

Federal Court of Appeal



Cour d'appel fédérale

Date: 20250224

Docket: A-334-23

Citation: 2025 FCA 44

**CORAM: STRATAS J.A.
MONAGHAN J.A.
GOYETTE J.A.**

BETWEEN:

JING YOU

Appellant

and

ATTORNEY GENERAL OF CANADA

Respondent

Heard at Toronto, Ontario, on February 24, 2025.

Judgment delivered from the Bench at Toronto, Ontario, on February 24, 2025.

REASONS FOR JUDGMENT OF THE COURT BY:

STRATAS J.A.

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(Delivered from the Bench at Toronto, Ontario, on February 24, 2025).

STRATAS J.A.

[1] Ms. You appeals from the judgment of the Federal Court: 2023 FC 1433 (*per* Elliott J.). The Federal Court dismissed three applications brought by Ms. You for judicial review of three decisions of the Canada Revenue Agency. The Agency decided that Ms. You did not qualify for

three benefits: the Canada Emergency Response Benefit, the Canada Recovery Benefit and the Canada Worker Lockdown Benefit.

[2] Although the Federal Court’s judgment dismisses all three applications for judicial review, its reasons address only one of them: the application concerning the Agency denying Ms. You the Canada Recovery Benefit. The reasons do not deal with Ms. You’s applications for the Canada Emergency Response Benefit and the Canada Worker Lockdown Benefit.

[3] When the Federal Court does not offer reasons in support of an order or judgment, this Court considers the matter *de novo* or re-does it from scratch: *Plante v. Canada (Correctional Services)*, 2005 FCA 120 at para. 2; *Canada (Attorney General) v. Larkman*, 2012 FCA 204 at para. 60; *Mathias v. Canada*, 2017 FCA 19. In appeals from applications for judicial review, this Court does that anyway: *Agraira v. Canada (Public Safety and Emergency Preparedness)*, 2013 SCC 36, [2013] 2 S.C.R. 559 at paras. 45-46.

[4] Here, it is appropriate to consider all of the applications together. A single decision-maker, the Agency, decided them at the same time using a common evidentiary record. As well, the Agency’s decisions all turned on a common issue, whether the appellant met the minimum income requirement for each benefit: section 2 of the *Canada Emergency Response Benefit Act*, S.C. 2020 c. 5, s. 8; subparagraph 3(1)(d)(ii) of the *Canada Recovery Benefit Act*, S.C. 2020 c. 12, s. 2 and subparagraph 4(1)(d)(ii) of the *Canada Worker Lockdown Benefit Act*, S.C. 2021, c. 26, s. 5. For each, the minimum income requirement is \$5,000. Finally, for each, the Agency followed certain administrative guidelines, “Confirming CERB, CRB, CRSB, CRCB and CWLB

Eligibility”. Those guidelines set out the types of income an applicant for benefits must show and what types of documents should be relied upon in support. Ms. You does not challenge the guidelines.

[5] The Agency found that Ms. You did not meet the minimum income requirements for all three benefits. By itself, her tax return did not show she met the minimum income requirements. In finding that Ms. You did not meet the minimum income requirements, the Agency found Ms. You’s evidence to be inadequate and insufficient. The Agency did not rely on bank statements and receipts from Ms. You that showed deposits and transfers because there was no indication about where the deposits and transfers came from. Ms. You did not give the Agency any credible documents such as receipts, financial registries and other documents evidencing the receipt of monies from her customers. Nor did she keep track of deposits or sales, the prices she charged her customers, or the amount she spent on products. In refusing to rely on these documents, the Agency was consistent with its guidelines.

[6] When conducting reasonableness review, this Court must defer to an administrative decision-maker’s assessment of the evidence unless an applicant can show a mistake on a key point. We are not persuaded that Ms. You has shown this. When conducting reasonableness review, we do not retry the case by, for example, reweighing and reassessing the evidence. Ms. You invites us to do so but we cannot.

[7] Ms. You challenges how the Agency assessed her benefit applications. She submits that the Agency should have considered her application for the Canada Emergency Response Benefit

before her Canada Recovery Benefit and Canada Worker Lockdown Benefit applications. This is because, according to the Eligibility Guidelines, Canada Emergency Response Benefit monies can be counted as part of the \$5,000 net self-employment income needed to qualify for the Canada Worker Lockdown Benefit. But on the evidence, it would have made no difference whether Ms. You's Canada Emergency Response Benefit application was assessed before the Canada Recovery Benefit or Canada Worker Lockdown Benefit applications. It was reasonable for the Agency to find that she did not qualify for the Canada Emergency Response Benefit based on her net income, which was below \$5,000.

[8] We see no reversible error in the Federal Court's reasons concerning the Agency's decision concerning the Ms. You's eligibility for the Canada Recovery Benefit. The Federal Court's reasoning would largely support the denial of Ms. You's Canada Emergency Response Benefit and Canada Worker Lockdown Benefit applications as well.

[9] Ms. You suggests that the Agency did not ask for more documentation. But we do see evidence in the record that suggests it did. It also invited submissions on why its analysis was wrong. In the end, in the view of the Agency, the requisite evidence was not forthcoming. As well, there is nothing in the evidentiary record that would entitle her to the benefit of certain administrative relief that would allow her to use gross self-employment income.

[10] Ms. You seeks relief under section 15 of the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11. However, there is no evidentiary basis to consider section 15. Further, she has not shown that

the Agency made any discriminatory distinctions. Finally, she has not given notice of the constitutional question to the Attorneys General under section 57 of the *Federal Courts Act*, R.S.C. 1985, c. F-7.

[11] For the foregoing reasons, we will dismiss the appeal. The Attorney General does not seek costs and so none shall be awarded.

“David Stratas”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET:	A-334-23
STYLE OF CAUSE:	JING YOU v. ATTORNEY GENERAL OF CANADA
PLACE OF HEARING:	TORONTO, ONTARIO
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REASONS FOR JUDGMENT OF THE COURT BY:	STRATAS J.A. MONAGHAN J.A. GOYETTE J.A.
DELIVERED FROM THE BENCH BY:	STRATAS J.A.

APPEARANCES:

Jing You	FOR THE APPELLANT (UNREPRESENTED)
Laurent Bartleman Princess Okechukwu	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Shalene Curtis-Micallef Deputy Attorney General of Canada	FOR THE RESPONDENT
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