



Citation: *The Estate of TV v Minister of Employment and Social Development*, 2025 SST 1169

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

## **Decision**

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

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

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

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**Tribunal member:** Adam Picotte

**Decision date:** October 8, 2025

**File number:** GP-25-1412

## Decision

[1] The appeal won't go ahead. This decision explains why.

## Overview

[2] The Appellant applied for an old age security benefit on April 4, 2024. The Minister of Employment and Social Development (Minister) refused the estate's application. It asked it to reconsider. On June 18, 2024, the Minister reconsidered its decision and refused the application again.

[3] The Appellant appealed the reconsideration decision to the Social Security Tribunal (Tribunal) on September 4, 2025.

## What I have to decide

[4] I have to decide whether the Appellant appealed in time.

## Reasons for my decision

[5] The appeal won't go ahead because the Appellant didn't appeal to the Tribunal in time. Here are the reasons for my decision.

## What the law says

[6] If an appellant disagrees with the Minister's reconsideration decision, they have to appeal to the Tribunal within 90 days after the Minister told them about the decision.<sup>1</sup>

[7] If the appellant appeals after the deadline, the Tribunal can give them more time (accept the late appeal). But **in no case** can the appellant appeal a reconsideration decision more than one year after the Minister told them about it.<sup>2</sup>

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<sup>1</sup> See section 52(1) of the *Department of Employment and Social Development Act* (DESD Act).

<sup>2</sup> See section 52(2) of the DESD Act.

## **The Appellant's appeal was more than one year late**

[8] I find that the Appellant's appeal was more than one year late.

### **– The Minister told the Appellant about its decision on June 18, 2024**

[9] The Minister told the Estate about its reconsideration decision on June 18, 2024. I wrote to the representative for the Estate and requested the date that the reconsideration was received by the Estate. On October 4, 2025, the representative wrote to the Tribunal and advised that the reconsideration decision was received about one week after it was issued by the Minister, or June 25, 2024.<sup>3</sup>

### **– The Appellant had to appeal by June 24, 2025**

[10] The Appellant had until June 24, 2025, to appeal to the Tribunal.

[11] The Appellant appealed on September 4, 2025.

[12] The Tribunal doesn't have equitable jurisdiction. This means I can't allow the appeal to go ahead because I think it would be fair, or because I want to help the Appellant in difficult circumstances. I have to follow the law.

## **Conclusion**

[13] The Appellant appealed more than one year after the Minister told him about its decision.

[14] This means the appeal won't go ahead.

Adam Picotte

Member, General Division – Income Security Section

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