

Federal Court



Cour fédérale

**Date: 20260421**

**Docket: T-2546-25**

**Citation: 2026 FC 531**

**Ottawa, Ontario, April 21, 2026**

**PRESENT: The Honourable Mr. Justice Roy**

**BETWEEN:**

**RAMA HAMDI**

**Applicant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

**JUDGMENT AND REASONS**

[1] In this judicial review application, Mrs. Rama Hamdi challenges the decision made by an official in the Canada Revenue Agency finding that she was not eligible for the Canada Emergency Response Benefits [CERB] and the Canada Recovery Benefits [CRB] she has already received. Those benefits were made available during the Covid-19 pandemic. They were in replacement, at least in part, of lost income due to the pandemic. The CERB was a program created through the *Canada Emergency Response Benefit Act*, SC 2020, c 5, while the CRB was created through the *Canada Recovery Benefits Act*, SC 2020, c 12.

[2] In view of the urgency, the government chose to release benefits, subject to validating ex post facto the payments made. In order to be eligible for those payments, the two statutes require that an applicant demonstrate earnings of at least \$5,000 as employment, self-employment, or both, over prescribed periods of time. For the purposes of this case, it suffices to state that the decision maker concluded that the demonstration of earnings reaching that threshold was not achieved.

[3] Although the two pieces of legislation were sponsored by the Minister of Employment and Social Development, it is the Canada Revenue Agency (CRA) which is responsible for the administration of the benefits.

[4] Two reviews about eligibility are conducted. The second one is the one that can be challenged before the Federal Court. The Applicant, Mrs. Rama Hamdi, chose to challenge the finding that she was not eligible for the benefits on the basis of s.18.1 of *Federal Courts Act*, RSC 1985 c F-7.

[5] The Applicant is a litigant-in-person. Mrs. Hamdi and the Respondent have agreed for their case to be decided exclusively on the basis of their respective records, without a hearing to be convened. Accordingly, the Court considered the matter solely on the basis of the two records submitted and the parties' respective Memorandum of Fact and Law.

I. The Facts

[6] Mrs. Hamdi received benefits on account of both programs:

- CERB: periods 1 to 7, from March 15, 2020 to September 26, 2020.
- CRB: periods 1 to 22, from September 27, 2020 to August 28, 2021, and for periods 26 to 28, from September 12, 2021 to October 3, 2021. It seems that the Applicant had applied for periods 23 and 24 but did not receive payments.

[7] The Applicant was advised she had been selected for a review of her eligibility through a letter dated March 28, 2023. It seems from the record that the existence of the letter, which called for justification of earnings of at least \$5,000 during the required period, was not noted by the Applicant until the Fall of 2023. Thus, her response came on October 18, 2023. What was provided in support of the contention that earnings were from self-employment is found at pages 43 to 53 of the Respondent's Record; it consists of the tax declaration, the notice of assessment for year 2019, showing net income of \$7,298, and a Statement of Business and Professional Activities.

[8] The results of the first review came on June 21, 2024. As usual, the decision is terse: "You did not earn at least \$5,000 (before taxes) of employment and/or self-employment income in 2019 or in the 12 months before the date of your first application." The decision letter states that a request for a second review may be made within a specified period of time. The Applicant made the request on June 26, 2024.

[9] The second review process includes the possibility to supplement the record. The Applicant's husband did so by sending a letter on July 7, 2024. The three main paragraphs read as follows:

Since 2019 and continuing to the present day, we jointly provide education services and training management for students both inside and outside Canada. Our work primarily involves collaborating with automobile associations in the Middle East to deliver business development training and motorsport safety development services. Additionally, we offer consultancy and registration services for Quebec residents seeking educational programs with various school boards in Quebec, as well as services for international students intending to study in Canada.

Mrs. Rama Hamdi plays a pivotal role in our operations. She handles all administrative aspects, including communication with school officials regarding student registrations and necessary documentation. She manages local student communications and registrations. Furthermore, Rama oversees our company's marketing strategy, leveraging her Applied Marketing degree from McGill University. She actively monitors media campaigns across multiple social media platforms and collaborates with designers to optimize these campaigns.

All revenues generated from our business activities are deposited into the company's bank accounts (I own two registered companies operating in similar fields). Subsequently, I transfer our family's share of these funds to our joint bank account. We have structured our responsibilities and revenue distribution accordingly, with 65% allocated to me for management, accounting, and business development, and 35% to Rama for her significant contributions.

