



Citation: *IS v Minister of Employment and Social Development and NS*, 2025 SST 247

Social Security Tribunal of Canada
General Division – Income Security Section

Decision

Appellant: I. S.

Respondent: Minister of Employment and Social Development

Added Party: N. S.

Decision under appeal: Minister of Employment and Social Development
reconsideration decision dated (issued by Service
Canada)

Tribunal member: Sarah Sheaves

Decision date: March 3, 2025

File number: GP-25-207

Decision

[1] The appeal won't go ahead. This decision explains why.

Overview

[2] The Appellant and the Added Party applied for the Guaranteed Income Supplement benefit on February 6, 2023. The Minister of Employment and Social Development (Minister) accepted their application.

[3] The Appellant and Added Party didn't agree with the Minister's calculation of their benefits for the years 2022 – 2023 and 2023 – 2024. They asked it to reconsider. On January 10, 2024, the Minister reconsidered its decision and recalculated the benefits.

[4] The Minister advised the Appellant and Added Party that if they didn't agree with the reconsideration decision and recalculated benefits, they could appeal to the Social Security Tribunal (Tribunal) within 90 days.

[5] The Appellant appealed the reconsideration decision to Tribunal on February 4, 2025.

What I have to decide

[6] I have to decide whether the Appellant appealed in time.

Matters I have to consider first

The Tribunal can't hear an appeal about the 2024-2025 benefit calculation

[7] The Tribunal can't hear an appeal about the 2024-2025 benefit calculation.

[8] The Appellant and Added Party didn't agree with the Minister's calculation of their 2024-2025 benefits as well. They asked the Minister to reconsider its decision about that benefit year too.

[9] The Minister hasn't yet issued a reconsideration decision about the 2024-2025 benefit calculation.

[10] Parties can't appeal to the Tribunal until the Minister has made a decision about their request for reconsideration.¹

[11] If the Appellant and the Added Party receive a reconsideration decision about the 2024 – 2025 benefit calculation, and they don't agree with it, they can appeal to the Tribunal about those benefits at that time.

[12] The Appellant and Added Party have received a reconsideration decision for the Minister for the 2022 – 2023 and the 2023 – 2024 benefit calculations. That is what this appeal is about, as it is the only appeal the Tribunal can consider.

Reasons for my decision

[13] The appeal won't go ahead because the Appellant and Added Party didn't appeal to the Tribunal in time. Here are the reasons for my decision.

What the law says

[14] If an appellant disagrees with the Minister's reconsideration decision, they have to appeal to the Tribunal within 90 days after the Minister told them about the decision.²

[15] If an appellant appeals after the deadline, the Tribunal can give them more time (accept the late appeal). But **in no case** can an appellant appeal a reconsideration decision more than one year after the Minister told them about it.³

The appeal was more than one year late

[16] I find that the appeal was more than one year late.

¹ See section 82 of the *Canada Pension Plan*.

² See section 52(1) of the *Department of Employment and Social Development Act* (DESD Act).

³ See section 52(2) of the DESD Act.

– **The Minister told the Appellant and Added Party about its decision on January 10, 2024**

[17] The Minister told the Appellant and Added Party about its reconsideration decision for the 2022 – 2023 and 2023 – 2024 benefit calculations on January 10, 2024.

[18] The Appellant confirmed they received the reconsideration decision on that date.⁴

– **The Appellant and Added Party had to appeal by January 10, 2025**

[19] The Appellant and Added Party had until January 10, 2025, to appeal to the Tribunal.

[20] They appealed on February 4, 2025.

[21] The Tribunal doesn't have equitable jurisdiction. This means I can't allow the appeal to go ahead because I think it would be fair, or because I want to help the Appellant and the Added Party in difficult circumstances. I have to follow the law.

Conclusion

[22] The Appellant and Added Party appealed more than one year after the Minister told them about its decision.

[23] This means the appeal won't go ahead in relation to the 2022 – 2023 and the 2023 – 2024 benefit calculations.

Sarah Sheaves

Member, General Division – Income Security Section

⁴ See GD1-3.