



Citation: *SC v Minister of Employment and Social Development*, 2024 SST 377

Social Security Tribunal of Canada
General Division – Income Security Section

Decision

Appellant: S. C.

Respondent: Minister of Employment and Social Development

Decision under appeal: Minister of Employment and Social Development
reconsideration decision dated January 4, 2024 (issued
by Service Canada)

Tribunal member: James Beaton

Type of hearing: In writing

Decision date: March 19, 2024

File number: GP-24-143

Decision

[1] The appeal is dismissed.

[2] The Appellant, S. C., isn't eligible for a Canada Pension Plan (CPP) retirement pension before November 2023. This decision explains why I am dismissing the appeal.

Overview

[3] The Appellant applied for a CPP retirement pension on October 30, 2023.¹ He asked to have his pension start as of January 2023.² The Minister of Employment and Social Development approved his application, but with a start date of November 2023.³ The Appellant appealed the Minister's decision to the Social Security Tribunal's General Division. The Appellant and the Minister provided written arguments to the Tribunal.⁴

What I have to decide

[4] I have to decide whether the Appellant is eligible for a CPP retirement pension before November 2023.

Reasons for my decision

[5] The Appellant isn't eligible for a CPP retirement pension before November 2023.

[6] The *Canada Pension Plan* says a retirement pension begins on the **latest** of the following dates:⁵

- the month after the Appellant turned 60—that is, January 2023
- the month after the Minister received his application—that is, November 2023
- the month he chose in his application—that is, January 2023

¹ See GD2-33.

² See GD2-38.

³ See GD2-9.

⁴ The Appellant's arguments are at GD3 and the Minister's arguments are at GD4.

⁵ See sections 2(2) and 67(3.1) of the *Canada Pension Plan*. The Appellant's birthdate is at GD2-5.

[7] The latest of these dates is November 2023. That is the earliest his payments could begin.

[8] The Federal Court of Canada has said that it isn't the Minister's responsibility to notify people of the benefits that they might be eligible for.⁶

[9] Furthermore, the Tribunal doesn't have the authority to determine if the Minister gave the Appellant bad advice or failed to give him advice about applying for a retirement pension.⁷

Conclusion

[10] I find that the Appellant isn't eligible for a CPP retirement pension before November 2023.

[11] This means the appeal is dismissed.

James Beaton

Member, General Division – Income Security Section

⁶ See *Lee v Canada (Attorney General)*, 2011 FC 689 at paragraph 72.

⁷ See *Pincombe v Canada (Attorney General)*, [1995] FCJ No 1320.