

Federal Court



Cour fédérale

Date: 20250918

Docket: T-621-25

Citation: 2025 FC 1535

Ottawa, Ontario, September 18, 2025

PRESENT: The Honourable Madam Justice Saint-Fleur

BETWEEN:

SALJOK JAVED

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant, Mr. Saljok Javed [Applicant], seeks judicial review of a Canada Revenue Agency [CRA] officer's decisions [Decisions] dated January 27, 2025, which found him ineligible for the Canada Emergency Response Benefit [CERB] and the Canada Recovery Sickness Benefit [CRSB] [Benefits].

[2] For the reasons that follow, this application for judicial review is dismissed without costs.

II. Background Facts

[3] The CRA is responsible for administering the Benefits. The Benefits were issued in intervals, based on applications made for each “application period”, as defined in the *Canada Emergency Response Benefit Act*, SC 2020, c 5, s 8 [CERB Act] and the *Canada Recovery Benefits Act*, SC 2020, c 12, s 2 [CRB Act].

[4] The Applicant applied for and received the CERB for seven four-week periods from March 15 to September 26, 2020. He applied for and received the CRSB for two two-week periods from October 11 to 24, 2020.

A. *First Review*

[5] On February 24, 2023, the CRA informed the Applicant it was conducting a review of his CERB and CRSB eligibility. As part of its review, the CRA asked the Applicant to provide proof of at least \$5,000 in income in 2019, 2020, or the 12-month period preceding his original applications to support his eligibility for the Benefits. The CRA officer conducting the first review of the Applicant’s eligibility [First Reviewer] attempted to contact the Applicant by phone several times but could not reach him and left a message.

[6] On March 7, 2023, the Applicant responded to this request. He provided the First Reviewer with his bank statements and his taxi owner license from 2020. The Applicant also provided a letter stating he had become self-employed in the beginning of 2019 working as a taxi

driver for the taxi dispatcher Vet's Taxi. He indicated he could not find his 2019 taxi owner license but instead attached his 2020 taxi owner license. The Applicant attached bank statements from January 1, 2019, to December 31, 2019, and indicated, aside from the bank deposit with the transaction description of "payroll", these deposits were from his employment income as a Taxi driver. The Applicant explained the sum of these deposits should confirm that his gross self-employment income was greater than \$5,000 in 2019 and that he could attest to his net self-employment income being greater than \$5,000 in 2019 as well.

[7] The officer's notes confirm receipt of these documents but observe the bank statements "show[] 'deposit' amounts. No indication who the deposits were from."

[8] In decisions made on June 2, 2023, and communicated by official letters dated June 7, 2023, the CRA concluded that the Applicant was ineligible for the Benefits. The Applicant had not qualified for the CERB as he "did not earn at least \$5,000 (before taxes) of employment or self-employment income in 2019 or in the 12 months before the date of your first application." Similarly, the Applicant was not eligible for the CRSB as he "did not earn at least \$5,000 (before taxes) of employment or net self-employment income in 2019, 2020, 2021, or in the 12 months before the date of your first application."

B. *Second Review*

[9] On June 5, 2023, the Applicant submitted a letter requesting a second review of his eligibility.

[10] The CRA officer conducting the second review of the Applicant's eligibility [Second Reviewer] spoke to the Applicant by phone on April 8, 2024. During this conversation, the Applicant informed the Second Reviewer he worked as a taxi driver in 2019 and claimed it as other income and did not know whether he was working in 2020. The Applicant explained he drove another taxi driver's vehicle who would receive the payments and would pay the Applicant in cash. The Applicant confirmed these cash payments were reflected as deposits to his account. The Applicant also stated he only had bank statements and did not have receipts or invoices he could send to the CRA.

[11] The Second Reviewer informed the Applicant that "without further documentation to prove he made \$5000 before he applied... he would not be eligible for CERB/CRSB."

[12] On April 10, 2024, the CRA informed the Applicant he was not eligible for the Benefits for the same reasons as above [Second Review Decisions].

C. *Third Review*

[13] On May 6, 2024, the Applicant applied to this Court for judicial review of the Second Review Decisions. The Respondent offered to settle, and the matter was returned to the CRA for another review by a different decision-maker [Third Reviewer].

