



Citation: *Minister of Employment and Social Development v BR*, 2025 SST 1048

Social Security Tribunal of Canada Appeal Division

Decision

Appellant: Minister of Employment and Social Development
Representative: Viola Herbert

Respondent: B. R.

Decision under appeal: General Division decision dated November 6, 2024
(GP-24-332)

Tribunal member: Janet Lew

Type of hearing: Videoconference

Hearing date: May 23, 2025

Hearing participants: Appellant's representative
Respondent

Decision date: October 15, 2025

File number: AD-25-58

Decision

[1] The appeal is allowed. The Respondent, B. R. (Claimant), is not eligible to cancel payment of his Old Age Security (OAS) pension.

Overview

[2] This is an appeal by the Appellant, the Minister of Employment and Social Development (Minister), of the General Division decision dated November 6, 2024. The General Division found that the Claimant was eligible to cancel payment of his OAS pension. The Minister argues that the General Division erred in its decision and that the Claimant was not eligible to cancel payment of his OAS pension.

[3] The Minister made an application to the Appeal Division for leave (permission) to appeal the General Division decision. The Appeal Division granted leave. Once the Appeal Division grants leave, then the appeal goes ahead as a new hearing. I held a new hearing on May 23, 2025, to determine whether the Claimant was eligible to cancel payment of his pension.

[4] The Minister notes that a pensioner may ask to cancel payment of the pension. However, any requests have to be made no later than six months after the day on which payment of the pension begins.¹ The Minister notes that payment of the pension for the Claimant began in July 2022, the month after he turned 65 years of age. So, the Claimant would have had to ask to cancel payment by no later than January 2023.

[5] However, the Minister did not receive the Claimant's written request to cancel payment of the pension until March 3, 2023. The Minister determined that the Claimant's request was late as it was more than six months after the day on which it had issued the first payment of the pension in July 2022.

¹ A pensioner may request cancellation of the pension no later than six months after the day on which payment of the pension begins. See section 9.3 of the *Old Age Security Act* and section 26.1 of the *Old Age Security Regulations*.

[6] The Minister asks the Appeal Division to find that the Claimant's request was late and that he was therefore ineligible to cancel payment of the OAS pension. The Minister asks the Appeal Division to allow its appeal.

[7] The Claimant argues that because he did not receive prior notice that the Minister intended to automatically enrol him for payment of an OAS pension, the Minister could not automatically enrol him and that he should therefore be entitled to cancel payment of the pension. Under the *Old Age Security Act*, if the Minister intends to automatically enrol a person for the OAS pension, the Minister has to give notice.

[8] The Minister says that it sent at least three notices to the Claimant: in June 2021, May 2022, and in July 2022. The Minister says that the Claimant had to have received at least one of the notices. Alternatively, the Minister says that it is irrelevant whether the Claimant received notice, as long as it sent him notice.

[9] The Claimant denies that he received any of the notices. He says that he first learned of the automatic enrolment when he checked his Canada Revenue (CRA) Account in February 2023 and discovered a T4A slip showing that he had received the pension. As 100% of the pension had been withheld or clawed back because of his income levels, the Claimant had not received any of the monies and could not have known about the automatic enrolment through payment of the pension.

[10] The Claimant asks the Appeal Division to find that he did not receive prior notice and that he was therefore eligible to cancel payment of the pension. He asks the Appeal Division to dismiss the appeal.

Issue

[11] The issue in this appeal is whether the Claimant is entitled to cancel payment of his Old Age Security pension. This involves examining whether (a) there has to be evidence that the Claimant received notice of the automatic enrolment and (b) whether the Minister gave notice of the automatic enrolment.

Analysis

[12] The Minister argues that it is sufficient that it gave notice of the automatic enrolment to the Claimant, whereas the Claimant argues that the Minister must prove that he received notice before it can automatically enrol him for a pension. The Claimant argues that, unless he received notice, there was no basis for the Minister to automatically enrol him and payment of the pension should therefore be cancelled.

[13] The General Division accepted the Claimant's arguments. The General Division found that the Minister had not given notice to the Claimant that it intended to automatically enrol the Claimant in the OAS program.

[14] The Minister provided copies of the automated letters that it sent to the Claimant.² But the General Division found that the Minister was unable to provide actual copies of any of the letters that it sent to the Claimant in June 2021, May 2022, and July 2022. The General Division noted the Minister's explanation that it did not retain copies of most automated letters prior to October 2022.³

[15] The General Division accepted that the Minister's file showed that its correspondence was sent to the Claimant's current address.

