



Citation: *CA v Minister of Employment and Social Development and JA*, 2025 SST 1146

Social Security Tribunal of Canada Appeal Division

Leave to Appeal Decision

Applicant: C. A.

Respondent: Minister of Employment and Social Development
Representative:

Added Party: J. A.
Representative:

Decision under appeal: General Division decision dated September 8, 2025
(GP-25-241)

Tribunal member: Kate Sellar

Decision date: November 7, 2025

File number: AD-25-591

Decision

[1] I'm refusing to give the Claimant, C. A., leave (permission) to appeal. The appeal will not proceed. These are the reasons for my decision.

Overview

[2] The Claimant turned 65 in September 2016. In October 2016, he began receiving a partial Old Age Security (OAS) pension and the Guaranteed Income Supplement (GIS).

[3] The Claimant's spouse, J. A., is the Added Party. She was born in August 1953. She married the Claimant 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.

[4] The GIS is monthly benefit based on income. It's paid to people who get an OAS pension and have little or no other income. If a claimant is married, the GIS is based on the combined income of the couple.

[5] The combined income of the Claimant 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 Claimant made from the Added Party's Registered Retirement Income Fund (RRIF) to pay off their credit card debt. It was also based on a one-time dividend from the Added Party's employer.

[6] The Minister decreased the Claimant's GIS entitlement from what it had been the year before when the combined income of the Claimant and the Added Party was \$10,383.16. On reconsideration, the Minister didn't change that decision to lower the GIS. The Claimant appealed to this Tribunal. The General Division dismissed his appeal.

[7] The General Division decided that the Claimant wasn't able to show that the Minister made any error when it reduced the amount of the GIS for 2024-2025 based on the increased income from the one-time dividend and the RRIF withdrawal.

Issues

[8] The issues in this appeal are:

- a) Is there an arguable case that the General Division made any error in the approach it took to considering the Claimant's appeal?
- b) Does the application set out evidence that wasn't presented to the General Division? Can this evidence justify giving the Claimant permission to appeal?

I'm not giving the Claimant permission to appeal

[9] I can give the Claimant permission to appeal if the application raises an arguable case that the General Division:

- didn't follow a fair process;
- acted beyond its powers or refused to exercise those powers;
- makes an error of law;
- makes an error of fact; or
- makes an error applying the law to the facts.¹

[10] I can also give the Claimant permission to appeal if the application sets out evidence that wasn't presented to the General Division.²

[11] The Claimant hasn't raised an arguable case and hasn't set out new evidence that would justify giving him permission to appeal. I'm refusing to give the Claimant permission to appeal.

¹ See section 58.1(a) and (b) in the *Department of Employment and Social Development Act* (Act).

² See section 58.1 (c) in the Act.

There's no arguable case that the General Division made any error in the approach it took to considering the Claimant's appeal.

[12] The Claimant argues that when considering whether the amount of his monthly GIS should have been reduced, the General Division should have considered the fact that he has been in a cash flow deficit as a result of his wife's care needs.³ The Claimant explains this would be a more compassionate factor to consider when calculating the monthly amount of GIS payments.

– The General Division explained why it dismissed the Claimant's appeal.

[13] The General Division noted that the Claimant wasn't challenging the Minister's calculation of his income.⁴

[14] The General Division explained that it must follow the requirements of the law, and it cannot make decisions about how much GIS the Claimant is entitled to based on compassionate grounds or extenuating circumstances.⁵

– The Claimant hasn't raised an arguable case for an error.

[15] The Claimant hasn't raised an arguable case for any error by the General Division. The Claimant isn't raising any issue with the fairness of the process at the General Division. He isn't arguing that the General Division made a mistake about the law or what it had the power to decide. He isn't arguing that the General Division got the facts wrong about his income.

[16] Essentially, the Claimant is arguing for an exception to the rules about how to calculate the monthly GIS payment based on the financial realities of caregiving, which in his case required him to access money from savings.

[17] The General Division explained that it doesn't have the power to make that kind of exception, and the Claimant hasn't pointed to any part of the law that would allow the

³ See AD1-6.

⁴ See paragraph 17 in the General Division decision.

⁵ See paragraph 15 in the General Division, which explains that the Minister's income decisions relating to GIS are made according to the *Old Age Security Act* (OAS Act). Sections 11 and 12 of the OAS Act explain what the GIS is and how the Minister calculates the monthly amount.

Tribunal to calculate the GIS differently. Since the Claimant hasn't raised an arguable case for any error by the General Division, I cannot give him permission to appeal.

There's no new evidence that would justify giving the Claimant permission to appeal

[18] The Claimant attached some documents to his appeal that demonstrate his financial situation:

- Invoices for adult day program for the Added Party for August 2025;
- A monthly income and expenses document for the Claimant's household; and
- A bank letter confirming automatic monthly withdrawals for the Claimant and the Added Party from their tax-free savings account.⁶

[19] These documents are important in the sense that they paint a picture of the Claimant's financial outlook. However, the documents don't relate to any issue on appeal. The Claimant hasn't shown how it's arguable that the Tribunal can take this kind of evidence into account in a way that could possibly change the amount of his monthly GIS, which is based on income calculations the Claimant doesn't dispute.

[20] Since the documents don't relate to any issue that the Tribunal has the jurisdiction to decide, they cannot form the basis for giving the Claimant permission to appeal.

[21] I've reviewed the written record.⁷ I'm satisfied that the General Division didn't overlook or misunderstand any important evidence that could have changed the outcome for the Claimant and the Added Party.

⁶ See AD1-10 to 13.

⁷ For more on this kind of review by the Appeal Division, see *Karadeolian v Canada (Attorney General)*, 2016 FC 615.

Conclusion

[22] I've refused to give the Claimant permission to appeal. This means that the appeal will not proceed.

Kate Sellar
Member, Appeal Division