



Citation: *YL v Minister of Employment and Social Development and Estate of KY*, 2026
SST 120

Social Security Tribunal of Canada Appeal Division

Extension of Time and Leave to Appeal Decision

Applicant: Y. L.

Respondent: Minister of Employment and Social Development

Added Party: Estate of K. Y.
Representative: E. Y.

Decision under appeal: General Division decision dated October 22, 2025
(GP-25-1322)

Tribunal member: Neil Nawaz

Decision date: February 20, 2026

File number: AD-26-71

Decision

[1] I am refusing the Applicant permission to appeal. This appeal will not be going forward.

Overview

[2] For many years, the Applicant was in a common-law relationship with the late K. Y. They separated June 2016, and K. Y. passed away in March 2025.

[3] The Applicant applied for a Canada Pension Plan (CPP) credit split in July 2024.¹ Service Canada, the Minister's public facing agency, denied her application because it was submitted several years late.

[4] The Applicant appealed Service Canada's decision to the Social Security Tribunal. The Tribunal's General Division held a hearing by teleconference and dismissed the appeal. It found there was no way to waive the four-year limitation on credit split applications.

[5] The General Division issued its decision on October 22, 2025. The next day, the Tribunal sent the decision to the Applicant by email.

[6] On February 3, 2026, the Tribunal received the Applicant's request for leave to appeal the General Division's decision.² As this request appeared to be filed past the 90-day filing deadline, the Tribunal asked the Applicant to provide a reasonable explanation for the delay.³

[7] The Applicant responded with a series of emails that, among other things, documented her efforts to refile her income taxes from 2016 to 2024 and to get the Canada Revenue Agency (CRA) to approve her for the disability tax credit.⁴ None of the

¹ See the Applicant's credit split application dated July 24, 2024, GD2-4.

² See the Applicant's leave to appeal application dated February 3, 2026, AD1.

³ See the Tribunal's letter to the Applicant dated February 13, 2026.

⁴ See the Applicant's emails submitted to the Tribunal between February 13, 2026, and February 16, 2026, AD1E to AD1N.

emails directly addressed the question at hand — why the Applicant’s leave to appeal request was late.

[8] After a conversation with a Tribunal navigator, the Applicant submitted another email.⁵ This one provided an account of what the Applicant had been doing since receiving the General Division’s decision.

Issues

[9] At this stage, I have to consider the following questions:

- Was the Applicant’s request for leave to appeal filed on time?
- If the request for leave to appeal was late, is there a reasonable explanation for the delay?
 - If there is a reasonable explanation for the delay, does the Applicant meet any grounds of appeal?

Analysis

The Applicant’s request for leave to appeal was late

[10] An application for leave to appeal must be made to the Appeal Division within 90 days after the day on which a decision is communicated to an applicant.⁶ The Appeal Division may allow further time within which an application for leave to appeal is to be made, but in no case may an application be made more than one year after the day on which the decision was communicated to the applicant.

[11] In this case, the General Division issued its decision on October 22, 2025. The next day, it, like all the Tribunal’s correspondence with the Applicant, was sent to the email address that she had provided.

⁵ Navigators are Tribunal employees who guide unrepresented claimants through the appeals process.

⁶ See section 57(1)(b) of the *Department of Employment and Social Development Act* (DESDA).

[12] However, the Tribunal did not receive the Applicant's request for leave to appeal until February 3, 2026 — 103 days later and nearly two weeks past the 90-day filing deadline.

[13] I find that the Applicant's request for leave to appeal late.

There was a reasonable explanation for the Applicant's delay

[14] When an application for leave to appeal is submitted late, the Tribunal may grant the applicant an extension of time if they have a reasonable explanation for the delay.⁷ In deciding whether to grant an extension, the interests of justice must be served.⁸

[15] In her application requesting leave to appeal, the Applicant admitted that she received the General Division's decision on October 23, 2025. However, she denied that her appeal was late. When the Tribunal informed her that her application did, indeed, appear to be late and asked her for an explanation, she responded with a series of emails that ignored the issue.

[16] The emails, like all of her correspondence to date, suggest that the Applicant's command of English is poor. She appears to have difficulty understanding the Tribunal's communications, and she has displayed a weak grasp of the rules and procedures that govern the appeals process. She is 70 years old and is being treated for cancer. She has been attempting to manage her claim by herself.

[17] However, the Applicant's most recent email indicates that she has been doing her best, in her own fashion, to respond to the General Division's rejection of her claim. From what I can gather, the Applicant has devoted considerable time in the past few months to refiling her taxes, although I don't see how that furthers her quest for a credit split. In late November, she consulted Sources Community Resources, a non-profit organization that helps individuals in need in British Columbia's Lower Mainland.⁹ It appears that she discussed the General Division's decision with a caseworker there.

⁷ See section 27 of the *Social Security Tribunal Rules of Procedure*.

⁸ See *Canada (Attorney General) v Larkman*, 2012 FCA 204.

