



[TRANSLATION]

Citation: *MM v Minister of Employment and Social Development and KK*, 2025 SST 1215

## **Social Security Tribunal of Canada Appeal Division**

# **Leave to Appeal Decision**

<b>Applicant:</b>	M. M.
<b>Respondent:</b>	Minister of Employment and Social Development
<b>Representative:</b>	
<b>Added Party:</b>	K. K.
<b>Representative:</b>	

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<b>Decision under appeal:</b>	General Division decision dated September 9, 2025 (GP-24-375)
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<b>Tribunal member:</b>	Jean Lazure
<b>Decision date:</b>	November 21, 2025
<b>File number:</b>	AD-25-675

## Decision

[1] Permission to appeal is refused. The appeal won't go ahead.

## Overview

[2] The Applicant applied for an Old Age Security (OAS) pension and the Guaranteed Income Supplement (GIS) on September 7, 2021.<sup>1</sup> The Minister of Employment and Social Development (Minister) started paying the Applicant an OAS pension and the GIS.

[3] But on August 31, 2023, the Minister recalculated the Applicant's GIS considering his income from his Algerian foreign pension as well as his wife's pension.<sup>2</sup> The Minister also found that the Applicant had to repay an overpayment. The Applicant asked for a reconsideration of that decision. In a Reconsideration Decision Letter, the Minister upheld its initial decision.<sup>3</sup>

[4] The Applicant filed his appeal to the Social Security Tribunal (Tribunal) on February 26, 2024.<sup>4</sup> On September 9, 2025, the General Division dismissed his appeal.<sup>5</sup> On October 23, 2025, the Applicant filed an application for permission to appeal to the Appeal Division.<sup>6</sup>

## Issues

[5] The issue is as follows: Has the Applicant raised a ground of appeal under the Act?<sup>7</sup>

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<sup>1</sup> This is at GD2-3.

<sup>2</sup> See GD1-2 and GD2-86.

<sup>3</sup> See GD2-94.

<sup>4</sup> See GD1-1.

<sup>5</sup> See AD1A-1.

<sup>6</sup> See AD01-1.

<sup>7</sup> See the *Department of Employment and Social Development Act* (Act), SC 2005, c 34. See also paragraphs 6 and 7 below.

## **I am not giving the Applicant permission to appeal**

[6] I can give the Applicant permission to appeal if his application raises an arguable case that the General Division:

- didn't follow a fair process;
- acted beyond its powers or refused to use them;
- misinterpreted the law or applied it incorrectly;
- got the facts wrong;
- made an error in applying the law to the facts.<sup>8</sup>

[7] I can also give the Applicant permission to appeal if his application has evidence that wasn't presented to the General Division.<sup>9</sup>

[8] The Applicant must raise one of the grounds of appeal listed above. The law doesn't provide for any other grounds of appeal.

### **Ground of appeal raised by the Applicant**

[9] The Applicant raised a ground of appeal about his income from an Algerian retirement pension and how this income should or should not be considered in determining his eligibility for the GIS.<sup>10</sup>

### **There is no arguable case for error in the General Division's findings**

[10] In its decision, the General Division specifically said that the Tribunal doesn't have the power "to decide issues about the calculation of a person's income...."<sup>11</sup>

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<sup>8</sup> See sections 58.1(a) and 58.1(b) of the Act.

<sup>9</sup> See section 58.1(c) of the Act.

<sup>10</sup> See AD1-3.

<sup>11</sup> See paragraph 10 of the General Division decision, at AD1A-3.

[11] Later in its decision, the General Division confirms that, “[b]ecause this appeal is about income, I don’t have the power to decide these issues.”<sup>12</sup>

[12] I don’t see any arguable case for error in the General Division’s findings. In fact, the General Decision had previously referred the Applicant’s application to the Tax Court of Canada (Tax Court) because he “raised an issue about income.”<sup>13</sup> But, on November 18, 2023, the Tax Court dismissed the appeal because the Applicant didn’t go to the hearing.<sup>14</sup>

### **There is no other arguable case about the grounds of appeal under the Act**

[13] The Applicant hasn’t raised any arguable case that the General Division committed a breach or made an error. Also, he hasn’t provided any new evidence. So, new evidence also can’t be used to support giving permission to appeal

[14] I reviewed the file.<sup>15</sup> I am convinced that it isn’t possible to argue that the General Division ignored or misinterpreted other evidence that could affect the outcome of the Applicant’s appeal.

[15] Because the Applicant hasn’t raised a ground of appeal under the law, I have to refuse him permission to appeal.

### **Conclusion**

[16] Permission to appeal is refused. This means the appeal won’t go ahead.

Jean Lazure  
Appeal Division Member

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<sup>12</sup> See paragraph 14 of the General Division decision, at AD1A-3.

<sup>13</sup> See paragraph 8 of the General Division decision, at AD1A-2.

<sup>14</sup> See GD9-2.

<sup>15</sup> For more about this type of review by the Appeal Division, see *Karadeolian v Canada (Attorney General)*, 2016 FC 615.