

Federal Court



Cour fédérale

Date: 20250708

Docket: T-2220-23

Citation: 2025 FC 1208

Ottawa, Ontario, July 8, 2025

**PRESENT:** The Hon Mr. Justice Henry S. Brown

**BETWEEN:**

**MILAD BABADI**

**Applicant**

**and**

**THE ATTORNEY GENERAL OF CANADA**

**Respondent**

**PUBLIC JUDGMENT AND REASONS**

I. Nature of the matter

[1] This is an application for judicial review of a decision by the Appeal Division at the Social Security Tribunal [SST or Tribunal], dated September 21, 2023 [Decision]. [REDACTED]

[REDACTED]

[REDACTED]

[2] The Applicant seeks a pension from the Canada Pension Plan. To succeed he must meet requirements enacted as law by the Parliament of Canada. The first is that he made sufficient contributions to the Canada Pension Plan. The Canada Pension Plan only allows payment of such benefits to those who made sufficient contributions.

[3] If insufficient contributions are made, there is no pension entitlement.

[4] None at all.

[5] In this case the self-represented Applicant did not make sufficient contributions to the Canada Pension Plan to allow him to claim the benefit he seeks.

[6] The Applicant does not say he made sufficient contributions.

[7] He makes no such submission here and he made no such submission below.

[8] Instead, he raises other issues that frankly are completely irrelevant given he did not make sufficient contributions in the first place.

[9] He raises these same irrelevant issues now as he did both before the Appeal Division and the General Division and in dealing with officials at various levels over the years.

[10] Parliament has decided that without sufficient contributions, the Applicant may not be paid the pension she seeks.

[11] I cannot change the law of Parliament.

[12] There is nothing unreasonable or procedurally unfair in the decision he asks me to set aside.

[13] Therefore this Application will be dismissed.

## II. Background

### A. *Confidentiality*

[14] Much of the record in this file is under seal by Order of Associate Judge Horne dated September 11, 2024 [Confidentiality Order]. The Confidentiality Order instructed the SST decisions and medical information to be redacted. However, legal arguments, employment and financial information, and the original Notice of Application were not redacted:

[15] The leave to appeal decision of the Social Security Tribunal of Canada considers confidentiality issues, and orders that the leave to appeal decision and General Division decision shall not be published. To maintain the confidentiality order made by the Social Security Tribunal of Canada, these decisions will be filed under seal.

[16] Portions of the written record were also sealed by the Social Security Tribunal of Canada, specifically hospital records. The affidavit in the applicant's record attaches certain medical reports. I am satisfied that these documents may be filed under seal.

[17] The applicant's affidavit also attaches employment history and financial records. The applicant's affidavit in support of the motion speaks in detail to the necessity of maintaining confidentiality over medical records, but does not address employment history and financial records. No confidentiality order will be made for these documents.

[18] As for the supporting affidavit in the applicant's record and the memorandum of fact and law, these documents refer to materials that will be filed under seal (eg medical information), and also include portions that are not confidential (eg legal argument). An order will be made that portions of the supporting affidavit and memorandum of fact and law may be filed under seal.

...

**THIS COURT ORDERS that:**

...

4. Within 30 days of the date of this order, the applicant shall serve and file a version of the applicant's record that will be placed on the public Court file. The notice of application, which is already on the public Court file, may not be redacted. The orders and reasons at pages 10-32 may be redacted. The exhibits at pages 50-469 may be redacted. The exhibits at pages 470-482 may not be redacted. A version of the applicant's affidavit and memorandum of fact and law that redacts medical information, and information that would disclose the content of the orders and reasons at pages 10-32 of the record, shall be included.

[Emphasis added]

[15] The parties may have different expectations of what information is confidential. For example, the Applicant redacted his name, the benefit he applied for, and the original Notice of Application, contrary to the Confidentiality Order. In my respectful view the nature of the benefit is not confidential information because it is contained in the Notice of Application.

[16] I note the Applicant's Order Sought asks the Court to "[a]ffirm the necessity of a confidentiality order to protect the Applicant's sensitive medical and personal information from public disclosure."