[16] The General Division determined that it did not matter that the Minister produced copies of the automated letters or that it had sent the letters to the Claimant's current address. It found that the Claimant had not received these notices. For that reason, the General Division determined that the Minister's notices were insufficient without proof that the Claimant had received any of them.

[17] As the General Division found that the Claimant had not received notice, it concluded that "the Minister didn't have the legal authority to begin paying the

² See Minister's submissions at GD5-8, referring to letters at GD4-1 to 4, GD2-4, and GD4-8 to 9. The letter at GD4-8 to 9 is the OAS Recovery Tax Advisory letter. The automated letters that the Minister provided are undated.

³ See General Division decision at paras 11 and 12, citing the Minister's submissions at GD5-7, para 25.

[Claimant's OAS pension.]” The General Division also found that the Claimant's request to cancel payment of his pension was not late.

The Minister's notices

[18] The Minister alleges that it sent automatically computer-generated letters to the Claimant—by regular mail—as follows:

- i. On June 18, 2021—the notice stated that the Claimant had been selected for automatic enrolment for his OAS pension, that payment would start when he turned 65, and that he could be entitled to the Guaranteed Income Supplement (GIS).⁴
- ii. On May 31, 2022—the notice stated that the Claimant had to contact the Minister if he did not want his OAS pension to start the month after his 65th birthday. An information sheet accompanied the letter.⁵
- iii. On July 12, 2022—the notice stated that the Claimant would start receiving an OAS pension that month. The notice also stated that the Claimant had 90 days to notify the Minister if he disagreed with the decision.⁶

[19] The Minister acknowledges that, prior to October 2022, it did not retain copies of most automated letters.⁷ However, the Minister also states that, “a record of all correspondence sent to pensioners selected for OAS automatic enrolment is retained on the client's file,” and that this record includes the address to which the correspondence was sent.⁸

⁴ See Submissions of the Appellant, dated April 8, 2025, at AD4-5, at paras 5 and 6, referring to the notice at GD4-1 to GD4-4.

⁵ See Submissions of the Appellant, dated April 8, 2025, at AD4-6, at paras 8 and 9, referring to the notice at GD4-5 to GD4-7.

⁶ See Submissions of the Appellant, dated April 8, 2025, at AD4-6, at paras 10 and 11, referring to the notice at GD2-5 to GD2-7. The letter is dated July 10, 2022, but the Minister states that it sent the letter to the Claimant on July 12, 2022.

⁷ See Submissions of the Minister filed July 2, 2024, at GD5-7 at para 25.

⁸ See Submissions of the Minister filed July 2, 2024, at GD5-7 at para 25, referring to ITRDS Correspondence Screen at GD2-4.

[20] The Minister relies on its Correspondence history to prove that it mailed the notices to the Claimant.⁹

[21] The Claimant is unable to verify or deny that the Minister mailed the notices to him. He did not receive any of the notices that the Minister claims that it sent. However, in his appeal to the General Division, the Claimant wrote,

I don't dispute your claim of sending the letter. If you say you sent it, then I believe it was sent. I am disputing that I received it. It is possible that it could have been lost or destroyed during the delivery process (in a postal facility or our street mailboxes that have been broken into) or inadvertently misdirected into the incorrect Post Office box. The simple fact is that I did not receive it and I am asking that you believe the same.¹⁰

[22] The Minister also alleges that it sent an automated OAS Pension Recovery Tax Advisory letter to the Claimant, informing him that the full amount of his OAS pension would be withheld starting July 2022.¹¹

Requirements to cancel payment of the Old Age Security pension

[23] The requirements to cancel payment of an OAS pension are set out in the *Old Age Security Act* and the *Old Age Security Regulations*. Sections 5 and 9.3(1) of the OAS Act read:

5(5) *Notice of intent*—if the Minister intends to waive the requirement for an application in respect of a person, the Minister shall notify the person in writing of that intention and provide them with the information on which the Minister intends to rely to approve the payment of a pension.

And

9.3 *Request to cancel pension* — (1) A pensioner may, in the prescribed manner and within the prescribed time after payment of a pension has commenced, request cancellation of that pension.

⁹ See Correspondence Screen at GD2-4.

¹⁰ See Claimant's Notice of Appeal – Income Security – General Division, at GD1-9.

