applicant's motion and asking that it be dismissed with costs.

[3] Having considered the Applicant's motion record, including the affidavit of the Applicant sworn on March 6, 2026, and its associated exhibits, as well as the Applicant's written submissions, the motion is denied.

## II. Analysis

[4] The test for a motion to extend the application deadline requires the Applicant to demonstrate a) a continuing intention to pursue his Application; b) that the Application has some merit; and c) that no prejudice to the respondent arises from the delay; and d) that a reasonable explanation for the delay exists (*Thompson v Canada (Attorney General)*, 2018 FCA 212 at para 5 [*Thompson*], citing *Canada (Attorney General) v Larkman*, 2012 FCA 204 [*Larkman*] at para 61; *Alberta v Canada*, 2018 FCA 83 at para 44 [*Alberta*] citing *Canada (Attorney General) v Hennelly*, 1999 CanLII 8190 (FCA), [1999] FCJ No 846, [*Hennelly*] at para 3; *Tanczos v Canada (Attorney General)* 2024 FC 232 [*Tanczos*] at para 1; *Cheng v Canada (Attorney General)*, 2024 FC 1909 [*Cheng*] at para 16).

[5] A decision to grant or refuse an extension is discretionary and the above-mentioned factors are not determinative, meaning that it is not absolutely necessary for all four factors to be resolved in the Applicant's favour for the Court to grant an extension of time (see *Whitefish Lake First Nation v Grey*, 2019 FCA 275 [*Whitefish*] at para 3; *Larkman* at para 62 ; *Cheng* at para 17). These factors are nonetheless helpful to determine whether the granting of an extension is in the interest of justice (*Whitefish* at para 3; *Alberta* at para 45; *Larkman* at para 62).

[6] The burden is on the Applicant to prove each of these elements (*Viridi v Canada (Minister of National Revenue)*, 2006 FCA 38 at para 2).

[7] Having considered the motion record and the Applicant's submissions, the Court is not convinced that it would be in the interest of justice to grant the motion. The evidence provided is insufficient to satisfy the four factors above-mentioned, governing the Court's exercise of its discretion (*Clinique Sherbrooke inc v His Majesty the King*, 2023 FC 1755 [*Clinique Sherbrooke*] at para 18).

[8] The Applicant's affidavit is accompanied by four exhibits which essentially show that

- 1) upon receipt of the Decision, he reached out to the decision maker to ask them to reconsider and
- 2) he attempted to file an application for judicial review in December 2025, but the registry of the Federal Court refused the documents he attempted to file due to non-compliance with the *Rules*.

The Applicant himself states that he attempted to file this first application "around December 4, 2025", that is after the 30-day statutory deadline had passed. The evidence he submits shows that

the registry informed him that it could not be accepted for filing and provided him with the information necessary to file a compliant application the next day, on December 5, 2025.

[9] First, regarding his continued intention to pursue the matter, the Applicant's attempt to secure a reconsideration from the CRA's final Decision cannot suffice (*Clinique Sherbrooke* at para 20 citing *Laurent v Canada (Attorney General)*, 2023 FC 1439 at para 16; *Roger c Canada*, 2025 CF 1340 at para 19). Hence, the first criterion cited above is not met.

[10] Second, the grounds supporting the application for judicial review are not clearly identified. The Applicant's draft application for judicial review, which is attached to his affidavit, only mentions that "the plaintiff submitted several explanatory letters and bank statements as documentary evidence that he meets the eligibility criteria" and "the decision is unreasonable" because "the CRA is not justified in denying the CERB and/or CRB benefit claims". These are vague statements that do not clearly identify the kind of serious shortcoming or fatal flaw necessary to quash the Decision (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 100-02). In the absence of any further specifics, the Court can only conclude that the second factor above-mentioned is not met (*Tanczos* at para 6). The Applicant did not prove that his Application has any merit.

