



[TRANSLATION]

Citation: *GF v Minister of Employment and Social Development*, 2026 SST 46

Social Security Tribunal of Canada Appeal Division

Leave to Appeal Decision

Applicant:	G. F.
Respondent:	Minister of Employment and Social Development
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Decision under appeal:	General Division decision dated June 23, 2025 (GP-24-785)
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Tribunal member:	Jean Lazure
Decision date:	January 23, 2026
File number:	AD-25-605

Decision

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

Overview

[2] On June 9, 2014, the Applicant signed an Old Age Security (OAS) pension application.¹ On July 28, 2024, the Minister of Employment and Social Development (Minister) approved his application and paid him an OAS pension retroactively to July 2013.²

[3] I note that the Applicant answered “yes” to question 11 on the application: “If your Old Age Security pension application is approved, do you want to apply for the Guaranteed Income Supplement?”³

[4] It also wasn't until March 2022 that the Applicant sent the Minister a form specific to the Guaranteed Income Supplement (GIS).⁴ The Minister approved this application on October 28, 2022, and granted retroactivity from April 2021.⁵ The Applicant asked the Minister to reconsider this decision to get greater retroactivity.⁶ The Minister upheld its initial decision in a reconsideration letter.⁷

[5] The Applicant appealed to the Social Security Tribunal (Tribunal) on April 26, 2024.⁸ On June 19, 2025, the General Division found that the Applicant wasn't eligible for greater GIS retroactivity. The Applicant asked for permission to appeal this decision to the Appeal Division.⁹

¹ See GD1-10, GD2-3, AD1-19, and AD1A-22.

² See GD2-13.

³ See GD1-1, GD2-4, AD1-20, and AD1A-23.

⁴ See GD1-18, GD2-7, and AD1A-28.

⁵ See GD2-1 and GD5-4.

⁶ On January 16, 2023—see GD2-20.

⁷ On February 7, 2024—see GD2-36.

⁸ See GD1-1.

⁹ On September 24, 2025—see AD1-1.

Issues

[6] The issues are as follows:

- a) Is there an arguable case that the General Division made an error about the Applicant's eligibility for greater GIS retroactivity?
- b) Does the application contain evidence that wasn't before the General Division?

I am not giving the Applicant permission to appeal

[7] I can give permission to appeal if the Applicant has an arguable case that the General Division:

- didn't provide a fair process
- decided an issue it didn't have the power to decide, or didn't decide an issue it should have decided
- misinterpreted or misapplied the law
- made a mistake about the facts¹⁰

[8] I can also give permission to appeal if the Applicant's application contains evidence that wasn't before the General Division.¹¹

[9] Since the Applicant hasn't raised an arguable case and hasn't presented any new evidence, I must refuse permission to appeal.

¹⁰ See sections 58.1(a) and 58.1(b) of the *Department of Employment and Social Development Act*.

¹¹ See section 58.1(c) of the *Department of Employment and Social Development Act*.

- **There is no arguable case that the General Division made an error of law, fact, or mixed law or fact about the Applicant’s eligibility for greater GIS retroactivity**

[10] The Applicant essentially raised five grounds of appeal in support of an arguable case for error on the part of the General Division:

- The General Division allegedly accepted that the Applicant applied for the GIS in 2014 and that the 11-month retroactivity regulations didn’t apply.
- The Applicant argues that he completed the Application for the Old Age Security Pension (SC-ISP-3000), where he answered “yes” to the question, “If your application for the Old Age Security pension is approved, do you want to apply for the Guaranteed Income Supplement?”¹² He says that this should be enough to constitute a GIS application.
- In addition, according to the Applicant, the OAS pension application and the information sheet attached to it (SC-ISP-3000A) didn’t indicate that there was a subsequent process other than to answer “yes” to the above question.¹³
- According to the Applicant, there was no follow-up by the Minister about his GIS application, as there should have been according to the information sheet.¹⁴
- According to the Applicant, he didn’t receive the Minister’s forms and, in addition, form SC-ISP-3025 was created on June 18, 2020. The Applicant implies that this form didn’t exist when he applied in 2014.

[11] I will deal with the Applicant’s grounds of appeal in turn.

¹² See GD1-11, GD2-4, AD1-20, and AD1A-23.

¹³ The information sheet is at GD1-14, GD2-25, and AD1A-26.

