

Federal Court



Cour fédérale

**Date: 20250725**

**Docket: T-66-24**

**Citation: 2025 FC 1327**

**Ottawa, Ontario, July 25, 2025**

**PRESENT: The Honourable Madam Justice Heneghan**

**BETWEEN:**

**AHMAD HOUCHEIMI**

**Applicant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

**REASONS AND JUDGMENT**

**I. INTRODUCTION**

[1] Mr. Ahmad Houcheimi (the “Applicant”) seeks judicial review of four decisions of the Canada Revenue Agency (the “CRA”) made by a manager (the “Manager”) by which he was found ineligible for different benefits that were offered by the Government of Canada during the Covid-19 Pandemic.

[2] Pursuant to Rule 303(2) of the *Federal Courts Rules*, SOR/98-106 (the “Rules”) the Attorney General of Canada is the respondent (the “Respondent”) to this application. The style of cause is hereby amended with immediate effect.

[3] Rule 302 of the Rules provides that an application for judicial review may be made in respect of one decision. However, here the Applicant has filed only one application for judicial review, challenging four separate decisions.

[4] The Respondent does not object to this manner since the decisions were all made on the same date, that is December 8, 2023. The decisions all relate to the same subject matter, that is financial benefits that were made available in 2020 and 2021.

[5] Rule 3 of the Rules provides that proceedings in the Federal Courts be conducted in a way to “secure the just, most expeditious and least expensive” result. Allowing the Applicant to challenge four decisions in one application for judicial review corresponds with that goal.

## II. THE BACKGROUND

[6] The Applicant filed his affidavit, affirmed on February 6, 2024. The Respondent did not file an affidavit. The facts below are taken from the Applicant’s affidavit and the Certified Tribunal Record (the “CTR”). The Applicant and the Respondent addressed the facts in oral submissions.

[7] The Applicant had worked as a taxi driver from 2000 to late 2019. At the times relevant to this application, that is late 2019, he became self-employed performing outdoor work, such as gardening and snow-clearing. He operated on a cash basis. He did not provide invoices for his services or receipts to those who paid him. The cash payments were deposited in his bank account.

[8] At some period, the Applicant earned income from a residential rental property. That income was also deposited in the bank.

[9] The Applicant engaged in the casual outdoor work in 2019. In 2018, he was diagnosed with depression. In 2020, he stopped working due to his fear of contracting Covid-19.

[10] Due to financial pressures, his marriage broke down, and his wife filed for divorce in late 2020.

[11] The Applicant first applied for benefits on March 9, 2020, that is the Canada Emergency Response Benefit (the “CERB”). He applied for the Canada Recovery Benefit (the “CRB”) on October 14, 2020.

[12] On November 23, 2020, the Applicant applied for the Canada Recovery Sickness Benefit (the “CRSB”). On December 30, 2021, he applied for the Canada Worker Lockdown Benefits (the “CWLB”).

[13] By letter dated August 5, 2022, E. Thistle, Manager, Canada Emergency Benefits Validation with the CRA, wrote to the Applicant, advising that his account had been selected for validation. This manager set out the Applicant's receipt of benefits as follows:

- CERB from March 15, 2020 until September 26, 2020;
- CRB from September 27, 2020 until October 23, 2021;
- CRSB from November 20, 2020 until November 21, 2020;
- CWLB from December 19, 2021 to February 19, 2022.

[14] The Applicant was advised that in order to be eligible for the benefits he had to show earned income of at least \$5,000.00 in 2019 or in the 12 months preceding his application for the CERB.

[15] Eligibility for the CRB or CRSB required proof of minimum earnings of \$5,000.00 in 2019, 2020 or in the 12 months preceding the date of applying for those benefits.

[16] Eligibility for the CWLB required proof of minimum earnings of \$5,000.00 in 2020, 2021 or in the 12 months prior to his application for that benefit.

[17] The Applicant was advised that earnings could come from employment income or net self-employment income.

[18] The manager advised as to the type of information that could be submitted, including pay slips if the income was employment income, or invoices and receipts if the income were derived from self-employment income.

[19] The manager also acknowledged receipt of documents provided by the Applicant in response to a letter sent by the CRA, in error, on June 28, 2022.

[20] On July 11, 2022, the Applicant submitted banking documents, that is statements from August 12, 2019 up to December 2020.

[21] In January 25, 2023, the Applicant again provided the documents he had submitted in July 2022 and a personal letter explaining his circumstances.

