Federal Court of Appeal Cour d'appel fédérale

Date: 20250910

Docket: A-214-24

Citation: 2025 FCA 162

2025 FCA 162 (CanLII)

CORAM: WEBB J.A.
LOCKE J.A.
MACTAVISH J.A.

BETWEEN:

ANTOINE PAULUS

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

Heard at Vancouver, British Columbia, on September 10, 2025.
Judgment delivered from the Bench at Vancouver, British Columbia, on September 10, 2025.

REASONS FOR JUDGMENT OF THE COURT BY: MACTAVISH J.A.

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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Vancouver, British Columbia, on September 10, 2025).

MACTAVISH J.A.

[1] Antoine Paulus' claim for a pension under the *Old Age Security Act*, R.S.C. 1985, c. O-9, was refused because he had failed to establish that he had resided in Canada long enough to meet the 10-year residency requirement of the Act. This decision was upheld by the General Division of the Social Security Tribunal (SST) and the SST's Appeal Division affirmed the General

Division's decision. Mr. Paulus now seeks judicial review of the Appeal Division's decision dismissing his appeal.

2025 FCA 162 (CanLII)

[2] Mr. Paulus first immigrated to Canada in 1993, obtaining Canadian citizenship seven years later. However, between 1993 and 2020, Mr. Paulus spent considerable time abroad, primarily tending to his business interests in Bahrain.

[3] The Appeal Division considered the evidence relating to Mr. Paulus' claim. Applying the factors set out in *Canada (Minister of Human Resources Development) v. Ding*, 2005 FC 76 at paras. 57-58, it found that Mr. Paulus had only been present in Canada intermittently in the years between 1993 and 2012. During this period, Mr. Paulus had maintained strong ties to Bahrain due to his considerable business interests there, and that these ties eclipsed his connection to Canada. The Appeal Division did accept that Mr. Paulus had been resident in Canada between March 2012 and March 2013, when his company in Bahrain was facing legal and financial difficulties. However, it went on to find that Mr. Paulus had returned to Bahrain after March of 2013, once again maintaining only an occasional presence in Canada until he settled in Canada more permanently in June of 2020. Based on these factual findings, the Appeal Division concluded that at the time of Mr. Paulus' application for a pension in July of 2021, he had not been resident in Canada for an aggregate period of at least ten years so as to entitle him a pension under subsection 3(2) of the Act.

[4] Mr. Paulus has raised a number of arguments as to why the Appeal Division’s decision should be set aside. While we have carefully considered all of the issues he has raised, it is only necessary to address some of them in these reasons.

2025 FCA 162 (CanLII)

[5] Mr. Paulus contends that the Appeal Division made numerous factual errors and incorrectly weighed the evidence before it. He also submits that the Appeal Division erred in determining that the time he spent abroad after 2013 could not be considered “work abroad” under subsections 21(4) and 21(5) of the *Old Age Security Regulations*, C.R.C., c. 1246.

[6] It is not the role of this Court on an application such as this to re-weigh the evidence that was before the Appeal Division. Our job is, rather, to determine whether the Appeal Division’s decision was reasonable. That is, we must be satisfied that the decision is transparent and intelligible, and it must be justified in relation to the relevant factual and legal constraints that bear on it. We must not engage in a “line-by-line treasure hunt for error”, but we must instead be satisfied that there are no fatal flaws in the overarching logic of the decision: *Canada (Minister of Citizenship and Immigration) v. Vavilov,* 2019 SCC 65 at paras. 99, 102.

[7] The Appeal Division provided detailed and coherent reasons explaining its decision not to grant Mr. Paulus’ appeal. Noting that Mr. Paulus had struggled to remember events that had occurred twenty to thirty years ago, it relied instead on the objective evidence before it. Examining that evidence carefully, the Appeal Division appropriately applied the *Ding* factors to assess whether Mr. Paulus was resident in Canada between 1993 and 2020, and if so, for how long.

[8] To the extent that the Appeal Division's decision turned on its assessment of whether Mr. Paulus' presence in and connection to Canada was sufficient to constitute residence for the purposes of the *Act*, the findings of fact that ground that assessment are entitled to considerable deference. Mr. Paulus has not demonstrated that these findings were unreasonable.

[9] Mr. Paulus' argument that the Appeal Division erred in finding that he was unable to benefit from the exception under subsections 21(4) and 21(5) of the *Regulations* must also be dismissed. These provisions deem time spent working abroad for a Canadian company not to interrupt a person's residence in Canada if that person returned to this country within the six months following the end of their employment, and if they had at all times during the period abroad maintained a "permanent place of abode to which he intended to return" or a "self-contained domestic establishment" in Canada.

[10] The Appeal Division found that Mr. Paulus had a Canadian company, Paulus Enterprises Ltd., and that he was an employee of that company abroad. However, he did not have a "permanent place of abode" or a "self-contained domestic establishment" in Canada during the period that he was outside the country.

[11] This Court has previously found that, in the absence of a statutory definition or jurisprudential consideration of a particular term or phrase in the Act, it is reasonable for the SST to have regard to dictionary definitions: *Pooran v. Canada (Attorney General)*, 2021 FCA 190 at para. 13. Applying such definitions in considering whether Mr. Paulus had a "permanent place of abode" or a "self-contained domestic establishment" in Canada, the Appeal Division reasonably

2025 FCA 162 (CanLII)

found that Mr. Paulus' temporary stays with his siblings in Canada did not meet the criteria for the subsection 21(4) exception to apply.

[12] Mr. Paulus urges a different interpretation of the phrase "permanent place of abode". That said, he acknowledges that there could be other interpretations of the phrase. However, he has not demonstrated that the Appeal Division's interpretation of the terms "permanent place of abode" and "self-contained domestic establishment" was unreasonable. Nor has he convinced this Court that the Appeal Division's decision was otherwise tainted by a fatal flaw in its overarching logic. For these reasons, the application will be dismissed. The respondent does not seek his costs and none are awarded.

"Anne L. Mactavish"
J.A.

2025 FCA 162 (CanLII)

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET:	A-214-24
STYLE OF CAUSE:	ANTOINE PAULUS v. ATTORNEY GENERAL OF CANADA
PLACE OF HEARING:	Vancouver, British Columbia
DATE OF HEARING:	SEPTEMBER 10, 2025
REASONS FOR JUDGMENT OF THE COURT BY:	WEBB J.A. LOCKE J.A. MACTAVISH J.A.
DELIVERED FROM THE BENCH BY:	MACTAVISH J.A.

APPEARANCES:

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Yanick Bélanger	FOR THE RESPONDENT

SOLICITORS OF RECORD:

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2025 FCA 162 (CanLII)