



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *B. S. v. Minister of Employment and Social Development*, 2017 SSTADIS 728

Tribunal File Number: AD-17-590

BETWEEN:

B. S.

Applicant

and

Minister of Employment and Social Development

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division

Leave to Appeal Decision by: Nancy Brooks

Date of Decision: December 12, 2017

REASONS AND DECISION

[1] The Applicant made an application for a *Canada Pension Plan* (CPP) disability pension that was date-stamped by the Respondent on January 22, 2014. The Respondent denied the application initially and upon reconsideration.

[2] The Applicant appealed the reconsideration decision to the General Division of the Social Security Tribunal of Canada (Tribunal). In a decision dated May 3, 2016, the General Division dismissed the appeal.

[3] The Applicant filed an application for leave to appeal with the Tribunal's Appeal Division on June 16, 2016. On February 23, 2017, a fellow member of the Appeal Division refused the application for leave to appeal.

[4] The Applicant filed an application for judicial review of the Appeal Division's decision with the Federal Court. On August 15, 2017, the Federal Court issued an order, on consent of both parties, allowing the application for judicial review and directing that the matter be remitted to the Appeal Division with directions that leave to appeal the General Division decision be granted.

[5] In accordance with the Federal Court order, I hereby grant the application for leave to appeal.

[6] Pursuant to s. 58(5) of the *Department of Employment and Social Development Act*, the application for leave to appeal hereby becomes the notice of appeal. Within 45 days after the date of this decision, the parties may (a) file submissions with the Appeal Division; or (b) file a notice with the Appeal Division stating that they have no submissions to file: *Social Security Tribunal Regulations*, s. 42. The Respondent may wish to make submissions regarding Dr. R. Tudhope's report dated April 28, 2016, which was filed after the Respondent's Addendum Submissions were received by the Tribunal on March 22, 2016.

[7] The parties may make submissions regarding the form the hearing of the appeal should take (e.g. teleconference, videoconference, in writing or in person) together with their submissions on the merits of the appeal.

Nancy Brooks
Member, Appeal Division