



[TRANSLATION]

Citation: *SC v Minister of Employment and Social Development*, 2026 SST 88

## Social Security Tribunal of Canada Appeal Division

# Decision

**Appellant:** S. C.

**Respondent:** Minister of Employment and Social Development  
**Representative:** Lucky Ingabire

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**Decision under appeal:** General Division decision dated January 23, 2025  
(GP-24-722)

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**Tribunal member:** Jean Lazure

**Type of hearing:** In person  
**Hearing date:** September 18, 2025  
**Hearing participants:** Appellant  
Respondent's representative

**Decision date:** February 7, 2026  
**File number:** AD-25-216

## Decision

[1] The appeal is allowed.

[2] As of September 18, 2025, the Appellant has resided in Canada for 11 years and 234 days. As a result, he is eligible for an Old Age Security (OAS) pension of 11/40.

## Overview

[3] The Appellant came to Canada on August 21, 1976. He applied for an OAS pension on December 14, 2022.<sup>1</sup> The Minister of Employment and Social Development (Minister) refused his application.<sup>2</sup> The Appellant asked for that decision to be reconsidered.<sup>3</sup> In a reconsideration decision letter, the Minister upheld its initial decision.<sup>4</sup> But the Minister didn't dispute some of the periods of residence. I will come back to that.

[4] The Appellant appealed with the Social Security Tribunal (Tribunal) on April 17, 2024.<sup>5</sup> On January 10, 2025, the Tribunal's General Division decided that the Appellant wasn't eligible for an OAS pension because he hadn't resided in Canada for at least 10 full years.

[5] On March 20, 2025, the Appellant asked the Appeal Division for permission to appeal.<sup>6</sup> I gave him permission to appeal.<sup>7</sup> On April 17, 2025, the Minister asked for the reasons for that decision.<sup>8</sup> I gave my reasons on April 30, 2025.

## Preliminary issue

[6] I note that the Minister initially seemed to accept the period from September 27, 2022, to the hearing as a period of residence. The Minister's written submissions dated

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<sup>1</sup> This is at GD2-15.

<sup>2</sup> This was on June 13, 2023, at GD2-401.

<sup>3</sup> This was on October 12, 2023, at GD2-404.

<sup>4</sup> This was on March 1, 2024, at GD2-460.

<sup>5</sup> See GD1-1.

<sup>6</sup> See AD01-1.

<sup>7</sup> This was on April 9, 2025.

<sup>8</sup> See AD2-1.

June 23, 2025, did in fact say that the period [translation] “from September 27, 2022, to today” was an undisputed period.<sup>9</sup>

[7] It should be noted that in the reconsideration decision letter dated March 1, 2024, the Minister counted the period from [translation] “September 2022 to June 2023” as part of the recognized period of residence.<sup>10</sup> The calculation sheet supporting this letter did the same.<sup>11</sup>

[8] Also, from the start of the hearing, the Minister’s representative said that the Minister’s admission didn’t extend up to the day of the hearing, but rather until June 13, 2023—the day the Minister gave its initial decision. The Minister removed the admission [translation] “to today” in its written submissions dated June 23, 2025, because it was incorrect.<sup>12</sup>

## Issue

[9] To receive a **full** OAS pension, the Appellant has to prove that he resided in Canada for at least 40 years after he turned 18.<sup>13</sup> This rule has some exceptions. But the exceptions don’t apply to the Appellant.<sup>14</sup>

[10] If the Appellant doesn’t qualify for a full OAS pension, he might qualify for a **partial** pension. A partial pension is based on the number of years (out of 40) that a person resided in Canada after they turned 18.

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<sup>9</sup> See AD5-8 to AD5-9.

<sup>10</sup> See GD2-460. See also GD2-459 for the residence calculation for this period.

<sup>11</sup> See GD2-459.

<sup>12</sup> See GD2-401.

<sup>13</sup> See section 3(1)(c) of the *Old Age Security Act* (OAS Act). The Appellant also has to be at least 65 years of age and a Canadian citizen or legal resident of Canada. He has to have applied for the pension. The Appellant has met these requirements.

<sup>14</sup> See section 3(1)(b) of the OAS Act.

[11] For example, a person with 12 years of residence receives a partial pension of 12/40 the full amount. To receive a partial OAS pension, the Appellant has to prove that he resided in Canada for at least 10 years after he turned 18.<sup>15</sup>

[12] So, for the Appellant to succeed, he has to prove to me that he resided in Canada for a period of at least 10 years after he turned 18.

[13] I note that the Minister has accepted a period of 8 years and 105 days of residence. I will come back to this below.

