



Citation: *TA v Minister of Employment and Social Development*, 2023 SST 568

**Social Security Tribunal of Canada  
General Division – Income Security Section**

## Decision

**Appellant:** T. A.

**Respondent:** Minister of Employment and Social Development

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**Decision under appeal:** Minister of Employment and Social Development  
reconsideration decision dated December 20, 2022 (issued  
by Service Canada)

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**Tribunal member:** Brianne Shalland-Bennett

**Type of hearing:** In person

**Hearing date:** May 17, 2023

**Hearing participants:** Appellant

**Decision date:** May 19, 2023

**File number:** GP-23-360

## Decision

[1] The appeal is dismissed.

[2] The Appellant, T. A., isn't eligible for a Canada Pension Plan (CPP) retirement pension before November 2021.

[3] This decision explains why I am dismissing the appeal.

## Overview

[4] The Appellant was born on October 29, 1953. She applied for a CPP retirement pension in October 2022.<sup>1</sup>

[5] The Minister of Employment and Social Development (the Minister) approved the Appellant's application. It started paying her as of November 2021.<sup>2</sup>

[6] The Appellant says she didn't choose to defer her pension until after she turned 65 years old. She didn't apply when she turned 65 years old because she was out of Canada. People she spoke to in Canada who started getting their own pension benefits told her the Canadian government doesn't allow anyone to apply outside Canada. They said the government would want to make sure she was still alive when she applied. So, she applied when she came back to Canada in 2022.<sup>3</sup>

[7] The Appellant says she would like to get her payments from when she turned 65 years old.<sup>4</sup> She says she is entitled to her money.

[8] The Minister refused the Appellant's request. It says it paid her based on the earliest possible date the law allows.<sup>5</sup>

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<sup>1</sup> See GD2-17 and GD2-20.

<sup>2</sup> See GD2-20.

<sup>3</sup> For the Appellant's full statement, see GD5-1. I note that at the Case Conference, the Minister's representative clarified to the Appellant that she could have applied outside of Canada and the information she got wasn't correct.

<sup>4</sup> See GD1-11.

<sup>5</sup> See GD2-18 and GD2-19, and GD4.

## Matters I have to consider first

### I gave the Appellant time to review the Minister's arguments

[9] At the hearing, the Appellant said she didn't get the Minister's arguments (GD4). I told the Appellant the Tribunal would send them after the hearing, and she would have two weeks to reply. The Appellant confirmed she got these arguments on May 17, 2023. She replied on May 19, 2023.<sup>6</sup>

### What the law says

[10] The CPP says a retirement pension is payable starting the **latest** of the following months:<sup>7</sup>

- a) the month she turned 60
- b) if she was under 65 when she applied, the month after she applied
- c) if she was 65 or older when she applied, 11 months before she applied (but no earlier than when she turned 65)
- d) the month that she chose in her application

[11] There are no other circumstances I can consider when calculating when a retirement pension should start being paid. I also can't change what the law says.

### Reasons for my decision

[12] I find the Appellant got the maximum retroactive amount allowed under the law.

[13] The Appellant turned 60 years old in October 2013. She turned 65 years old in October 2018. She was 68 years old when she applied for her retirement pension.

[14] Because the Appellant was over 65 when she applied, her pension could only start 11 months before she applied.

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<sup>6</sup> See GD7.

<sup>7</sup> See section 67(3.1) of the *Canada Pension Plan*.

[15] The Appellant successfully submitted a complete retirement pension application in October 2022. Eleven months before this date is **November 2021**. This is when she started getting a retirement pension.<sup>8</sup>

[16] This means the Appellant started getting a retirement pension as soon as the law allows.

## **Conclusion**

[17] The Appellant isn't eligible for a CPP retirement pension before November 2021.

[18] I understand the Appellant relied on information from people she knows about when and how she could apply. I also understand that, unfortunately, this information led to her only applying when she got back to Canada.

[19] I sympathize with the Appellant's frustration. However, the law doesn't allow me to consider any other factors about when the Appellant's pension should start. And the law says her pension can't start before November 2021.

[20] This means the appeal is dismissed.

Brianne Shalland-Bennett  
Member, General Division – Income Security Section

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<sup>8</sup> See GD2-20.