

APPLICATION FOR JUDICIAL REVIEW OF DECISIONS MADE BY FEDERAL BOARDS, COMMISSIONS OR OTHER TRIBUNALS - Section 18.1 of the *Federal Courts Act*

Proceedings in a court of law can be complicated and as such, if you are a self-represented litigant, you may wish to seek [legal advice](#).

The Federal Court has exclusive jurisdiction to review the legality of actions of most federal offices, boards, commissions and tribunals. On this basis, a significant number of government decisions at the federal level may be challenged in the Federal Court, regarding for example:

application of the Canadian Charter of Human Rights	inmates in federal institutions
federal elections	war veterans
official languages	environmental impact assessment
access to information and or privacy	public works
passports	national defence
First Nations	public service employment
Intellectual property rights	aeronautics and transportation
citizenship, immigration and refugee protection	oceans and fisheries

According to section 18.1 of the [Federal Courts Act](#), anyone directly affected by a decision or an order of a federal board, commission or other tribunal may apply to the Federal Court for judicial review within 30 days after the time the decision or order was first communicated to the applicant. (If more than 30 days have passed since the decision was communicated, a motion for an extension of time to commence a proceeding for judicial review will need to be brought).

There may be other statutory limitation periods within which you must file your application, either longer or shorter than the 30 days period. You should consult the relevant statute to review the time limits for filing your application.

Applications for judicial review are governed by Part 5 of the [Federal Courts Rules](#) (Rules 300 to 319). Other rules may apply according to the specific circumstances of your case. You are responsible for taking all necessary steps within the time limits provided in these rules.

Notice of Application for Judicial Review (Form 301)

The notice of application is usually limited to the review of a single decision and must contain:

- o names of the parties
- o date and details of the decision to be reviewed
- o date on which the decision was first communicated to the applicant
- o name of the tribunal having made the decision
- o description of relief requested
- o grounds to be argued, including relevant sections of the laws or rules
- o list of affidavits and documents in support of application
- o a list of documents requested from the tribunal if these documents are not in the possession of the applicant
- o signature, contact details and address in Canada of the applicant (if self-represented) or those of the lawyer

Additional copies of the notice of application will need to be submitted to the registry for certification (stamping) purposes.

Service of the Notice of Application for Judicial Review

Since a notice of application for judicial review is an originating document, it must be served personally by delivering a certified copy within 10 days of issuance on:

the respondent	the tribunal involved
the Attorney General of Canada	any other person who participated before the tribunal

Personal service on the Attorney General of Canada, the Crown or any of its Ministers of the Notice of Application (**only**) will be performed by the Registry. You will need to supply the Registry with two additional copies of your document for this purpose.

Proof of service must be filed with the Registry within 10 days of service of the notice of application.

Notice of Appearance (form 305)

A respondent who intends to oppose an application for judicial review must serve and file a notice of appearance within 10 days after being served with the notice of application.

A respondent who does not file a notice of appearance shall not be entitled to receive any further document in the proceeding.

Obtaining Documents in the Possession of the Tribunal

A party who would like to obtain documents that are in the possession of the tribunal may include a request for this material in the notice of application or prepare a separate request to be served on the tribunal and the other parties and filed with the registry.

Unless it has any objection, the tribunal will send, within 20 days of service of the request, a certified copy of the material to the registry and to the party having made the request.

Service of Applicant's Affidavits and Supporting Documents

The applicant must serve upon the respondent any affidavit(s) and supporting documents they intend to rely on at the hearing of the judicial review, within 30 days of issuance of the notice of application. Only the proof of service of these documents needs to be filed with the registry at this stage since the affidavits and supporting documents will need to be included in the applicant's record.

Affidavits of the Respondent

The respondent must serve any affidavit(s) and supporting material upon the applicant and file proof of service with the Registry within 30 days after service of the applicant's affidavit(s).

Cross-examinations on Affidavits

A party to an application may cross-examine, out of court, the deponent of an affidavit served by an adverse party. All cross-examinations on affidavits, if any, must be completed by the parties within 20 days from the date of service of the respondent's affidavit(s) or the expiration of the time for doing so.

Applicant's Record

The applicant is required to prepare, serve and file a record within 20 days of completion of all parties' cross-examinations or the expiry of the time to do so. You will need to file 3 copies of the applicant's record with the Registry with proof of service upon the respondent.

Contents of Applicant's Record

It must contain, on consecutively numbered pages and in the following order:

- a table of contents with nature and date of each document
- the notice of application
- the decision to be reviewed including any reasons for the decision
- affidavit(s) and supporting documents
- transcript of cross-examination(s) on affidavit, if any
- material that has been certified by the tribunal
- portions of any transcript of oral evidence before the tribunal
- a description of any physical exhibits to be used at the hearing
- a memorandum of fact and law (not exceeding 30 pages)

Respondent's Record

The respondent record must be filed and served within 20 days from the date of service of the applicant's record

Contents of Respondent's Record

It must contain, on consecutively numbered pages and in the following order:

- a table of contents with nature and date of each document
- affidavit(s) and supporting documents
- transcript of cross-examination(s) on affidavit, if any
- material that has been certified by the tribunal and not contained in applicant's record
- portions of any transcript of oral evidence before the tribunal
- a description of any physical exhibits to be used at the hearing
- a memorandum of fact and law (not exceeding 30 pages)

Requisition for Hearing (form 314)

The applicant must serve and file a requisition requesting that a date be set for the hearing of the application within 10 days from the date of service of the Respondent's record or the expiration of the time for doing so. The Court will set the date, time and place for the hearing and the appropriate registry will communicate this information to all parties.

Applicable Filing Fees

application for judicial review

\$50.00

application for extension of time to commence a proceeding (if applicable)	\$20.00
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requisition for hearing	\$50.00
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payment of the filing fee may be made

- by credit card (VISA, MasterCard or American Express)
- in cash or with a debit card
- by personal cheque or money order payable to the Receiver General of Canada