[10] As can be seen, the letter purports to give an explanation of the kind of business in which the Applicant is involved and the role she plays in it. The July 7 letter supplemented Mrs. Hamdi letter requesting a second review (June 26, 2024), which clarified her involvement in the business concern:

Your decision was made based on the criterion that I did not earn at least \$5000 in the year 2019. I would like to clarify that during 2019 and continuing to the present day, I have been working alongside my husband, Hani Shaban, in our educational programs and services business. Our company serves both international students and local Quebec residents interested in studying within Quebec. My responsibilities within the company include providing clients with comprehensive information about educational programs, managing student registrations and required documentation, facilitating financial aid support, assisting in travel arrangements for trainers, and handling various administrative duties.

Was appended to that letter the same Statement of Business and Professional Activities submitted during the first review.

[11] The second review was concluded with a decision letter as terse as that concluding the first review. It is dated June 17, 2025, and the relevant paragraphs read as follows:

We have determined you are not eligible for the Canada Emergency Response Benefit (CERB). You are not eligible for the following reason(s):

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

We have determined you are not eligible for the Canada Recovery Benefit (CRB). You are not eligible for the following reason(s):

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

## II. Position of the Parties

[12] The Applicant contends that the duty of procedural fairness was breached and that the decision is unreasonable in view of the lack of justification and transparency.

### A. *Procedural fairness*

[13] In order to explain why the procedural fairness duty is argued to have been violated, we need to consider the sequence of events and to go back to telephone exchanges which occurred starting in May 2025.

[14] The CRA records show that on July 3, 2024, the Applicant reached out to CRA. Mrs. Hamdi wanted to know about the status of her case. The conversation, as reported in the notes generated by officials at CRA, indicates that the Applicant was interested in finding out what other documents could be supplied to demonstrate self-employment. From the notes, it seems that generic information was provided.

[15] The next telephone call came from CRA on May 30, 2025, close to a year later. The call came from the CRA officer who ultimately was the decision maker at second review. He could not reach the Applicant and asked for a return call. The agent referred to a deadline for completion of the second review.

[16] The agent called again on June 3, 2025. He did not reach the Applicant, but the Applicant called back on June 6. This time, it is the decision maker who could not be reached. That same

day, the decision maker tried to connect with the Applicant, without success. However, it appears from the record that the decision maker advised the Applicant of a deadline of June 13, 2025 to provide further information.

[17] The Applicant called on June 9, 2025. No connection was completed once again, and a message was left for the agent to call back. He did and they finally spoke.

[18] In her affidavit in support of her judicial review, the Applicant testifies that the telephone number used by the decision maker, once verified by the Applicant, was not listed on the CRA website. It was not verifiable either using the procedures described on the website.

[19] The Applicant testifies that she was concerned those phone calls were a scam in view of the number not being confirmed as being an authorized CRA contact. Her concern was heightened when the interlocutor she finally spoke to insisted on being given her social insurance number (SIN). Indeed, it had been close to one year since her request for a review, yet the caller was seeking for the record to be supplemented within a handful of days. She wrote: “The sudden urgency, combined with the lack of secure verification, made the entire situation appear suspicious and unsafe” (affidavit of Rama Hamdi, para. 3). The Applicant adds this:

4. Although the caller acknowledged my concerns, he did not offer any alternative method of verification (such as multifactor authentication or pulling information from my latest tax filing, for example line X from my 2024 filing, as the CRA routinely does) other than instructing me to call the CRA’s general number. I attempted to do so on multiple occasions, but the process was confusing and after long waiting times over several days, I was never able to reach a live agent. As a result, I had no reliable way

to confirm the caller's legitimacy or to continue the process safely.

- A press release confirming the difficulty of reaching CRA agents by phone is attached as (Exhibit 7).

5. Despite my good-faith efforts, and my articulation of my security concerns, later the CRA made a decision on June 17, 2025 (Ref. No. C0070980109-001-45) (Exhibit 8) based on my refusal to provide my SIN over the phone, rather than on a review of my eligibility and the supporting documentation I had already submitted, or the new documents I could have submitted based on the agent's guidance, which I believe was his original purpose for calling.