¹¹ See Submissions of the Appellant, dated April 8, 2025, at AD4-6, at paras 12 and 13, referring to the OAS Pension Recovery Tax Advisory letter, at pages GD4-8 to 9.

[24] Section 26.1(1) of the OAS Regulations reads:

26.1(1) For the purposes of subsection 9.3 (1) and 18.2 (1) of the Act, a request for cancellation of a pension or supplement shall be made to the Minister in writing no later than six months after the day on which payment of the pension or supplement, as the case may be, begins.

[25] The request to cancel a pension under section 9.3 of the OAS Act and section 26.1 of the OAS Regulations relates to when payment of the pension begins. The request to cancel a pension does not say anything about whether a claimant has to have received notice of an automatic enrolment.

Is receipt of notice by a claimant required before the Minister can automatically enrol them for an OAS pension?

[26] The Minister argues that, as it mailed three notices to the Claimant, he had to have received at least one of the notices.

[27] The Minister also argues that as long as it proves that it sent the notices to the Claimant, that this is sufficient to give notice under section 5(5) of the OAS Act. In other words, it seems to be arguing that receipt of notice is irrelevant. The Minister relies on a case called *Jiang*.¹²

[28] In *Jiang*, the CRA sent several notices to Ms. Jiang about excess and non-resident contributions. She continuously made non-resident contributions. She denied that she had received any of the notices from CRA. There was no dispute that Ms. Jiang had not received CRA's mail.

[29] The Federal Court of Appeal wrote:

[11] In response, the Respondent argues that there is no obligation on the CRA to demonstrate that a taxpayer has received mail; it only needs to demonstrate that such mail was sent. The Federal Court of Appeal found in *Bowen v Minister of National Revenue*, [1991 CanLII 13528 \(FCA\)](#), [1991] FCJ No 1054, 1991 CarswellNat 520 at paragraph [8](#), that the fact that a

¹² See *Jiang v Canada (Attorney General)*, 2019 FC 629.

taxpayer did not update their address with the CRA, “cannot be laid at the feet of the Minister.”¹³

[30] Arguably, *Jiang* could have been restricted to apply in only those circumstances when there is an outdated or incorrect address for an appellant and the Minister had no other practical or reasonable means to send a notice to that appellant.

[31] In the *Bowen* case referred to above, the CRA tried to serve Mr. Bowen on three separate occasions by registered mail. The documents were returned, “refused” as CRA had an outdated address. Mr. Bowen had not updated his address with CRA.

[32] Despite the fact that the documents had been returned as undelivered, the Court of Appeal found that the Minister had fulfilled its duty to notify Mr. Bowen. The Court of Appeal determined that nothing in the *Income Tax Act* required the taxpayer to have received notice. The Minister was allowed to rely on the address that Mr. Bowen had given. The Court of Appeal concluded that the fact that a taxpayer had not updated their address with the CRA, “cannot be laid at the feet of the Minister.”¹⁴

[33] The Court of Appeal also wrote, “Moreover, a requirement for the receipt of the notification would be difficult if not totally unworkable from an administrative standpoint. Parliament has not required it; it has required merely that the notification be dispatched by registered mail.”¹⁵

[34] The Minister argues that I should therefore accept the CRA’s argument from *Jiang* that “there is no obligation... to demonstrate that a taxpayer received mail; it only needs to demonstrate that such mail was sent.” It would not matter even if notice were sent to an outdated address. The Minister argues that, as long as it can show that it mailed notice to the Claimant, then it was entitled to automatically enrol the Claimant in the OAS pension. In other words, the Minister argues that payment of the pension to the

¹³ See *Jiang v Canada (Attorney General)*, 2019 FC 629 at para 11.

¹⁴ See *Bowen v Minister of National Revenue*, 1991 CanLII 13528 (FCA).

¹⁵ See *Bowen v Minister of National Revenue*, 1991 CanLII 13528 (FCA).

Claimant is valid and that it could not cancel payment of the pension more than six months after payment began.

[35] The Minister also relies on the case of *Rossi*.¹⁶ There, CRA sent a notice of confirmation to both Mr. Rossi and his accountant. The Claimant denied that he and his accountant had ever received the notice. The taxpayer argued that CRA was under a duty to ensure delivery of the notice to him.