[22] The CTR contains 4 letters dated March 17, 2023, advising the Applicant that he was found to be ineligible for the Benefits. There is a single letter addressing the CRB and the CRSB, and two letters addressing the CWLB, which appears to be an oversight. The letters advise the Applicant that if unsatisfied by this decision, he could seek a second review which would be conducted by “an officer who was not involved in the first review and decision”.

[23] A second review was conducted between March and December 2023.

[24] According to the entries in the CTR, the Applicant submitted more documents on April 14, 2023, consisting of “transaction history” from October 15, 2018 to May 29, 2020, but these documents did not show a name, address or bank account number. The notes show that the Applicant explained that he presented these documents to show that the cash receipts support his claim to have earned the required income in 2019.

[25] The CTR also includes notes of a telephone conversation with the Applicant on November 27, 2023. The purpose of the telephone call was to validate eligibility.

[26] The employee of the CRA asked the Applicant about his history of self-employment and the tax returns for 2019 and 2020 when self-employment income was reported. He was asked about self-employment in the following years.

[27] According to the notes, the Applicant answered that he did not continue with self-employment work in 2021 and 2022, due to his fears of the Covid-19 pandemic. He completely stopped working.

[28] When asked why he applied for the CERB and the CRB, the Applicant replied for the CERB due to the Covid-19 pandemic. He applied for the CRB, he did not work and stayed at home.

[29] When asked about his application for the CRSB, the Applicant said that maybe he had applied for that benefit by mistake. He also said that his children were at home due to the Covid-19 pandemic. The notes record that the CRA employee said that the children were at home due to school closures and the Applicant acknowledged that observation. He also said that he applied for that benefit because the children were at home and mentioned the lack of self-employment work.

[30] When asked why he applied for the CWLB, the Applicant said he applied due to the lack of employment and the Covid-19 situation.

[31] When asked if he had chosen to “grow” his business or “keep it casual”, the notes show that the Applicant replied that it was “mostly casual” and referred to health issues.

[32] On December 8, 2023, the four decisions were issued by way of letters signed by Tien Bui, Manager, Canada Emergency Benefits Validation. Each decision addressed a specific benefit. Each decision found that the Applicant is ineligible for the benefits.

[33] In the decision respecting the CERB application, the Manager said the following:

Based on our review, you are not eligible. You did not meet the following criteria:

- You did not earn at least \$5,000 (before taxes) of employment and/or self-employment income in 2019 or in the 12 months before the date of your first application.

As you did not meet the eligibility criteria to qualify for CERB, your application has been denied.

[34] In the decision respecting the CRB application, the Manager said the following:

Based on our review, you are not eligible.

You did not meet the following criteria:

- You did not earn at least \$5,000 (before taxes) of employment and/or net self-employment income in 2019, 2020, or in the 12 months before the date of your application.
- You were not working for reasons unrelated to COVID-19.

As you did not meet the eligibility criteria to qualify for CRB, any future CRB applications will be denied unless you can provide proof that you are able to satisfy the eligibility criteria.

[35] In the decision respecting the CRSB application, the Manager said the following:

Based on our review, you are not eligible.

You did not meet the following criteria:

- You did not earn at least \$5,000 (before taxes) of employment and/or net self-employment income in 2019, 2020, 2021, or in the 12 months before the date of your first application.
- Your scheduled work week was not reduced by at least 50% because you were self-isolating for reasons related to COVID-19.

As you did not meet the eligibility criteria to qualify for CRSB, any future CRSB applications will be denied unless you can provide proof that you are able to satisfy the eligibility criteria.

[36] In the decision respecting the CWLB application, the Manager said the following:

Based on our review(s), you are not eligible.

You did not meet the following criteria:

- You did not earn at least \$5,000 (before taxes) of employment and/or net self-employment income in 2020, 2021, or in the 12 months before the date of your first application.
- You were not working for reasons considered to be unreasonable or unrelated to a Covid-19 lockdown.
- The region where you live, work, or provide a service was not designated as a Covid-19 lockdown region.

As you did not meet the eligibility criteria to qualify for CWLB, any future CWLB applications will be denied unless you can provide proof that you are able to satisfy the eligibility criteria.



[37] All the decision letters included notice to the Applicant that if dissatisfied with the decisions, he could seek judicial review before the Federal Court.

### III. SUBMISSIONS

[38] The Applicant now argues that the bank statements he submitted were not considered, that his income was derived from casual work for which he did not have documentation, and that the Decisions are fundamentally unfair and discriminatory.

[39] The Respondent submits that the Manager who made the Decisions considered the evidence submitted, in light of the statutory requirements and reasonably concluded that the Applicant had failed to show that he had earned \$5,000 within the relevant time periods.