This denied me the opportunity to respond to what the CRA agent needed. Had I been given a secure way to confirm the caller's identity, I could have submitted additional proof such as bank statements, business letters, or other documents to confirm my eligibility.

[Reproduced as written]

[20] That constitutes the only evidence as to why the record was not supplemented in order to demonstrate that \$5,000 of income were generated by the alleged self-employment of the Applicant. There was no cross-examination conducted on the affidavit. The decision maker supplied his own affidavit without ever alluding to the conversation with the Applicant after numerous attempts by both to connect. In fact, the decision maker acknowledged having reviewed the Applicant's affidavit of August 25, 2025 (his affidavit was sworn in on September 29, 2025). The decision maker's affidavit merely points out that the supplementary documentation submitted in July 2025 was not before him on June 17, 2025.

[21] It is on that basis that the Applicant argues, citing *Baker v Canada (MCI)*, [1999] 2 SCR 817, that she was owed the right to be given the opportunity to participate and to have submissions genuinely considered.

[22] The argument is articulated using a CRA policy which requires officers “to work with taxpayers”. There were numerous attempts to communicate, yet it is “The Agency’s systemic communication failures documented in national media [that] undermine any claim of non-cooperation” (Memorandum of Fact and Law, para 16). At paragraph 17, the Applicant argues:

17. It is clear the officer contacted the Applicant intending to request or clarify additional proofs. Yet instead of helping her understand or transmit them securely, he focused solely on obtaining the SIN by phone. This diverted the discussion from substance to a procedural technicality.

The Applicant concludes that she was deprived of supplying further evidence:

18. A reasonable officer should have either offered a secure written request through CRA My Account or sent written instructions specifying what documents were needed. Relying on a hurried phone call gave the Applicant no record, no chance to consult or translate technical terms, and no way to confirm the caller’s identity. Such conduct falls below the standard of administrative fairness, particularly for someone with a language barrier and no tax training.

18A. The CRA’s own internal procedure manual (Exhibit R-1, p. 33) states that if the documents submitted are not sufficient, the validation officer must contact the taxpayer to obtain the missing information and provide a submission deadline, which must be extended if the taxpayer raises legitimate concerns that the time is too short. Officer Sidhu ignored these instructions. He neither requested additional documents nor offered to extend the deadline, even though he knew the Applicant was unable to verify his

identity and had expressed legitimate concerns. By proceeding without following the mandatory guideline, the officer deprived the Applicant of a fair chance to clarify her case or submit further proofs, contravening CRA policy and the principles of procedural fairness.

[23] I cite at some length the Applicant's argument because the Respondent seems to have misapprehended the position taken by Mrs. Hamdi. Although it is readily acknowledged that the duty to act fairly requires the person to have an opportunity to present their case fairly and fully, the Attorney General seeks to reduce the argument to the Applicant complaining about never having been told what documentation was needed and that CRA should have communicated in writing with her (Respondent's Memorandum of Fact and Law, para 33).

[24] The evidence presented is rather that, close to one year after the Applicant sought a second review, there was an attempt, by someone who presented himself as an agent with the Canada Emergency Benefits Validation, which proved unsuccessful. That was on May 30, 2025, followed by a series of calls all unsuccessful, the proverbial "telephone tag". At some point, the decision maker started indicating in messages that a deadline of June 13 had been set for new information to be submitted. I have not found anywhere, including in the decision maker's affidavit, where the urgency comes from.

[25] As the Applicant testified, and that was neither challenged nor contradicted, she was concerned about the legitimacy of the conversation during which her interlocutor wanted to be given her social insurance number. The concern is not fanciful as even the Government of Canada website cautions about telephone calls purported to be made by CRA. For instance, the

CRA website discussing “scams and fraud” advises to “Never call the phone number that was given to you unless you have verified it yourself with the CRA” (Applicant’s Record, p. 18).

That is what the Applicant testified she did. Mrs. Hamdi was unable to reach someone to confirm that the person who claimed to work for CRA was actually an agent.

[26] With respect, that is the issue raised by the Applicant: that issue was not addressed. The issue was not so much that she was never told what documentation was needed, although clearly the agent did not engage. It is rather that the opportunity to present her case fully was never afforded. Hence, on June 13, 2025, a Friday, without the added contribution of the Applicant, the decision maker enforced his own deadline. The decision on the second review came on Tuesday June 17, 2025.

