



Citation: *PO v Minister of Employment and Social Development and LF*, 2025 SST 626

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

Decision

Appellant: P. O.

Respondent: Minister of Employment and Social Development

Added Party: L. F.

Decision under appeal: Minister of Employment and Social Development
reconsideration decision dated February 19, 2025 (issued
by Service Canada)

Tribunal member: James Beaton

Type of hearing: In writing

Decision date: May 21, 2025

File number: GP-25-511

Decision

[1] The appeal is dismissed.

[2] The Appellant, P. O., can't cancel the division of his unadjusted pensionable earnings under the *Canada Pension Plan* (also known as a "credit split"). This decision explains why I am dismissing the appeal.

Overview

[3] The Appellant and the Added Party, L. F., cohabited as common-law spouses from May 20, 2004, to October 8, 2022. On May 3, 2023, they entered into a separation agreement which confirmed those dates.¹

[4] On June 21, 2023, the Appellant applied for a credit split.² A credit split is when ex-spouses' pension credits under the *Canada Pension Plan* are added together and divided equally between them upon a separation or divorce. The Minister of Employment and Social Development told the Appellant that his application was too early and could not be approved yet.³ This is because an application can't be approved within one year of common-law spouses' separation.⁴

[5] On October 10, 2023, the Appellant re-applied.⁵ The Minister approved the credit split as of November 2023. As a result, the Appellant's monthly retirement pension increased by about \$16. The Minister notified the Appellant by letter dated February 20, 2024.⁶ On March 6, 2024, the Minister sent a second letter with a more detailed breakdown of its calculations.⁷

¹ See GD2-32 to 47.

² See GD2-27 to 31.

³ See GD2-25.

⁴ See section 55.1(1)(c)(i) of the *Canada Pension Plan*.

⁵ See GD2-19 to 23. The Minister received a third application from the Appellant on January 3, 2024 (GD2-14 to 18).

⁶ See GD2-11.

⁷ See GD2-9.

[6] On January 30, 2025, the Appellant asked the Minister to cancel or reverse the credit split. He said the Added Party needed the money more than he did.⁸ The Minister explained that it was too late to cancel the credit split and refused to do so.⁹ The Appellant appealed the Minister's decision to the Social Security Tribunal's General Division.

What I have to decide

[7] I have to decide if the Appellant can cancel the credit split.

Reasons for my decision

[8] The Appellant can't cancel the credit split.

[9] When the Minister approves a credit split application from an applicant in respect of their common-law spouse, the applicant has 60 days to withdraw their application by asking the Minister in writing. The 60-day period begins when the applicant receives written notice of the Minister's decision to approve the credit split.¹⁰

[10] The Minister sent the Appellant two letters advising that the credit split was approved. The first letter was sent on February 20, 2024. The Appellant phoned Service Canada on February 27, 2024, to ask for an update on his application. He was told that a letter had been sent to him. He called back on February 29, 2024, to dispute the amount that his retirement pension had increased as a result of the credit split. He asked for another letter with a more detailed breakdown of the calculation.¹¹ This tells me that he received written notice of the credit split by February 29, 2024.

[11] The Appellant had 60 days from February 29, 2024, to withdraw his application by making a written request. In other words, he had until April 29, 2024. But he didn't ask to withdraw his application until January 30, 2025. By then, it was too late.

⁸ See GD2-8.

⁹ See GD2-4 to 6.

¹⁰ See section 45(3) of the *Canada Pension Plan Regulations*.

¹¹ See GD2-51 and 52.

Conclusion

[12] I find that the Appellant can't cancel the credit split.

[13] This means the appeal is dismissed.

James Beaton
Member, General Division – Income Security Section