

**FORM 301 Rule 301
Notice of Application**

BETWEEN

TORY O'FARRELL

Applicant

-and-

THE MINISTER OF NATIONAL REVENUE

Notice of Application

(Application pursuant to ss. 18(1) and s. 44 of the Federal Courts Act,
R.S.C. 1985, c.F – 7, as amended)

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 *Federal courthouse in Vancouver, B.C. 701 W. Georgia St.*

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.

August 27, 2025

Issued by: *(Registry Officer)*

TO: The Respondent

Minister of National Revenue
The Honourable François-Philippe Champagne, P.C., M.P.
Minister of National Revenue
7th floor
555 Mackenzie Avenue
Ottawa ON
K1A 0L5

Application

This is an application for judicial review in respect of the Notice of Redetermination for COVID-19 Benefits (the “**Decision**”) made by the Minister of National Revenue (the “**Minister**”) to the Applicant (Tory O’Farrell) on August 21, 2025. The Decision requires the Applicant to repay \$5,732.15 of Canada Emergency Response Benefit (“**CERB**”) to the Respondent. The Decision stated that the Applicant is not eligible for the CERB for the period of March 15, 2020 to July 4, 2020. The Decision was first communicated to the Applicant on August 21, 2025.

Judicial review is sought in this matter to ensure fairness and accountability in public decision making.

The applicant makes this application for:

1. Directing the Minister to allow the Applicant’s CERB claims
2. Awarding costs of this application

The grounds for the application are:

1. Error of Law: the Minister erred in law by misinterpreting the eligibility requirements under section 6 of the *Canada Emergency Response Benefit Act*, SC 2020, c 5, s 8. The interpretation applied was inconsistent with the wording, context, and purpose of the statute.
2. Unreasonableness: the decision was unreasonable within the meaning of *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65. The outcome was not justified, transparent, or intelligible, particularly in failing to reconcile the Applicant’s evidence of income with the statutory requirements.
3. Procedural Fairness: the Applicant was not provided with sufficient disclosure of the evidence relied upon by the CRA.
4. The Applicant was not given a meaningful opportunity to respond to adverse information before the decision was made.
5. Failure to Consider Relevant Factors: The Minister failed to consider material evidence including loss of income illustrated by Record of Employment, T4 slips, T2202 slips, which established the Applicant’s qualifying income for CERB eligibility.
6. Undue weight was placed on irrelevant or incomplete information, leading to an erroneous conclusion.

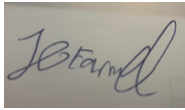
This application will be supported by the following material: affidavit evidence and correspondence exhibit materials.

The applicant requests, further to Rule 317 that the Minister send certified copies of the following materials that are not in the possession of the Applicant but are in the possession of the Canada Revenue Agency to the Applicant and to the Registry:

1. All documents relevant to the Minister’s decision denying the claims on August 21, 2025 including, but not limited to: internal memoranda, internal communication, and processing records.

DATED August 27, 2025

Tory O'Farrell
3406 Kentwood Road
Courtenay, B.C.
778-968-8679
Tory.jade@gmail.com

A handwritten signature in dark ink, appearing to read "Tory O'Farrell", is shown within a rectangular frame.

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