⁹ See Sources Community Resources business card, AD1L.

[18] The Applicant's last email suggests that her leave to appeal application was late for good reason — her age, illness, isolation, and lack of facility in either of Canada's official languages leave her hopelessly unprepared to make her way through a complex, bureaucratic system.

The Applicant hasn't met any grounds of appeal

[19] There was a reasonable explanation for the Applicant's delay, so I'm waiving the 90-day deadline. But that doesn't mean the Applicant's appeal will proceed. That's because she didn't meet any of the grounds of appeal.

[20] There's no automatic right to appeal a General Division decision. The Appeal Division must first give permission to appeal. It will only do so if an applicant produces new evidence or if they present an arguable case that the General Division

- proceeded in a way that was unfair;
- acted beyond its powers or refused to exercise those powers; or
- made an error of law or fact or some combination of the two.¹⁰

[21] At this initial stage, I had to decide whether the Applicant produced new evidence or presented an arguable case that the General Division made a mistake.

– The Applicant didn't produce any relevant new evidence

[22] The Applicant has submitted new information that was not available to the General Division, but none of it was relevant to the question of whether she was entitled to a credit split. The Applicant's request for leave to appeal was followed by these items:

- CRA notices of reassessment for the income tax years 2015–24.¹¹
- An exchange of texts between the Applicant and an unknown person confirming whether an email was sent.¹²

¹⁰ See section 58.1(b) of the DESDA.

¹¹ See attachments to the Applicant's emails dated February 9, 2026 (AD1D) and February 10, 2026 (AD1E).

¹² See attachment to the Applicant's email dated February 13, 2026, AD1G.

- A letter from CRA approving the Applicant for the disability tax credit.¹³
- Various hospital appointment cards.¹⁴
- Various bank statements.¹⁵

[23] I don't see how any of this new material has bearing on whether the Applicant was eligible for a credit split. Leave to appeal is granted if a claimant provides evidence that was not presented to the General Division. On the face of it, this language is broad, but case law has endorsed a more restrictive interpretation of what is meant by "evidence" in this context.

[24] In a recent case called *Kryklywicz*, the Federal Court found it reasonable for the Appeal Division to refuse leave if the new evidence presented is irrelevant or arguably irrelevant.¹⁶ In doing so, it relied on this statement from the Supreme Court of Canada: "It is a basic or bedrock concept of law that for evidence to be admissible in a proceeding it must be relevant."¹⁷

– There's no arguable case that the General Division made an error

[25] I have reviewed the record, and I'm satisfied that the General Division didn't misinterpret the applicable law, misconstrue the available evidence, or otherwise act unfairly.¹⁸

[26] In her request for permission to appeal, the Applicant acknowledged that she hadn't found any mistakes in the General Division's decision. However, she wanted the Tribunal to consider the fact that she had refiled her income taxes with CRA in the hope that it might affect the four-year limit on her applying for a credit split.¹⁹

¹³ See CRA letter dated December 18, 2025, AD1H.

¹⁴ See attachment to the Applicant's email dated February 13, 2026, AD1J.

¹⁵ See attachment to the Applicant's email dated February 13, 2026, AD1J.

¹⁶ See *Kryklywicz v Canada (Attorney General)*, 2026 FC 36.

¹⁷ See *R v Blackman*, 2008 SCC 37.

¹⁸ See *Karadeolian v Canada (Attorney General)*, 2016 FC 615.

¹⁹ See the Applicant's leave to appeal application dated February 3, 2026, AD1-4.

[27] However much I may sympathize with the Applicant, I can't allow her appeal to go forward. That's because she hasn't demonstrated that the General Division might have made an error.

[28] I have reviewed the General Division's decision and see nothing to suggest it misunderstood the law around CPP credit splits, nor do I see any indication that it improperly assessed the evidence before it. As the General Division noted:

- The Applicant and K. Y. separated in June 2016. This is the date the Applicant used in her application, and she has confirmed it in subsequent correspondence.
- When a common-law relationship ends, an application for a credit split must be made within four years after the parties separated.²⁰
- The Applicant didn't apply within four years of separating. Service Canada received her application in July 2024 — more than eight years after she and K. Y. parted ways.
- There was no agreement in writing between the Applicant and K. Y. to proceed with the credit split after the four-year limitation.

[29] I don't see an arguable case that, in denying the Applicant a credit split, the General Division committed a legal or factual error or otherwise violated a principle of natural justice. She may not agree this conclusion, but that by itself is not enough to advance her appeal.

Conclusion

[30] The Applicant's request for leave to appeal was late, but I waived the 90-day deadline because there was a reasonable explanation for the delay. However, I had to

²⁰ See section 55.1(1)(c)(ii) of the *Canada Pension Plan*.

refuse the Applicant leave to appeal because she didn't produce any new relevant evidence or present an argument that the General Division made an error.

[31] This means her appeal will not proceed.

A handwritten signature in blue ink, appearing to read "Fred Murray", written in a cursive style.

Member, Appeal Division