

**FORM 301 Rule 301
Notice of Application**

FORM 66 - Rule 66

APPLICATION

(Court File No.)
FEDERAL COURT

BETWEEN:

Nicholas Christopher Peron
Applicant

and

Canada Revenue Agency
Respondent

APPLICATION UNDER (statutory provision or rule under which application is made)

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:

Pacific Centre
P.O. Box 10065 701
West Georgia Street
Vancouver, British Columbia
V7Y 1B6

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.

February 28, 2024

Issued by: (*Registry Officer*)

Address of local office:

Pacific Centre
P.O. Box 10065701
West Georgia Street
Vancouver, BC V7Y 1B6

TO: Canada Revenue Agency
Alfred-Remi Mboimpa, Human Resources Advisor, Ontario Region
Marie-Claude Bibeau, Minister of National Revenue
Bob Hamilton, Commissioner of Revenue
Brigitte Diogo, Deputy Commissioner of Revenue

7th Floor-555 MacKenzie Avenue
Ottawa ON K1A 0L5
(All of the above respondents are located at this address)

Marc Brière, National President, Union of Taxation Employees
233 Gilmour Street, Suite 800
Ottawa, Ontario K2P 0P2

Application

Vancouver, British Columbia

This is an application for judicial review in respect of
Human Rights Commission (Complaint # 20190161)

Complaint: Discrimination and damages caused by a lack of accommodation resulting in the loss of income, worsening of condition, and subsequent loss of employment, benefits, and income due to premature retirement on the grounds of disability.

Decision: The tribunal decided not to view the case because of a one-year arbitrary due date due to a disagreement on when the last date of discrimination

took place, and then the neurotypical judge said because I was capable of doing a specific thing, I wasn't disabled enough to get an extension even though they have no clinical qualifications to make that abelist decision.

Letter of Decision: Received via email on February 28, 2024. The applicant makes an application for: Repayment of loss wages during the period described in my original complaint. The reversal of a wage clawback on my tax account due to being coached by management to take Leave With Income Averaging for inappropriate purposes. Recouping losses from premature retirement (25% of my lost wages from 2017 until my age related retirement in 2037, including all pay increases), full amount pain and suffering.

The specific amounts I am seeking are:

- 1) \$24159.38 of lost income/vacation due to disability during employment between the periods January 6, 2014 and April 17, 2017, for a total of 834.74 hours.
- 2) \$5,745.08 clawed back from inappropriate Leave with Income Averaging. Rather than having this amount paid out, I am requesting that the CRA Salary Overpayment assessed on my income taxes to be reversed as this debt soaked up tax refunds I was entitled to under the Disability Tax Credit.
- 3) \$296,032.80 accounting for the 25% loss of income had I not gone on disability. This would cover the period from March 2017 until I was eligible to retire on February 8, 2037.
- 4) An additional \$502,836.90, accounting for an average wage increase of 11% over every four years between 2017 and 2037. These figures were calculated using the last collective agreement between the CRA and UTE.
- 5) \$20,000 pain and suffering, the maximum allowable amount. The Grand total of damages sought will be \$848,774.16
- 6) Should the respondent rather mediate rather than go to court, I am willing to settle for items 1 and 2. For a total of \$29,904.46.

The grounds for the application are: I am requesting an appeal based on a number of extraordinary circumstances that have occurred surrounding my application and complaint process. Primarily, they didn't understand the diagnosis letter from my treating psychologist. They also seemed to think that my ability to engage in all the processes to try and mediate the matter automatically disqualifies my claim that my disability hindered me from filing information in a timely manner without asking for further clarification. I believe that this is based on a poor understanding of an individual with my neurodivergent disabilities.

There seems to be no understanding of how the processes of jumping through all the bureaucratic red tape further exacerbated my condition. It also doesn't address the fact that the Agency did not identify there was a undue hardship to the employer, nor does it address all of the instances where CRA management provided misinformation, obfuscated, or prolonged any and all decisions, prolong my treatment and suffering had they not simply retired me out right away. Lastly, I do not believe that the deciding judge considered the systemic discrimination that was concurrently happening as I was going through this entire ordeal. Other than some token acknowledgement, there seemed to be very little observance to the fact that this lengthy process has been retraumatizing and have had a continued negative impact on my health and that the inability of anybody in any of these positions to understand this would also be construed as discrimination as it is an ignorance toward my condition.

This application will be supported by the following material: I will be re-submitting the 600 pages worth of documents, including emails and other correspondence. I will be submitting an audio recording with management. I will be requesting affidavits from my former managers and CRA staff (Sue Campo, Lynne Lafrance, Michele Caron, Paul Hamner, Dan Kaazan, Paula Bullock), surviving Union Representation (Richard Weintrager), I will also obtain affidavits from my psychologist (Dr. Aleks Milosevik) who can speak on a clinical level about my condition and the difficulties it created for me during the periods in question, my former partner (Jessica Huether), who can speak on how functional I was during that period of time, as well as a former employee of the CRA (Glenn Miller) who required similar accommodation but was denied for no reason.

His situation mirrors my own and he will speak on how this was a systemic problem rather than a one off instance. The applicant requests, Human Rights Commission 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 HRC to the applicant and to the Registry: All materials pertaining to this complaint that was received from all parties.

February, 28, 2024

Nicholas Peron ("Nicholas Peron") *Electronically signed*

1795 McLauchlin Drive, Courtenay, British Columbia, V9N 5W4

Tel: 250-338-6358 Cel: 613-868-4179 Email: nperon@teksavvy.com

(My preferred method of communication is via email as telephones are a trigger for my condition, thank you.