B. *CPP benefits payable*

[17] The Applicant needed to make sufficient contributions to the Canada Pension Plan during a period in which he had four out of six valid years of contribution. His only valid years of contribution—2008, 2009, and 2020—could not create a period in which he had four out of six valid years of contribution. This was fatal to his application.

[18] He did not make sufficient contributions to entitle him to be paid the benefit he now seeks.

[19] This is not disputed by the Applicant.

[20] The Appeal Division and General Division dismissed his appeal because he did not have sufficient earnings and contributions.

[21] This has been explained to the Applicant by the Appeal Division and the General Division reasonably and thoroughly.

[22] His submissions have broadened here but are simply not relevant. He is not entitled to a pension because he did not make sufficient contributions set by the Parliament of Canada.

III. Decision under review

[23] The Decision states:

[REDACTED]

[24] As a result, the Appeal Division found none of the Applicant's arguments had a reasonable chance of success pursuant to s 58.1 of the *Department of Employment and Social Development Act*, SC 2005, c 34 [*DESDA*]. Specifically:

- A. there was no indication that the General Division breached procedural fairness or erred with respect to its jurisdiction;
- B. there was no indication of an error of law or fact that would have changed the General Division's core finding — that the Applicant did not have enough contributions to establish the required contributions; and,
- C. the Applicant's proposed new evidence was irrelevant to shedding new light on the General Division's determinative finding about his contributions. For this reason, it could not form the basis for an appeal.

IV. Issues

[25] The Applicant raises ten issues which go to either the reasonableness or procedural fairness of the Decision:

1. Did the Social Security Tribunal err in its interpretation of the legal standards for CPPD eligibility?
2. Did the Tribunal fail to adequately consider [REDACTED]
3. Were there procedural issues that compromised the fairness of the hearing?
4. Did the Tribunal carefully consider the impact [REDACTED]
5. Did the Tribunal adequately address the cumulative impact [REDACTED]
6. Did the Tribunal consider the Applicant's efforts to maintain employment and participate in rehabilitation?
7. Was the Tribunal's decision consistent with relevant case law and legal precedents?
8. Did the Tribunal properly address the Applicant's financial and personal hardships resulting from the denial of CPPD benefits?
9. Did the Tribunal adequately consider the Applicant's right to a fair and unbiased assessment under principles of natural justice?
10. Did the Tribunal fail to apply the principle of giving the benefit of the doubt to the Applicant in cases of ambiguous or conflicting medical evidence?

[26] The Respondent submits the only issue is whether the Decision is reasonable. I agree.

[27] Respectfully, the Applicant's arguments about procedural fairness concern the General Division's redetermination decision rather than the Appeal Division's Decision on whether to

grant leave to appeal. [REDACTED]

[REDACTED]. As such, I respectfully agree with the Respondent that the sole issue is whether the Appeal Division's Decision is reasonable.

#### V. Standard of review

[28] The Applicant makes no submissions on standard of review. The Respondent submits the standard is reasonableness.

[29] With regard to reasonableness, in *Canada Post Corp v Canadian Union of Postal Workers*, 2019 SCC 67 the majority per Justice Rowe explains what is required for a reasonable decision, and what is required of a court reviewing on the reasonableness standard. Justice Rowe concludes at paragraph 32, the reviewing court “must ask ‘whether the decision bears the hallmarks of reasonableness – justification, transparency and intelligibility – and whether it is justified in relation to the relevant factual and legal constraints that bear on the decision.’”

#### VI. Relevant legislation

[30] Subparagraph 44(1)(b)(i) of the *Canada Pension Plan*, RSC 1985, c C-8 outlines the requirements to receive disability pension benefits:

##### **Benefits payable**

**44 (1)** Subject to this Part,

##### **Prestations payables**

**44 (1)** Sous réserve des autres dispositions de la présente partie :



...	...
(b) a disability pension shall be paid to a contributor who has not reached sixty-five years of age, to whom no retirement pension is payable, who is disabled and who	b) une pension d'invalidité doit être payée à un cotisant qui n'a pas atteint l'âge de soixante-cinq ans, à qui aucune pension de retraite n'est payable, qui est invalide et qui :
(i) <u>has made base contributions for not less than the minimum qualifying period,</u>	(i) <u>soit a versé des cotisations de base pendant au moins la période minimale d'admissibilité,</u>
...	...
[Emphasis added]	[Je souligne]