[14] So, the issue is the following:

Did the Appellant reside in Canada for at least 1 year and 260 days during the periods the Minister disputed so that he would reach 10 years of residence—the minimum threshold for a partial pension?

## **Analysis**

[15] I found that the Appellant is eligible for a partial OAS pension of 11/40. Here is why.

### **What the Appellant has to prove**

[16] The factors that I have to consider in deciding whether the Appellant has any periods of residence in Canada were set out by the Federal Court in *Canada (Minister of Development and Human Resources) v Ding*:<sup>16</sup>

- Ties in the form of personal property
- Social ties in Canada

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<sup>15</sup> As long as he was residing in Canada on the day before his application was approved. See section 3(2)(b) of the OAS Act.

<sup>16</sup> See *Canada (Minister of Human Resources Development) v Ding*, 2005 FC 76. Also, this list of factors doesn't cover everything.

- Other ties in Canada (medical coverage, driver's licence, rental lease, tax records, etc.)
- Ties in another country
- Regularity and length of stay in Canada, and the frequency and length of absences from Canada
- The person's mode of living, or whether the person living in Canada is sufficiently deep rooted and settled

[17] The Appellant has the burden of proving the periods of residence in Canada.<sup>17</sup> He has to prove this on a balance of probabilities. This means that he has to show that it is more likely than not he resided in Canada for at least 10 years after he turned 18.<sup>18</sup>

**As of September 18, 2025, the Appellant has resided in Canada for 11 years and 234 days**

[18] I find that, as of September 18, 2025, the Appellant has resided in Canada for 11 years and 234 days. This means that he is eligible for an OAS pension of 11/40.

**– Periods of residence in Canada that the Minister accepted**

[19] The Minister accepts that the Appellant resided in Canada during the following periods:

- From January 2, 1981, to August 11, 1982
- From October 10, 1983, to October 31, 1984
- From June 5, 1990, to April 30, 1995
- From September 27, 2022, to June 13, 2023

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<sup>17</sup> Periods of residence have to be proven on a balance of probabilities, as set out in *De Carolis v Canada (Attorney General)*, 2013 FC 366.

<sup>18</sup> See *De Carolis v Canada (Attorney General)*, 2013 FC 366.

[20] So, the Minister acknowledges that the Appellant resided in Canada for 8 years and 105 days.<sup>19</sup> Because the Minister accepted this, I won't review the evidence for these periods more. So, I count that the Appellant resided in Canada for 8 years and 105 days before going on to analyze the disputed periods.

– **Disputed periods**

[21] This means that the following are the periods when the Minister disputes that the Appellant resided in Canada:

- From August 21, 1976, to January 1, 1981
- From August 12, 1982, to October 9, 1983
- From November 1, 1984, to June 4, 1990
- From May 1, 1995, to September 26, 2022
- From June 14, 2023, to the hearing on September 18, 2025

[22] So, I will look at these periods one at a time.

○ **Period from August 21, 1976, to January 1, 1981**

[23] For this period, I can't find that the Appellant resided in Canada.

[24] The Appellant claimed that he lived in Canada during this period and that he worked for a company called X. No witnesses came to testify about this job. The Appellant said that he [translation] "tried very hard" but could not get anyone to come and testify.<sup>20</sup>

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<sup>19</sup> I checked the Minister's calculations at GD2-459, and they are correct.

<sup>20</sup> I reminded the Appellant in my decision for permission to appeal that the Tribunal can't require witnesses to take part in a hearing, and the parties are responsible for making sure that any witnesses they want to call take part in the hearing. See para 10 of my decision for permission to appeal dated April 30, 2025.

[25] At the hearing, the Appellant confirmed that he was working in a bank in Lebanon at the start of this period. He said that he mostly lived in Canada, even though he had that job. He testified that he went back and forth every two to three months between 1977 and 1981. He said that he left this job at a Lebanese bank around September or October 1980.

[26] As for his housing during this period, the Appellant listed a few addresses where he allegedly lived. He lived mostly with friends or family—for free.

[27] The Appellant also claimed that [translation] “as a permanent resident, I had to meet my residency requirement.” He also said that [translation] “[t]o get my citizenship in June 1981, I had to provide all the required documents for this period to the judge who granted it to me.”<sup>21</sup>

[28] I note that the process that led to the Appellant getting Canadian citizenship is different and separate from this appeal. Also, citizenship isn’t the same as residency.

[29] The Minister pointed out that the Appellant regularly went to Lebanon [translation] “to keep his job at a bank.”<sup>22</sup> The Minister also focused on how the Appellant found housing in Canada during this period:<sup>23</sup>

[translation]

The unstable living conditions the Appellant experienced in Canada show that he hadn’t really settled in the country. He changed addresses often and mostly stayed with family or friends who provided him with free housing and food.