[36] The Court of Appeal held:

Despite his highly skilled argument, counsel for the appellant failed to convince us that the judge erred in applying the provisions of the Act to the facts in dispute. First, there is clear evidence that the notice of confirmation was sent to the appellant by registered mail at the address the appellant had himself provided; moreover, the fact that it was sent is not in dispute. Second, neither subsection 165(3) nor section 169 requires that notice be served, or that it be proven that it was received by the taxpayer. The decisions in *Canada (Attorney General) v Bowen*, [1992] 1 FC 311, [1991] 2 TCC 266 (CA); *Schafer v Canada*, [2000] FCA No 1480 and *Grunwald v Canada*, 2005 FCA 421, [2005] FCA No 2064 clearly hold that the Minister is not required to verify whether the taxpayer has actually received a notice sent by registered mail, once it is proven that the notice was sent by the Minister to the address provided by the taxpayer. **The fact that the Act has been amended and no longer makes it mandatory to use registered mail does nothing to alter this principle.**¹⁷

(My emphasis)

[37] In summary, the Minister in *Rossi* did not have to verify whether the taxpayer received the notice. At most, the Minister had to prove that it sent the notice to the taxpayer to the address provided by him.

[38] Significantly, the Court of Appeal held that the principle still applied, even if registered mail was no longer mandatory.

¹⁶ See *Rossi v Canada*, 2015 FCA 267.

¹⁷ See *Rossi v Canada*, 2015 FCA 267 at para 7.

[39] In *Grunwald*, cited in the *Rossi* decision *above*, the Federal Court of Appeal wrote that:

Under subsection 165(1) [of the *Income Tax Act*], it is assumed that notice is given to a taxpayer simply by the mailing of the assessment to the taxpayer. Presumably, for administrative efficiency, Parliament did not want to burden the Minister, who is dealing with millions of assessments each year, with having to personally serve notices of assessment or with having to prove that each taxpayer received a mailed notice of assessment... However, to interpret subsection 165(1) as depriving the Minister of the ability to start the clock on the 90-day objection period by providing actual notice to a taxpayer by means of personal service would be contrary to the object and intent of Parliament and would produce an illogical result.¹⁸

[40] *Grunwald* was in the context of the *Income Tax Act*, but the case is instructive. Section 165(1)(b) of the *Income Tax Act* indicated that the Minister had to mail notices of assessment. Naturally, the Court of Appeal accepted that mailing was an acceptable means of giving notice under the section, but it also determined that the Minister did not have to prove that a taxpayer actually received a mailed notice of assessment.

[41] The case of *Pike* is in the OAS context and factually similar to the case before me. Service Canada sent Mr. Pike a special notification letter that said he could defer his application for an OAS pension. Service Canada did not produce a copy of the letter. Mr. Pike alleged that he did not receive the special notification letter. As a result, he did not ask to defer his pension within the six-month window to do so. So, he asked for discretionary relief from the Minister to allow for a late request for deferral. The Federal Court wrote:

It is correct that the Minister is not obligated to demonstrate that Mr. Pike received the special notification letter. The Minister need only demonstrate that the letter was sent (*Jiang* at paras 11, 13). However, in my view, the record does not demonstrate that the special notification letter was sent to Mr. Pike.¹⁹

[42] It is clear from the Federal Court's decision in *Pike* that the Minister will have fulfilled its notice requirements as long as it can demonstrate that it sent the letter—

¹⁸ See *Grunwald v Canada*, 2005 FCA 421 at para 22.

¹⁹ See *Pike v Canada (Attorney General)*, 2020 FC 415 at para 51.

irrespective of whether an appellant claims that they did not receive the notice. But there has to be evidence that the Minister sent the letter.

[43] I am required to follow and apply decisions of the Federal Court and Court of Appeal. So, as long as the Minister can show that it sent any of the letters to the Claimant, including by regular mail, then it will have fulfilled its notice requirements. The Minister does not have to show that the Claimant received any of its letters. Thus, I need now to determine whether in fact the Minister or Service Canada sent the requisite notice to the Claimant.

The Minister says that it gave notice to the Claimant

[44] Under section 5(5) of the OAS Act, any notice from the Minister must include the following two elements: (1) the Minister's intention to waive the requirement for an application, and (2) information upon which the Minister intends to rely to approve the payment of a pension.

– The Minister's first notice

[45] The Minister **sent its first** automated letter in June 2021.²⁰ The letter is a blank form letter. The letter is not dated and does not have the Claimant's name, address, or client identification number.

