



Citation: *LB v Minister of Employment and Social Development*, 2025 SST 473

Social Security Tribunal of Canada Appeal Division

Extension of Time and Leave to Appeal Decision

Applicant: L. B.

Respondent: Minister of Employment and Social Development

Decision under appeal: General Division decision dated October 10, 2024
(GP-22-1983)

Tribunal member: Kate Sellar

Decision date: **May 7, 2025**

File number: AD-25-288

Decision

[1] I'm granting an extension of time to apply to the Appeal Division. I'm refusing leave (permission) to appeal. This means the appeal will not proceed. These are the reasons for my decision.

Overview

[2] The Claimant applied for a Canada Pension Plan (CPP) retirement pension online on December 31, 2021. The Minister of Employment and Social Development (Minister) approved the application and started paying the Claimant effective January 2021.

[3] The Claimant asked the Minister to reconsider its decision. She wants the Minister to pay her for June 2020 to December 2020. The Minister refused. The Claimant appealed to this Tribunal. The General Division dismissed the Claimant's appeal.

[4] The General Division found that the Claimant didn't prove she's entitled to the CPP retirement pension from June 2020 to December 2020.

Issues

[5] The issues in this appeal are:

- a) Was the application to the Appeal Division late?
- b) If so, should I extend the time for filing the application?
- c) Is there an arguable case that the General Division made an error applying the law about when retirement pensions start to the Claimant's situation?
- d) Does the application set out evidence that wasn't presented to the General Division?

Analysis

The application was late

[6] The General Division decision is dated October 10, 2024. The Claimant says she received it on January 7, 2025.¹ However, it looks like the Tribunal sent the decision by email to the Claimant on October 11, 2024. The Claimant appealed on April 17, 2025.²

[7] Claimants have 90 days from the day the Tribunal communicates its decision to request permission to appeal.³ In my view, the Tribunal communicated the decision by email on October 11, 2024. Accordingly, filing the appeal on April 17, 2025 is past the 90-day mark. The appeal is late.

I'm extending the time for filing the application

[8] When deciding whether to grant an extension of time, I have to consider whether the Claimant has a reasonable explanation for why the application is late.⁴

[9] The Claimant explained that she has had eye surgery. During the recovery process, it has been difficult to manage paperwork and read documents. She has also been out of the country.⁵

[10] In my view, the Claimant has provided a reasonable explanation for the delay. It would have been advisable or more prudent to get help with the paperwork or to complete it even from outside the country. However, I'm satisfied that that the Claimant's explanation is reasonable.

I'm not giving the Claimant permission to appeal

[11] I can give the Claimant permission to appeal if the application raises an arguable case that the General Division:

¹ See AD1-2.

² See AD1.

³ See section 57(1)(b) in the *Department of Employment and Social Development Act (Act)*.

⁴ See section 57(2) in the Act and section 27(2) of the *Social Security Tribunal Rules of Procedure*.

⁵ See AD1-6.

- didn't follow a fair process;
- acted beyond its powers or refused to exercise those powers;
- made an error of law;
- made an error of fact; or
- made an error applying the law to the facts.⁶

[12] I can also give the Claimant permission to appeal if the application sets out evidence that wasn't presented to the General Division.⁷

[13] Since the Claimant hasn't raised an arguable case and hasn't set out new evidence, I must refuse permission to appeal.

– **There's no arguable case that the General Division made an error applying the law about retirement pension start dates to the facts of the Claimant's situation.**

[14] The Claimant argues that the General Division failed to properly apply the law to the facts of her case. The Claimant explains that she originally filed an application for the CPP retirement pension on paper in April 2021, asking for her payments to begin retroactively from that date (she was already 65 at that point). The Claimant explains that she didn't hear anything from Service Canada, so she followed up on December 31, 2021 and Service Canada said they had no record of her paper application.

[15] The Claimant says that if the General Division applied the law correctly, it would have started her retirement pension 11 months before her original April 2021 paper application.

⁶ See section 58.1(a) and (b) in the *Department of Employment and Social Development Act (Act)*.

⁷ See section 58.1(c) in the Act.

– **The General Division applied the law about applying for a retirement pension to the facts of the Claimant’s case.**

[16] The General Division explained that the only evidence it had of the paper application was the Claimant’s testimony. Otherwise, the earliest application received by the Minister is the Claimant’s online application dated December 31, 2021.⁸

[17] The General Division explained that it doesn’t have the authority to decide whether the Minister made an administrative error processing the paper application. The Minister already investigated and decided that it hadn’t made such an error. The General Division explained that if the Claimant disagreed about that investigation, the next step was to the federal court for judicial review.⁹

[18] The General Division explained that the CPP says a retirement pension begins on the latest of three dates for the Claimant:

(1) The month after the Claimant turned 65: June 2020

(2) 11 months before the Minister received the application: January 2021

(3) The month the Claimant chose in her application: June 2020.¹⁰

[19] The latest of those dates for the Claimant is (2) above, January 2021. When applying the law about start dates, the General Division needs to consider the application that is before it, which is the December 2021 online application.

– **There’s no arguable case for an error by the General Division.**

[20] The Claimant hasn’t provided any support for the idea that the General Division applied the law about when retirement pensions start to the facts of her case incorrectly. The General Division must choose the latest of the three dates listed above, and the Claimant hasn’t identified any way for the General Division to simply apply a different date for the Minister having received the application to the law. While the Claimant has

⁸ See paragraph 15 in the General Division decision.

⁹ See paragraph 13 in the General Division decision.

¹⁰ See paragraph 17 in the General Division decision, applying sections 2(2) and 67(3.1) of the *Canada Pension Plan*.

provided reasons why it makes sense that she applied on paper in April 2021, the law requires an application to be received by the Minister. The General Division didn't have any evidence from Service Canada to suggest it **received** the Claimant's paper application, regardless of whether the Claimant recalls **sending** it in the mail.

[21] The Claimant hasn't raised an arguable case for an error by the General Division.

– **There's no new evidence.**

[22] The Claimant hasn't provided any evidence that wasn't already presented to the General Division. Accordingly, new evidence also cannot form the basis for permission to appeal.

[23] I've reviewed the record.¹¹ I'm satisfied that the General Division didn't overlook or misunderstand any important evidence that could change the outcome for the Claimant.

Conclusion

[24] I've granted the Claimant an extension of time. However, I've refused to give the Claimant permission to appeal. This means that the appeal will not proceed.

Kate Sellar
Member, Appeal Division

¹¹ For more on this kind of review by the Appeal Division, see *Karadeolian v Canada (Attorney General)*, 2016 FC 615.