[30] Finally, the Minister noted the fact that the Appellant had [translation] “no work activity between January 1977 and December 1980.”<sup>24</sup>

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<sup>21</sup> See AD1-22. The Appellant became a Canadian citizen on June 23, 1981. See GD2-360 to GD2-409.

<sup>22</sup> See AD5-12. The Minister pointed to its investigation report dated January 3, 2018, at GD2-315.

<sup>23</sup> See AD5-12, at para 29.

<sup>24</sup> See AD5-13.

[31] Unfortunately, there is very little information about this period of just over four years:

- Because the Appellant was living with friends and family for free, he didn't provide a lease.
- The RAMQ [Quebec health insurance board] record of medical appointments didn't start until November 1981.<sup>25</sup>
- The Appellant didn't receive any social assistance during this period.<sup>26</sup>
- The Appellant filed only one federal tax return during this period—for 1976.<sup>27</sup>
- Finally, for the entire period, the Quebec Pension Plan (QPP) statement showed only \$3,042 in employment income for 1976.<sup>28</sup>

[32] Finally, in a statement about his trips outside Canada since coming to Canada in August 1976, the Appellant didn't mention any of his trips back and forth to Lebanon, even though he acknowledged them at the hearing.<sup>29</sup>

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<sup>25</sup> See GD2-85, GD2-381, and GD2-412.

<sup>26</sup> See GD2-53, GD2-429, and GD2-456.

<sup>27</sup> See GD2-113 to GD2-432.

<sup>28</sup> See GD2-74. At GD2-454, the Appellant also said that he worked at CIBC from [translation] "late December 1980 to late May 1982." But there was no employment income shown in the Quebec Pension Plan (QPP) statement for 1980.

<sup>29</sup> See GD2-392.

[33] For this period, I can't find that the Appellant resided in Canada. I recall that the Appellant has the burden of proving that he has a deep-rooted lifestyle in Canada. But, for a little over four years, he doesn't seem to have any real ties to Canada:

- He travelled back and forth to Lebanon for a job there until the end of 1980. Because that was his only job at the time, the Appellant's claim that he was in Canada more often than in Lebanon seems unlikely to me.
- He had almost no work in Canada. There is evidence of only \$3,042 in employment income for this entire period.
- He doesn't have actual housing of his own.

[34] There is very little evidence that the Appellant was in Canada during this period, apart for the fact that he became a Canadian citizen soon after. The evidence isn't enough to prove that he resided in Canada.

[35] So, I find that the Appellant didn't reside in Canada for the period from August 21, 1976, to January 1, 1981.

- **Period from August 12, 1982, to October 9, 1983**

[36] For this period, I can't find that the Appellant resided in Canada.

[37] The Appellant claims that he was unemployed during this period and that he received Employment Insurance (EI) benefits every month. He cashed his checks at the National Bank of Canada, Y branch. He says he left for Lebanon in March or April 1983 and came back to Canada in September 1983.<sup>30</sup>

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<sup>30</sup> SeeAD1-22.

[38] The Appellant testified at the hearing that he was in a serious car accident in Lebanon in 1983.<sup>31</sup> He had a job offer from an American bank to work there in Riyadh. He got into this accident on his way to Saudi Arabia. He was in a coma for 22 days.

[39] The Appellant also testified about a memorable talk he had with his Montreal doctor, Dr. Irvin Heller. This talk seems to have happened on October 27, 1983, based on the RAMQ statement.<sup>32</sup>

[40] Unfortunately, again, there isn't much information about this period of just over a year:

- There was no rental lease.
- The RAMQ record of medical appointments didn't show any appointments for this period. Also, the record had many appointments from April 1982 to August 10, 1982—just before this period. It also showed appointments from October 11, 1983, to October 12, 1984—just after this period.<sup>33</sup>
- The Appellant didn't receive any social assistance during this period.<sup>34</sup>
- The Appellant filed tax returns for 1982 and 1983 at the federal and provincial levels. He earned income of \$11,136 in 1982 and \$3,920 in 1983. His income in 1983 was made up entirely of EI benefits.<sup>35</sup> Also, the only evidence that he received EI benefits was for 1983.

[41] The Minister pointed out the fact that the Appellant [translation] “tried to work outside of Canada. And, in April 1983, he even tried to go to Saudi Arabia to work at a bank.”<sup>36</sup>

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<sup>31</sup> The Appellant seemed to have difficulty identifying the month in his testimony, leaning towards April. That said, his letter dated May 11, 2017, instead places this accident in February 1983. See GD2-81.