[27] The Respondent proceeded to argue that “multiple opportunities were provided to supplement the Applicant’s Record”. It is said that the procedural fairness obligations are generally on the low end of the spectrum (*Cozak v Canada (Attorney General)*, 2023 FC 1571). The Respondent does not suggest that the interactions between the decision maker and the Applicant produced an exchange of information. Rather, the Respondent relies on the initial letter to the Applicant of March 28, 2023, when samples of documents tending to prove self-employment are offered, and the first decision letter of June 21, 2024, when one reads that Applicants are invited to provide “any relevant new document, new facts, or correspondence”. It is also mentioned by the Respondent notes of a conversation between the Applicant and an employee of CRA in July 2024 where the employee indicated that a document showing receipt

of business income, with some identification, could be submitted. That is called by the Respondent “ample opportunity.”

[28] As for the contention that the Applicant insisted for the communications be in writing, that is not how I read the submissions of the Applicant. It is rather that she claims that the purpose of the decision maker in seeking to contact the Applicant on May 30, 2025, was to request or clarify the submissions. Instead of being conducive to an appropriate discussion to achieve that purpose, the focus was exclusively on the Applicant’s SIN. It is in that context that the Applicant advances that the decision maker could have offered a secure written request through CRA My Account or sent written instructions specifying what documents were needed. Relying on a hurried phone call gave the Applicant no record, no chance to consult or translate technical terms, and no way to confirm the caller’s identity. (Applicant’s Memorandum of Fact and Law, para 18). In my view, the Applicant’s argument does not turn on the written communication as suggested by the Respondent, but rather on her inability to participate fully because of a lack of opportunity to discuss with the decision maker, as they were incapable of communicating before an artificial deadline was set by the agent.

*B. Reasonable decision.*

[29] The Applicant also contends that the decision is unreasonable. She refers to the two decision letters which do not exemplify the requirement of reasonableness; they are neither intelligible nor provide a justification. The position taken boils down to the decision maker

having provided “no reasoned basis for its finding of ineligibility” (Applicant’s Memorandum of Facts and Law, para 20).

[30] There is no reference to the notes on the CRA record which form part of the rationale for the decision (*Baker, supra*, para 44). The argument targets only the decision letters which are terse and do not provide any justification. That is certainly the case. In effect, the Applicant claims that there is no justification, in spite of the requirement for justification in the post *Vavilov* era (*Canada (MCI) v Vavilov*, 2019 SCC 65, [2019] 4 SCR 653) [*Vavilov*] where the Court states: “We will also affirm the need to develop and strengthen a culture of justification in administrative decision-making” (para 2).

[31] The Respondant argues that the onus is on the Applicant to establish that the decision lacks reasonableness. It is submitted that the Applicant did not discharge her burden.

### III. Analysis

#### A. *Reasonableness*

[32] The Court can dispose quickly of the argument dealing with the reasonableness of the decision under review.

[33] The *Vavilov* Court established that it is for an applicant to show that a decision is unreasonable (para. 100). In so doing, the applicant will satisfy a reviewing court of serious shortcomings which will be of two types: failure of rationality internal in the reasoning process

and the decision is untenable in light of legal and factual constraints that bear on the decision (*Vavilov*, para. 101).

[34] By not even considering the reasons given, which were to be found in the notes kept by the CRA, the Applicant failed in her duty to show that the reasons have serious shortcomings. The reviewing court cannot be satisfied of the unreasonableness of a decision if the applicant does not address the reasons (which are to be found in the notes) in an attempt to show a deficient justification. Accordingly, the Applicant fails to satisfy the Court that the decision was not sufficiently justified.

*B. Procedural fairness*

[35] Turning to the issue of procedural fairness, the Court must address the preliminary objection made by the Respondent about the attempt made by the Applicant to introduce new evidence on judicial review. It consists of various exhibits the Applicant would have wanted to invoke at the second review but was unable to present in view of the lack of proper communication.

[36] Relying on a long line of appellate cases. (*Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22; 428 N.R. 297, and its progeny), the Respondent argues that a reviewing court is tasked with ascertaining the legality of an administrative decision. As such, the judicial review must be based on the actual record before the decision maker. This rule was stated briefly in *Bernard v Canada (Revenue Agency)* 2015 FCA 263, at paragraph 13:

The general rule is that evidence that could have been placed before the administrative decision-maker, here on the Board, is not admissible before the reviewing court: *Connolly v Canada* (Attorney General), 2014 FCA 294, 466 N.R. 44 at paragraph 7; *Access Copyright*, above

[37] If the purpose in submitting new documentation on judicial review were to supplement the record, I would have no compunction in deciding that the new information is inadmissible. However, there are exceptions to the general rule.

