



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *Minister of Employment and Social Development v. N. F.*, 2016 SSTADIS 93

Date: February 29, 2016

File number: AD-15-1167

APPEAL DIVISION

Between:

Minister of Employment and Social Development

Applicant

and

N. F.

Respondent

Decision by: Hazelyn Ross, Member, Appeal Division

DECISION

[1] The Appeal is allowed.

BACKGROUND

[2] On January 11, 2016, the Appeal Division allowed the appeal of the Minister of Employment and Social Development from a decision of the General Division of the Social Security Tribunal of Canada, (the Tribunal). The Appeal Division found that the General Division had erred in law with respect to the deemed date of disability and the effective payment date of a *Canada Pension Plan*, (CPP), disability pension to the Respondent.

[3] After leave to appeal was granted, Counsel for the Respondent filed a Notice of No Submissions in which he indicated that the Respondent was “content for the payment of his disability pension to commence as of November 2010 rather than as of October 2010.”

[4] Subsequently, Counsel for the Appellant filed a similar Notice indicating that, in light of the Respondent’s position, he would make no further submissions regarding this matter.

[5] In light of the leave to Appeal decision as well as the position of the parties, in particular that of the Respondent, the Appeal Division finds that it is appropriate to allow the Appeal.

CONCLUSION

[6] The appeal is allowed in the following terms:

Pursuant to paragraph 42(2)(b) of the *CPP*, the Respondent is deemed to have become disabled as of July 2010. Pursuant to section 69 of the *CPP*, payment of the disability pension commences effective November 2010.

Hazelyn Ross
Member, Appeal Division