

**FORM 301 Rule 301
Notice of Application**

e-document		ID 1	
F I L E D	FEDERAL COURT COUR FÉDÉRALE		D É P O S É
28-MAR-2023			
Iain McCann			
TOR	1		

APPLICATION

(Court File No.)

FEDERAL COURT

BETWEEN:

Luciano Sapiente
Applicant
and

Kate Sellar
Respondent
Social Security Tribunal of Canada Appeal Division
Respondent
Attorney General of Canada
Respondent

APPLICATION UNDER JUDICIAL REVIEW UNDER SECTION 18.1 OF THE FEDERAL
COURTS ACT

(Court seal)

**Notice of Application
For Judicial Review under section 18.1 of the
Federal Courts Act**

TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the applicant. The relief claimed by the applicant appears below.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at Toronto, Ontario.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must file a notice of appearance in Form 305 prescribed by the Federal Courts Rules and serve it on the applicant's solicitor or, if the applicant is self-

represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the *Federal Courts Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

March 28, 2023

Alice Prodan-Gil

Issued by: (*Registry Officer*)

Address of local office:

180 Queen St W.
Suite 200
Toronto, ON
M5V 3L6

TO: Kate Sellar, Appeals Division Member, Social Security Tribunal of Canada Appeal
Division, PO Box 9812, Station T, Ottawa, Ontario, K1G 6S3

Social Security Tribunal of Canada Appeal Division
PO Box 9812, Station T, Ottawa, Ontario, K1G 6S3

Attorney General of Canada, 264 Wellington Street, Ottawa, Ontario K1A 0H8

Application

(Where the application is an application for judicial review)

This is an application for judicial review in respect of

One Decision:

Social Security Tribunal of Canada Appeal Division

March 3, 2023, File # AD-22-971

The applicant makes application for:

A Judicial Review is sought regarding the denied appeal. An appeal was sought regarding the start date of my Disability Pension. As per this decision, the start date is May 2018. I am requesting the start date be 2010.

I originally applied for Disability Pension in 2010 and now that I have been found to have disabilities that are both severe and prolonged since 2004 in the October 12, 2022 decision, I am entitled to have my disability pension start as of 2010. This would include back payments from 2010 to May 2018.

This application will be supported by the following material:

- 1). Letter from the Social the Social Security Tribunal of Canada, file AD-22-971
- 2). Social Security Tribunal of Canada Appeal Division, Leave to Appeal decision, March 3, 2023, AD-22-971
- 3). Social Security Tribunal of Canada General Division - Income Security Division Decision October 12, 2022, GP-21-1182
- 4). Service Canada CPP Disability Decision, November 17, 2011 (office of the Commissioner of Review Tribunals Pension Plan/Old Age Security).

March 28, 2023



Luciano Sapiante
24 Hornak Road, Smithville, Ontario, L0R 2A0
416 - 697-6414
jillsapiante@gmail.com

SOR/2021-151, s. 22

The grounds for the application are: October 12, 2022 decision where I was found to have disabilities that are both 'severe and prolonged' as of 2004.