

FEDERAL COURT

BETWEEN

Syed Hassan Sheba Naqvi

Applicant

And

THE MINISTER OF NATIONAL REVENUE

Respondent

**APPLICATION UNDER sections 18 and 18.1 of the Federal
Courts Act**

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 Calgary Alberta.

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.

March 09, 2023

Issued by: Registry office Calgary

Address of local office: 635 8

Ave SW, Calgary, AB T2P 4H5

TO: Attorney General of Canada

C/o Department of Justice Canada

Prairie Regional Office - Edmonton
Department of Justice Canada
10423 101 Street
3rd Floor, EPCOR Tower
Edmonton, Alberta
T5H 0E7

Telephone: 780-495-2983

Fax: 780-495-2964

Email: AGC_PGC_ALBERTA@JUSTICE.GC.CA

APPLICATION

This is an application for judicial review pursuant to sections 18 and 18.1 of the Federal Courts Act, R.S.C., 1985, c. F-7 in respect of a decision of the Canada Emergency Benefits Validation of Canada Revenue Agency ("CRA/CEBV" Canada Emergency Benefits Validation

Under Reference number: C0053147416-001-45) served a decision of denial on behalf of the Minister of National Revenue communicated to the Applicant by letter dated March 05, 2023.

In the Decision, the CRA/CEBV:

1. Found that the Applicant was ineligible for the Canada Emergency Response Benefit (CERB) pursuant to the Canada Emergency Response Benefit Act.
2. The decision was made and communicated on March 05, 2023, that denied Syed Hassan Sheba Naqvi's CERB benefits pursuant to the finding of ineligibility.

The Applicant makes an application for:

- a. that the decision of E. Thistle Manager Canada Emergency Benefits Validation should be set aside by the Court under an order of certiorari;
- b. the review issue should be referred by the Court back to the Canada Revenue Agency to be re-determined by an impartial Canada Revenue Agent to decide whether the applicant should be granted relief by way of a remission order in accordance with such directions as the Court sees fit; and
- c. an Order for costs; and
- d. such other Order as this Honorable Court deems appropriate and just in the circumstances

The grounds for the application are:

In making the Decision, the Minister, through the CRA/CEBV

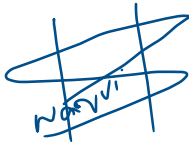
- a) Ms. E. Thistle unreasonably exercised the discretion of the Minister and relied on erroneous findings of fact made in a perverse and capricious manner and/or without regard for the material before her;
- b) Ms. E. Thistle failed to understand the essence of CERB and ignored the submission which was categorically mentioned in the review which was also supported by documents especially the conclusion letter of Employment Standard dated March 13, 2020 was an evident that the applicant earned required amount but unfortunately not issued by the employer of the time.
- c). Ms. E. Thistle failed to observe the principles of natural justice, procedural fairness or other procedure that she was required by law to observe which constitutes a reviewable error but she rendered a decision that is not within the range of acceptable or defensible outcomes on the facts and the law; and
- d) breached her duty of procedural fairness to the Applicant, including by failing to consider the material before her, failing to provide direction as to the material required for consideration, failing to ask for clarification, failing to provide reasons for decisions in a transparent manner, failing to provide a transparent process for application and request for reconsideration, failing to exercise her discretion impartially, and failing to consider the Applicant's request without undue delay.

This application will be supported by the following material:

1. The Affidavit of Syed Hassan Sheba Naqvi
2. 2. Such other material as this Honorable Court may permit.

REQUEST FOR MATERIAL PURSUANT TO RULE 317

The Applicant requests that the Respondent provide certified copies of every document in the possession of the CRA that was relied upon by the CRA (including its current or former officers, employees or agents) in making the Decision or that otherwise relates to the Decision, including but not limited to directives, guidelines, memoranda, briefing notes, file coding screens, working papers, working notes, diary entries, notes of telephone conversations, correspondence (including internal correspondence and email), reports, and any other documents (including documents in electronic form) prepared by or for, or addressed to, any current or former officer, employee or agent of the CRA.



Syed Hassan Sheba Naqvi
230 Covepark Way NE
Calgary Alberta T3K 5T6 Canada
Email: syedhsnaqvi@gmail.com Cell: 587-216-4786

Dated: March 09, 2023