



Citation: *BP v Minister of Employment and Social Development*, 2023 SST 1164

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

## **Decision**

**Appellant:** B. P.

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

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

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**Tribunal member:** Virginia Saunders

**Decision date:** August 1, 2023

**File number:** GP-23-1047

## Decision

[1] The appeal won't go ahead. This decision explains why.

## Overview

[2] The Appellant applied for a Canada Pension Plan retirement pension in March 2020. The Minister of Employment and Social Development (Minister) granted the application, with payments to start in April 2020.

[3] The Appellant disagreed with the start date. He asked the Minister to reconsider. On April 29, 2021, the Minister reconsidered its decision and refused to change it. The Minister maintained that, despite the Appellant's claim of incapacity, his pension payments could not start before April 2020.

[4] The Appellant appealed the reconsideration decision to the Social Security Tribunal (Tribunal) on June 16, 2023.

## What I have to decide

[5] I have to decide whether the Appellant appealed in time.

## Reasons for my decision

[6] The appeal won't go ahead because the Appellant didn't appeal to the Tribunal in time. Here are the reasons for my decision.

## What the law says

[7] If an appellant disagrees with the Minister's reconsideration decision, they have to appeal to the Tribunal within 90 days after the Minister told them about the decision.<sup>1</sup>

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<sup>1</sup> See section 52(1) of the *Department of Employment and Social Development Act* (DESD Act).

[8] If the appellant appeals after the deadline, the Tribunal can give them more time (accept the late appeal). But **in no case** can the appellant appeal a reconsideration decision more than one year after the Minister told them about it.<sup>2</sup>

### **The Appellant's appeal was more than one year late**

[9] I find that the Appellant's appeal was more than one year late.

#### **– The Minister told the Appellant about its decision on July 13, 2021**

[10] The Minister told the Appellant about its reconsideration decision on July 13, 2021. That is the date the Appellant says he received the decision in the mail.<sup>3</sup>

#### **– The Appellant had to appeal by July 13, 2022**

[11] The Appellant had until July 13, 2022 to appeal to the Tribunal.

[12] The Appellant appealed on June 16, 2023.

[13] The Tribunal doesn't have equitable jurisdiction. This means I can't allow the appeal to go ahead because I think it would be fair, or because I want to help the Appellant in difficult circumstances. I have to follow the law.

### **Conclusion**

[14] The Appellant appealed more than one year after the Minister told him about its decision.

[15] This means the appeal won't go ahead.

Virginia Saunders

Member, General Division – Income Security Section

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<sup>2</sup> See section 52(2) of the DESD Act.

<sup>3</sup> See GD1-1.