



Citation: *Minister of Employment and Social Development v AG*, 2023 SST 1418

Social Security Tribunal of Canada Appeal Division

Decision

Appellant: Minister of Employment and Social Development

Respondent: A. G.

Decision under appeal: General Division decision dated August 28, 2023
(GP-23-434)

Tribunal member: Kate Sellar

Type of hearing: In Writing

Decision date: **October 27, 2023**

File number: AD-23-942

Decision

[1] I'm allowing the appeal. The Claimant is eligible for a partial Old Age Security (OAS) pension of 17/40. Payments start February 2020. These are the reasons for my decision.

Background

[2] A. G. (Claimant) was born in the Soviet Union. She is a Canadian citizen and has lived in several countries throughout her life, including Canada, the United States, and the United Kingdom. She has resided outside Canada since June 2008. In 2019, she turned sixty-five years of age.

[3] In January 2021, the Claimant applied for an *Old Age Security* (OAS) pension. The Minister refused the Claimant's application initially and on reconsideration. The Minister found that the Claimant didn't meet the 20-year residency requirement for payment of the OAS pension abroad.

[4] The Claimant appealed to this Tribunal. The General Division concluded that the Respondent had residence in Canada of 20 years and 8 days. She was entitled to a partial OAS pension of 17/40 with payments starting February 2021 (the month after her January 2021 application).

[5] I gave the Minister permission to appeal, finding that it was arguable that the General Division made an error of law about when the payments for the partial pension should start.

The parties agree on the outcome of the appeal

[6] The parties have asked for a decision based on an agreement they reached during a settlement conference on October 27, 2023.

[7] The parties agree on the following:

- The Appeal Division should allow the Minister's appeal. The parties do not want or need a hearing at the Appeal Division.

- The Claimant is eligible for a partial OAS pension of 17/40. According to section 8(2) of the OAS Act, the Claimant gets one year of retroactive benefits because she was over 65 years of age when the Minister received her application in January 2021. Therefore, payments start February 2020.

I accept the parties' agreement

[8] I accept the parties' agreement in full.

[9] I'm satisfied that the Claimant is eligible for a partial pension in the amount of 17/40. The correct payment start date is February 2020 because the Claimant was over 65 years of age when she applied in January 2021.

Conclusion

[10] I allow the appeal. The Claimant is eligible for a partial OAS pension in the amount of 17/40. Payments start February 2020.

Kate Sellar
Member, Appeal Division