



Citation: *DL v Canada Employment Insurance Commission*, 2025 SST 692

**Social Security Tribunal of Canada**  
**General Division – Employment Insurance Section**

## **Decision**

**Appellant:** D. L.

**Respondent:** Canada Employment Insurance Commission

---

**Decision under appeal:** Canada Employment Insurance Commission  
reconsideration decision (712891) dated February 21, 2025  
(issued by Service Canada)

---

**Tribunal member:** Ranjit Dhaliwal

**Type of hearing:** Teleconference

**Hearing date:** March 25, 2025

**Hearing participant:** Appellant

**Decision date:** April 22, 2025

**File number:** GE-25-613

## Decision

[1] The appeal is allowed. The Tribunal agrees with the Appellant.

[2] The Appellant has shown that he has worked enough hours to qualify for Employment Insurance (EI) benefits.

## Overview

[3] The Appellant applied for EI benefits, but the Canada Employment Insurance Commission (Commission) decided that the Appellant hadn't worked enough hours to qualify.<sup>1</sup>

[4] I have to decide whether the Appellant has worked enough hours to qualify for EI benefits.

[5] The Commission says that the Appellant doesn't have enough hours because he lives in Southern Manitoba and needs 665 hours but has only 648.

[6] The Appellant disagrees and says that he was living in Northern Ontario when he lost his job, so he only needed 595 hours to qualify, which he had.

## Issue

[7] Has the Appellant worked enough hours to qualify for EI benefits?

## Analysis

### How to qualify for benefits

[8] Not everyone who stops work can receive EI benefits. You have to prove that you qualify for benefits.<sup>2</sup> The Appellant has to prove this on a balance of probabilities.

---

<sup>1</sup> Section 7 of the *Employment Insurance Act* (EI Act) says that the hours worked have to be "hours of insurable employment." In this decision, when I use "hours," I am referring to "hours of insurable employment."

<sup>2</sup> See section 48 of the EI Act.

This means that he has to show that it is more likely than not that he qualifies for benefits.

[9] To qualify, you need to have worked enough hours within a certain timeframe. This timeframe is called the “qualifying period.”<sup>3</sup>

[10] The number of hours depends on the unemployment rate in your region.<sup>4</sup>

### **The Appellant’s region and regional rate of unemployment**

[11] The Commission decided that the Appellant’s region was Southern Manitoba and that the regional rate of unemployment at the time was 6.6%.

[12] This means that the Appellant would need to have worked at least 665 hours in his qualifying period to qualify for EI benefits.<sup>5</sup>

[13] The Appellant disagrees with the Commission’s decision about which region and regional rate of unemployment apply to him. The Appellant says that the Commission is wrong because he was living and working in Northern Ontario, not Manitoba, when he was dismissed from his job.

[14] I agree with the Appellant.

[15] The Appellant started working for the City of Kenora around July 8, 2024. He moved from Manitoba to Kenora to take this job and intended to stay.

[16] When he arrived, he couldn’t find housing because most places were being rented out to vacationers for the summer. The Appellant said he is used to living outdoors as a hobby, so he lived on crown land until he could find a more permanent solution.

---

<sup>3</sup> See section 7 of the EI Act.

<sup>4</sup> See section 7(2)(b) of the EI Act and section 17 of the *Employment Insurance Regulations*.

<sup>5</sup> Section 7 of the EI Act sets out a chart that tells us the minimum number of hours that you need depending on the different regional rates of unemployment.

[17] As winter approached, he explored new housing options. He looked for short-term winter rentals in Kenora and considered commuting from just over the Manitoba border.

[18] The Appellant said he was prepared to commute up to two hours per day to keep the job. He also expected housing availability to improve in the winter when vacationers left.

[19] The Appellant didn't leave Kenora because he didn't want to be there. He stayed as long as he could, under difficult circumstances.

[20] At the time he was dismissed, he was still living in Northern Ontario.

[21] There's no evidence to suggest he had only a temporary intent to stay in Kenora.

[22] The Commission relies on the Appellant's postal code and mailing address, but that doesn't change where he was actually living at the relevant time.

[23] I find that the Appellant ordinarily resided in Northern Ontario at the time his benefit period began.

[24] In past decisions the tribunal took a practical approach of making a decision on the region of the Appellant in cases like this. This means they look at the facts and circumstances on an individual basis and don't rely on legal terms like domicile, meaning someone's fixed legal address.<sup>6</sup> Past decisions have looked at things like:

- a) Where did the appellant live at the material time;<sup>7</sup>
- b) Did the appellant show an intention to stay in one given region over another;<sup>8</sup>
- c) Where did the appellant live the week of the interruption or where did they make the claim for benefits from;<sup>9</sup>

---

<sup>6</sup> See CUB 23442; CUB 46308

<sup>7</sup> See CUB 9074

<sup>8</sup> See CUB 21968; CUB 46001

<sup>9</sup> See CUB 23442; CUB 46308

[25] It's important to note that past decisions didn't focus on if the appellant left the work region after being dismissed or laid off. It ignored someone moving away after an interruption of work as showing a temporary intent on living in the region.<sup>10</sup>

[26] This means that the applicable unemployment rate is for Northern Ontario, and the Appellant needed only 595 hours to qualify under section 7(2) of the Employment Insurance Act.

## **The Appellant's qualifying period**

[27] As noted above, the hours counted are the ones that the Appellant worked during his qualifying period. In general, the qualifying period is the 52 weeks before your benefit period would start.<sup>11</sup>

[28] Your **benefit period** isn't the same thing as your **qualifying period**. It's a different timeframe. Your benefit period is the time when you can receive EI benefits.

[29] The Commission decided that the Appellant's qualifying period was the usual 52 weeks. It determined that the Appellant's qualifying period went from October 22, 2023, to October 19, 2024.

[30] The Appellant agrees with the Commission's decision about his qualifying period.

[31] There is no evidence that makes me doubt the Commission's decision. So, I accept as fact that the Appellant's qualifying period is from October 22, 2023, to October 19, 2024.

## **The hours the Appellant worked**

### **– The Appellant agrees with the Commission**

[32] The Commission decided that the Appellant had worked 648 hours during his qualifying period.

---

<sup>10</sup> See CUB 21968

<sup>11</sup> See section 8 of the EI Act.

[33] The Appellant doesn't dispute this, and there is no evidence that makes me doubt it. So, I accept it as fact.

[34] The Appellant initially believed he had worked 664 hours, but he accepted the Commission's lower number because he didn't have records to prove otherwise.

[35] The Commission itself admitted the documents they received from the employer were unclear, but even their own calculation confirms the Appellant had 648 hours.

[36] Since the Appellant only needed 595 hours to qualify in the Northern Ontario region, and he had at least 648 hours, this requirement is clearly met.

**So, has the Appellant worked enough hours to qualify for EI benefits?**

[37] I find that the Appellant has proven that he has enough hours to qualify for benefits because he needs 595 hours, and has worked 648 hours,

**Conclusion**

[38] The Appellant has enough hours to qualify for benefits.

[39] This means that the appeal is allowed.

Ranjit Dhaliwal

Member, General Division – Employment Insurance Section