



Citation: *CA v Minister of Employment and Social Development and JA*, 2025 SST 1147

**Social Security Tribunal of Canada  
General Division – Income Security Section**

**Decision**

**Appellant:** C. A.

**Respondent:** Minister of Employment and Social Development

**Added Party:** J. A.

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**Decision under appeal:** Minister of Employment and Social Development  
reconsideration decision dated January 30, 2025 (issued  
by Service Canada)

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**Tribunal member:** Carol Wilton

**Type of hearing:** Teleconference

**Hearing date:** September 4, 2025

**Hearing participant:** Appellant

**Decision date:** September 8, 2025

**File number:** GP-25-241

## Decision

[1] The appeal is dismissed.

[2] The Appellant's Guaranteed Income Supplement (GIS) for 2024-2025 was correctly calculated.

[3] This decision explains why I am dismissing the appeal.

## Overview

[4] The Appellant is a senior citizen. He turned 65 in September 2016. In October 2016, he began collecting a partial Old Age Security (OAS) pension. He began collecting the GIS the same month.<sup>1</sup>

[5] The Appellant's wife, J. A., is the Added Party. She was born in August 1953. She married the Appellant in 1978. In 2018, she became entitled to an OAS pension. She retired in June 2022. Since then, she has developed an aggressive form of dementia.<sup>2</sup>

[6] The GIS is an income-tested monthly benefit. It is paid to people who get an OAS pension and have little or no other income. If an appellant is married, the GIS is based on the combined income of the couple.

[7] The joint income of the Appellant and the Added Party for the GIS renewal period from July 2024 to June 2025 was \$14,230.00. This was based in part on a withdrawal the Appellant made from his wife's RRIF to pay off their credit card debt. It was also based on a one-time dividend issued to the Appellant's wife by her employer.

[8] The Minister decreased the Appellant's GIS entitlement from what it had been the year before when the combined income of the Appellant and his wife was \$10,383.16.<sup>3</sup>

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<sup>1</sup> See GD10-3.

<sup>2</sup> See GD2-5.

<sup>3</sup> See GD10-4.

[9] On reconsideration, the Minister maintained its decision about the amount of the GIS payments to the Appellant and his wife.<sup>4</sup> The Appellant appealed to the Social Security Tribunal.

[10] The Appellant is claiming financial hardship. He says that he understands the law. He understands that if he and his wife make withdrawals from her RRIF, the Minister considers the withdrawal as income. This reduces their GIS payments the following year.

[11] The Appellant says that he has to use credit cards to pay all his bills. Then he uses his wife's RRIF payments to pay off the credit cards.

[12] The Minister says the parties' GIS for July 2024-June 2025 was correctly calculated.

## **What the Appellant must prove**

[13] For the Appellant to succeed, he must prove that the amount of his and his wife's GIS for 2024-2025 was incorrectly calculated.

## **Matters I have to consider first**

### **The Added Party**

[14] At the request of the Minister, the Tribunal made the Appellant's wife a party to the appeal. She has a direct interest in its outcome. She wasn't present at the hearing because of her dementia.

## **Reasons for my decision**

### **This case doesn't need to be referred to the Tax Court of Canada**

[15] The Minister's income determinations relating to the GIS are made under the authority of the OAS Act.<sup>5</sup> If an appellant challenges the Minister's income determination

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<sup>4</sup> See GD2-14.

<sup>5</sup> See section 22 of the OAS Act.

for the purposes of his GIS benefits under the OAS Act, the matter must go to the Tax Court of Canada.<sup>6</sup>

[16] In the present case, however, the Appellant isn't challenging the Minister's method of calculating the amount of the 2024-2025 GIS payments for himself and his wife. He didn't challenge the method of calculation either at the hearing or at the case conference I held at the end of July 2025.

[17] Because the Appellant isn't challenging the Minister's income determination relating to his joint GIS benefits with his wife, I do not need to refer this case to the Tax Court of Canada.

### **I have no power to help the Appellant**

[18] The Appellant's point was that with rising costs due to inflation and the increasing cost of care for his wife, he couldn't balance his budget without taking money from their savings. But the amounts he withdraws to pay for necessities count as income for GIS purposes. This means a reduction in his income for the following year.

[19] The Appellant relies a great deal on Adult Day programs for his wife. He explained that he can't put her in long-term care because they can't afford it. Nor can he earn more money by working, even remotely, because she is always seeking his attention. (He arranged for the hearing to happen when she was in her Adult Day program.) Further, their daughters can no longer spell him off because their mother's dementia is too advanced.

[20] The Appellant hoped that the Tribunal could find some solution for his situation.

[21] I explained to the Appellant that I can't make decisions because I want to help appellants in difficult circumstances. I must follow the provisions of the OAS Act and

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<sup>6</sup> See section 22 of the OAS Act and *Agrawal v. Canada (Minister of Employment, Workforce Development and Official Languages)*, 2024 TCC 128.

Regulations.<sup>7</sup> I can't make decisions based on compassion or extenuating circumstances.

[22] The Appellant, it appears, would like an increase in the amount of his GIS, or special consideration when there are unavoidable medical or caregiving expenses. But the amount of the GIS was calculated appropriately. I do not have the ability to vary this on compassionate or extenuating grounds. Therefore, a solution is beyond my jurisdiction. The Appellant might find that his federal Member of Parliament would be helpful.

## **Conclusion**

[23] The Appellant didn't challenge the Minister's determination of the income of himself and his wife in 2024-2025.

[24] I therefore find that the 2024-2025 GIS payment to the Appellant and his wife was correctly calculated.

[25] This means the appeal is dismissed.

Carol Wilton

Member, General Division – Income Security Section

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<sup>7</sup> *Langlois. v. Canada (Attorney General)*, 2018 FC 1108.