### IV. DISCUSSION AND DISPOSITION

[40] Any issue of procedural fairness is reviewable on the standard of correctness; see the decision in *Canada (Citizenship and Immigration) v Khosa*, [2009] 1 S.C.R. 339.

[41] Following the decision of the Supreme Court of Canada in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019] 4 S.C.R. 653, the merits of the decision are reviewable on the standard of reasonableness.

[42] In considering reasonableness, the Court is to ask if the decision under review "bears the hallmarks of reasonableness — justification, transparency and intelligibility — and whether it is

justified in relation to the relevant factual and legal constraints that bear on that decision"; see *Vavilov*, *supra* at paragraph 99.

[43] This application for judicial review concerns four applications made by the Applicant for benefits that the Government of Canada made available during the Covid-19 pandemic. The benefits are subject to different statutes.

[44] The CRB benefit is governed by the *Canada Recovery Benefit Act*, S.C. 2020, c. 12, s. 2 (the "CRB Act"). This legislation allowed for a benefit within the period beginning on September 27, 2020 and ending on October 23, 2021, when certain conditions were met.

Paragraph 3(1)(d) is relevant and provides as follows:

3 (1) A person is eligible for a Canada recovery benefit for any two-week period falling within the period beginning on September 27, 2020 and ending on October 23, 2021 if

(d) in the case of an application made under section 4 in respect of a two-week period beginning in 2020, they had, for 2019 or in the 12-month period preceding the day on which they make the application, a total income of at least \$5,000 from the following sources:

(i) employment,

(ii) self-employment,

(iii) benefits paid to the person under any of subsections 22(1), 23(1), 152.04(1) and 152.05(1) of the Employment Insurance Act,

3 (1) Est admissible à la prestation canadienne de relance économique, à l'égard de toute période de deux semaines comprise dans la période commençant le 27 septembre 2020 et se terminant le 23 octobre 2021, la personne qui remplit les conditions suivantes:

d) dans le cas d'une demande présentée en vertu de l'article 4 à l'égard d'une période de deux semaines qui débute en 2020, ses revenus provenant des sources ciaprès, pour l'année 2019 ou au cours des douze mois précédant la date à laquelle elle présente sa demande, s'élevaient à au moins cinq mille dollars:

(i) un emploi,

(ii) un travail qu'elle exécute pour son compte,

(iii) des prestations qui lui sont payées au titre de l'un des paragraphes 22(1), 23(1),

(iv) allowances, money or other benefits paid to the person under a provincial plan because of pregnancy or in respect of the care by the person of one or more of their new-born children or one or more children placed with them for the purpose of adoption, and

(v) any other source of income that is prescribed by regulation;

152.04(1) et 152.05(1) de la Loi sur l'assurance-emploi,

(iv) des allocations, prestations ou autres sommes qui lui sont payées, en vertu d'un régime provincial, en cas de grossesse ou de soins à donner par elle à son ou ses nouveau-nés ou à un ou plusieurs enfants placés chez elle en vue de leur adoption,

(v) une autre source de revenu prévue par règlement;

[45] The CRB Act also governs the CRSB benefit. Paragraph 10(1)(d) is relevant and provides as follows:

10 (1) A person is eligible for a Canada recovery sickness benefit for any week falling within the period beginning on September 27, 2020 and ending on May 7, 2022 if

(d) in the case of an application made under section 11 in respect of a week beginning in 2020, they had, for 2019 or in the 12-month period preceding the day on which they make the application, a total income of at least \$5,000 from the following sources:

(i) employment,

(ii) self-employment,

(iii) benefits paid to the person under any of subsections 22(1), 23(1), 152.04(1) and 152.05(1) of the Employment Insurance Act,

(iv) allowances, money or other benefits paid to the person under a provincial plan because of pregnancy or in respect of the care by the person of one or more of their new-born children or one or more children

10 (1) Est admissible à la prestation canadienne de maladie pour la relance économique, à l'égard de toute semaine comprise dans la période commençant le 27 septembre 2020 et se terminant le 7 mai 2022, la personne qui remplit les conditions suivantes:

d) dans le cas d'une demande présentée en vertu de l'article 11 à l'égard d'une semaine qui débute en 2020, ses revenus provenant des sources ci-après, pour l'année 2019 ou au cours des douze mois précédant la date à laquelle elle présente sa demande, s'élevaient à au moins cinq mille dollars:

