



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *G. J. v. Minister of Employment and Social Development*, 2016 SSTADIS 317

Tribunal File Number: AD-16-146

BETWEEN:

**G. J.**

Appellant

and

**Minister of Employment and Social Development  
(formerly known as the Minister of Human Resources and Skills  
Development)**

Respondent

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**SOCIAL SECURITY TRIBUNAL DECISION**  
**Appeal Division**

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DECISION BY: Hazelyn Ross

DATE OF DECISION: August 16, 2016

## DECISION AND REASONS

[1] The Appeal Division of the Social Security Tribunal of Canada, (the Tribunal), allows the appeal.

### INTRODUCTION

[2] On May 26, 2016, the Appeal Division granted the Appellant's application for leave to appeal the General Division's decision denying him an extension of time to file his appeal of a reconsideration decision.

[3] The Appeal Division found that the General Division failed to consider the "interests of justice" consideration in denying the request, thereby committing an error of law. The Appeal Division also found that the Appellant had an arguable case.

[4] After it granted leave to appeal, the Appeal Division received submissions from the parties. In her submissions, Counsel for the Respondent advised the Appeal Division of the Respondent's position that it allow the appeal pursuant to paragraph 58(1) (a) of the *Department of Employment and Social Development*, ( DESD), Act. She also submitted that the Appeal Division should give the decision the General Division should have given, which is to allow the request to extend the time to appeal. (AD2-1)

[5] In his submissions, Counsel for the Appellant, repeated and relied on the submissions filed in support of the request for leave to appeal. Counsel also filed additional submissions on the standard of review, which the Appeal Division finds are not per *Bosse v. Canada (Attorney General)* 2015 FC 1142, necessary. Counsel argued strongly that the appeal should be allowed.

[6] Having granted leave to appeal in this matter, and keeping in mind the basis on which leave to appeal was granted, the Appeal Division finds that, it is appropriate to allow the appeal.

### DECISION

[7] The request to extend the time to appeal is allowed.

[8] Pursuant to section 59 of the DESD Act, the Appeal Division also finds that, in all the circumstances of the case, namely that there has been no finding on the merits of the Appellant's appeal, it is appropriate to return the matter back to the General Division for such determination.

Hazelyn Ross  
Member, Appeal Division