



Citation: *CB v Minister of Employment and Social Development*, 2022 SST 1316

Social Security Tribunal of Canada
General Division – Income Security Section

Decision

Appellant: C. B.

Respondent: Minister of Employment and Social Development

Decision under appeal: Minister of Employment and Social Development
reconsideration decision dated May 27, 2021 (issued by
Service Canada)

Tribunal member: Adam Picotte

Type of hearing: Teleconference

Hearing date: November 3, 2022

Hearing participants: Appellant
Respondent

Decision date: November 4, 2022

File number: GP-21-1873

Decision

[1] The appeal is dismissed.

[2] The Appellant, C. B., isn't eligible for an earlier date of retirement. While this decision explains why I am dismissing the appeal, I am also going to explain why the Minister ought to change its process to better serve Canadians applying for retirement benefits.

Overview

[3] The Appellant is a retiree. After working 35 years he was pleased to be able to apply and take an early retirement benefit under the Canada Pension Plan. He aimed to do that in September 2020 through an online application process. On September 22, 2020, he logged onto this system for the first time and made his best efforts to execute his application for benefits. He thought he had completed the application for a start date in December 2020, the month he turned 60 years old.

[4] However, when December 2020 arrived, he did not receive his first benefit payment. As a result, he contacted Service Canada and was advised that no application had been received. Assistance was provided for a new application and he commenced receiving benefits in January 2021.

[5] The Appellant says that he applied in September 2020 and as a result, he should have started getting a retirement benefit in December 2020. He says the error was no fault of his own and Service Canada does not send confirmation receipts when an application is completed. As a result, he had no ability to verify his application was complete. He says this amounts to an unfairness and an injustice not only for him but other applicants who have faced a similar situation.

[6] The Minister says that it checked its record systems and could see that the Appellant did log into Service Canada for the first time in September 2020 but that his application was not completed. It is unable to offer a reason for why this was so but simply that a finalized application was not received until December 2020.

What the Appellant must prove

[7] For the Appellant to succeed, he must prove his application was received in the month proceeding the month he turned age 60.

[8] There is no retroactivity for individuals who elect to receive their pension when they are under the age of 65. The earliest a retirement pension can be paid is the month following the month in which the application was received.

[9] The CPP sets out various scenarios for when a retirement benefit becomes payable. If payment of the retirement pension is approved, the pension is payable for each month commencing with the latest of the following:

(a) the month in which the applicant reached sixty years of age,

(b) the month following the month in which the application was received if they were under sixty-five years of age when they applied,

(c) the eleventh month preceding the month in which the application was received if they have reached sixty-five years of age when they applied, but in no case earlier than the month in which they reached sixty-five years of age, and

(d) the month chosen by the applicant in their application.¹

Reasons for my decision

[10] The Appellant's date of birth is November 30, 1960. As such, he was under the age of sixty-five when the online retirement benefit application was received. For people under the age of sixty-five the effective month of the retirement benefit is the latest of the following:

a) the month in which the applicant reached sixty years of age,

b) the month following the month in which the application was received, or

¹ Section 67(3.1) of the *Canada Pension Plan*.

c) the month chosen by the applicant in his application.

[11] The Minister received the Appellant's application in December 2020. I accept this as a fact, as that is what the evidence demonstrates on the file. The CPP legislation clearly sets out that it is the date when the Minister receives the application and not the date when an Appellant makes an application that matters when establishing a retirement date. This is clear as the CPP states that benefits become payable upon receipt of the application.²

[12] This, unfortunately, is fatal to the Appellant's appeal. I say unfortunately because I believe the Appellant that he took all the necessary steps to start getting his retirement benefit in December 2020. Through no fault of his own, he did not start to receive his benefit when he expected it to start.

[13] The Appellant raised a salient point on this. The sole reason he took no further steps is because the Minister does not provide confirmation receipts when an application is made.

[14] If the Minister had in place a system where confirmation of applications were provided, it would have been nothing for this Appellant, and presumably others in similar circumstances, to go back in and apply again if their application weren't received.

[15] The issue of the Minister's system is clearly outside of my jurisdiction. However, If the Minister had put in place confirmation emails when applications are completed C. B. would not have been left in the unfortunate place he finds himself.

[16] I am encouraging the Minister through this decision to implement a confirmation receipt system for applicants so that such an unfortunate situation does not occur in the future.

² Section 67(3.1) Canada Pension Plan

Conclusion

[17] I find that the Appellant isn't eligible for an earlier start date for his retirement benefit.

[18] This means the appeal is dismissed. I leave it to the Minister to consider revising its application process so that confirmation receipts are provided to those making applications for benefits.

Adam Picotte

Member, General Division – Income Security Section