¹⁴ See GD1-14, GD2-25, and AD1A-26.

– **The General Division didn't accept that the Applicant had applied for the GIS in 2014 and that the 11-month retroactivity rules didn't apply**

[12] According to the Applicant's first ground of appeal, the General Division allegedly accepted that he had applied for the GIS in 2014 and that the 11-month retroactivity rule didn't apply.

[13] The Applicant relies on the following sentence from the General Division decision: "So, the 11-month retroactivity doesn't apply because he applied for the GIS in 2014 at the same time as his pension application."¹⁵ The Applicant seems to see this as an admission by the General Division.

[14] This sentence is in a section of the decision called "The parties' position." The title speaks for itself about the content of the section. That sentence is at the end of paragraph 14 of the decision, where the General Division begins to summarize the Applicant's position. The General Division continues to summarize the Applicant's position at paragraphs 15, 16, and 20, and summarizes the Minister's position at paragraphs 17 to 19.

[15] I note that the General Division hasn't yet started its analysis in these paragraphs. The analysis starts at paragraph 21 of its decision. Before this paragraph, the General Division hasn't made any findings.

[16] There is no doubt in my mind that, as to the above sentence relied on by the Applicant, at paragraph 14 of the decision, the General Division was merely summarizing the Applicant's position. It didn't accept that the Applicant was correct on this point.

[17] In my view, the Applicant's first ground of appeal doesn't raise an arguable case for error.

¹⁵ See page 4 of the General Division decision.

– **I see no arguable case for error when the General Division found that the OAS application wasn't enough to constitute a GIS application**

[18] For this second ground of appeal, the Applicant argues that he completed the OAS pension application form (SC-ISP-3000), where he answered “yes” to the question, “If your application for the Old Age Security pension is approved, do you want to apply for the Guaranteed Income Supplement?” He says that this should be enough to constitute a GIS application. The General Division made an error in finding otherwise.

[19] The General Division summarized the Applicant’s argument at paragraph 14 of its decision. Also, at paragraphs 21 to 27 of its decision, the General Division reviewed the applicable legislation and found that answering “yes” to a question on the OAS pension application wasn’t enough to constitute a GIS application.¹⁶ The General Division found that the Minister required an additional and specific form:¹⁷

Even though the future pensioner is asked whether they want to apply for a GIS as part of their OAS pension application, and to check the “yes” box, this isn’t the GIS application itself. The application form for the OAS pension is entitled “Application for the Old Age Security Pension.” The GIS application forms are labelled differently.

[20] I see no arguable case for error in the General Division’s reasoning. Its reasoning is careful and exhaustive and appears to be in line with the applicable legislation, which it cites correctly. Its reasoning is also consistent with the Tribunal’s only other decision on this matter, an earlier General Division decision.¹⁸

[21] In my view, the Applicant’s second ground of appeal doesn’t raise an arguable case for error.

¹⁶ See pages 5 and 6 of the General Division.

¹⁷ See the General Division decision at para 22. The quote that follows is from para 27 of the decision.

¹⁸ See *VH v Minister of Employment and Social Development*, 2019 SST 112.

- **I see no arguable cause for error when the General Division found that the *Old Age Security Act* takes precedence over what is stated on a pension application**

[22] For this third ground of appeal, the Applicant argues that the General Division made an error by not considering that the OAS pension application and attached information sheet (SC-ISP-3000A) didn't indicate that there was a subsequent process separate from answering "yes" to the above question.

[23] But the General Division addressed this ground of appeal in its decision:¹⁹

I also understand that the Appellant isn't satisfied with the wording or instructions concerning the GIS on the OAS pension application. But, as noted, I have to interpret and apply the provisions in the manner set out in the OAS Act and Regulations. What is stated on the OAS pension application doesn't take precedence over the OAS Act.

[24] Similarly, I don't see an arguable case for error in the General Division's reasoning. As I said above, it correctly cited the applicable legislation, and I believe its reasoning is consistent with it.

[25] Also, I note that the Tribunal doesn't have jurisdiction when it comes to erroneous advice or administrative error. The *Old Age Security Act* is specific on this issue—it is the Minister's exclusive jurisdiction.²⁰

[26] In my view, the Applicant's third ground of appeal doesn't raise an arguable case for error.

