

Federal Court



Cour fédérale

**Date: 20230224**

**Docket: T-1347-22**

**Citation: 2023 FC 272**

**Vancouver, British Columbia, February 24, 2023**

**PRESENT: THE CHIEF JUSTICE**

**BETWEEN:**

**SHAWN PHILIP JOSEPH MEEHAN**

**Applicant**

**and**

**THE ATTORNEY GENERAL OF CANADA**

**Respondent**

**JUDGMENT**

**UPON** considering this application for judicial review of a Second Review decision of a Canada Review Agency (“**CRA**”) officer (the “**Officer**”), dated June 7, 2022 (the “**Decision**”), in which the Applicant, Mr. Meehan, was found to be (i) ineligible for periods 1 to 4 of his claim for the Canada Recovery Benefit (“**CRB**”); and (ii) eligible for periods 5 to 7 of that claim;

**AND UPON** considering the written materials filed by Mr. Meehan and the Respondent in this proceeding;

**AND UPON** hearing the oral submissions of the parties on February 15, 2023;

**AND UPON** considering that the Respondent conceded that the Decision is unreasonable, and should be sent back for redetermination, due to an error by the Officer in applying the timing requirements under subsection 3(1)(d) of the *Canada Recovery Benefits Act* (the “**CRBA**”), which focus on the date of the application and not the start date of the CRB periods;

**AND UPON** considering that the Respondent also conceded that the Applicant is eligible for at least periods 3 and 4 of the benefit;

**AND UPON** considering that the Officer’s justification in relation to periods 1 and 2 – that the amounts on the invoices that Mr. Meehan provided did not show up on Mr. Meehan’s personal bank statements – is unreasonable because those invoices were made in the name of his small business;

**AND UPON** considering that Mr. Meehan wished to proceed with this application, despite the Respondent’s concessions, because he believed that it was within this Court’s jurisdiction to confirm his eligibility for all CRB benefits and Canada Emergency Response Benefits between the end of the above mentioned period 7, in early 2021, and October 2021;

**AND UPON** considering that Court’s jurisdiction on this application is limited to the decision in respect of which the application was made, namely the Decision relating to Mr. Meehan’s eligibility for periods 1 to 7, as mentioned above;

**AND UPON** considering that Mr. Meehan made two subsequent requests for the CRB benefit in January 2021, which were unsuccessful for reasons that may have been tainted by the same error that contributed to the rejection of his previous requests;

**AND UPON** considering that the Respondent represented that (i) its practice is to permit applicants for CRB benefits to provide additional information in support of a redetermination request, and (ii) Mr. Meehan would be afforded that same opportunity in respect of periods 1-4 and the two unsuccessful requests that he made in January 2021;

**AND UPON** considering that Mr. Meehan stopped making requests later in January 2021, because he believed that his requests would continue to be denied;

**AND UPON** considering that Mr. Meehan may now be ineligible under section s. 18(2) of the CRBA legislation to apply for the benefits that he was denied and any subsequent benefits between January 2021 and October 2021 because more than 60 days have passed since the end of the week of the periods to which the benefits relate;

**AND UPON** considering that the Decision offered Mr. Meehan the opportunity to provide “proof that [he is] able to satisfy the eligibility criteria”, despite the fact that the Decision was dated June 7, 2022, i.e., well after the above-mentioned 60 day period;

**AND UPON** considering that Mr. Meehan may well have been successful in applying for and recovering approximately \$1,800 (after deductions) per month for the approximately 10 month period between January 2021 and October 2021, had the Officer not erred in making the Decision that is the subject of this review;

**AND UPON** considerably sympathizing with Mr. Meehan’s situation and the financial, emotional, and family strain resulting from the Officer’s error;

**AND UPON** considering the significant adversity with which Mr. Meehan had to cope as a result of (i) the Officer's error, and (ii) Mr. Meehan's belief that he would not be successful in making claims for the abovementioned period in 2021;

**AND UPON** considering that the extraordinary facts of this case render it appropriate to encourage the CRA to fully explore what it may be able to do to address the aforementioned consequences of the Officer's error;

**AND UPON** considering that it would be in the interests of judicial economy for the undersigned to become seized of any further application(s) that may be made by Mr. Meehan to this Court;

**THIS COURT ADJUDGES that:**

1. This application is granted in part. The Decision will be remitted for redetermination by another decision-maker of the CRA.
2. There will be no order as to costs.

**"Paul S. Crampton"**  
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Chief Justice