[38] The rule about admitting new information on judicial review suffers three exceptions (the common law may over time create others). *Bernard* explains the third exception to the general rule that new information is not admissible on judicial review:

[25] The third recognized exception concerns evidence relevant to an issue of natural justice, procedural fairness, improper purpose or fraud that could not have been placed before the administrative decision-maker and that does not interfere with the role of the administrative decision-maker as merits-decider: see *Keeprite* and *Access Copyright*, both above; see also *Mr. Shredding Waste Management Ltd. v. New Brunswick (Minister of Environment and Local Government)*, 2004 NBCA 69, 274 N.B.R. (2d) 340 (improper purpose); *St. John's Transportation Commission v. Amalgamated Transit Union, Local 1662* (1998), 161 Nfld. & P.E.I.R. 199 (fraud). To illustrate this exception, suppose that after an administrative decision was made and the decision-maker has become *functus* a party discovers that the decision was prompted by a bribe. Also suppose that the party introduces into its notice of application the ground of the failure of natural justice resulting from the bribe. The evidence of the bribe is admissible by way of an affidavit filed with the reviewing court.

[26] I note parenthetically that if the evidence of natural justice, procedural fairness, improper purpose or fraud were available at the time of the administrative proceedings, the aggrieved party would have to object and adduce the evidence supporting the

objection before the administrative decision-maker. Where the party could reasonably be taken to have had the capacity to object before the administrative decision-maker and does not do so, the objection cannot be made later on judicial review: *Zündel v. Canada (Human Rights Commission)*, (2000), 195 D.L.R. (4th) 399; 264 N.R. 174; *In re Human Rights Tribunal and Atomic Energy of Canada Limited*, [1986] 1 F.C. 103 (C.A.).

[39] Thus, I would not exclude the information adduced by the Applicant, but it has to be admissible only for a significantly limited purpose, that is in support of her contention that she was denied procedural fairness. Procedural fairness was violated when the decision maker chose to decide the matter without allowing the Applicant to supplement her record. The new information serves to show that new information could have been made available. Put otherwise, the complaint is not fictional in that other information could have been supplied. I hasten to add that no opinion is offered herein as to the quality of that information or whether it could have some impact on the case on its merits.

[40] The duty of fairness, and its purpose, has been succinctly defined by Brown & Evans in their *Judicial Review of Administrative Action in Canada* (Thomson-Reuters, 2026, loose-leaf) as:

§ 7:57 Introduction – The Purpose of the Duty of Fairness

Given the broad application of the duty of fairness, the more significant question today is the content of the duty in any given decision-making situation. Due to the diversity of administrative action, these requirements can vary, running from the full panoply of procedures commonly associated with judicial proceedings, to the right simply to be notified and to express one's views in whatever mode may seem appropriate. Despite the diversity of content, however, it is possible to identify a common core to the participatory rights that the duty of fairness requires. Its principle purpose is to provide

a meaningful opportunity for those interested to bring evidence and arguments that are relevant to the decision to be made to the attention of the decision-maker<sup>1</sup>, and correlatively, to ensure that the decision-maker fairly and impartially considers them.

[My emphasis.]

At the core of the duty is to provide a litigant the opportunity to be heard: *audi alteram partem*.

[41] When a reviewing court is asked to consider a duty to act fairly issue, “the standard for determining whether the decision maker complied with the duty of procedural fairness will continue to be “correctness” (*Mission Institution v Khela*, 2014 SCC 24, [2014] 1 SCR 502 at para 79). The effect of the standard of review being “correctness” is that the reviewing court does not defer to the decision of the administrative tribunal. In *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69, [2019] 1 FCR 121, the Federal Court of Appeal addressed the issue squarely, writing this:

[54] A court assessing a procedural fairness argument is required to ask whether the procedure was fair having regard to all of the circumstances, including the *Baker* factors. A reviewing court does that which reviewing courts have done since *Nicholson*; it asks, with a sharp focus on the nature of the substantive rights involved and the consequences for an individual, whether a fair and just process was followed. I agree with Caldwell J.A.’s observation in *Eagle’s Nest* (at paragraph 20) that, even though there is awkwardness in the use of the terminology, this reviewing exercise is “best reflected in the correctness standard” even though, strictly speaking, no standard of review is being applied.