[46] The letter has the two necessary elements required under section 5(5) of the OAS Act. One, the letter sets out the Minister's intention to automatically enrol the Claimant for an OAS pension. And two, the letter sets out the information upon which the Minister relied to approve the payment of a pension.

[47] The letter also had an attachment that provided information about delaying or cancelling an OAS pension.²¹ The OAS Act did not require the Minister to provide this information, but the information could have helped claimants decide whether to accept the automatic enrolment or whether to ask to cancel and delay payment of the pension.

²⁰ See GD4-1 to 2.

²¹ See GD4-3 to 4.

– **The Minister’s second notice**

[48] The Minister sent its second letter in May 2022.²² It is a follow-up to the June 2021 letter.²³ The letter is a blank form letter. The letter is not dated and does not have the Claimant’s name, address, or client identification number.

[49] The letter has the first element required under section 5(5) of the OAS Act. The letter sets out the Minister’s intention to automatically enrol the Claimant for an OAS pension. However, the letter lacks the second element. It does not set out any of the information upon which the Minister relied to approve the payment of a pension. Unlike the first letter, it does not say, “Your pension is scheduled to start automatically based on the following information...”²⁴

[50] The letter also included an attachment that provided information about delaying or cancelling an OAS pension.²⁵ The Minister did not have to provide this information, but it could have helped claimants decide whether to accept the automatic enrolment or whether to ask to cancel and delay payment of the pension.

[51] The Minister argues that this second notice met the requirements under section 5(5) of the OAS Act, even if it lacked some of the required elements. The Minister argues that the letter served the purpose of informing the Claimant that an action was taken on his account. The Minister argues that the letter should have prompted the Claimant to respond to the Minister’s first notice that it would automatically enrol the Claimant.

[52] The second notice could have raised questions for the Claimant and could have prompted him to make enquiries about the auto-enrolment process. However, this falls short of meeting the requirements under section 5(5) of the OAS Act. Claimants are not obligated to determine the basis for the Minister’s decision to auto-enrol them.

²² See GD4-5.

²³ See Minister’s letter dated October 14, 2025, at AD7-2.

²⁴ See GD4-1.

²⁵ See GD4-6 to 7.

– **The Minister’s third notice**

[53] The copy of the Minister’s third letter was specifically addressed to the Claimant at his address.²⁶ The May 2022 letter informed the Claimant that his OAS pension was scheduled to start automatically one month after he turned 65 years of age.

[54] This third letter did not explicitly state that the Minister intended to automatically enrol the Claimant in an OAS pension. The third letter also did not meet the second requirement that the Minister had to provide the information on which the Minister intended to rely to approve the payment of a pension.

[55] As this third letter did not meet the basic requirements under section 5(5) of the OAS Act, I do not have to determine whether the Minister gave notice of this third letter.

– **OAS Pension Recovery Tax Advisory letter**

[56] The Minister also alleges that it sent an automated OAS Pension Recovery Tax Advisory letter to the Claimant in July 2022, informing him that the full amount of his OAS pension would be withheld starting that month.²⁷ However, the Tax Advisory letter does not say anything about automatic enrolment, nor does it say that the pension would be withheld starting July 2022. As the Tax Advisory letter did not meet the basic requirements under section 5(5) of the OAS Act, I do not have to determine whether the Minister gave notice of this Tax Advisory letter to the Claimant.

– **The Minister says that it sent the notices**

[57] The Minister states that, as there were three separate notices sent to the Claimant, none of which were returned undeliverable, that the Claimant had to have received notice.²⁸ The Minister argues that the Claimant’s case is similar to *A.M.*²⁹ In that case, the General Division accepted that, based on a balance of probabilities, A.M. likely received at least one of the three letters sent to him.

²⁶ See notice dated July 10, 2022, at GD2-6.

²⁷ See Submissions of the Appellant, dated April 8, 2025, at AD4-6, at paras 12 and 13, referring to the OAS Pension Recovery Tax Advisory letter, at pages GD4-8 to 9.

²⁸ See Submissions of the Appellant, dated April 8, 2025, at AD4-6, at para 32.

²⁹ See *A.M. v Minister of Employment and Social Development*, 2022 SST 712 at paras 30 and 32.

[58] The Minister acknowledges the Claimant's arguments that quite possibly the notices went astray or were damaged during the postal process. The Minister says, however, that the Claimant did not provide any evidence to support this submission.

