



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *G. P. v Minister of Employment and Social Development*, 2019 SST 635

Tribunal File Number: GP-19-334

BETWEEN:

G. P.

Appellant (Claimant)

and

Minister of Employment and Social Development

Minister

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Income Security Section

Decision by: Kelly Temkin

Date of decision: June 5, 2019

DECISION

[1] The appeal is dismissed. The Claimant received her retirement pension at the earliest possible date, December 2018, as outlined in the *Canada Pension Plan* (CPP).

OVERVIEW

[2] The Claimant applied for an CPP retirement pension on November 6, 2018. The Claimant's application was approved with a payment date of December 2018, the month after the application was received. The Claimant requested that the effective payment date be October 2018, the month she turned 60. The decision of the Minister was maintained on reconsideration. The Claimant disagreed and she appealed the reconsideration decision to the Social Security Tribunal (Tribunal)

ISSUE

[3] What is the effective payment date for the Claimant's CPP early retirement pension?

ANALYSIS

[4] The Claimant is asking me to grant benefits effective October 2018, the month she turned 60. The Claimant submits that missing CPP contributions from 1985 delayed her applying for a CPP retirement benefit as she did not want to submit an incomplete application due to her concern this would complicate her payments. A postal strike in the fall of 2018 resulted in her completing an online application. All of these circumstances were beyond her control and therefore based on the principle of natural justice and Subsection 67(2)(a), the Claimant submits payment should commence the month in which she reached 60 years of age.¹

[5] In her written submissions the Claimant does not dispute the date she applied for benefits or any of the facts sets out in the Minister's submissions but argues she is eligible for benefits from October 2018, based on Subsection 67 (2)(a). Alternately, she is asking me to ignore the legislation in her case for reasons of fairness, compassion and extenuating circumstances.²

¹ GD6-3

² GD6-3

[6] The Claimant turned 60 years old on October 13, 2018 but did not apply for an early retirement pension until November 6, 2018. The Minister approved her application with an effective payment start date of December 2018. The Claimant was under sixty-five years of age at the time of her application. December 2018 is the earliest date permitted for the commencement of payments under the CPP.³

[7] I cannot grant the Claimant's request to change the commencement date of her retirement pension. The Claimant's application was processed under s. 67 (3.1) which applies to retirement pensions that commence on or after January 2012.⁴ The pension is payable for each month starting with the latest of the situations set out in 67 (3.1), rather than a choice between the four situations. In this case, paragraph (a) and (d) are October 2018. Paragraph (b) is December 2018. Paragraph (c) does not apply as the Claimant is not yet 65 years of age. In this case, the latest date is the month following the month the application was received, December 2018. The CPP does not allow for further retroactive benefits for individuals who have not reached age 65.⁵ I have no authority to override clear statutory provisions on the basis of fairness, compassion, or extenuating circumstances but must follow the provisions of the CPP.⁶

CONCLUSION

[8] The earliest effective date of the Claimant's CPP retirement pension is December 2018.

[9] The appeal is dismissed.

Kelly Temkin
Member, General Division - Income Security

³ Subsection 67(3.1) of the CPP

⁴ I note that the earliest permitted date under Subsection 67(2) in the Claimant's situation would also be the month following the month in which the Claimant applied as set out in 67(2)(b) as it is the latest of the options set out in 67(2)

⁵ Subsection 67(3.1) of the *Canada Pension Plan* (CPP)

⁶ *Langlois.v. Canada* (AG), 2018 FC 1108 at para 12