(i) un emploi,

(ii) un travail qu'elle exécute pour son compte,

(iii) des prestations qui lui sont payées au titre de l'un des paragraphes 22(1), 23(1), 152.04(1) et 152.05(1) de la Loi sur l'assurance-emploi,

(iv) des allocations, prestations ou autres sommes qui lui sont payées, en vertu d'un

placed with them for the purpose of adoption, and

(v) any other source of income that is prescribed by regulation;

régime provincial, en cas de grossesse ou de soins à donner par elle à son ou ses nouveau-nés ou à un ou plusieurs enfants placés chez elle en vue de leur adoption,

(v) une autre source de revenu prévue par règlement;

[46] The *Canada Emergency Response Benefit Act*, S.C. 2020, c. 5, s. 8 (the “CERB Act”) governs the CERB benefit. Section 2 and subsections 5(1) and (2) are relevant and provide as follow:

2 The following definitions apply in this Act.

...

**worker** means a person who is at least 15 years of age, who is resident in Canada and who, for 2019 or in the 12- month period preceding the day on which they make an application under section 5, has a total income of at least \$5,000 — or, if another amount is fixed by regulation, of at least that amount — from the following sources:

(a) employment;

(b) self-employment;

(c) benefits paid to the person under any of subsections 22(1), 23(1), 152.04(1) and 152.05(1) of the *Employment Insurance Act*; and

(d) allowances, money or other benefits paid to the person under a provincial plan because of pregnancy or in respect of the care by the person of one or more of their new-born children or one or more children placed with them for the purpose of adoption.

(travailleur)

2 Les définitions qui suivent s’appliquent à la présente loi.

...

**travailleur** Personne âgée d’au moins quinze ans qui réside au Canada et dont les revenus — pour l’année 2019 ou au cours des douze mois précédant la date à laquelle elle présente une demande en vertu de l’article 5 — provenant des sources ci-après s’élèvent à au moins cinq mille dollars ou, si un autre montant est fixé par règlement, ce montant : a) un emploi; b) un travail qu’elle exécute pour son compte; c) des prestations qui lui sont payées au titre de l’un des paragraphes 22(1), 23(1), 152.04(1) et 152.05(1) de la *Loi sur l’assurance-emploi*; d) des allocations, prestations ou autres sommes qui lui sont payées, en vertu d’un régime provincial, en cas de grossesse ou de soins à donner par elle à son ou ses nouveau-nés ou à un ou plusieurs enfants placés chez elle en vue de leur adoption. (worker)

5 (1) Tout travailleur peut, selon les modalités — notamment de forme — fixées par le ministre, demander une allocation de soutien du revenu pour toute période de quatre semaines comprise dans la période

5 (1) A worker may, in the form and manner established by the Minister, apply for an income support payment for any four-week period falling within the period beginning on March 15, 2020 and ending on October 3, 2020.

(2) No worker is permitted to file an application after December 2, 2020.

commençant le 15 mars 2020 et se terminant le 3 octobre 2020.

(2) Aucune demande ne peut être présentée après le 2 décembre 2020.

[47] The *Canada Worker Lockdown Benefit Act*, S.C. 2021, c. 26, s. 5 (the “CWLBA Act”)

governs the CWLBA benefit. Paragraph 4(1)(d) of this Act is relevant and provides as follows:

4 (1) A person is eligible for a lockdown benefit for any week that falls within the period beginning on October 24, 2021 and ending on May 7, 2022 and within a benefit period if

(d) in the case of an application made in respect of a week beginning in 2021, they had, for 2020 or in the 12-month period preceding the day on which they make the application, a total income of at least \$5,000 from the following sources:

(i) employment,

(ii) self-employment,

(iii) benefits to which they were entitled under the Canada Emergency Response Benefit Act or the Canada Recovery Benefits Act that were paid to them,

(iv) benefits, as defined in subsection 2(1) of the Employment Insurance Act, paid to them under that Act,

(v) allowances, money or other benefits paid to them under a provincial plan because of pregnancy or in respect of the care by them of one or more of their newborn children or

4 (1) Est admissible à la prestation de confinement, à l'égard de toute semaine comprise, à la fois, dans la période commençant le 24 octobre 2021 et se terminant le 7 mai 2022 et dans une période de prestations, la personne qui remplit les conditions suivantes :

d) dans le cas d'une demande présentée à l'égard d'une semaine qui débute en 2021, ses revenus provenant des sources ci-après, pour l'année 2020 ou au cours des douze mois précédant la date à laquelle elle présente sa demande, s'élevaient à au moins cinq mille dollars :

