

# Canadian Federal Court

Between

**Janine Holly Earl**

And

**The Attorney General of Canada**

## 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 The Federal Court at 90 Sparks Street, Ottawa, Ontario.

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.

May 26, 2024

Issued by:

Address of local office:

TO: The Attorney General of Canada

284 Wellington Street Ottawa, Ontario, K1A 0H8

## Application

This is an application for judicial review in respect of

The second review for the Canada Recovery Benefit Application

Dated May 13, 2024, Reference Number C0062597080-001-45

The applicant makes application for: A reversal of the decision of CRA that found I was not eligible for the CRB benefit in the amount of \$24,000 for the reason that they stated, "I was not looking for work".

The grounds for this application are:

1. The time period of the CRB benefits was from October 2020- October 2021, during which time the province of Ontario issued numerous and varying lockdown and vaccine passport measures to attempt to stave off the rising of covid-19 cases.
2. The intense fear that ensued amongst the general public caused my spa business's previous clients, and potential new clients to be completely hesitant to seek the non-essential, radio frequency, cosmetic treatments that I provided in my business during a time when people were reticent to seek even the most essential health service, which is why I applied for the benefits.
3. During the time period of the CRB benefits I was not looking for work in part because of the continual restrictions being placed upon everyone's movements for reasons of health and safety because of Covid-19 and because I had not been informed that my qualifications for CRB as a business owner required me to abandon my business and

seek work elsewhere to qualify for said benefit. Had this been stated I would have been reticent to apply for CRB after CERB ended.

4. Prior to the lockdowns for Covid-19 in a short time I began and operated a viable business, was self employed in that business, where I had built up a clientel, and had made a substantial investment of more than \$30,000 during the fall of 2019 when I began my business. During 2020 and 2021 I was awaiting the end of the government restrictions to resume my business.

4. It was my understanding that I was collecting CRB because of the restrictions being placed upon all of us in the province, and in main part, particular to me as a compensatory measure to assist with hardships placed upon my business. I considered that the CRB benefit I received during this time period was given in good faith to me by the government as a business owner who met the original CERB and CRB requirements as stated by the government to assist business owners in paying our bills until the restrictions eased and we were able to resume business.

5. To my knowledge there were no indications on the government website that the CRB benefits to business owners were not valid if business owners did not abandone their business's and seek outside employment once CERB ended and CRB commenced.

6. Each time I applied for CRB I stated in good faith NO to seeking employment because I was a business owner whom was awaiting the end of the pandemic restrictions and the resumption of my business.

7. I argue that It stands to any common reason of understanding that If the CRB payments required that I seek employment outside of my business, upon my stating NO once or twice to seeking employment in my application for CRB, the government should have denid my CRB eligibility and not continue to pay it for the entire allowable period, if that was a requirement for said benefits. On these facts it is my argument that this judgement by the CRA is unreasonable.

8. It is not in small part that I state that the CRB payments made it possible for my continuing to make the required payments for the equipment I had purchased in 2019 that I had invested to start my business, a business that was stalled and made unviable by the government restrictions.

9. It is also worthy of note that CRA had previously denied my eligibility for CERB and has since reversed that decision after receiving full documentation to support my legal right for receipt of CERB and since has deemed that I met the requirements for eligibility for those payments received.

10. It is my assertion that CRA is being unreasonable and punishing me as a small business owner in their decison for seeking repayment of relief that CRA offered during a time of duress, to later, after the fact be arbitrary in their decison to deny on grounds I was never made aware of and answered in all of my applications honestly.

This application will be supported by the following material:

- (a) Pandemic timeline for 2020/2021 Ontario
- (b) Letter dated May 12, 2024 from CRA Re: Second review for my Canada Emergency Response Benefit application.
- (c) Letter dated May 13, 2024 from CRA Re: Second review for my Canada Recovery Benefit application.
- (d) Copy of business card.
- (e) Receipt from Salient Medical Solutions for Radio Frequency Machine.
- (f) Bank draft to Salient Medical Solutions for Radio Frequency Machine.

May 27, 2024

A handwritten signature in black ink, appearing to be 'J. Holly Earl', with a long, sweeping horizontal line extending to the right.

Janine Holly Earl  
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