[14] The Third Reviewer spoke to the Applicant on October 10, 2024. During this call, the Applicant explained to the Third Reviewer how COVID-19 had affected his employment by reducing the number of customers. The Applicant also explained he claimed \$7,248 as his net self-employment income in his 2019 tax return and that he did not claim an income in 2020

because it was a loss and he didn't earn a profit. The Applicant provided copies of cancelled cheques from 2020 to prove his employment status. With respect to the CRSB, he was not sure if he was working, but he had respiratory issues and a doctor's note stating he shouldn't be working.

III. Decision Under Review

[15] The Decisions under review are dated January 27, 2025. The Third Reviewer states:

We have determined you are not eligible for the Canada Emergency Response Benefit (CERB). You are not eligible for the following reason(s):

- 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 application.

We have determined you are not eligible for the Canada Recovery Sickness Benefit (CRSB). You are not eligible for the following reason(s):

- 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 application.

- Your scheduled work week was not reduced by at least 50% because you were self-isolating for reasons related to COVID-19.

- You were not employed or self-employed on the day before your first application period

[16] The Third Reviewer's notes, which form a part of the Decisions, summarize the

Applicant's information and evidence. In particular, the Third Reviewer noted:

- Vet's taxi paid the other taxi driver who would cash the cheque and pay the Applicant, meaning he "was not directly paid by [his] employer in 2019";

- The Applicant provided a summary list of income deposits totalling \$23,137.45, but “not all of the income was from eligible income sources”;
- GST/HST cheques, which were submitted by the Applicant, are not considered employment income. A 2018 tax refund cheque was also not considered employment income;
- The Applicant provided a summary and copies of 2020 cheques from Vet’s taxi between January and March 2020 totalling \$1,370.42, but did not claim income in 2020;
- The Applicant provided bank statements showing cash deposits but “did not submit documents such as business logs showing proof they keep track of hours and payments, pay stubs, receipts, an Employment verification letter that includes salary, or a contact of employment that confirms that the cash deposits were from employment income”;
- Tax returns and Notices of Assessment are self-reported and not conclusive proof of actual earnings from eligible sources.

[17] As a result, the Third Reviewer found they could not confirm the Applicant’s income between June 4, 2019, and June 4, 2020.

[18] With respect to the CRSB, the Third Reviewer found the Applicant “was not employed or self-employed on the day before their first application period 2020-10-11” and notes the following:

BR[']s scheduled work week was not reduced by at least 50% because they were self-isolating for reasons related to COVID-19. BR did not claim income in 2020. During the phone conversation with agent BR states that they weren[']t sure if they were working or not as they have respiratory issues. BR states that they have a doctor[']s note however they did not submit the document. Cannot confirm that BR was self isolating due to covid 19.

IV. Issues and Standard of Review

[19] The issues in this application are as follows:

1. Was the Applicant denied procedural fairness?
2. Was the Third Reviewer's decision unreasonable?

[20] With respect to the first issue, the procedural fairness arguments are to be reviewed on a standard of correctness or akin to correctness (*Canadian Pacific Railway Company v Canada (Transportation Agency)*, 2021 FCA 69 at paras 46-47; *Schofer v Attorney General of Canada*, 2025 FC 50 at para 15; see also *Canadian Association of Refugee Lawyers v Canada (Immigration, Refugees and Citizenship)*, 2020 FCA 196 at para 35), for which “the ultimate question remains whether the applicant knew the case to meet and had a full and fair chance to respond” (*Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at para 56 [*Canadian Pacific*, 2018]).

[21] With respect to the second issue, the merits of an administrative decision, are to be reviewed on the presumptive standard of reasonableness. No exceptions to that presumption have been raised nor apply (see *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 23, 25 [*Vavilov*]).

[22] A reasonable decision is “based on an internally coherent and rational chain of analysis” and is “justified in relation to the facts and law that constrain the decision maker” (*Vavilov* at para 85; *Canada Post Corp v Canadian Union of Postal Workers*, 2019 SCC 67 at paras 2, 31). A decision will be reasonable if when read as a whole and taking into account the administrative setting, it bears the hallmarks of justification, transparency, and intelligibility (*Vavilov* at paras 91-95, 99-100).

