



Citation: *FF v Minister of Employment and Social Development*, 2025 SST 41

## **Social Security Tribunal of Canada Appeal Division**

# **Decision**

**Appellant:** F. F.

**Respondent:** Minister of Employment and Social Development  
**Representative:** Viola Herbert

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**Decision under appeal:** General Division decision dated November 25, 2024  
(GP-24-494)

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**Tribunal member:** Kate Sellar

**Type of hearing:**

**Decision date:** January 20, 2025

**File number:** AD-24-856

## Decision

[1] I'm granting leave to appeal and I'm allowing the appeal. The Claimant is entitled to an Old Age Security (OAS) partial pension in the amount of 28/40ths. These are the reasons for my decision.

## Overview

[2] The Claimant, F. F., was born in Egypt in 1946. He emigrated to Canada. In 1983, began contributing to the Canada Pension Plan. In June 2011, he applied for an OAS pension. In his application, he included the fact that he had served as a missionary from June 1999 until March 2008.

[3] As of December 2011, the month after he turned 65, the Minister approved the Claimant's OAS application at the rate of 16/40ths, based on his 16 years in Canada.

[4] The Claimant appealed to this Tribunal. At the General Division, the Claimant testified that in addition to his time in Canada, he spent eight years as a missionary from June 14, 1999 to March 31, 2008. From 1999 to 2005, he worked for a non-profit in Cyprus. From 2005 to 2008, he was working in Egypt but being paid by the same people as when he was living in Cyprus. From June 1, 2008 to January 31, 2011, he worked for another evangelical ministers' organization in Egypt. He didn't originally claim the 2008 to 2011 period in his OAS application because he didn't think the Minister would accept it.

[5] The General Division allowed the appeal. The General Division found that the Claimant was entitled to an increase in his OAS pension because he was a missionary in Cyprus and in Egypt from 1999 to 2008.

[6] The Claimant appealed to the Appeal Division, arguing that the General Division should have also found that his missionary work from 2008 to 2011 qualified him for an additional increase in his OAS pension.

## **The parties agree on the outcome of the appeal**

[7] The parties have asked for a decision based on an agreement they reached during a settlement conference on January 20, 2025.<sup>1</sup>

[8] The parties agree on the following:

- The parties do not want or need a hearing at the Appeal Division.
- The Appeal Division should grant the Claimant's application for permission to appeal. The Claimant raised an arguable case that the General Division made an error of jurisdiction by failing to decide whether the Claimant was a resident of Canada for the purpose of the OAS pension when he was working as a missionary in Egypt from 2008 to 2011.
- The Appeal Division should allow the Claimant's appeal. The Claimant proved that he was a resident of Canada for the purpose of the OAS pension from August 2008 to February 2011 when he was working as a missionary with a religious group or organization within the meaning of section 21(4) and 21(5)(b)(vi) of the OAS Regulations.
- The Claimant is entitled to a partial OAS pension in the amount of 28/40ths.
- The parties understand and agree that the Claimant receives both the OAS and the Guaranteed Income Supplement (GIS), and that the combined gross monthly amount of these benefits will not change as a result of this decision. However, the proportion of the Claimant's income from OAS will increase, and the proportion of his income from GIS will decrease. As a result, Claimant will pay more tax because OAS is taxable, and GIS is not taxable. However, the OAS is portable (i.e. can be paid when the Claimant isn't residing in Canada), and the GIS is not.

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<sup>1</sup> See section 39(2) of the *Social Security Tribunal Rules of Procedure*.

## **I accept the proposed outcome**

[9] I accept the agreement.

- **I'm giving the Claimant permission to appeal because there's an arguable case for an error of jurisdiction by the General Division.**

[10] In my view, it's arguable that the General Division made an error of jurisdiction by failing to decide whether the Claimant's residence in Canada was interrupted while he was working as a missionary in Egypt from 2008 to 2011.

[11] The arguable case requirement is easy to meet. It may be that the General Division should have considered all of the Claimant's missionary work in order to reach a decision that accurately reflects the correct calculation of the Claimant's residency in Canada for entitlement to the OAS.

- **Missionary work doesn't interrupt Canadian residency**

[12] OAS payments are based on years of residence in Canada. A person is resident in Canada if they make their home and ordinarily live in any part of Canada.<sup>2</sup> When a Canadian resident is absent from Canada because they're working as a missionary with any religious group or organization, their residence in Canada isn't interrupted by that absence.<sup>3</sup>

[13] I'm satisfied that the Claimant's residence in Canada wasn't interrupted by his time working as a missionary from 2008 to 2011. Accordingly, he was a resident of Canada from August 2008 to February 2011. Therefore, the amount of his partial OAS pension should be further revised to 28/40ths.

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<sup>2</sup> See section 21(1) of the OAS Regulations.

<sup>3</sup> See section 21 and section 21(5)(b)(vi) of the OAS Regulations.

## **Conclusion**

[14] I granted the application for permission to appeal. I allowed the appeal. The Claimant is entitled to a partial OAS pension in the amount of 28/40ths.

Kate Sellar  
Member, Appeal Division