

Citation: *Canada Employment Insurance Commission v. L. K. (R.)*, 2013 SSTAD 3

Appeal No. 2012-2086

BETWEEN:

Canada Employment Insurance Commission

Appellant

and

L. K. (R.)

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division – Extension of Time to File Submissions

SOCIAL SECURITY TRIBUNAL
MEMBER:

Mark Borer

DATE OF DECISION:

June 24, 2013

DECISION:

EXTENSION OF TIME ALLOWED

DECISION

[1] The extension of time to file submissions is allowed.

INTRODUCTION

[2] On December 13, 2012, a panel of the Board of Referees allowed the appeal of the Respondent. The Appellant appealed that decision to the Office of the Umpire on December 28, 2012. On May 15, 2013, the Appellant requested an extension of time to file submissions.

THE LAW

[3] The Appeal Division of the Social Security Tribunal (the “Tribunal”) becomes seized of any appeal filed with, but not heard by, the Office of the Umpire before April 1, 2013, in accordance with section 266 and subsection 267(1) of the *Jobs, Growth and Long-term Prosperity Act* of 2012. As of April 1, 2013, the Office of the Umpire had not heard the appeal in this file.

[4] Furthermore, the Appeal Division of the Tribunal is deemed to have granted leave to appeal on April 1, 2013 in respect to this appeal in accordance with section 268 of the *Jobs, Growth and Long-term Prosperity Act* of 2012.

[5] Parties had 45 days from the day on which leave to appeal was granted to file submissions with the Appeal Division in accordance with section 42 of the *Social Security Tribunal Regulations* (the “Regulations”).

[6] As an interlocutory matter, the Appeal Division must now decide whether to allow the extension of time to file submissions requested by the Appellant in accordance with section 4 of the Regulations.

[7] The Tribunal holds discretion to vary provisions of the Regulations or dispense a party from compliance with the Regulations if there are “special circumstances” in accordance with paragraph 3(1)b) of the Regulations.

ISSUE

[8] The Tribunal must decide whether there are special circumstances to vary the 45- day time limit to file submissions.

SUBMISSIONS

[9] In their submissions, counsel for the Appellant stated that due to the creation of the Tribunal they had only been retained several days before the filing of this motion. They have requested this extension because they need additional time to review and prepare submissions.

ANALYSIS

[10] The Regulations permit the Tribunal to vary procedural rules if there are special circumstances, but also require that matters be conducted as quickly and informally as the considerations of justice and fairness permit. The clear intent of Parliament was to expedite matters as much as possible, and to avoid the routine granting of time extensions.

[11] However, with the establishment of the new Tribunal have come extensive procedural changes. These changes, and the adjustments required to conform to them, are in my view unique enough to constitute special circumstances.

CONCLUSION

[12] The extension of time to file submissions is allowed. Given the time period already elapsed since April 1, 2013, the Tribunal permits the parties to file submissions by August 1, 2013.

Mark Borer
Member, Appeal Division