V. Relevant Dispositions

[23] Sections 2 and subsection 6(1) of the CERB Act govern eligibility for the CERB.

[24] Subsection 6(1) states:

Eligibility

6 (1) A worker is eligible for an income support payment if

(a) the worker, whether employed or self-employed, ceases working for reasons related to COVID-19 for at least 14 consecutive days within the four-week period in respect of which they apply for the payment; and

(b) they do not receive, in respect of the consecutive days on which they have ceased working,

(i) subject to the regulations, income from employment or self-employment,

(ii) *benefits*, as defined in subsection 2(1) of the *Employment Insurance Act*, or an employment insurance emergency response benefit referred to in section 153.7 of that Act,

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

Admissibilité

6 (1) Est admissible à l'allocation de soutien du revenu le travailleur qui remplit les conditions suivantes :

a) il cesse d'exercer son emploi — ou d'exécuter un travail pour son compte — pour des raisons liées à la COVID-19 pendant au moins quatorze jours consécutifs compris dans la période de quatre semaines pour laquelle il demande l'allocation;

b) il ne reçoit pas, pour les jours consécutifs pendant lesquels il cesse d'exercer son emploi ou d'exécuter un travail pour son compte :

(i) sous réserve des règlements, de revenus provenant d'un emploi ou d'un travail qu'il exécute pour son compte,

(ii) de *prestations*, au sens du paragraphe 2(1) de la *Loi sur l'assurance-emploi*, ou la prestation d'assurance-emploi d'urgence visée à l'article 153.7 de cette loi,

(iii) d'allocations, de 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 lui à son ou ses nouveau-nés ou à un ou plusieurs enfants placés chez lui

more children placed with them for the purpose of adoption, or	en vue de leur adoption,
(iv) any other income that is prescribed by regulation.	(iv) tout autre revenu prévu par règlement.

[25] Section 2 defines “worker” as:

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:	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) employment,	a) un emploi,
(b) self-employment,	b) un travail qu’elle exécute pour son compte,
(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	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) 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)	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)

[26] Section 10 of the CRB Act governs eligibility for the CRSB. Most relevant to the case at bar are the following provisions:

Eligibility

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 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,

...

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

...

(f) they have as an employee been unable to work for at least 50% of the time they would have otherwise worked in the week, or they have as a self-

Admissibilité

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 4 à l'égard d'une période de deux semaines 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,

...

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

...

f) au cours de la semaine visée, elle a été incapable d'exercer son emploi pendant au moins cinquante pour cent du temps durant lequel elle aurait par

employed person reduced the time devoted to their work by at least 50% of the time they would have otherwise worked in the week, because

ailleurs travaillé — ou a réduit d’au moins cinquante pour cent le temps qu’elle aurait par ailleurs consacré au travail qu’elle exécute pour son compte — pour l’une ou l’autre des raisons suivantes :

(i) they contracted or might have contracted COVID-19,

(i) elle a contracté la COVID-19 ou pourrait avoir contracté la COVID-19;

(ii) they have underlying conditions, are undergoing treatments or have contracted other sicknesses that, in the opinion of a medical practitioner, nurse practitioner, person in authority, government or public health authority, would make them more susceptible to COVID-19, or

(ii) elle a des affections sous-jacentes, suit des traitements ou a contracté d’autres maladies qui, de l’avis d’un médecin, d’un infirmier praticien, d’une personne en situation d’autorité, d’un gouvernement ou d’un organisme de santé publique, la rendraient plus vulnérable à la COVID-19,

(iii) they isolated themselves on the advice of their employer, a medical practitioner, nurse practitioner, person in authority, government or public health authority for reasons related to COVID-19;

(iii) elle s’est mise en isolement sur l’avis de son employeur, d’un médecin, d’un infirmier praticien, d’une personne en situation d’autorité, d’un gouvernement ou d’un organisme de santé publique pour des raisons liées à la COVID-19;

[27] Persons who receive benefits to which they are not entitled are also required to repay these payment amounts to the Minister (CERB Act, s 12; CRB Act, s 28(1)).

