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Court File No.

FEDERAL COURT

BETWEEN:

HYOTA FARMS LTD.,

applicant,

- and -

ATTORNEY GENERAL OF CANADA

respondent.

APPLICATION UNDER SECTION 18.1 OF THE *FEDERAL COURTS ACT*

NOTICE OF APPLICATION

**Thompson Dorfman Sweatman LLP
Barristers and Solicitors
1700 – 242 Hargrave Street
Winnipeg MB R3C 0V1**

**(Matter No. 0182005 JDP)
(Jeff D. Pniowsky 204-934-2586)
(Fax. No. 204-934-0531)**

FEDERAL COURT

BETWEEN:

HYOTA FARMS LTD.

applicant,

- and -

ATTORNEY GENERAL OF CANADA

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APPLICATION UNDER SECTION 18.1 OF THE *FEDERAL COURTS ACT*

NOTICE OF APPLICATION

TO THE RESPONDENT:

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

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 City of Winnipeg in the Province of Manitoba.

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 prepare a notice of appearance in Form 305 prescribed by the Federal Courts Rules and serve it on the applicant's solicitor, or where 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.

April , 2024

Issued by _____
(Registry Officer)
Federal Court of Canada
363 Broadway, 4th Floor
Winnipeg, MB R3C 3N9

TO: Attorney General of Canada
c/o Deputy Attorney General (Winnipeg Regional Office)
Department of Justice Canada
601-400 St. Mary Avenue
Winnipeg, MB R3C 4K5

AND TO: Agristability Appeals
PO Box 3200
Winnipeg MB R3C 3R7

APPLICATION

THIS IS AN APPLICATION for Judicial Review in respect of a decision dated March 11, 2024 issued by Agriculture and Agri-Food Canada (“AAFC”) denying the applicant’s application for the 2019 Agristability Program (the “Application”):

1. The applicant makes an application for:
 - (a) an Order that:
 - (i) the decision of AAFC dated March 11, 2024 (the “Decision”) be set aside;
 - (ii) the applicant’s Agristability Program claim for 2019 be allowed in full; and
 - (iii) in the alternative, the applicant’s application be referred back to the AAFC for re-determination;
 - (b) the costs of this application; and
 - (c) such further and other relief as may be required, and this Honourable Court may deem just in the circumstances of this case.
2. The grounds for the application are:

- (a) the *Federal Courts Act*, R.S.C., 1985, c. F-7 ("*Federal Courts Act*"), as amended, and in particular sections 18 and 18.1;
- (b) the *Farm Income Protection Act*, S.C. 1991, c.22;
- (c) AAFC is a federal board, commission or other tribunal pursuant to the *Federal Courts Act*;
- (d) the Decision is a full denial of the applicant's Agristability Program claim for the 2019 claim year filed September 30, 2020;
- (e) At all material times, the applicant was entitled to the claim;
- (f) The applicant says that the Decision was unreasonable and in reaching the Decision, AAFC:
 - (i) Erred in law;
 - (ii) Erred in its findings of fact;
 - (iii) Fettered its discretion;
 - (iv) Relied on guidelines and policies that are contrary to law;

- (v) Considered irrelevant factors and failed to consider relevant factors; and
- (vi) Committed a palpable and overriding error, reviewable by this Court.

3. This application will be supported by the following material:

- (a) The record relating to the Decision (the “Record”);
- (b) Affidavit(s) to be filed; and
- (c) Such further and other documentary evidence as counsel may provide and this Honourable Court may allow.

4. The applicant requests that AAFC send a certified copy of the following material that is not in the possession of the applicant but is in the possession of AAFC to the applicant and to the Registry pursuant to Rule 317 of the *Federal Courts Rules*:

- (a) The Record and all material relevant to this application.

April 10, 2024



Jeff D. Pniowsky

Thompson Dorfman Sweatman
LLP

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