



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *AM v Minister of Employment and Social Development*, 2020 SST 1161

Tribunal File Number: GP-19-1610

BETWEEN:

**A. M.**

Appellant

and

**Minister of Employment and Social Development**

Respondent

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**SOCIAL SECURITY TRIBUNAL DECISION**  
**General Division – Income Security Section**

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DECISION BY: Patrick O'Neil

DATE OF DECISION: December 17, 2020

## DECISION

[1] I must summarily dismiss the Appellant's appeal as it has no reasonable chance of success. He has received the maximum retroactivity of *Guaranteed Income Supplement* (GIS) payable pursuant to the *Old Age Security Act* (OASA) for the payment period July 2009-June 2010.

## OVERVIEW

[2] The Minister received the Appellant's application for GIS for the payment period July 2009-June 2010 on December 31, 2010<sup>1</sup>. The Minister approved the application initially and on reconsideration with payments beginning January 2010<sup>2</sup>. The Appellant appealed the reconsideration decision to the Social Security Tribunal (Tribunal) seeking additional retroactivity of pension payments.

[3] I must summarily dismiss an appeal if satisfied that it has no reasonable chance of success<sup>3</sup>. I have decided this appeal has no reasonable chance of success for the reasons set out below.

## ISSUE

[4] Is the Appellant entitled to GIS payments prior to January 2010?

## ANALYSIS

### **The Appellant is not entitled to GIS payments prior to January 2010.**

[5] I gave the Appellant the requisite notice in writing of my Intention to Summarily Dismiss his appeal<sup>4</sup>. I allowed him a reasonable time to make submissions. He made no submissions after receipt of the notice on the issue I must decide, being the maximum retroactivity of GIS payable to him for the payment period July 2009-June 2010. The relevant evidence pertaining to that

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<sup>1</sup> GD2 page 5

<sup>2</sup> GD2 pages 41-42

<sup>3</sup> Subsection 53(1) of the *Department of Employment and Social Development Act* (DESD Act)

<sup>4</sup> Section 22 of the *Social Security Tribunal Regulations* (Regulations)

issue, namely the date the Minister received the Appellant's application, and the date of commencement of payments allowed by the Minister, is not in dispute.

[6] To qualify for GIS, an applicant must meet the requirements set out in the OASA. The Minister cannot pay GIS to an OAS pensioner unless the pensioner has made an application for GIS<sup>5</sup>. The Appellant made his application for GIS for the payment period July 2009-June 2010 on December 31, 2010.

[7] Once the Appellant met the eligibility requirements for GIS, the OASA sets out rules for payment of the GIS. The maximum retroactivity of GIS<sup>6</sup> payments is 11 months before the month the Minister received the GIS application.

[8] The Minister received the Appellant's application for GIS for the payment period July 2009-June 2010 on December 31, 2010<sup>7</sup>. The Minister approved the application with payments beginning January 2010, being 11 months before the month the Minister received the Appellant's application. He has received the maximum retroactivity of GIS permitted by the OASA.

[9] The Tribunal is created by legislation and, as such, I only have the powers granted to it by its governing statute. I am required to interpret and apply the provisions as set out in the OASA. I cannot use the principles of equity, fairness, financial hardship, or consider extenuating circumstances to grant more retroactivity of GIS than is prescribed by the OASA.

[10] I find the Minister allowed the Appellant the maximum retroactivity of GIS permitted by the OASA.

[11] Accordingly, I find that the appeal has no reasonable chance of success.

## **CONCLUSION**

[12] The appeal is summarily dismissed.

Patrick O'Neil  
Member, General Division - Income Security

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<sup>5</sup> Paragraph 11(2) OASA

<sup>6</sup> Paragraph 11(7)(a) OASA

<sup>7</sup> GD2 page 10