

Federal Court  
of Appeal



CANADA

Cour d'appel  
fédérale

**Date: 20090528**

**Docket: A-575-07**

**Citation: 2009 FCA 173**

**CORAM: NADON J.A.  
PELLETIER J.A.  
TRUDEL J.A.**

**BETWEEN:**

**DEBORAH PLEASANT-JOSEPH**

**Applicant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

Heard at Halifax, Nova Scotia, on May 26, 2009.

Judgment delivered at Halifax, Nova Scotia, on May 28, 2009.

**REASONS FOR JUDGMENT BY:**

**NADON J.A.**

**CONCURRED IN BY:**

**PELLETIER J.A.  
TRUDEL J.A.**

Federal Court  
of Appeal



CANADA

Cour d'appel  
fédérale

**Date: 20090528**

**Docket: A-575-07**

**Citation: 2009 FCA 173**

**CORAM: NADON J.A.  
PELLETIER J.A.  
TRUDEL J.A.**

**BETWEEN:**

**DEBORAH PLEASANT-JOSEPH**

**Applicant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

**REASONS FOR JUDGMENT**

**NADON J.A.**

[1] This is an application for judicial review of a decision of the Pension Appeals Board (the Board) dated November 13, 2007 which concluded that the applicant had failed to satisfy the provisions of the Canada Pension Plan (the Plan) so as to qualify for a disability pension.

[2] Specifically, the Board concluded that the applicant had not made valid contributions for at least four of the last six years of her contributory period. In so concluding, the Board pointed out

that the applicant was short by \$138.00 for the year 2003, but that it did not have the power to remedy the shortfall so as to qualify the applicant for a disability pension.

[3] I am unable to find any error with the Board's decision which would have allowed us to intervene. Like the Board, this Court is bound to apply the provisions of the Plan and cannot disregard those provisions so as to remedy what might be considered or perceived as an unfair and/or unjust result.

[4] If the applicant is of that view, and I have no doubt whatsoever that she is, it is entirely open to her to take the matter up with her Member of Parliament and attempt to convince Parliament that a legislative change is in order.

[5] For these reasons, I would dismiss the application for judicial review but, in the circumstances, without costs.

---

“M. Nadon”

J.A.

“I agree.  
J.D. Denis Pelletier”

“I agree.  
Johanne Trudel”

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-575-07

**STYLE OF CAUSE:** DEBORAH PLEASANT- JOSEPH v.  
ATTORNEY GENERAL OF  
CANADA

**PLACE OF HEARING:** Halifax, Nova Scotia

**DATE OF HEARING:** May 26, 2009

**REASONS FOR JUDGMENT BY:** NADON J.A.

**CONCURRED IN BY:** PELLETIER J.A.  
TRUDEL J.A.

**DATED:** May 28, 2009

**APPEARANCES:**

Deborah Pleasant-Joseph  
(on her own behalf)

FOR THE APPLICANT

Patricia Harewood

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

John H. Sims, Q.C.  
Deputy Attorney General of Canada

FOR THE RESPONDENT