<sup>32</sup> See GD2-381.

<sup>33</sup> See GD2-85, GD2-381, and GD2-412.

<sup>34</sup> See GD2-53, GD2-429, and GD2-456.

<sup>35</sup> See GD2-113, GD2-434, and GD2-435.

<sup>36</sup> See AD5-4, at para 34.

[42] For this period, I can't find that the Appellant resided in Canada. It would in fact seem that the Appellant was planning to live his life outside Canada—in Saudi Arabia. There is no evidence that the Appellant received EI benefits during this entire period, as he testified. I am also shocked by the number of medical appointments both before and after this period, when there were no appointments at all during this period.

[43] Finally, considering the Appellant's accident and hospitalization after the accident, the small income amounts for 1982 and 1983, and the fact that those for 1983 are income from EI, it is likely that the Appellant earned his income for 1982 and 1983 before and after the period in question here.

[44] The Appellant still has the burden of proving that he has a deep-rooted lifestyle in Canada during this period. But the evidence isn't enough to prove that he resided in Canada.

[45] As a result, I find that the Appellant didn't reside in Canada for the period from August 12, 1982, to October 9, 1983.

○ **Period from November 1, 1984, to June 4, 1990**

[46] For this period, I find that the Appellant resided in Canada from January 28, 1988, to February 28, 1989. That is 1 year and 32 days. The Appellant didn't reside in Canada for the rest of the period from November 1, 1984, to June 4, 1990.

[47] The Appellant claimed that, during this period, he was between [translation] "Montreal, Brossard, Sainte-Julie, Trois-Rivières, and Rosemère."<sup>37</sup>

[48] The Minister noted that the Appellant had a job in Lebanon from September to December 1987.<sup>38</sup> A confirmation of employment from Lebanon seems to support this.<sup>39</sup>

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<sup>37</sup> See AD1-23.

<sup>38</sup> See AD5-14.

<sup>39</sup> See GD2-395.

The Minister said that, in a passport application dated August 23, 1988, the Appellant stated that he had lived outside Canada from November 1984 to January 1988.<sup>40</sup>

[49] The Minister also noted that the Appellant lived with women he was in romantic relationships with, as well as family members and friends. So, he had no actual residence.<sup>41</sup> Finally, the Minister said that the Appellant got married outside Canada on April 20, 1990. That [translation] “is part of a set of factors that show his roots outside Canada.”<sup>42</sup>

[50] Also, the documentary evidence for this period showed the following:

- There was no rental lease.
- The RAMQ record of medical appointments didn't show any appointments from November 1984 to January 28, 1988. But from January 28, 1988, to January 9, 1989, there were 22 different appointments.<sup>43</sup> There were also no appointments between January 10, 1989, and June 4, 1990. The next visit was on July 3, 1990.<sup>44</sup>
- The Appellant first received social assistance in November and December 1984 during this period. He didn't receive any between January 1985 and January 1988. He then received social assistance every month from February 1988 to February 1989. He didn't receive any again until June 29, 1990, when he started receiving social assistance again.<sup>45</sup>
- The Appellant filed tax returns for 1988 to 1990 at the federal level (unknown income), and for 1990 at the provincial level (no income).<sup>46</sup>

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<sup>40</sup> See GD2-283.

<sup>41</sup> See AD5-14, at para 38.

<sup>42</sup> See AD5-15. See also the marriage certificate dated April 20, 1990, at GD2-367.

<sup>43</sup> See GD2-85, GD2-381, and GD2-412. It should be noted that some visits to Dr. Elian Hanna seem to have been billed many times on the same day. I counted only one visit for each date.

<sup>44</sup> See GD2-383.

<sup>45</sup> See GD2-53, GD2-429, and GD2-456.

<sup>46</sup> See GD2-113 to GD2-432.

- Finally, for the entire period, the QPP statement showed no work income.<sup>47</sup>

[51] For the period from January 28, 1988, to February 28, 1989, I find the documentary evidence rather persuasive. It is very difficult for me to imagine someone who didn't reside in Canada receiving social assistance as the Appellant did, especially considering the many medical appointments he had. The appointments were also spread out over the 13 months of residence that I recognize for him.

[52] But the evidence doesn't seem convincing to me for the period from November 1, 1984, to January 27, 1988. The Appellant also stated in a passport application that he was residing outside Canada during this same period. He received social assistance for only two months during this period, and there were no medical appointments. It was the same for the period from March 1989 to June 4, 1990—no social assistance, no medical appointments.