[31] Subsection 58(1) of the *DESDA* outlines grounds for leave to appeal a decision made by the Income Security Section of the SST General Division:

<b>Leave to appeal — Income Security Section</b>	<b>Permission d'en appeler — section de la sécurité du revenu</b>
<b>58.1</b> Leave to appeal a decision made by the Income Security Section is to be granted if the application for leave to appeal	<b>58 (1)</b> Les seuls moyens d'appel d'une décision rendue par la section de l'assurance-emploi sont les suivants :
(a) raises an arguable case that the Section failed to observe a principle of natural justice or otherwise acted beyond or refused to exercise its jurisdiction;	a) la demande soulève une cause défendable selon laquelle la section n'a pas observé un principe de justice naturelle ou a autrement excédé ou refusé d'exercer sa compétence;
(b) raises an arguable case that the Section erred in law, in fact or in mixed law	b) elle soulève une cause défendable selon laquelle la section a rendu une décision entachée d'une

and fact, in making its decision; or

erreur de droit, de fait ou de droit et de fait;

(c) sets out evidence that was not presented to the Section.

c) elle présente des éléments de preuve qui n'ont pas été présentés à la section.

VII. Submissions of the parties

[32] The Applicant submits the Tribunal erred in its Decision because it misinterpreted the legal standards for CPPD eligibility, did not adequately consider his medical documentation, failed to consider his efforts to maintain employment and rehabilitation, and failed to recognize the financial and personal impacts of the Decision on him. He cites several cases supporting these propositions, including: *Granovsky v Canada (Minister of Employment and Immigration)*, [2000] 1 SCR 703, *Villani v Canada (Attorney General)*, [2001] FCA 248 (CanLII), [2002] 1 FC 130; *Inclima v Canada (Attorney General)*, [2003] FCA 117; *Dunsmuir v New Brunswick*, [2008] 1 SCR 190.

[33] The Respondent submits the Decision is reasonable:

[10] The Appeal Division's decision is justified, intelligible, and transparent.

[REDACTED]

[11] The Appeal Division found

[REDACTED]

[12] The Appeal Division also found

[REDACTED]

[13] The Applicant has not provided arguments about why the Appeal Division's decision was unreasonable. He continues to argue [REDACTED] but has not addressed the issue that was determinative to his claim: his insufficient contributions / lack of an MQP. The Court cannot intervene based on these arguments. It can only intervene if it finds that the Appeal Division made an unreasonable decision.

[34] I am sympathetic to the Applicant's circumstances but respectfully agree with the Respondent.

[35] The facts are that to get the benefit he wants, the Applicant must show he made sufficient contributions to the Canada Pension Plan.

[36] This he did not do.

[37] His case has therefore been reasonably handled by the Appeal Division and the General Division.

#### VIII. Conclusions

[38] Because he did not make sufficient contributions to the Canada Pension Plan, and because the Applicant does not dispute this fact, and because the Appeal Division and General Division reasonably found the Applicant did not make sufficient contributions, this application for judicial review must be dismissed.

IX. Costs

[39] The Applicant seeks costs. The Respondent does not.

[40] In my respectful view, this is not a case for costs.

**JUDGMENT in T-2220-23**

**THIS COURT’S JUDGMENT is that:**

1. This application is dismissed without costs.
2. The “Confidential Judgment and Reasons” herein shall be sent to the parties and kept confidential and under seal in the Court files subject to further order of a Judge or Associate Judge of this Court.
3. The “Public Judgment and Reasons”: herein shall be sent to the parties and placed on the public file.

\_\_\_\_\_  
“Henry S. Brown”  
Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** T-2220-23

**STYLE OF CAUSE:** MILAD BABADI v THE ATTORNEY GENERAL OF  
CANADA

**ADJUDICATED BASED ON WRITTEN SUBMISSIONS**

**PUBLIC JUDGMENT AND REASONS:** BROWN J.

**DATED:** JULY 8, 2025

**WRITTEN SUBMISSIONS BY:**

Milad Babadi

FOR THE APPLICANT  
(ON HIS OWN BEHALF)

Ian McRobbie

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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FOR THE RESPONDENT