...

[56] No matter how much deference is accorded administrative tribunals in the exercise of their discretion to make procedural choices, the ultimate question remains whether the applicant knew the case to meet and had a full and fair chance to respond. It would be problematic if an *a priori* decision as to whether the standard of review is correctness or reasonableness generated a different

answer to what is a singular question that is fundamental to the concept of justice—was the party given a right to be heard and the opportunity to know the case against them? Procedural fairness is not sacrificed on the altar of deference.

[My emphasis.]

[42] The reviewing court will therefore consider whether an applicant was afforded the appropriate opportunity to be heard. In so doing, the Court will take into account the five factors developed in *Baker* (the list is non-exhaustive). The process is described thus in *Vavilov* (*supra*):

[77] It is well established that, as a matter of procedural fairness, reasons are not required for all administrative decisions. The duty of procedural fairness in administrative law is “eminently variable”, inherently flexible and context-specific: *Knight v. Indian Head School Division No. 19*, [1990] 1 S.C.R. 653, at p. 682; *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817, at paras. 22-23; *Moreau-Bérubé*, at paras. 74-75; *Dunsmuir*, at para. 79. Where a particular administrative decision-making context gives rise to a duty of procedural fairness, the specific procedural requirements that the duty imposes are determined with reference to all of the circumstances: *Baker*, at para. 21. In *Baker*, this Court set out a non-exhaustive list of factors that inform the content of the duty of procedural fairness in a particular case, one aspect of which is whether written reasons are required. Those factors include: (1) the nature of the decision being made and the process followed in making it; (2) the nature of the statutory scheme; (3) the importance of the decision to the individual or individuals affected; (4) the legitimate expectations of the person challenging the decision; and (5) the choices of procedure made by the administrative decision maker itself: *Baker*, at paras. 23-27; see also *Congrégation des témoins de Jéhovah de St-Jérôme-Lafontaine v. Lafontaine (Village)*, 2004 SCC 48, [2004] 2 S.C.R. 650, at para. 5. Cases in which written reasons tend to be required include those in which the decision-making process gives the parties participatory rights, an adverse decision would have a significant impact on an individual or there is a right of appeal: *Baker*, at para. 43; *D. J. M. Brown and the Hon. J. M.*

Evans, with the assistance of D. Fairlie, *Judicial Review of Administrative Action in Canada* (loose-leaf), vol. 3, at p. 12-54.

[My emphasis.]

[43] Here, it is the right to be heard that is said to be violated. In my view, the importance of the decision to be made is significant in this case. The Respondent's record shows that many thousands of dollars were received by the Applicant in taxation years 2020 and 2021 on account of the Canada Emergency Response and Canada Recovery Benefits, amounts that would have to be repaid according to the decision letter. It was also expected that the Applicant would be able to discuss with the CRA agents who communicated with her on May 30, 2025, eleven months after the new examination was sought. The various attempts at communicating with the CRA tend to show how important providing the right information was seen by the Applicant. Indeed, shortly after seeking a second review (June 28, 2024), the Applicant spoke to a CRA agent, not the decision maker, about the status of her case (on July 3, 2024). According to the telephone log, the Applicant wanted to know what types of documents could be submitted to demonstrate her self-employment. Officials at CRA must understand that taxpayers are not versed in the intricacies of the legislation they are tasked to enforce. It is not illegitimate to seek clarification, when seeking clarification is genuine.

[44] The Respondent's record contains instructions given to agents. We can read about the general instructions to discuss the situation with an applicant under the title "Confirming Covid-19 benefits eligibility":

Confirming Covid-19 benefits eligibility

During the review, you may need to discuss the situation with the applicant. If the applicant is unable to provide any of the documents suggested, work with them to see what other acceptable documents they may have. Please note what example of documentation you suggested and that you informed taxpayer to submit whatever documents they think could support their application.