[11] Third, the Applicant's explanations for the delay are also imprecise and not reasonable. Except for the Applicant's affidavit mentioning that, after his first failed filing, he tried to retain the assistance of counsel for he could not "understand all of the required formalities" by himself, there is no evidence to substantiate his explanation for the three months that passed before the

Motion was filed. Further, even his first attempt to file an application for judicial review occurred only after the 30-day statutory deadline had passed and no explanation is given for this initial delay. As the Respondent correctly points out, the jurisprudence of this Court is to the effect that neither the attempt to secure the services of a lawyer nor a lack of familiarity with the *Rules* constitute reasonable explanations (*Abikan v Canada (Citizenship and Immigration)*, 2023 FC 149 at para 26; *Isinguzo v Canada (Citizenship and Immigration)*, 2024 FC 392 at para 8). Self-represented individuals are, like any other litigants, bound by the law and the *Rules* (*Davis v Canada (Royal Canadian Mounted Police)*, 2024 FCA 115 at para 53 cited in *Belisle v Canada (Attorney General)*, 2025 FC 1370 at para 28). Therefore, the fourth factor is not met either.

[12] Last, as the Respondent recalls, compliance with the statutory deadline is in the public interest. As stated by Justice Gascon in *Clinique Sherbrooke*:

[35] In weighing each of the factors set out in *Larkman* and *Hennelly*, and taking into account the circumstances of this case, I give decisive weight to the total absence of justification for the very long delay and the lack of demonstration that Sherbrooke’s application has merit. Following my analysis, I can therefore identify no reason that would allow me to extend the time for filing Sherbrooke’s application for judicial review.

[36] It has been repeatedly recognized that undertaking judicial review of administrative tribunal decisions within the relatively short timeframes prescribed by the Act reflects the public interest in the finality of administrative decisions (*Canada v Berhad*, 2005 FCA 267 at para 60 [*Berhad*], leave to appeal to SCC refused, 31166 (May 25, 2006); *Canada (Minister of Human Resources Development) v Hogervorst*, 2007 FCA 41 at para 24). This time limit “is not whimsical” and exists “in the public interest, in order to bring finality to administrative decisions so as to ensure

their effective implementation without delay”  
(*Berhad* at para 60).

[37] I recognize that the interests of justice remain the paramount consideration in granting an extension of time. But the interests of justice do not exist in a vacuum, and do not absolve applicants of the duty to meet their burden of proof. Here, to exercise my discretion in Sherbrooke’s favour would require me to ignore all the established criteria for an extension of time, and to turn a blind eye to the lack of evidence to support each of the factors set out in the case law for considering granting such an extension. The rule of law is based on the fundamental principles of certainty and predictability. The exercise of a discretionary power must originate in the law. The exercise of such a power cannot be adequate or judicious, and in the interests of justice, if it ignores the minimum requirements of the applicable law.

[13] Given the above, the Court is of the view that the Applicant has not met his burden of proving that the test is met, nor that it would be in the interest of justice to grant him an extension of time with respect to the Decision.

[14] However, no costs will be awarded. The Court has discretion on the issue (s 400(1) of the *Rules*). Given that Mr. Hamedani is self-represented, that he has attempted to file an application himself rather shortly after the 30-day statutory period, that he made concise representations, and that no abuse of process can be identified in his conduct of the matter, the Court believes that costs would not be justified (*Auburn v Canada (Attorney General)*, 2025 FC 785 at para 61; *Lalonde v Canada (Revenue Agency)*, 2023 FC 41 at para 97; *Hu v Canada (Attorney General)*, 2023 FC 1590 at para 36, aff’d 2024 FCA 215; *Showers v Canada (Attorney General)*, 2022 FC 1183 at para 32).

**ORDER in 25-T-130**

**THIS COURT ORDERS that:**

1. The Applicant's motion for an extension of time to file his application for judicial review with respect to the Decision is dismissed.
2. No costs are awarded.

“Danielle Ferron”  
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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** 26-T-130

**STYLE OF CAUSE:** BABAK TASLIMI HAMEDANI v ATTORNEY  
GENERAL OF CANADA

**MOTION IN WRITING CONSIDERED AT OTTAWA, ONTARIO PURSUANT TO  
RULE 369 OF THE *FEDERAL COURTS RULES***

**ORDER AND REASONS:** FERRON J.

**DATED:** APRIL 10, 2026

**WRITTEN REPRESENTATIONS BY:**

Babak Taslimi Hamedani

ON HIS OWN BEHALF

Me Bianca Morello

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Attorney General of Canada  
Montréal, Québec

FOR THE RESPONDENT