



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *WM v Minister of Employment and Social Development*, 2020 SST 1246

Tribunal File Number: GP-20-654

BETWEEN:

W. M.

Appellant (Claimant)

and

Minister of Employment and Social Development

Minister

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Income Security Section

DECISION BY: Raymond Raphael

DATE OF DECISION: August 27, 2020

DECISION

[1] The appeal is summarily dismissed.

OVERVIEW

[2] The Claimant was 71 years old when he applied for a *Canada Pension Plan* (CPP) retirement pension in December 2018. The Minister approved the application with an effective payment start date of January 2018. The Claimant is requesting that the effective payment date for his retirement pension be June 2017.

[3] This appeal involves a determination of the effective payment start date for the Claimant's CPP retirement pension.

ANALYSIS

[4] I must summarily dismiss an appeal if satisfied that it has no reasonable chance of success.¹

[5] On July 19, 2020, I notified the Claimant that I was considering summarily dismissing the appeal and gave him a reasonable time to make submissions. The Claimant filed submissions on August 21, 2020.

[6] The Claimant turned 70 years old in May 2017, but did not apply for the CPP retirement pension until December 2018. The Minister approved his application with an effective payment start date of January 2018. This is the earliest date permitted by the CPP.²

[7] The Claimant stated that because of family circumstances, he wasn't able to apply for the retirement benefit prior to December 2018. He requested that the payment be retroactive to June 2017, the month after he turned 70.

¹ Subsection 53(1) of the *Department of Employment and Social Development Act*; *Miter v. Canada (A.G.)*, 2017 FC 262

² Paragraph 67(2)(e) of the CPP provides that when an applicant has reached 70 years of age, payment commences on the twelfth month preceding the month following the month in which the applicant applied. This means that payment commences 11 months before the application.

[8] In his submissions, the Claimant stated that he relied on erroneous advice from Service Canada. He was in contact with Service Canada on several occasions during 2018, and was advised to do what he could when he could. However, I have no jurisdiction to deal with the issue of erroneous advice. Only the Minister and the Federal Court (if the Claimant appeals the Minister's decision) has this jurisdiction.³

[9] I have no authority to make exceptions to the provisions of the CPP nor can I render decisions on the basis of fairness, compassion, or extenuating circumstances.

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

CONCLUSION

[11] The appeal is summarily dismissed.

Raymond Raphael
Member, General Division - Income Security

³ *Pincombe v. AG Canada* [1955] F.C.J. 1320