



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *W. M. v Minister of Employment and Social Development*, 2019 SST 187

Tribunal File Number: GP-18-118

BETWEEN:

**W. M.**

Claimant

and

**Minister of Employment and Social Development**

Minister

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**SOCIAL SECURITY TRIBUNAL DECISION**  
**General Division – Income Security Section**

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DECISION BY: Patrick O'Neil

DATE OF DECISION: February 11, 2019

## DECISION

[1] The Claimant is not entitled to greater retroactivity of *Canada Pension Plan* (CPP) retirement pension payments.

## OVERVIEW

[2] The Minister received the Claimant's application for the CPP retirement pension on February 9, 2017<sup>1</sup>. The Claimant was born July 15, 1956. He requested pension payments start as of July 2016, being the month he attained 60 years of age. The Minister approved the application initially and on reconsideration with payments starting March 2017, being the month after receipt of the Claimant's application. The Claimant appealed the reconsideration decision to the Tribunal seeking retroactivity of pension payments to July 2016.

## ISSUE

[3] Is the Claimant entitled to greater retroactivity of CPP pension payments?

## ANALYSIS

**The Minister determined the starting date of the Claimant's CPP pension payments in accordance with the CPP.**

[4] No CPP benefit is payable to any person unless an application for the benefit has been made, and payment of the benefit has been approved<sup>2</sup>.

[5] Once a person meets the eligibility requirements for the CPP retirement pension, the CPP then sets out the rules for payment of the pension. Where an application for a retirement pension is made by a Claimant who is under the age of 65 years when the application is received, the pension is payable commencing with the latest of the month the Claimant reached 60 years of age; the month after the application was received; and the month chosen by the Claimant in the application<sup>3</sup>.

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<sup>1</sup> GD2 pages 23-28

<sup>2</sup> Subsection 60(1) CPP

<sup>3</sup> Subsection 67(3.1) CPP

[6] The General Division must summarily dismiss an appeal if satisfied that it has no reasonable chance of success<sup>4</sup>.

[7] The Claimant was given the required notice in writing of the Tribunal's intention to summarily dismiss the appeal, and was allowed a reasonable period time to make submissions<sup>5</sup>. He made no submissions after receipt of the said notice.

[8] The Minister received the Claimant's application for a CPP retirement pension on February 9, 2017. He was 60 years old on July 15, 2016. He was under 65 years of age when the Minister received the application. The Minister approved the Claimant's application for a CPP retirement pension effective March 2017, being the *latest* of the month the Claimant reached 60 of age; the month after the Minister received the Claimant's application; and the month chosen by the Claimant in the application. I find the Minister correctly calculated the effective date of commencement of the Claimant's CPP retirement pension.

[9] The Claimant received the CPP retirement pension at the earliest possible date provided in the CPP. He is not entitled to greater retroactivity of pension payments.

[10] The Tribunal is created by legislation and, as such, I only have the powers granted to it by its governing statute. I am required to interpret and apply the provisions set out in the CPP. I cannot use the principles of equity or consider extenuating circumstances such as financial hardship to grant retroactivity of CPP retirement pension payments unless prescribed by the CPP.

[11] Accordingly, I find the appeal has no reasonable chance of success.

## **CONCLUSION**

[12] The appeal is summarily dismissed.

Patrick O'Neil  
Member, General Division - Income Security

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<sup>4</sup> Subsection 53(1) of the *Department of Employment and Social Development Act* (DESDAct)

<sup>5</sup> Section 22 *Social Security Tribunal Regulations* (SSTR)