



Citation: *GS v Minister of Employment and Social Development*, 2025 SST 1449

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

Decision

Appellant: G. S.

Respondent: Minister of Employment and Social Development

Decision under appeal: Minister of Employment and Social Development
reconsideration decision dated August 14, 2025 (issued
by Service Canada)

Tribunal member: Pierre-André Thériault

Type of hearing: In Writing

Decision date: December 22, 2025

File number: GP-25-1353

Decision

[1] The appeal is dismissed.

[2] The Appellant, G. S., isn't eligible to have his Old Age Security (OAS) pension payments resume before January 2025.

[3] This decision explains why I am dismissing the appeal.

Overview

[4] On January 18, 2017, Service Canada issued to the Appellant a notice of automatic enrolment for the OAS pension¹.

[5] On February 20, 2017, the Appellant notified Service Canada that he did not want to start receiving OAS payments at this time².

[6] On December 27, 2017, the Appellant submitted an OAS pension application to Service Canada. He asked that his pension start as soon as possible³.

[7] The Appellant turned 65 on January 6, 2018. He began receiving his OAS pension in February 2018⁴.

[8] On April 17, 2019, the Appellant sent a letter to Service Canada requesting that his OAS pension be deferred until he turns 70 because his income is higher than anticipated and he has to repay the amount each year in taxes. He writes that he had initially opted to defer his pension and now realizes that he should have continued with the deferral⁵.

¹ See GD2-15-16.

² See GD2-15-16.

³ See GD2-5-11.

⁴ See GD2-25.

⁵ See GD2-13.

[9] In a separate letter sent the same day, the Appellant asked whether it was possible to repay the amount he received in a lump sum⁶.

[10] On April 23, 2019, Service Canada informed the Appellant that his pension could not be cancelled, because the request was not made within 6 months of the first payment received. The letter states that the appellant may request that his OAS pension payments be stopped and later reinstated, but this interruption will not be considered as a deferred pension that increases the amount of the pension⁷.

[11] On May 1, 2019, the Appellant requested that his OAS pension payments be stopped⁸.

[12] On December 9, 2024, the Appellant completed an OAS application, asking that payments start retroactively in January 2024⁹.

[13] It appears that the Appellant was informed the same day that his OAS pension payments would resume in January 2025¹⁰.

[14] The Appellant submitted two reconsiderations requests on December 10, 2024.

[15] In the first reconsideration request, it appears the Appellant requested that the resumption of his OAS payments be applied retroactively beginning 11 months before he requested the resumption of payments in December 2024.

[16] In the second reconsideration request, the Appellant asked that his OAS pension payments be adjusted retroactively as if he never asked for the payments to stop in May 2019¹¹.

[17] He wrote that he requested that his payments stop in 2019 because of erroneous advice from a Service Canada agent. According to the Appellant, the agent he spoke to

⁶ See GD2-14.

⁷ See GD2-12.

⁸ See GD2-4.

⁹ See GD2-18-21. This application was considered by Service Canada as a written request to resume OAS pension payments. See GD2-27.

¹⁰ See the reconsideration request at GD2-23.

¹¹ See GD2-24.

in April 2019 told him that his entire OAS pension was being clawed back through taxes. He wrote that he only realized recently, after speaking with another agent, that he would not have lost his entire pension due to the claw back tax, but only a portion of it.

[18] Both reconsideration requests were addressed together by the minister¹².

[19] The decision to resume payments in January 2025 was confirmed.

[20] With regard to the 11-month retroactivity, the minister explained that it only applies to applications for a new benefit or a benefit that has been cancelled, and not, as is the case here, to a benefit that has been suspended. While the Appellant sent an OAS pension application in December 2024, it was in fact a request for reinstatement, not an application for a new benefit.

[21] With regard to the allegation of erroneous advice, the Minister noted that there is no record of the call.

[22] The Appellant appealed the Minister's decision to the Social Security Tribunal's General Division (Tribunal).

[23] Although both reconsiderations requests were dealt with in the same decision, the Appellant's appeal to the Tribunal concerns only the Minister's decision not to grant his request to reinstate his OAS pension payments as if he had never asked for them to be stopped in May 2019¹³. The Appellant is not challenging the Minister's decision not to resume payments with 11 months of retroactivity.

Reasons for my decision

– OAS payments resume the month after the Minister receives the request for reinstatement

[24] According to the *Old Age Security Act* (OAS Act), anyone receiving an OAS pension can ask that payments be suspended¹⁴. OAS pension payments resume the

¹² See GD2-26-28.

¹³ See GD1-21; GD4-2-5.

¹⁴ See section 9.1 of the OAS Act.

month following the month when the Minister receives a written request for reinstatement or the month chosen in the request, whichever is later¹⁵.

[25] The Appellant's written request for reinstatement was received on December 9, 2024¹⁶.

[26] Accordingly, the Appellant's OAS pension cannot resume before January 2025.

– **The Tribunal does not have jurisdiction to consider an allegation of erroneous advice**

[27] The Appellant argues that he would not have requested that his OAS payments stop in May 2019 had he not received erroneous advice from a Service Canada agent.

[28] He says the agent failed to inform him of the income threshold and of the possibility of keeping a portion of his OAS pension¹⁷. He submitted a hand-written note which he says he made immediately after the phone call¹⁸.

[29] In the reconsideration decision, the Minister noted that there is no record of that conversation on file and that the content of the conversation cannot be ascertained.

[30] Be that as it may, the Tribunal has no jurisdiction to grant a remedy resulting from erroneous advice or administrative error.

[31] Although section 32 of the OAS Act provides that the Minister may take remedial steps where erroneous advice or an administrative error has resulted in the denial of a benefit, the Tribunal has no jurisdiction in the matter. The only remedy is judicial review before the Federal Court¹⁹.

[32] The Appellant cited two court decisions in his submissions²⁰. Both are Federal Court decision where judicial review was sought regarding the Minister's refusal to grant

¹⁵ See section 9.1(4) of the OAS Act.

¹⁶ See GD2-18-21.

¹⁷ See GD4-21.

¹⁸ See GD1-20; GD4-2.

¹⁹ See *Canada (Attorney General) v Vinet-Proulx*, 2007 FC 99.

²⁰ See *Pike v Canada (Attorney General)*, 2023 FC 171; *Pike v Canada (Attorney General)*, 2020 FC 415.

a remedy under section 32 of the OAS Act. These decisions confirm that judicial review at the Federal Court – not an appeal at the Tribunal – is the proper recourse.

Conclusion

[33] The OAS Act requires that the Appellant's OAS pension payments resume in January 2025 at the earliest.

[34] The Tribunal does not have jurisdiction to grant a remedy because of erroneous advice.

[35] The appeal is dismissed.

Pierre-André Thériault
Member, General Division – Income Security Section