

Federal Court of Appeal



Cour d'appel fédérale

Date: 20131003

Docket: A-40-13

Citation: 2013 FCA 232

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

BETWEEN:

HANNA SARAFFIAN

Appellant

and

**MINISTER OF HUMAN RESOURCES
AND SKILLS DEVELOPMENT**

Respondent

Heard at Montréal, Quebec, on October 2, 2013.

Judgment delivered at Montréal, Quebec, on October 3, 2013.

REASONS FOR JUDGMENT OF THE COURT BY:

THE COURT

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REASONS FOR JUDGMENT OF THE COURT

[1] This is an appeal from a judgment of the Federal Court, wherein Mosley J. (the Federal Court judge) dismissed Ms. Hanna Saraffian's (the appellant) application for judicial review of the decision of the Office of the Commissioner of Review Tribunals for the Canada Pension Plan and Old Age Security (the Review Tribunal), which confirmed the Minister of Human Resources and Skills Development's decision to award the appellant a partial pension under the *Old Age Security Act*, R.S.C. 1985, c. O-9.

[2] The appellant was granted a partial rather than a full pension on the ground that she was not a resident of Canada prior to July 1, 1977. The sole issue in this appeal is whether the Federal Court judge could properly hold that the Review Tribunal committed no reviewable error in holding that the appellant did not reside in Canada prior to that date.

[3] After having carefully considered the appellant's submissions before the Federal Court judge and before this Court, we can detect no error in the Federal Court judge's refusal to intervene.

[4] The appeal will be dismissed with costs.

"Marc Noël"

J.A.

"J.D. Denis Pelletier"

J.A.

"Johanne Trudel"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-40-13

**APPEAL FROM THE JUDGMENT OF THE HONOURABLE MR. JUSTICE MOSLEY
DATED DECEMBER 20, 2012 IN FILE NO. T-1897-10**

STYLE OF CAUSE: HANNA SARAFFIAN v.
MINISTER OF HUMAN
RESOURCES AND SKILLS
DEVELOPMENT

PLACE OF HEARING: MONTRÉAL, QUEBEC

DATE OF HEARING: OCTOBER 2, 2013

REASONS FOR JUDGMENT OF THE COURT BY: NOËL J.A.
PELLETIER J.A.
TRUDEL J.A.

REASONS DATED: OCTOBER 3, 2013

APPEARANCES:

Hanna Saraffian FOR THE APPELLANT
(ON HER OWN BEHALF)

Michael Stevenson FOR THE RESPONDENT

SOLICITORS OF RECORD:

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