(i) un emploi,

(ii) un travail qu'elle exécute pour son compte,

(iii) des prestations auxquelles elle a droit qui lui sont payées au titre de la Loi sur la prestation canadienne d'urgence ou de la Loi sur les prestations canadiennes de relance économique,

(iv) des prestations, au sens du paragraphe 2(1) de la Loi sur l'assurance-emploi, qui lui sont payées au titre de cette loi,

one or more children placed with them for the purpose of adoption, and

(vi) any other source of income that is prescribed by regulation;

(v) des allocations, des prestations ou d'autres sommes qui lui sont payées, en vertu d'un régime provincial, en cas de grossesse ou de soins à donner par elle à son ou ses nouveau-nés ou à un ou plusieurs enfants placés chez elle en vue de leur adoption,

(vi) toute autre source de revenu prévue par règlement;

[48] According to the notes recorded in the CTR, the Manager reviewed all the information and documents provided by the Applicant in support of his eligibility for the benefits. The CTR includes notes taken during telephone conversations with the Applicant.

[49] The CTR was provided to the Applicant, since it was included in the Respondent's responding record upon this application for judicial review. The Applicant did not challenge any of the notes made by CRA employees, as recorded in the CTR.

[50] The assessment of eligibility for the benefits is a "fact-driven" exercise, within the limits of the relevant legislation. That means a person seeking to show eligibility for the benefits must produce evidence to "back up" the claimed earnings.

[51] Each benefit received by the Applicant is subject to the CRB Act, the CERB Act and the CWLB Act, as mentioned above.

[52] In this case, the Applicant was engaged in intermittent outdoor labour. In the winter, he cleared driveways and sidewalks of snow in residential areas. In the summer, he did gardening

work, “clean up” work, and general labour. He performed this kind of work in 2019 and 2020; he did not work at all in 2021 and 2022 due to health issues and fear of Covid-19.

[53] The Applicant did not issue invoices for his work, he did not issue receipts for payments made.

[54] This, in addition to the bank statements provided by the Applicant, was the evidence before the Manager.

[55] The question is whether the Manager reasonably concluded that the Applicant was not eligible for the benefits.

[56] In my opinion, considering the contents of the CTR, the conclusion of the Manager is reasonable, within the test set out in *Vavilov, supra*. It meets the requirements of “justification, transparency and intelligibility” in relation to the evidence provided by the Applicant.

[57] In his written submissions, the Applicant alleged bias on the part of the CRA. In the oral hearing of his application for judicial review, he withdrew this allegation and said that he may not have understood the meaning of this allegation.

[58] It is not necessary for me to say anything more about that allegation, which is an aspect of procedural fairness.

[59] No other ground of procedural fairness was raised by the Applicant.

[60] The CTR includes the instructions given to employees of the CRA in validating eligibility for the benefits.

[61] There is nothing in the CTR to suggest that any breach of procedural fairness occurred in the assessment of the Applicant's eligibility.

[62] The Applicant was advised about the nature and kind of information and documents he should provide to support his eligibility.

[63] The heart of procedural fairness is that a person know the "case to be met".

[64] I am satisfied that here, the Applicant was informed about the kind of material he should provide. He was aware to the "case" he had to meet.

[65] Although there were different time periods for some of the benefits, the Applicant did not satisfy the Manager that he had met the income requirements for any of the four benefits. He did not show that he met the income requirements either from employment income or net self-employment income.



[66] In the result, the Applicant has not shown a reviewable error on the part of the Manager. He has not shown a breach of procedural fairness. There is no basis for the Court to intervene and the application for judicial review will be dismissed.

[67] In his written argument, the Respondent asked that this application for judicial review be dismissed with costs. At the hearing, the Respondent withdrew the request for costs.

[68] In the result, the application for judicial review will be dismissed, without costs.

**JUDGMENT in T-66-24**

**THIS COURT's JUDGMENT is that** the application for judicial review is dismissed,  
without costs.

“E. Heneghan”

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** T-66-24

**STYLE OF CAUSE:** AHMAD HOUCHEIMI v. ATTORNEY GENERAL OF CANADA

**PLACE OF HEARING:** EDMONTON, ALBERTA

**DATE OF HEARING:** FEBRUARY 12, 2025

**REASONS AND JUDGMENT:** HENEGHAN J.

**DATED:** JULY 25, 2025

**APPEARANCES:**

Ahmad Houcheimi	SELF-REPRESENTED
Levi Smith	FOR THE DEFENDANT

**SOLICITORS OF RECORD:**

Attorney General of Canada Edmonton, Alberta	FOR THE DEFENDANT
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