VI. Submissions and Analysis

A. *Procedural Fairness*

[28] The Applicant argues he was denied procedural fairness because the Third Reviewer did not ask him for any specific information during their conversation on October 10, 2024, nor did

they share any concerns with the information and documentation already in their possession.

According to the Applicant, the Third Reviewer did not ask for proof he was employed in the beginning of 2020 when COVID-19 began.

[29] The Applicant further submits the Decisions were not procedurally fair because the Third Reviewer changed the scope of the review, requiring that the Applicant's scheduled work week was reduced by at least 50% and that he be "employed or self-employed on the day before your first application period." According to the Applicant, the Third Reviewer did not inform him about this change in scope and therefore he did not know the case to meet or have a full and fair opportunity to respond.

[30] According to the Respondent, the Decisions were decided in a procedurally fair manner consistent with the principles of natural justice. In particular, the Respondent argues the Third Reviewer spoke with the Applicant and informed him of their concerns. The Applicant was given an opportunity to provide further documentation, but only submitted cancelled cheques. These cheques are insufficient to demonstrate the Applicant was employed in 2020 when COVID-19 began or that he was self-isolating due to COVID-19.

[31] The Respondent further argues the Third Reviewer was responsible for considering all eligibility criteria.

[32] I agree with the Respondent that there was no breach of procedural fairness. It is the Applicant's responsibility to establish, on the balance of probabilities, they met the eligibility criteria for the Benefits and to submit sufficient evidence (*Ntuer v Canada (Attorney General)*),

2022 FC 1596 at para 26; *Walker v Canada (Attorney General)*, 2022 FC 381 at para 55; *Lalonde v Canada (Revenue Agency)*, 2023 FC 41 at para 75; *Payette v Canada (Attorney General)*, 2023 FC 131 at para 35).

[33] This Court has held the CRA’s procedural fairness obligations in the context of COVID-19 benefit eligibility determinations are at the low end of the spectrum (*Komleva v Canada (Attorney General)*, 2024 FC 1562 at para 29, citing *Moncada v Canada (Attorney General)*, 2024 FC 117 at para 32; *Cozak v Canada (Attorney General)*, 2023 FC 1571 at para 17; and *Ramanathan v Canada (Attorney General)*, 2023 FC 1029 at para 46. However, as outlined above, “the ultimate question remains whether the applicant knew the case to meet and had a full and fair chance to respond” (*Canadian Pacific*, 2018 at para 56).

[34] During the third review of the Applicant’s eligibility for CERB and CRSB , the Third Reviewer was required to review all the statutory criteria for these benefits. As the Court has held, all of the eligibility criteria in subsection 3(1) of the CRB Act must be met and the Third Reviewer was responsible for considering all of them, even if the initial refusal was based only on the minimum income threshold. (*Lussier v Canada (Attorney General)*, 2022 FC 935 at para 24, cited in *Sun v Canada (Attorney General)*, 2023 FC 1225 at para 43.)

[35] The Applicant was informed of the CRA’s concerns during the Third Review of his eligibility to receive CERB and CRSB benefits. Indeed, during the phone conversation with the Third Reviewer on October 10, 2024, the Applicant was asked whether he was self-isolating due to COVID-19. During the same call, the Applicant indicated he wasn’t sure if he was working in 2020 because he had respiratory issues and had a doctor’s note stating he should not be working.

The Applicant says he answered this question earnestly as he believed it was irrelevant because it was unrelated to the whether he met the income requirement.

[36] Furthermore, during a conversation with the Second Reviewer, the Applicant made the same comments, specifically indicating he did not know if he was working in 2020. The Applicant was aware this was an issue with respect to his eligibility and had the opportunity to respond or submit documentation.

[37] The heart of procedural fairness is that a person knows the “case to be met”. I am satisfied here that the Applicant was aware of the case he had to meet. Accordingly, I find he has not demonstrated any denial of procedural fairness.

