



Citation: *TT v Minister of Employment and Social Development*, 2025 SST 609

Social Security Tribunal of Canada Appeal Division

Extension of Time and Leave to Appeal Decision

Applicant: T. T.

Respondent: Minister of Employment and Social Development

Decision under appeal: General Division decision dated May 26, 2022
(GP-22-95)

Tribunal member: Kate Sellar

Decision date: **June 12, 2025**

File number: AD-25-356

Decision

[1] I'm refusing to give the Claimant an extension of time to apply to the Appeal Division. The appeal won't proceed. These are the reasons for my decision.

Overview

[2] The Claimant moved to Canada in July 2000. She has lived in Canada ever since. She applied for an Old Age Security (OAS) pension in January 2021, the month she turned 70. She said she wanted her pension to start in February 2021.

[3] The Minister of Employment and Social Development (Minister) granted the Claimant a partial pension of 15/40, effective February 2021. This was based on the Claimant's residing in Canada for 15 full years from July 2000 to when she turned 65 in January 2016. The Minister increased the pension amount by 36% because the Claimant didn't start receiving it until she turned 70. The Claimant was to receive \$313.83 per month. The amount would increase with the cost of living.

[4] The Claimant asked for reconsideration; she argued her pension payments should be higher. The Minister didn't change the calculation in the reconsideration letter.

[5] The Claimant appealed to this Tribunal. The General Division dismissed the Claimant's appeal. The General Division found that the Claimant was eligible for a partial OAS pension of 15/40, with an actuarial adjustment (percentage increase) of 36%.

Issues

[6] The issues in this appeal are:

- a) Was the Claimant's application to the Appeal Division late?
- b) Can I extend the time for filing the application?

Analysis

The application to the Appeal Division is late

[7] Claimants have 90 days from when the Tribunal communicates the General Division decision to request permission for appeal at the Appeal Division.¹

[8] The General Division decision is dated May 26, 2022. The Claimant has made no argument that there was any delay in her receiving the General Division decision.² The decision letter from the Tribunal to the Claimant is dated May 30, 2022. That letter states that the Tribunal sent the General Division decision to the Claimant by email.

[9] The Appeal Division received the Claimant's application on May 13, 2025.³ The Claimant filed the application more than 90 days after the Tribunal communicated its decision on May 30, 2022 by email, so the application is late.

I cannot extend the time for filing the application

[10] I don't have the power to grant the Claimant an extension of time. The law says an application cannot proceed **under any circumstance** if a claimant applies more than one year after the General Division communicated its decision.⁴

[11] In light of all the evidence, I found that the Tribunal communicated the General Division decision to the Claimant on May 30, 2022. I also found that the Claimant appealed on May 13, 2025. Accordingly, the Claimant's application is past the one-year mark, and I cannot allow it to go ahead.

¹ See section 57(1)(b) in the *Department of Employment and Social Development Act* (Act).

² See AD1-4 where the Claimant selected May 22, 2022 as the date she received the General Division decision.

³ See AD1.

⁴ See section 57(2) in the Act.

Conclusion

[12] I haven't given the Claimant an extension of time to apply to the Appeal Division. This means that the application won't proceed.

Kate Sellar
Member, Appeal Division