



Citation: *AJ v Minister of Employment and Social Development*, 2025 SST 1198

Social Security Tribunal of Canada
General Division – Income Security Section

Decision

Appellant: A. J.

Respondent: Minister of Employment and Social Development

Decision under appeal: Minister of Employment and Social Development
reconsideration decision dated March 31, 2025 (issued by
Service Canada)

Tribunal member: Virginia Saunders

Type of hearing: In person

Hearing date: November 13, 2025

Hearing participants: Appellant

Decision date: November 20, 2025

File number: GP-25-1053

Decision

[1] The appeal is dismissed.

[2] The Appellant, A. J., isn't eligible to have his Old Age Security (OAS) pension payments start before March 2023.

[3] This decision explains why I am dismissing the appeal. The decision also explains why I didn't make a decision about the Appellant's Guaranteed Income Supplement (GIS).

Overview

[4] The Appellant applied for an OAS pension and GIS in February 2024.¹ The Minister of Employment and Social Development (Minister) granted the pension, effective March 2023.²

[5] The Minister also approved the Appellant's GIS, effective March 2023. However, his GIS payments didn't start until July 2024. This is because getting an OAS pension is just one of the requirements for getting the GIS. A GIS applicant must meet other requirements too. One requirement is that their income and their spouse's income must be below a certain amount. The Minister said it could not determine the Appellant's GIS eligibility from March 2023 to June 2024 because it didn't have income information for him or his spouse. It would process payments for those months after it received the required information.³

[6] The Appellant asked the Minister to reconsider the start date of the pension and GIS payments. He said he had applied in May 2022 by dropping off an application at Service Canada. He wanted his payments to start in December 2021, the month after he turned 65.⁴

¹ See GD2-3 to 10.

² See GD2-11 and GD2-15.

³ See GD2-15 to 17.

⁴ See GD2-18 to 21.

[7] The Minister maintained its decision about the Appellant's OAS pension on reconsideration.⁵ The Appellant appealed to the General Division of the Social Security Tribunal (Tribunal).

What I must decide

[8] The only issue I can decide in this appeal is whether the Appellant's OAS pension payments can start before March 2023.

Reasons for my decision

[9] I find that the Appellant's OAS pension payments can't start before March 2023.

[10] First, I will explain why I don't have the jurisdiction (legal authority) to hear an appeal about the Appellant's GIS. Then I will explain why his OAS pension can't start before March 2023.

Why I can't hear an appeal about the Appellant's GIS

[11] To date, the Minister has not issued a reconsideration decision about when the Appellant's GIS payments should start. This means the Tribunal doesn't have legal authority to decide that issue.

[12] The Appellant wanted the Minister to reconsider its decision about his OAS pension **and** its decision about his GIS. He only gave the date of the OAS decision in his request for reconsideration. However, he checked the box that said he wanted his GIS to be reconsidered as well.⁶

[13] It appears the Minister was prepared to start the Appellant's GIS in March 2023, if he met the income requirements. This would not have satisfied the Appellant, for the same reason he disagreed with the decision about when his OAS pension should start.

[14] But there are other problems with the Appellant's GIS.

⁵ See GD2-22 to 23.

⁶ See GD2-18.

[15] In December 2024, the Minister approved the Appellant's GIS for the period from July 2023 to June 2024. The Appellant was to get a retroactive payment of approximately \$18,000.⁷ However, the Appellant was then told the Minister had issued that decision by mistake. It was going to be looked at again.⁸ As of the hearing, the Appellant had not received this payment or an explanation.

[16] Also in December 2024, the Minister told the Appellant that it could not approve GIS payments from March 2023 to June 2023. This was because it didn't have a signed income statement from the Appellant's wife.⁹ The Appellant said he sent the statement.¹⁰ As of the hearing date, he had not heard or received anything.

[17] At a case conference in September 2025, the Minister's representative said the Appellant's GIS file was still under review. He said he would make more inquiries and contact the Appellant about this issue. At the hearing, the Appellant said he received one phone call from the Minister's representative, and nothing has happened since then.

[18] I recognize how frustrating this is for the Appellant. However, the Tribunal doesn't have legal authority to hear appeals of initial (first) decisions. If a person doesn't agree with an initial decision, they must ask the Minister to reconsider. The Minister must then make a reconsideration decision. The Tribunal only has authority to hear appeals from reconsideration decisions.¹¹

[19] To date, the Minister has made two initial decisions about the Appellant's GIS: the decision of September 12, 2024, approving payments starting in July 2024, and the decision of December 13, 2024, approving payments for July 2023 to June 2024.¹²

⁷ See GD5-19 to 21.