B. *Reasonableness*

[38] I agree with the Respondent the Decisions were reasonable. The \$5,000 income requirement is a non-discretionary requirement for eligibility for both CERB and CRSB (*Flock v Canada (Attorney General)*, 2022 FC 305 at para 23). Without proof before them that the Applicant made \$5,000 of income in the relevant time periods, it was reasonable for the Third Reviewer to find the Applicant ineligible for the Benefits.

[39] It is the Applicant’s argument the Decisions are unreasonable because the Third Reviewer failed to properly consider all of the information and documentation that was in their possession. The Applicant states, since there are no invoices, receipts, or documentation in the taxi business, it was unreasonable to expect that Vet’s Taxi could provide him with an employment letter or proof of salary. According to the Applicant, the Third Reviewer relied on

the absence of certain documentation to conclude the Applicant did not meet the \$5,000 income requirement. I disagree.

[40] Contrary the Applicant's assertion, the absence of certain documents was not the reason for the Third Reviewer's Decisions. Simply, the Third Reviewer found the evidence submitted by the Applicant was not sufficient to demonstrate he met the \$5,000 income requirements for the Benefits. The record indicates the Third Reviewer reviewed the Applicant's evidence carefully and found he had not established he met the minimum income requirements.

[41] The Third Reviewer referred to the documents provided by the Applicant, including his 2019 taxi owner license signed by the Saint John Transit Commission, as well as 2019 bank statements outlining cash deposits, cheques from Vet's Taxi, and cancelled cheques from 2020 issued from the Government of Canada. However, the evidence did not indicate the source of the deposits. It was reasonable for the Third Reviewer to find the evidence not to be conclusive proof that the amounts reported were from eligible sources.

[42] Furthermore, the Third Reviewer explained having reviewed the documents submitted the Applicant for the first, second and third reviews. I find the Third Reviewer meaningfully engaged with the Applicant's evidence.

[43] In this case, simply, the Third Review Officer found the evidence does not demonstrate the Applicant has earned at least \$5,000 of employment or self-employment income in the qualifying periods to receive CERB and CRSB benefits. The \$5,000 income requirement, which the Applicant discussed with the Third Reviewer during the October 10, 2024, conversation, was

one of the criteria the Applicant had to satisfy for both types of benefits. It is not the Court's role to reweigh and re-assess the evidence on judicial review (*Vavilov* at para 125).

[44] Turning to the Applicant's argument that the Third Reviewer Officer was not aware he was engaged in a cash-based business, how to properly review a cash-based business, and did not understand the nature of his employment or the taxi business. I reject this assertion. The Third Reviewer's notes clearly show awareness to the fact the Applicant was engaged in the taxi industry and his declarations that he was paid in cash.

[45] The Applicant has not pointed to any serious shortcomings or met his burden to demonstrate how the Decisions at issue are unreasonable.

VII. Conclusion

[46] This application for judicial review is dismissed because the Applicant has not demonstrated that the Decisions under review were unreasonable or that there was a breach of procedural fairness.

VIII. Costs

[47] Both parties request costs. With regards to the issue of costs, the Court has full discretionary power over the amount and allocation of costs per Rule 400 of the *Federal Courts Rules*, SOR/98-106. As a general principle, the successful party is entitled to its costs (*Cozak v Canada (Attorney General)*, 2023 FC 1571 at para 30).

[48] In the case at bar, the Applicant is a self-represented litigant who appears to have brought this application simply for a consideration of his circumstances by the Court. In my view, this is not an appropriate case for costs.

JUDGMENT in T-621-25

THIS COURT'S JUDGMENT is that:

1. This application for judicial review is dismissed, without costs.

"L. Saint-Fleur"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-621-25

STYLE OF CAUSE: SALJOK JAVED v ATTORNEY GENERAL OF CANADA

PLACE OF HEARING: VIDEOCONFERENCE

DATE OF HEARING: AUGUST 12, 2025

JUDGMENT AND REASONS: SAINT-FLEUR J.

DATED: SEPTEMBER 18, 2025

APPEARANCES:

Saljok Javed

FOR THE APPLICANT
(ON HIS OWN BEHALF)

Maeve Baird

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FOR THE RESPONDENT