



Citation: *The Estate of TV v Minister of Employment and Social Development*, 2025 SST 1168

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

### **Leave to Appeal Decision**

**Applicant:** The Estate of T. V.

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

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**Decision under appeal:** General Division decision dated October 8, 2025  
(GP-25-1412)

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**Tribunal member:** Kate Sellar

**Decision date:** November 12, 2025

**File number:** AD-25-640

## Decision

[1] I'm a member of the Appeal Division of the Social Security Tribunal. I've reviewed the materials in this appeal. I'm refusing to give the Estate of T. V. (I'll refer to that Estate as the Claimant) leave (permission) to appeal. The appeal will not proceed. These are the reasons for my decision.

## Overview

[2] The Claimant applied for Guaranteed Income Supplement (GIS) benefits under the OAS (Old Age Security) Act in April 2024. The Minister refused the application. The Claimant wrote to the Minister in June 2024 asking the Minister to reconsider.

[3] The Minister issued a reconsideration letter on June 18, 2024.<sup>1</sup> In that letter, the Minister explained why it refused to recalculate the GIS benefit for the Claimant. The General Division received an appeal on September 4, 2025.<sup>2</sup>

[4] The General Division refused to allow the Claimant's appeal to go ahead because the Claimant filed the appeal too late.

## Issues

[5] The issues in this appeal are:

- a) Is there an arguable case that the General Division made any error that would justify giving the Claimant permission to appeal?
- b) Does the application set out evidence that wasn't presented to the General Division?

## I'm not giving the Claimant permission to appeal

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

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<sup>1</sup> See GD1-13.

<sup>2</sup> See GD1.

- didn't follow a fair process;
- acted beyond its powers or refused to exercise those powers;
- made an error of law;
- made an error of fact; or
- made an error applying the law to the facts.<sup>3</sup>

[7] I can also give the Claimant permission to appeal if the application sets out evidence that wasn't presented to the General Division.<sup>4</sup>

[8] Since the Claimant hasn't raised an arguable case and hasn't set out new evidence, I must refuse permission to appeal.

**There's no arguable case that the General Division made any error by refusing to allow the appeal to go ahead.**

[9] The Claimant argues that there are lots of good reasons why the Minister should have approved additional GIS entitlement. The deceased contributor had disabilities as a result of an accident and was vulnerable in multiple ways, particularly during the pandemic. These vulnerabilities negatively affected his ability to file income tax and pursue further GIS benefits for several years.

[10] However, the Claimant hasn't raised any argument that would allow me to grant permission to appeal.

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<sup>3</sup> See section 58.1(a) and (b) in the *Department of Employment and Social Development Act* (Act).

<sup>4</sup> See section 58.1(c) in the Act.

- **The General Division explained the law it had to apply to the Claimant’s appeal.**

[11] The General Division explained that the law says that if a claimant disagrees with the Minister’s reconsideration letter, they have to appeal to the Tribunal within 90 days after the Minister told them about the decision.<sup>5</sup>

[12] If the claimant appeals later than that, the General Division can give them more time and accept the late appeal. But as the General Division made clear, the law says that **in no case** can the Claimant appeal a reconsideration decision more than one year after the Minister told them about it (I’ll refer to this as the one-year mark or the one-year rule).<sup>6</sup>

[13] The Claimant hasn’t challenged the fact that the appeal came to the General Division more than a year after the Minister issued the reconsideration letter. The Claimant has pointed to no other part of the law that would give the Tribunal the power to ignore the law or grant the Claimant an exception to the one-year rule.<sup>7</sup>

[14] The Claimant wanted a different result and wanted the appeal to proceed at the General Division. However, I see no possible error by the General Division here. In no case can the General Division proceed when the appeal arrives past that one-year mark. The General Division provided the Claimant with an opportunity to make an argument about the lateness, and the Claimant argued only that it continued to raise the issue with the Minister after the June reconsideration letter.<sup>8</sup>

[15] I have no argument here on appeal that General Division got the facts wrong and the Claimant actually was within the one-year requirement. I have no legal argument here that the one-year rule didn’t apply to the Claimant. And I have no argument here

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<sup>5</sup> See section 52(1) of the *Department of Employment and Social Development Act* (Act). See also paragraph 6 in the General Division decision.

<sup>6</sup> See section 52(2) of the Act. See also paragraph 7 in the General Division decision.

<sup>7</sup> And the General Division explained it didn’t have the power to give an exception to the one-year rule, see paragraph 12 in its decision.

<sup>8</sup> See GD3 and GD4.

that the Claimant didn't have a fair chance to provide the General Division with the information and argument it needed before deciding whether the matter could proceed.

[16] Accordingly, there's no arguable case that the General Division made any error that could justify giving permission to appeal.

### **There's no new evidence**

[17] The Claimant hasn't provided any new evidence. Accordingly, new evidence also cannot form the basis for giving the Claimant permission to appeal.

[18] I've reviewed the written record.<sup>9</sup> I'm satisfied that there's no arguable case that the General Division overlooked or misunderstood any other evidence that could change the outcome here.

[19] I don't doubt whether the Claimant has reasons for disagreeing with the reconsideration decision. However, the Tribunal can't address those arguments when the appeal arrives more than a year after the Minister communicates the reconsideration decision. There are no exceptions to that rule in the law, and the Tribunal must follow the law as its is written.

### **Conclusion**

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

Kate Sellar  
Member, Appeal Division

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<sup>9</sup> For more on this kind of review by the Appeal Division, see *Karadeolian v Canada (Attorney General)*, 2016 FC 615.