



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *YA v Minister of Employment and Social Development*, 2021 SST 896

Tribunal File Number: GP-21-1631

BETWEEN:

Y. A.

Appellant

and

Minister of Employment and Social Development

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Income Security Section

DECISION BY: Jackie Laidlaw

DATE OF DECISION: December 15, 2021

REASONS AND DECISION

OVERVIEW

[1] The Appellant applied for a Guaranteed Income Supplement (GIS). The Respondent allowed the benefit. The Appellant appealed the date the benefit began to the Social Security Tribunal (Tribunal) on July 27, 2021.

[2] This appeal involves retroactive payments for a GIS.

[3] Subsection 53(1) of the *Department of Employment and Social Development Act* (DESD Act) states that the General Division must summarily dismiss an appeal if satisfied that it has no reasonable chance of success (*Miter v. Canada (A.G.)*, 2017 FC 262).

[4] The Tribunal has decided that this appeal has no reasonable chance of success for the reasons set out below.

EVIDENCE

[5] The Appellant applied for a GIS on July 2, 2020.

[6] The legislation¹ allows only 11 months of retroactive payment from the date the application is received.

SUBMISSIONS

[7] The Appellant was given notice in writing of the intent to summarily dismiss the appeal and was allowed a reasonable period of time to make submissions as required by Section 22 of the *Social Security Tribunal Regulations* (Regulations).

[8] The Appellant submitted that:

¹ Section 11(7)(a) of the Old Age Security Act limits payment more than 11 months before the month in which the application is received or is deemed to have been made

- a) He brought the application to the Post Office in June 2020, and that should be the date it was received. The mail was set aside for days before processing by the post office and/or actually date stamped by Service Canada.

ANALYSIS

[9] The date of receipt indicated in the legislation is not the date it was received at the post office. It is an application for a government benefit, and not an application for the post office. Therefore, it is the date the application is received at Service Canada, and not the date it was mailed.

[10] The option to apply online during COVID-19 was available to the Appellant and all other applicants. The Appellant is aware of this, as he sent in his notice of appeal online. As such, he could have applied at any time.

[11] The Tribunal finds the application was received on July 2, 2020. Eleven months earlier is August 2019. The Appellant has received benefits from August 2019.

[12] The Tribunal is created by legislation and, as such, it has only the powers granted to it by its governing statute. The Tribunal is required to interpret and apply the provisions as they are set out in the CPP.

[13] Accordingly, the Tribunal finds that the appeal has no reasonable chance of success.

CONCLUSION

[14] The appeal is summarily dismissed.

Jackie Laidlaw
Member, General Division - Income Security