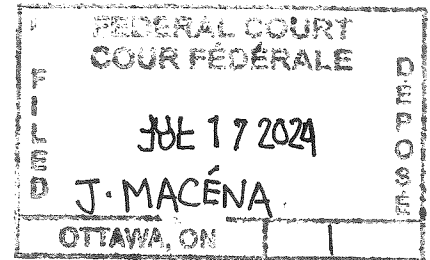


T-1796-24

FORM 301 Rule 301
Notice of Application

FEDERAL COURT



BETWEEN:

Abdul Baseer Hai

(Applicant)

and

CRA

Respondent

Notice of Application

TO THE RESPONDENT: CRA

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

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.

July 17, 2024

Issued by: (Registry Officer)

Address of local office:

Jonathan Macéna
Senior Registry Officer
90 Sparks Street
Ottawa, ON
K1A 0H9

TO: CRA

Validation officer: Suzanne

Address: Sudbury, Ont

Phone: 1 (249) 377-6468

Application

This is an application for a judicial review in respect of

CRA

1. CRA file number C0053363123-001-45
2. Second review letter dated 20 June, 2024, denying my eligibility to receive CERB and CRB payments.
3. Reason cited for the denial was:
 - i. I did not earn at least \$5000 in 2019 or 12 months before the date of the application.
 - ii. Vide CRA decision letter dated June 20, 2024

Second review letter -No adjustment

PDF

Address: ABDUL HAI 776 MONTCREST DR ORLÉANS ON K4A 2M6

Date: Jun 20, 2024

Account Number: XXX XX9 268

Reference Number: C0069832966-001-45 Hello,

Re: Canada Emergency, Recovery, and Lockdown Benefits

We are writing to advise you of our decision regarding your request dated May 24, 2024, for a second review of your Canada Emergency Response Benefit (CERB) application.

We have completed our review and have carefully considered all the information available. We have determined you are not eligible for the Canada Emergency Response Benefit (CERB).

Based on our review, 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 first application.

If you disagree with the result of the second review, you may apply to the Federal Court for a judicial review within 30 days of the date of this letter. For

more information on judicial reviews, go to canada.ca/cra-judicial-review Yours sincerely,

Sixiang Q.

Agent

Canada Emergency Benefits Validation

Screen ID: MA-CC-02

Version: 2024-06-14 2:08:22 p.m. (24.06.0-RELEASE)

The applicant makes application for:

Reversal of the denial decision regarding his eligibility to receive CERB and CRB payments

The grounds for the application are:

Reason cited for the denial is the lack of earning \$5000 during the 12 months preceding the application.

As stated in the CRA website, the \$5000 income can be the gross income, before taxes, deductions and expenses and not only the net income after all these deductions.

This was clearly explained by me to the CRA validation officer who interviewed me. She agreed that if there is a remission letter on this subject, I will not be required to repay the amount. Her decision in the above letter does not reflect that.

My gross income from self employment for 2019 (during a 12 month period before I applied for CERB was \$51,811 as reflected in my tax returns.

(This figure was corroborated by the bank statements, Tax returns and ride share income statements I submitted earlier)

The following medical tests formed the basis of my inability to work during COVID.

Detailed medical reports to be provided later.

Summary of medical tests:

- 29 Jan 2019 LDCT scan for early detection of lung cancer
- Referred to a specialist for further investigation
- 12 March 2019 Pulmonary function test
- 12 March 2019: PET scan for small cell lung cancer.
(Approximately 3.4 x 2.5 x 5.2 cm lesion within the medial aspect of the left upper lobe with maximum SUV of 17.6.)
In the setting of biopsy-proven primary lung cancer the study would be most compatible with T3N2M0 staging (AJCC Cancer Staging Handbook, 8th edition).
- 12 March 2019: MRI brain with contrast
- 15 March Cytology
- 15 March 2019: CT chest without contrast
- 15 March 2019: Needle guided CT biopsy

- 15 March 2019: surgical pathology
- 15 July 2019: X-Ray chest
- 24 Oct 2019: CT chest W/O contrast
- 28 October 2019: 3 visits with lung specialist, Dr Nha Voduc

The applicant requests (CRA) 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: (*Specify the particular material.*)

July 17, 2024

**Abdul Baseer Hai
776 Montcrest Drive
Ottawa, Ont.
K4A-2M6
613-619-1000
baseerhai@gmail.com**

SOR/2021-151, s. 22