



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *G. F. v Minister of Employment and Social Development*, 2019 SST 1632

Tribunal File Number: GP-19-1009

BETWEEN:

G. F.

Appellant

and

Minister of Employment and Social Development

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Income Security Section

DECISION BY: Tyler Moore

DATE OF DECISION: November 28, 2019

REASONS AND DECISION

OVERVIEW

[1] The Appellant applied for a CPP retirement pension. The Respondent granted the application. The Appellant then requested reconsideration of the pension commencement date, which was denied by the Respondent. The Appellant appealed the reconsideration decision to the Social Security Tribunal (Tribunal) on June 19, 2019.

[2] This appeal involves whether or not the Appellant is entitled to additional pension retroactivity.

[3] Subsection 53(1) of the *Department of Employment and Social Development Act* (DESD Act) states that the General Division must summarily dismiss an appeal if satisfied that it has no reasonable chance of success (*Miter v. Canada (A.G.)*, 2017 FC 262).

[4] I have decided that this appeal has no reasonable chance of success for the reasons set out below.

EVIDENCE

[5] The Appellant's application for a CPP retirement pension was received on April 22, 2015. He indicated on his application that he wanted to start receiving the pension as soon as he qualified.

[6] The Appellant turned 65 years of age on November 4, 2007. He turned 70 years of age on November 4, 2012.

[7] The Claimant's retirement pension was granted with a payment start date of May 2014.

SUBMISSIONS

[8] The Appellant was given notice in writing of the intent to summarily dismiss the appeal and was allowed a reasonable period of time to make submissions as required by Section 22 of the *Social Security Tribunal Regulations* (Regulations). As of the date of this decision no additional submissions from the Appellant had been received.

ANALYSIS

[9] The Tribunal is created by legislation and, as such, it has only the powers granted to it by its governing statute. The Tribunal is required to interpret and apply the provisions as they are set out in the CPP.

[10] I find that the Appellant is not eligible for additional CPP retirement pension retroactivity.

[11] A CPP retirement pension that starts to be paid on or after January 1, 2012 is payable for each month starting with the latest of: the month in which a person reaches 65 years of age; the month after the month in which the application was received if a person is over 65 when they applied; the 11th month preceding the month in which the application was received if a person has reached 65 when they applied, but in no case earlier than the month in which they reached 65; the month chosen by a person on their application¹. The Appellant turned 65 in November 2007 and his application was received in April 2015. That means that the latest payment start date option is the 11th month preceding the month in which the application was received. That would be May 2014, which is when the pension start date has already been determined to be.

[12] Accordingly, I find that the appeal has no reasonable chance of success. Once again, I am bound by the CPP legislation and do not have the authority to make case by case exceptions.

CONCLUSION

[13] The appeal is summarily dismissed.

Tyler Moore
Member, General Division - Income Security

¹ Subsection 67(3.1) of the *Canada Pension Plan*