



Citation: *BM v Minister of Employment and Social Development*, 2026 SST 52

Social Security Tribunal of Canada General Division – Income Security Section

Decision

Appellant: B. M.

Respondent: Minister of Employment and Social Development

Decision under appeal: Minister of Employment and Social Development
reconsideration decision dated November 4, 2024 (issued
by Service Canada)

Tribunal member: James Beaton

Type of hearing: In writing

Decision date: January 26, 2026

File number: GP-25-26

Decision

[1] The appeal is dismissed.

[2] The Appellant, B. M., isn't eligible for an Old Age Security (OAS) pension. This decision explains why I am dismissing the appeal.

Background

[3] To be eligible for an OAS pension, you must prove that you resided in Canada for at least 10 years after you turn 18.¹

[4] Canada has social security agreements with other countries that can sometimes help a person qualify for an OAS pension if they don't have enough years of residence in Canada. The agreements do this by treating a person's years of residence in another country as years of residence in Canada.

[5] Canada has an agreement with Italy called the *Agreement on Social Security between the Government of Canada and the Government of the Italian Republic* (Agreement).² As I will explain later, the Agreement is important to this appeal.

The Appellant's OAS application

[6] The Appellant was born in Iran on March 23, 1953. Since then, he has spent time in Italy (as a student) and Canada. He first entered Canada on July 19, 2012, as a permanent resident. He is now a Canadian citizen.³

[7] On September 13, 2023, the Appellant applied for an OAS pension.⁴

¹ See section 3(2) of the *Old Age Security Act* (OAS Act) and *De Carolis v Canada (Attorney General)*, 2013 FC 366.

² The Agreement is available here: <https://www.treaty-accord.gc.ca/text-texte.aspx?lcid=1033&id=102213&t=639047023081190940>. It has been amended, but the amendments aren't relevant to this appeal. The amendments are available here: <https://www.treaty-accord.gc.ca/text-texte.aspx?lcid=1033&id=104969&t=639047023081190940>.

³ See the Appellant's application at GD2-3 to 11.

⁴ See GD2-3 to 11.

[8] On February 16, 2024, the Minister of Employment and Social Development (Minister) refused the Appellant’s application. The Minister’s letter to the Appellant said he had not resided in Canada for at least 10 years, so he wasn’t eligible for an OAS pension. The Minister added: “You wrote on your application that you also lived in Iran. Please note that there is no international agreement on social security between Canada and Iran at this time.”⁵

[9] On March 13, 2024, the Appellant asked the Minister to reconsider. He specifically asked the Minister to “please consider my twelve years [of] residency in Italy from 1972 to 1983. I attached to this form some documents that show my residency in Italy. I lived in Italy from 1972 to 1983 and I was a full-time student.”⁶

[10] On November 4, 2024, the Minister issued its reconsideration decision, again finding that the Appellant hadn’t resided in Canada for at least 10 years. However, the letter didn’t mention Italy at all. Instead, it repeated that “Canada presently does not have an Agreement on Social Security with Iran, which include[s] benefit provisions.”⁷

What happened at the Tribunal

[11] On January 6, 2025, the Appellant appealed the Minister’s decision to the Social Security Tribunal’s General Division. He pointed out that the Minister still hadn’t considered his time in Italy.⁸

[12] On January 17, 2025, the Minister told the Tribunal that it had neglected to review the applicability of the Agreement with Italy.⁹ I gave the Minister time to do this.

[13] On January 6, 2026, the Minister filed its submissions with the Tribunal. In its submissions, the Minister argued that the Agreement doesn’t help the Appellant, and he

⁵ See GD2-24.

⁶ See GD2-29 to 32.

⁷ See GD2-49 and 50.

⁸ See GD1-4.

⁹ GD3.

still doesn't have 10 years of residence in Canada. So, he isn't eligible for an OAS pension.¹⁰

[14] At about the same time, the Minister filed a letter from the National Institute for Social Security in Italy stating that it had no social security contributions recorded under the Appellant's name. In addition, it said, "time spent studying at university and obtaining the corresponding degree does not entitle a person to any notional credit unless a specific application for redemption is submitted and the related payment is made."¹¹

[15] The Appellant asked for a hearing in writing.¹² So, on January 8, 2026, I sent him a letter stating that the Italian authorities had advised that his time in Italy doesn't count toward eligibility for social security benefits under the Agreement. I then explained that, to qualify for an OAS pension without relying on the Agreement, he had to prove he resided in Canada for at least 10 years and that he currently resides in Canada. I explained what it means to reside in Canada and what factors residence is based on. I gave him until February 6, 2026, to tell me:

- when he believes that he resided in Canada
- why he chose those dates
- what evidence he has to support that he resided in Canada during that period

[16] I asked him to send that evidence to the Tribunal.¹³

[17] After I sent this letter, the Appellant called his navigator at the Tribunal.¹⁴ He seemed confused about what he was supposed to do. So, I held a case conference with him on January 22, 2026, to explain what I said in my letter. After I did this, he confirmed that he did not want to argue that he resided in Canada for at least 10 years. He understood that the Italian authorities had advised that his time in Italy doesn't count

¹⁰ See GD12.

¹¹ See the original Italian letter and the English translation at GD11.

¹² See GD1-3.

¹³ See my letter at GD13.

¹⁴ See the navigator call log notes from January 14 and 15, 2026.

toward eligibility for benefits (although he didn't understand why). Lastly, he confirmed that he had no more documents to file and that he wanted me to write a decision on the record.¹⁵

Reasons for my decision

[18] The Appellant isn't eligible for an OAS pension.

[19] The Minister found that the Appellant resided in Canada:¹⁶

- from July 19, 2012, to September 14, 2012 (58 days)
- from August 15, 2014, to February 14, 2015 (184 days)
- from March 19, 2017, to April 4, 2017 (17 days)
- since March 25, 2019 (6 years and 308 days as of the date of this decision)

[20] This amounts to 7 years and 202 days.

[21] The Appellant doesn't dispute this calculation and I accept it. This means he could only qualify for an OAS pension by relying on the Agreement. But the Agreement doesn't help him. I will explain why.

[22] The Agreement allows creditable periods in Canada and creditable periods in Italy to be combined and treated as residence in Canada.¹⁷ A creditable period in Italy is "a period deemed to be a period of contributions by the legislation of Italy." The definition of legislation makes it clear that it is referring to Italian legislation.¹⁸ Neither the Minister nor the Tribunal has the authority to make decisions under Italian legislation. We must accept the decision of the Italian authorities, which is that the Appellant has no creditable periods of residence under Italian legislation.

[23] If the Appellant believes that the decision of the Italian authorities is wrong, he has to pursue that directly with the Italian authorities.

¹⁵ See the case conference recording.

¹⁶ See GD2-27.

¹⁷ See article 13 of the Agreement.

¹⁸ See articles 1.1(d) and (g) of the Agreement.

[24] At the case conference, the Appellant told me that he is in financial need. He doesn't know how he can support himself without an OAS pension.

[25] I recognize the Appellant's situation. But I can't allow his appeal because I want to help him in difficult circumstances. I must follow the law.¹⁹

Conclusion

[26] The Appellant isn't eligible for an OAS pension.

[27] This means the appeal is dismissed.

James Beaton
Member, General Division – Income Security Section

¹⁹ See *Miter v Canada (Attorney General)*, 2017 FC 262.