

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20140909**

**Docket: A-429-13**

**Citation: 2014 FCA 193**

**CORAM: PELLETIER J.A.  
STRATAS J.A.  
WEBB J.A.**

**BETWEEN:**

**JEFFREY YANTZI**

**Applicant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

Heard at Toronto, Ontario, on September 8, 2014.

Judgment delivered at Toronto, Ontario, on September 9, 2014.

**REASONS FOR JUDGMENT BY:**

**STRATAS J.A.**

**CONCURRED IN BY:**

**PELLETIER J.A.  
WEBB J.A.**

Federal Court of Appeal



Cour d'appel fédérale

Date: 20140909

Docket: A-429-13

Citation: 2014 FCA 193

CORAM: PELLETIER J.A.  
STRATAS J.A.  
WEBB J.A.

BETWEEN:

JEFFREY YANTZI

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

**REASONS FOR JUDGMENT**

**STRATAS J.A.**

[1] Mr. Yantzi applies for judicial review from the decision dated November 19, 2013 of the Social Security Tribunal that denied him disability benefits under the *Canada Pension Plan*, R.S.C. 1985, c. C-8: file CP 27653.

[2] Specifically, the Tribunal found that Mr. Yantzi's condition was not "severe" and so he was not "disabled" within the meaning of subsection 42 of the Plan and associated authorities such as *Villani v. Canada (A.G.)*, 2001 FCA 248 and *Inclima v. Canada (A.G.)*, 2003 FCA 117.

[3] Mr. Yantzi properly concedes that this Court must review the Tribunal's decision on the basis of reasonableness, *i.e.*, whether it falls within a range of acceptable and defensible outcomes: *Atkinson v. Canada (Attorney General)*, 2014 FCA 187. He submits that the decision is unreasonable because the Tribunal disregarded the evidence supporting Mr. Yantzi's case and drew wrong inferences from some of the evidence, thereby fundamentally misconstruing the evidentiary record before it.

[4] It is true that the Tribunal's reasons do not contain a detailed assessment of all of the evidence that could support Mr. Yantzi's case. However, this is not necessary: *Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62, [2011] 3 S.C.R. 708. There may be cases where the reasons show a failure to grapple with the evidence of such degree that no one can understand how the decision was arrived at or be sure that the decision-maker carried out its mandate: see, *e.g.*, *D'Errico v. Canada (Attorney General)*, 2014 FCA 95. However, this is not one of those cases.

[5] In the course of identifying the medical evidence showing that Mr. Yantzi's condition did not meet the legal tests for severity, the Tribunal did consider contrary evidence, albeit briefly: see the Tribunal's reasons, paragraphs 69 and 77. In some cases, that sort of treatment of the evidence may not be sufficient. However, in this case, the Tribunal had other grounds for finding

on the evidence that the test for benefits was not met, including the lack of sufficient search for suitable employment in circumstances such as these where there is evidence that Mr. Yantzi had some capacity to work: see the Tribunal's reasons, paragraphs 80 and 81.

[6] Overall, the Tribunal applied proper legal principles and reached a result that is defensible on the evidentiary record before it. Its decision was reasonable.

[7] Therefore, despite the able submissions of Mr. Hildebrand, I would dismiss the application for judicial review. The respondent does not seek its costs and so none shall be awarded.

"David Stratas"

---

J.A.

"I agree  
J.D. Denis Pelletier J.A."

"I agree  
Wyman W. Webb J.A."

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-429-13

**APPEAL FROM A JUDGMENT OF THE SOCIAL SECURITY TRIBUNAL, APPEAL DIVISION, DATED NOVEMBER 20, 2013, DOCKET NO. CP27653.**

**STYLE OF CAUSE:** JEFFREY YANTZI v.  
ATTORNEY GENERAL OF  
CANADA

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** SEPTEMBER 8, 2014

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

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

**DATED:** SEPTEMBER 9, 2014

**APPEARANCES:**

Jamie Hildebrand FOR THE APPLICANT

Carole Vary FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Huron Perth Community Legal Clinic  
Stratford, Ontario FOR THE APPLICANT

William F. Pentney  
Deputy Attorney General of Canada FOR THE RESPONDENT