- **I see no arguable case for error when the General Division found that the Minister doesn't have an obligation to follow up**

[27] For this fourth ground of appeal, according to the Applicant, the General Division made an error by not considering that the Minister didn't follow up on his

¹⁹ See the General Division decision at para 29.

²⁰ See section 32 of the *Old Age Security Act*, RSC 1985, c. O-9.

GIS application, as was also apparent from the information sheet attached to the OAS pension application.

[28] The General Division summarized the Applicant's argument at paragraph 16 of its decision. But, further on, the General Division found as follows: "In addition, the Minister isn't required by law to routinely send a GIS application to potential eligible applicants. It is the applicant's responsibility to apply for the GIS."²¹ Further on in its decision, the General Division concluded: "There is no requirement for the Minister to follow up."²²

[29] I see no arguable case for error in the General Division's reasoning. I also believe that what it said above is correct.

[30] Again, I note that the Tribunal doesn't have jurisdiction when it comes to erroneous advice or administrative error. This is the Minister's exclusive jurisdiction.²³

[31] In my view, the Applicant's fourth ground of appeal doesn't raise an arguable case for error.

– **I see no arguable case for error when the General Division found that the Minister didn't neglect to send the forms, including form SC-ISP-3025**

[32] Finally, for this fifth ground of appeal, according to the Applicant, the General Division made an error by not considering that he didn't receive the Minister's forms. Also, form SC-ISP-3025 was created on June 18, 2020. So, the Applicant implies that this form didn't exist when he applied in 2014.

[33] The General Division summarizes the Applicant's argument at paragraph 15 of its decision. The General Division also concludes as follows:²⁴

Also, the Minister sent the GIS application forms in July 2014. I understand that it is unfortunate that the Appellant didn't receive

²¹ See the General Division decision at para 19.

²² See the General Division decision at para 28.

²³ See section 32 of the *Old Age Security Act*, RSC 1985, c. O-9.

²⁴ See the General Division decision at para 28.

them, but the Minister didn't neglect to send them. There is no requirement for the Minister to follow up. And I can't consider the Appellant's problems with the postal service.

[34] The General Division also noted that an application is made only when it is completed by an applicant, on the prescribed application form, and received by the Minister.²⁵ So, the General Division's findings here are consistent with the evidence before it.²⁶

[35] Finally, as for the existence of form SC-ISP-3025, which the Applicant says wasn't created until June 18, 2020, it appears from the evidence on file that it was this form (most likely an earlier version, given the date of June 18, 2020) that the Minister sent to the Applicant.²⁷

[36] I believe that what the General Division said above is correct. I see no arguable case for error in the General Division's reasoning. So, in my view, the Applicant's fifth and final ground of appeal doesn't raise an arguable case for error.

[37] In short, I am of the view that the Applicant's grounds of appeal don't raise an arguable case for error on the part of the General Division.

[38] I also reviewed the record.²⁸ I am satisfied that there is no arguable case that the General Division ignored or misinterpreted other evidence that could support an arguable case for error on the part of the General Division.

[39] Finally, the Applicant didn't submit any new evidence to the Appeal Division.²⁹

²⁵ See the General Division decision at paras 22 and 28.

²⁶ See GD5-13. The General Division also cites this page in footnote 14, on page 6, after the excerpt "... but the Minister didn't neglect to send them."

²⁷ See GD5-13.

²⁸ For more information on this type of review by the Appeal Division, see *Karadeolian v Canada (Attorney General)*, 2016 FC 615.

²⁹ For the sake of completeness, the only pages the Applicant submitted that weren't before the General Division, in addition to his application for permission to appeal, are as follows. First, pages AD1-16 to AD1-18, which were linked to an application from the Applicant at page AD1-6 to complete his file. Pages AD1-16 and AD1-17 refer to the Applicant's June 2025 cancer diagnosis, and page AD1-18 refers to an attempt by the Applicant to contact his navigator at the Tribunal. These three pages aren't new evidence relevant to his grounds of appeal. Finally, pages AD1A-34 and AD1A-35, which appear to prove the

[40] Since the Applicant hasn't raised an arguable case and hasn't presented any new evidence, I must refuse permission to appeal.

Conclusion

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

Jean Lazure
Member, Appeal Division

Applicant leased a post office box from July 2021. These two pages also aren't new evidence relevant to his grounds of appeal.