⁸ See GD2-28.

⁹ See GD5-22 to 24.

¹⁰ See GD5-1.

¹¹ See sections 27.1, 27.1(2), and 28(1) of the *Old Age Security Act*.

¹² See GD5-19 to 21, and GD2-15 to 17.

[20] The Minister's other letter of December 13, 2024, isn't a decision. It tells the Appellant what he must do to have his payments processed for the March 2023 to June 2023 period.¹³

[21] At the September 2025 case conference, the Minister's representative confirmed that the Minister has not made a reconsideration decision about the Appellant's GIS. This means I can't decide anything about the Appellant's GIS in this appeal.

[22] The Appellant raised similar frustration about his wife's application for an OAS allowance. It seems to be held up somewhere. However, for the same reasons, the allowance can't be the subject of this appeal.

Why the Appellant's OAS payments start in March 2023

[23] The law tells me how to determine when a person is eligible for an OAS pension. I can't change the law or ignore it.¹⁴

[24] OAS pension payments start the month after the pension is approved.¹⁵ The Appellant was 67 years old when he applied for his OAS pension in February 2024. When an application is received after a person turns 65, the approval takes effect on the latest of the following dates:¹⁶

- one year before the day it was received—in this case, February 15, 2023
- the day the Appellant qualified for a pension after turning 65 **and** meeting the residence requirement—in this case, the Appellant met the residence requirement in July 2008 and turned 65 on November 30, 2021
- the month before the day specified in writing by the Appellant—in this case, the Appellant asked for payments to start as soon as he was eligible, which was November 30, 2021, and the month before that is October 2021

¹³ See GD5-22 to 23.

¹⁴ See *Miter v Canada (Attorney General)*, 2017 FC 262.

¹⁵ See section 8(1) of the *Old Age Security Act*.

¹⁶ See section 5(2) of the *Old Age Security Regulations*.

[25] The latest of these dates is February 15, 2023. That is the effective approval date. Payments start the following month, which is March 2023.

I can't consider whether the Appellant applied in May 2022

[26] The Appellant has said many times that he applied for the OAS pension and GIS in May 2022. He put the application in a drop box at a Service Canada centre in Surrey, BC. At the time, his wife was being treated for cancer. Their lives were disrupted. He could not devote much time or energy to following up on his application.¹⁷

[27] When his wife's health improved, the Appellant contacted Service Canada. They told him there was no record of his application. They said he should apply again, and that everything would be worked out. As a result, the Appellant submitted another application in February 2024.

[28] The date the Minister received the application is important because payments can't start more than 11 months before a person applied. Based on a May 2022 application, the Appellant's pension payments could have started the month after he turned 65 in November 2021.

[29] Even if I accept that the Appellant submitted an application in May 2022, the Minister doesn't have it. If it was received, it was lost or destroyed. This would be because of an administrative error.

[30] The Minister has authority to investigate administrative errors and fix them.¹⁸ But the Tribunal doesn't have any authority over that process. It can't hear appeals from decisions the Minister might make about whether to investigate, whether there has been an error, or what to do about it.¹⁹

[31] I recognize that the Minister's reconsideration decision told the Appellant to appeal to the Tribunal, so he did. The Appellant's reconsideration request was based on his claim that he applied before February 2024, and the application was lost. So, it's

¹⁷ See GD1-9, GD2-19, and GD5-1 to 2. He also said this at the hearing.

¹⁸ See section 32 of the *Old Age Security Act*.

¹⁹ See *Canada (Attorney General) v Vinet-Proulx*, 2007 FC 99.

difficult to understand why the Minister didn't immediately give the Appellant information about how to ask for an administrative error investigation.

[32] At the case conference, the Minister's representative first suggested that the Appellant contact Service Canada and ask for an administrative error investigation. Then he said that someone from Service Canada would contact him the following week about this issue as well. It doesn't appear that this issue is being resolved either. Unfortunately, as I explained above, I can't tell the Minister to investigate. And I can't disregard the law about when the Appellant's OAS payments start because I think it would be fair to do so.²⁰

Conclusion

[33] I find that the Appellant isn't eligible to have his OAS pension start before March 2023.

[34] This means the appeal is dismissed.

Virginia Saunders
Member, General Division – Income Security Section

²⁰ See *Canada (Minister of Human Resources Development) v Esler*, 2004 FC 1567.