During your review, please refer to “Eligibility Criteria List” or each respective benefit’s consolidated acts and regulation to validate the criteria of each benefit. Below are direct links to the acts:

- [Canada Emergency Response Benefit Act](#)
- [Canada Emergency Student Benefit Act](#)
- [Canada Recovery Benefits Act](#)
- [Canada Worker Lockdown Benefit Act](#)

At page 34, we find:

Validation Officer (only):

If the documents submitted are not sufficient or you have further questions, please contact the taxpayer to obtain the missing information and/or documents. If further documentation is required: taxpayer must be provided a submission deadline (e.g., documentation should be submitted prior to June 1st or else the case will be actioned with the information on hand). If the taxpayer expresses legitimate concerns over the deadline being too short, try to get a commitment for a reasonable new deadline.

If you are not able to reach the taxpayer, leave a voicemail (if possible) with your contact information, reason for your call and the deadline (calendar date) for submitting document(s) and/or contact you again.

Notate the deadline and content of all your calls and/or voicemails in your case-specific notepad.

Acceptable proofs to substantiate income:

A combination of acceptable proof will generally be required to substantiate the income whether it’s employment or self-employment income. As the intent of the review is to evaluate with an acceptable level of confidence on a balance of probabilities that:

the income was of eligible nature; was earned by the applicant; and at least \$5,000. Documentation submitted by the applicant must confirm all 3 requirements.

Surely the Applicant was entitled to expect some communication with CRA. Not only are agents instructed to work with applicants, but by communicating with this Applicant, the expectation was reinforced. In fact, the procedure followed by the administrative decision maker supports further the need to follow up and conclude the transaction, that is allowing the Applicant to have the opportunity to be heard.

[45] There is no evidence on this record that the Applicant sought to abuse the process by delaying unduly a fulsome exchange with the decision maker. In fact, she showed a measure of diligence. What is more, CRA makes it clear on its own website that scams and fraud attempts occur using CRA. The only evidence before the Court is that the Applicant followed the procedure outlined on the website and was incapable of validating the telephone number used by the decision maker. There is no evidence to suggest that this Applicant was acting in bad faith.

[46] As a result, the Applicant was not afforded the fundamental benefit of putting her full case forward in view of the right to be heard, described by the Federal Court of Appeal in *Canadian Pacific (supra)* as “a singular question that is fundamental to the concept of justice – was a party given a right to be heard and the opportunity to know the case against them? Procedural fairness is not sacrificed on the altar of deference” (para. 56).

#### IV. Conclusion

[47] It follows that the matter must be remitted to a different decision maker for a new determination which will include an opportunity for the Applicant to supplement the record. I add that in view of the process devised by CRA for confirming Covid-19 benefits eligibility, it is expected that the situation will be discussed with the Applicant to see what other acceptable documents she may have. Contrary to what was asked by the Applicant, there will be no requirement that there be “secure written communications”. The mere fact that the Court orders a new determination should suffice. CRA should ensure that the telephone number used will be on CRA’s list of phone numbers to avoid any further unfortunate kerfuffle.

[48] It should be understood that the Court takes no view as to the merits of the case. It will be for the new decision maker to make a new determination after having considered the entirety of the evidence made available.

[49] Both parties sought costs. However, the parties were each partially successful, the Respondent having successfully satisfied the Court that, on this record, it has not been established that the decision was unreasonable, while the Applicant prevailed on her procedural fairness argument. Accordingly, given the divided success, each party will support their own costs.

**JUDGMENT in T-2546-25**

**THE COURT ORDRES THE FOLLOWING**

1. The judicial review application is granted.
2. The matter of the Applicant's eligibility to payments received on account of the Canada Emergency Response Benefits and Canada Recovery Benefits programs is remitted for redetermination by a different decision maker.
3. There is no costs award.

“Yvan Roy”

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Judge

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

**DOCKET:** T-2546-25

**STYLE OF CAUSE:** RAMA HAMDI v. ATTORNEY GENERAL OF  
CANADA

**APPLICATION FOR JUDICIAL REVIEW CONSIDERED ON THE BASIS OF  
WRITTEN REPRESENTATIONS AT OTTAWA, ONTARIO, AT THE JOINT  
REQUEST OF THE PARTIES ON JANUARY 5, 2026**

**JUDGMENT AND REASONS:** ROY, J

**DATED:** APRIL 21, 2026

**WRITTEN REPRESENTATION BY:**

Rama Hamdi

FOR THE APPLICANT  
(SELF-REPRESENTED)

Kazumi Moore

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Attorney General of Canada  
Montréal, Québec

FOR THE RESPONDENT