

Rosanna Montoute

Between

THE ATTORNEY GENERAL OF CANADA

Respondent

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 **30 McGill St., Montreal, Quebec H2Y 3Z7**

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.

Date:

Issued by: (*Registry Officer*)

Address of local office:

30 McGill St

Montreal, QC H2Y 3Z7

(514) 283-4820

(514) 283-6004

TO:

ATTORNEY GENERAL OF CANADA

Department of Justice Canada

Guy-Favreau Complex

200 blvd. René-Lévesque West

East Tower, 12th floor

Montréal, QC H2Z 1X4

Application

This is an application for judicial review in respect of

Canada Revenue Agency

Requesting a Judicial Review regarding a denial of COVID-19 Relief Benefits rendered on January 26th, 2024, by E. Thistle, Manager, Canada Emergency Benefits Validation. Reference Number: C0062432726-001-45

The applicant makes application for: **Judicial Review/Reconsideration**

The grounds for the application are: **Improper/Incomplete administrative review regarding COVID-19 Relief Benefits. I am appealing Canada Revenue Agency's decision based on their argument that I earned \$1000 during the CERB period, therefore I did not qualify to receive CERB.**

This application will be supported by the following material:

- **T4 Slip** Air Canada (Employment Income: January 1st, 2020 – March 31st, 2020)
- **Record of Employment** Air Canada (ROE) W83282872 shortage of work due to COVID-19
- **Educational Bursary Program (June 2020 – September 2020) Timeline**
 - Bursary Program – Step 1: Application
 - Bursary Program – Step 2: Interview
 - Bursary Program – Step 3: Acceptance into Educational Program
 - Bursary Program – Step 4: The Prospectus
 - Bursary Program – Step 5: Confirmation of Acceptance into Educational Program
 - Bursary Program – Step 6:
 - Bursary Program – Step 6A:
 - Bursary Program – Step 7: Conditions of Educational Program
 - Bursary Program – Step 8: Employment Confirmation Letter
- **T4 Slip** (Employment Income: September 2020 – December 31st, 2020): CIUSSS Centre-Ouest
- **Letter of Confirmation of Employment** (2020)
 - Centre intégré universitaire de santé et de services sociaux du Centre-Ouest-de-l'Île-de-Montréal (CIUSSS du Centre-Ouest-de-l'Île-de-Montréal)
 - Québec Ministère de la Santé et des Services Sociaux (MSSS)
- **T4A Slip (CIUSSS)** Québec Ministère de la Santé et des Services Sociaux (MSSS) *in collaboration with* Centre intégré universitaire de santé et de services sociaux du

Centre-Ouest-de-l'Île-de-Montréal (CIUSSS du Centre-Ouest-de-l'Île-de-Montréal)
Bursary 2020

- **Bank Statements**
 - April 2020
 - May 2020
 - June 2020
 - July 2020
 - August 2020
 - September 2020

The grounds for the application are as follows:

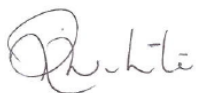
To the best of my knowledge and recollection, there was a tremendous amount of chaos and confusion around our Employer's Air Canada COVID-19 benefits program and CERB. To the best of my knowledge and recollection, there was a lot of different negotiations and proposals regarding layoffs and benefits going back and forth between Air Canada and the Union. To the best of my knowledge and recollection, Air Canada and the Union came to a final agreement where we were offered two options:

- A. Accept the Air Canada's COVID-19 Benefits Program (Air Canada opted out of the program after three months)
- B. Accept the Government's Benefits Program (CERB)

At the time, neither Air Canada nor the Union informed us in writing or otherwise of any restrictions or qualifying criteria including salary and hours worked restrictions to accept either one of the proposed benefits. We had to accept one of the benefits as a condition for being placed on the recall lists. As mentioned earlier, to the best of my knowledge and recollection, there were no other qualifying conditions to enrol in either one of the benefits options offered to us because of being officially terminated due to COVID-19.

Additionally, CRA did not factor any of the following when making their decision to declare that I was not qualified to receive the CERB.

- ***Did not specify the 4-weeks period(s) under consideration as referenced by Canada Revenue Agency for the purpose of CERB program, in order to request pertinent information from employers.***
- *Did not take into consideration that I was a student during part of the period(s) in question, which is not considered Full-Time nor Part-Time employment.*



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[SOR/2021-151, s. 22](#)