[59] The Minister argues that it does not have to provide an actual copy of any letters that it sent to the Claimant, to show that it sent notice. This is consistent with *M.L.*³⁰ In that case, the Appeal Division determined that the Minister did not have to keep actual copies of the auto-enrolment letters to an appellant. The Minister also says that under *M.L.*, there was evidence of a record of automated mail—and in particular, an auto-enrolment letter—to M.L.'s registered home address over a period of years. The Minister argues that this was sufficient proof of notice.³¹

[60] Only the first letter met the requirements under section 5(5) of the OAS Act. It set out the Minister's intention and the information upon which it relied. So, I will consider whether the Minister can show that it sent this first letter to the Claimant.

[61] The Minister states that, "a record of all correspondence sent to pensioners selected for OAS automatic enrolment is retained on the client's file," and that this record includes the address to which the correspondence was sent.³²

[62] It is not clear from the generic description of the letter sent on June 18, 2021, that it matches the copy of the automatically generated letter that appears at page GD4-1. Indeed, the letter sent on July 12, 2022, shares the same description as an "OAS Auto Enrolment Letter."³³

[63] Because of this, I asked the Minister for evidence that the notice sent on June 18, 2021, described as "OAS letter/OAS auto-enrolment letter" on page GD2-4 under correspondence items is the letter that appears at pages GD4-1 to GD4-2. The

³⁰ See *M.L. v Minister of Employment and Social Development*, 2023 SST 1225.

³¹ See Submissions of the Appellant, dated April 8, 2025, at AD4-10, at para 28, citing *M.L.* at para 15.

³² See Submissions of the Minister filed July 2, 2024, at GD5-7 at para 25, referring to ITRDS Correspondence Screen at GD2-4.

³³ See Correspondence Screen at GD2-4.

letter at page GD2-4 does not have a more particularized description, unlike the letter described as ISP3108 GIS Auto-Enrolment Client Notification, sent on May 31, 2022.

[64] The Minister responded on October 14, 2025. The Minister explained that the letter that appears at GD4-1 to GD4-2 is a form letter and is referred to as the OAS Automatic Enrolment Notification letter (ISP3030), otherwise known as the “Notice of Intent.”³⁴ The Minister provided a printout of Service Canada’s electronic forms system’s search screen confirming the official name for ISP3030.³⁵

[65] It would have been far preferable had the Minister provided the form to which the forms search links, and if it had used a more particularized description for the June 2021 letter that appears on page GD2-4.

[66] However, given the Minister’s evidence and accompanying exhibit at page AD7-4 that the letter that appears at pages GD4-1 to GD4-2 is the actual letter sent to the Claimant in June 2021, I am prepared to accept that the Minister gave the appropriate notice of automatic enrolment to the Claimant.

[67] Had the second letter³⁶ set out the information upon which the Minister relied for an automatic enrolment, I would have accepted that as sufficient notice. After all, the Minister adequately described the letter on its Correspondence³⁷ as ISP3108 GIS Auto-Enrolment Client Notification, which matches the letter at page GD4-5.

[68] On the facts of this case, I am satisfied that the Minister sent a copy of the automatically generated notice that appears at page GD4-1 to the Claimant in June 2021 at his address.

[69] As the Minister has established that it gave notice, the Claimant is ineligible to cancel or defer the automatic enrolment of an OAS pension, despite the fact that he states that he did not receive any of the notices and says that he will continue to incur

³⁴ See Minister's letter dated October 14, 2025, at AD7-1.

³⁵ See Service Canada form search, at AD7-4.

³⁶ See GD4-5.

³⁷ See GD2-4.

financial consequences. Under section 26.1(1) of the OAS Regulations, the Claimant was required but did not ask to cancel payment of the pension no later than six months after the day on which the pension began.

Conclusion

[70] I am allowing the Minister's appeal.

[71] The Minister did not have to establish that the Claimant had received notice of automatic enrolment of the OAS pension. It was sufficient for the Minister to establish that it sent notice to the address provided by the Claimant. The evidence showed that the Minister gave notice to the Claimant. As long as the Minister gave notice and complied with section 5(5) of the OAS Act, it was permitted to automatically enrol the Claimant for payment of an OAS pension.

[72] Once payment began, the Claimant had six months to ask to cancel payment of the pension. The Claimant did not learn of the automatic enrolment in time to ask to cancel the pension. He was ineligible to cancel the automatic enrolment of an OAS pension as more than six months had already passed from the time payment began.

Janet Lew
Member, Appeal Division