



[TRANSLATION]

Citation: *AR v Minister of Employment and Social Development*, 2025 SST 361

Social Security Tribunal of Canada Appeal Division

Leave to Appeal Decision

Applicant: A. R.
Representative: M. G.

Respondent: Minister of Employment and Social Development

Decision under appeal: General Division decision dated February 3, 2025
(GP-24-1786)

Tribunal member: Jean Lazure

Decision date: April 10, 2025
File number: AD-25-97

Decision

[1] Permission to appeal is refused. The appeal won't go ahead.

Overview

[1] The Applicant applied for an Old Age Security (OAS) pension on June 22, 2017.¹ The Minister of Employment and Social Development (Minister) refused² her application. The Applicant asked for that decision to be reconsidered.³ In a reconsideration decision letter,⁴ the Minister upheld its initial decision.

[2] The Applicant filed her appeal with the Social Security Tribunal (Tribunal) on October 14, 2024.⁵ The General Division decided that the appeal could not go ahead because the one-year deadline had passed. On February 9, 2025, the Applicant applied for permission to appeal to the Appeal Division.⁶

Issues

[2] The issues are as follows:

- a) Is there an arguable case that the General Division made an error when making its decision under section 58.1 of the Act?
- b) Does the application have evidence that wasn't provided to the General Division under section 58.1(c) of the Act?⁷

¹ This is at GD2-7.

² On December 10, 2018, at GD2-97.

³ On March 14, 2019, at GD2-100.

⁴ On April 3, 2023, at GD2-117.

⁵ See GD1-1.

⁶ See AD01-1.

⁷ See the *Department of Employment and Social Development Act* (DESD Act), SC 2005, c 34.

I am not giving the Applicant permission to appeal

[3] I can give the Applicant permission to appeal if her application raises an arguable case that the General Division:

- didn't follow a fair process
- decided something it didn't have the power to decide, or didn't decide an issue it should have decided
- misinterpreted the law or applied it incorrectly
- got the facts wrong⁸

[4] I can also give the Applicant permission to appeal if her application has evidence that wasn't provided to the General Division.⁹

[5] The Act also says that you have to appeal the Minister's reconsideration decision within 90 days of when the decision is communicated to you.¹⁰

[6] Finally, the Act says that the Tribunal can give you more time if you filed your appeal after the 90-day deadline, as long as no more than one year has passed since the decision was communicated to you.¹¹

[7] The General Division found that the Minister communicated the April 3, 2023, reconsideration decision within 10 days.¹² The General Division also noted that the Applicant received that decision by April 15, 2023, because on that day she sent the Minister a letter saying she disagreed with the decision.¹³

⁸ See sections 58.1(a) and 58.1(b) of the DESD Act.

⁹ See section 58.1(c) of the DESD Act.

¹⁰ See section 52(1)(b) of the DESD Act.

¹¹ See section 52(2) of the DESD Act.

¹² See paragraphs 9 and 10 of the General Division decision.

¹³ See paragraph 11 of the General Division decision.

[8] The Applicant says in her application for permission to appeal that she [translation] “wasn’t late in filing an appeal with the Tribunal in relation to the decision dated April 3, 2023. [She] asked for a reconsideration on May 8, 2023.” The Applicant is most likely referring to the April 15, 2023, letter since she attached that letter—titled [translation] “Old Age Pension Reconsideration Decision”—to her application for permission to appeal.¹⁴ It seems that the Minister received that letter on May 8, 2023.

[9] As I noted above, the General Division considered this letter in its decision, and I see no error in how it assessed the letter.

[10] The General Division also said that the Applicant had until April 15, 2024, to appeal the Minister’s decision, and that she didn’t file her appeal until October 14, 2024.¹⁵ Finally, the General Division said that it doesn’t have equitable jurisdiction and has to follow the law.¹⁶ The General Division dismissed the Applicant’s appeal because it determined that she had [translation] “filed her appeal more than one year after the Minister communicated its decision to her.”¹⁷

[11] I see no error in the General Division’s other findings.

[12] Finally, the Applicant hasn’t submitted new evidence before the Appeal Division. All of the documents the Applicant submitted in support of her application for permission to appeal, including the April 15, 2023, letter, had already been provided to the General Division.¹⁸

[13] This means that since the Applicant hasn’t raised an arguable case and hasn’t provided any new evidence, I have to refuse her permission to appeal.

¹⁴ See AD1-10.

¹⁵ See paragraphs 12 and 13 of the decision.

¹⁶ See paragraph 14 of the decision.

¹⁷ See paragraph 15 of the decision.

¹⁸ The document at AD1-9 is also at GD2-127. The April 15, 2023, letter at AD1-10 is also at GD2-121. The document at AD1-11 is also at GD2-126. The General Division also dealt with the AD1-10 letter in its decision, as I noted at paragraphs 7 and 9.

[14] Finally, I have reviewed the file.¹⁹ I am satisfied that there is no arguable case that the General Division ignored or misinterpreted other evidence that could have affected the outcome of the Applicant's appeal.

Conclusion

[15] Permission to appeal is refused. This means the appeal won't go ahead.

Jean Lazure
Member, Appeal Division

¹⁹ For more about this type of review by the Appeal Division, see *Karadeolian v Canada (Attorney General)*, 2016 FC 615.