[53] So, I find that the Appellant resided in Canada from January 28, 1988, to February 28, 1989. That is 1 year and 32 days. The Appellant didn't reside in Canada for the rest of the period from November 1, 1984, to June 4, 1990.

- **Period from May 1, 1995, to September 26, 2022**

[54] For this period, I can't find that the Appellant resided in Canada.

[55] The Appellant doesn't seem to have focused much on this period in his written submissions or in his testimony at the hearing.<sup>48</sup> He did acknowledge during his cross-examination that he bought a house in Lebanon in 1995.

[56] The Minister is of the view that the Appellant [translation] "left Canada for Lebanon with his family in May 1995 and soon after became a property owner in that

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<sup>47</sup> See GD2-74.

<sup>48</sup> AD1-22, AD1-23, and AD4-1 don't mention this.

country. He worked in Lebanon as a taxi driver from December 2004 to April 2014 and had a child in 2005 there ....<sup>49</sup>

[57] The Minister said that the Appellant applied many times to renew his Canadian passport during this period. All of the applications were signed in Lebanon, and all of the passports were delivered to Beirut.<sup>50</sup>

[58] The Appellant testified at the hearing that during this period, he was still going back and forth between Canada and Lebanon, but that he lived in Canada more than in Lebanon. A handwritten letter from him seems to say that when he comes to Canada, he lives in a cathedral or in a monastery. They both take people for only short stays.<sup>51</sup>

[59] Also, the documentary evidence for this period showed the following:

- There was no rental lease.
- The RAMQ's medical visit record didn't show any appointments from April 4, 1995, to April 26, 2017.<sup>52</sup>
- The Appellant didn't receive social assistance after April 1995.<sup>53</sup>
- The Appellant didn't file any federal tax returns. He filed only the 1995 return at the provincial level.<sup>54</sup>
- Finally, for the entire period, the QPP statement showed no work income.<sup>55</sup>

[60] The Appellant still has the burden of proving that he had a deep-rooted lifestyle in Canada during this period. Considering the documentary evidence, the Appellant's claim that he lived in Canada more than in Lebanon doesn't seem credible to me. A

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<sup>49</sup> See AD5-5, at para 40. See also the Minister's investigation report at GD2-316.

<sup>50</sup> See AD5-15, at para 41 See also the passport applications at GD2-289, GD2-295, GD2-299, and GD2-307.

<sup>51</sup> See GD5-16, GD5-70, and GD5-169.

<sup>52</sup> See GD2-85, GD2-381, and GD2-412.

<sup>53</sup> See GD2-53, GD2-429, and GD2-456.

<sup>54</sup> See GD2-113 and GD2-432.

<sup>55</sup> See GD2-74 even though the QPP statement ended in 2014.

written statement from him listing the dates he came to and left Canada also doesn't seem credible to me. The same dates appear almost every year.<sup>56</sup>

[61] It seems rather clear to me from the evidence that the Appellant didn't reside in Canada during this period.

[62] As a result, I find that the Appellant didn't reside in Canada for the period from May 1, 1995, to September 26, 2022.

- **June 14, 2023, to the hearing on September 18, 2025**

[63] As for this period, I note that the Minister initially seemed to accept it, but the Minister's representative removed the admission at the very start of the hearing.<sup>57</sup>

[64] The Appellant testified about this period at the hearing. He said that he had been back in Canada since September 27, 2022. He said that he hadn't [translation] "left Montreal" since that day. He also provided his passport at the hearing. It showed that he came to Canada on September 27, 2022, but it doesn't show that he left after that.

[65] It is clear from the Appellant's testimony that nothing has changed in his life since June 13, 2023. He is still working as a taxi driver. He hasn't left Canada since then. His passport confirmed this.

[66] Considering the Minister's acceptance up to June 13, 2023, the lack of any major change in the Appellant's situation since then, and the evidence that he has worked in Canada and hasn't left the country during that time—a period of almost three years—it seems clear to me that the Appellant resided in Canada up to the day of the hearing in this case.

[67] So, from June 14, 2023, to September 18, 2025, I count 2 years and 97 days.

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<sup>56</sup> See GD2-392.

<sup>57</sup> See paras 4 to 6 above.

[68] Finally, the periods the Minister recognized amounts to 8 years and 105 days. When I add those to the period from January 28, 1988, to February 28, 1989—which I recognized as 1 year and 32 days—I reach a total of 11 years and 234 days of residence in Canada for the Appellant.

## **Conclusion**

[69] As of September 18, 2025, the Appellant has resided in Canada for 11 years and 234 days. As a result, he is eligible for an OAS pension of 11/40.

[70] This means that the appeal is allowed.

Jean Lazure  
Member, Appeal Division