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F I L E D	FEDERAL COURT OF APPEAL COUR D'APPEL FÉDÉRALE March 15, 2024 15 mars 2024 Samantha Chojnacki
File No.	
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FEDERAL COURT OF APPEAL

BETWEEN:

EDWARD DEMCHYNSKI,

Appellant,

- and -

HIS MAJESTY THE KING,

Respondent.

NOTICE OF APPEAL

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File No.

FEDERAL COURT OF APPEAL

BETWEEN:

EDWARD DEMCHYNSKI,

Appellant,

- and -

HIS MAJESTY THE KING,

Respondent.

NOTICE OF APPEAL

TO THE RESPONDENT:

A LEGAL PROCEEDING HAS BEEN COMMENCED by the Appellant. The relief claimed by the Appellant appears on the following page.

THIS APPEAL will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court directs otherwise, the place of hearing will be requested by the Appellant. The Appellant requests that this appeal be heard at Winnipeg, Manitoba.

IF YOU WISH TO OPPOSE THIS APPEAL, to receive notice of any step in the appeal or to be served with any documents in the appeal, you or a solicitor acting for you must prepare a Notice of Appearance in Form 341A prescribed by the *Federal Courts Rules* and serve it on the Appellant's solicitor, or where the Appellant is self-represented, on the Appellant, WITHIN 10 DAYS, after being served with this Notice of Appeal.

IF YOU INTEND TO SEEK A DIFFERENT DISPOSITION of the order appealed from, you must serve and file a Notice of Cross-Appeal in Form 341B prescribed by the *Federal Courts Rules*, instead of serving and filing a Notice of Appearance.

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 (613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPEAL, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Date: _____

Issued by: _____
(Registry Office)

Address of Local Office:
Federal Court of Appeal
400-363 Broadway
Winnipeg, MB R3C 3N9

TO: Federal Court of Appeal

AND TO: Department of Justice Canada
Prairie Regional Office (Winnipeg)
National Litigation Sector
601-400 St. Mary Avenue
Winnipeg, MB R3C 4K5

Per: David Silver

Telephone: (431) 489-8690
Facsimile: (204) 983-3636

APPEAL

THE APPELLANT APPEALS to the Federal Court of Appeal from the Judgment of Justice D'Arcy of the Tax Court of Canada dated February 14th, 2024 in Tax Court of Canada File No. 2016-2036(IT)G (the "Judgment").

THE APPELLANT ASKS that the Appellant's appeal from the Judgment be allowed with costs.

THE GROUNDS OF THE APPEAL are as follows:

1. The trial judge erred in:
 - (a) Failing to allow the appeal;
 - (b) Failing to give appropriate weight or any weight to unchallenged and uncontradicted evidence favourable to the Appellant's case;
 - (c) Giving weight to wholly irrelevant facts;
 - (d) Failing to allow the Appellant to conduct a meaningful cross-examination including:
 - (i) advocating in favour of the Respondent's position during cross-examination; and
 - (ii) interrupting the Appellant's cross-examination while providing answers favourable to the Respondent's case or otherwise helping the Respondent's witness answer questions in cross-examination;
 - (e) Pre-judging the Respondent's witness to be credible; and
 - (f) Failing to consider the Appellant's lifestyle and absence of indicia of wealth commensurate with the alleged unreported income.

THE APPELLANT PROPOSES that this Appeal be heard at Winnipeg, in the Province of Manitoba.

March 15, 2024

Per:



For: Jeff D. Pniowsky
Thompson Dorfman Sweatman LLP

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