



[TRANSLATION]

Citation: *MA v Minister of Employment and Social Development*, 2025 SST 1426

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

Decision

Appellant: M. A.
Respondent: Minister of Employment and Social Development

Decision under appeal: Minister of Employment and Social Development
reconsideration decision dated October 11, 2024
(issued by Service Canada)

Tribunal member: Antoinette Cardillo
Type of hearing: In person
Hearing date: November 18, 2025
Hearing participants: Appellant
Respondent's representative
Decision date: December 18, 2025
File number: GP-24-2049

Decision

[1] The appeal is dismissed.

[2] The Guaranteed Income Supplement (GIS) of the Appellant, M. A., was correctly calculated between January 2019 and June 2023.

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

Overview

[4] The Minister of Employment and Social Development (Minister) started paying the Appellant an Old Age Security (OAS) pension in October 2017.¹

[5] A person who receives an OAS pension is also eligible for the GIS if they meet certain requirements. For example, their income needs to be below a certain level. And they have to stay in Canada.

[6] The Minister started paying the Appellant the GIS in October 2017.

[7] After a recalculation, the Minister decided that the Appellant had to repay \$5,585.58. This is the amount of the GIS that the Appellant was overpaid.

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

[9] The Appellant is asking why

- The Minister refers to employment income received four years ago.
- \$3,500 should be deducted from the \$7,082 in employment income reported in 2019.

¹ The Minister of Employment and Social Development manages the Old Age Security programs for the Government of Canada.

- The only payment that she received from the Commission des normes, de l'équité, de la santé et de la sécurité du travail [Quebec's labour standards commission] (CNESST) on December 21, 2022, was considered in the calculation of her GIS. But, according to the Canada Revenue Agency (CRA), this payment isn't taxable. Her GIS amount should not be affected by this income.
- Whether she has to repay \$5,585.58 and whether there will be interest added.

Matters I have to consider first

[10] The hearing was rescheduled twice at the Appellant's request. The first time was because the Appellant had an accident. The second time was because of a health problem.

[11] The Appellant also submitted a document after the hearing. I refused the document because the Appellant didn't submit additional evidence. Instead, she submitted the same questions she had asked at the hearing about her income calculation for 2022. A representative for the Minister was at the hearing and answered the Appellant's questions about 2022. A recalculation had been made (not amounts added without recalculation). And so, the debt amount changed. At the hearing, the Appellant had the opportunity to ask questions about how the Minister had made the calculations based on her estimated and reported income.

Reasons for my decision

[12] The Appellant's GIS between January 2019 and June 2023 was correctly calculated.

[13] Here is my reasoning.

[14] The GIS is calculated in July of each year. Eligibility for these benefits is based on a person's income for the past calendar year (base year) reported to the CRA and their marital status. But for those who have retired or have had their pension income reduced or stopped, the law allows the amount payable to be based on their estimated

current year income rather than their actual income from the base year. This is called the “option.”

[15] On June 7, 2023, the Minister reviewed the Appellant’s GIS benefits for the periods between January 2019 and June 2023.²

- For the months of January to June 2019, the Minister determined that the Appellant had been overpaid \$312.00 because she had expected to receive \$1,800.00 in employment income, but the income was higher. For this period, the Appellant received GIS benefits based on a total income of \$5,009.96 instead of \$5,835.68.
- For the months of July 2019 to June 2020, the Minister determined that it was more advantageous to consider the Appellant’s 2018 income, as reported to the CRA, instead of her estimated 2019 income after the decrease in her pension income. For this period, the Appellant was overpaid \$612. Again, the Appellant’s estimated 2019 income (\$1,800.00) was lower than the income reported to the CRA for that year.
- For the months of October 2021 to June 2022, the GIS benefits the Appellant received were based on her estimated 2021 income after her Employment Insurance ended in September 2021. Since the Appellant had overestimated her 2021 income, a \$27.00 underpayment was calculated.
- The CRA made corrections to the Appellant’s 2021 income tax and benefit return. A self-employment loss of \$3,235 was corrected to a loss of \$5.00, and deductions totalling \$3,952.00 were changed to \$577.00. Also, the Appellant hadn’t expected \$7,412.00 from the CNESST in 2022. After this review, the Minister determined that the Appellant had been overpaid \$3,614.58 for the months of July to December 2022, since the GIS had been established based on an income of \$0.00 instead of \$10,708.72.

² See GD2-56.

- For the months of January to June 2023, the Appellant's GIS benefit rate was reassessed based on an income of \$3,548.48 instead of \$0.00. This change resulted in an overpayment of \$1,074.00.

[16] In its May 1, 2025, submissions, the Minister provided a table with details of the amount claimed.³

[17] The Minister said that the Appellant's GIS benefits were based on her estimated income after the decrease in pension income. Since the income reported to the CRA was higher than her estimated income, adjustments were made.

[18] At the hearing, the Minister's representative repeated some of the explanations given in the May 1, 2025, submissions and added some clarifications. She explained that, between June 2018 and May 2023, the Appellant completed reports of her estimated income after retirement or after the reduction in pension income for the years 2017 to 2022.⁴ But, under the *Old Age Security Act* (OAS Act), people whose GIS benefits are based on their estimated retirement or reduced pension income are subject to a review of their file.⁵ This allows the Minister to determine whether a person has underestimated or overestimated their income by comparing estimated income with income reported to the CRA. After this review, on June 7, 2023, the Minister determined that the Appellant had received an overpayment that she had to repay.

[19] In response to the Appellant's questions raised in her notice of appeal, it was also explained at the hearing that an amount of \$5,000 had been deducted from her income in 2019.⁶

[20] In addition, the Minister's representative said that the amount of money the Appellant had received from the CNESST had to be considered in calculating the GIS under the OAS Act and *Old Age Security Regulations*.⁷

³ See the table at GD5-11.

⁴ See GD2-4 to 28.

⁵ See sections 18(a) and (b) of the *Old Age Security Act* (OAS Act).

⁶ See table at GD5-23.

⁷ See section 14 of the OAS Act and section 14(g) of the *Old Age Security Regulations*.

[21] The Appellant also had questions about the calculation of her income in 2022 and 2023. In June 2022, the Appellant's GIS benefit rate was based on no income for the period from July 2022 to June 2023. The Minister considered a monthly income of \$322.81 paid by the QPP, \$73.58 from a RRIF, and subtracted the 2021 deductions, which was the base year for that period. The Appellant's estimated employment income of \$3,400 in 2022 wasn't considered, since it was less than \$5,000.

[22] Finally, the Minister's representative told the Appellant that no interest would be added to the overpayment. Reimbursement could be made through a monthly payment as explained in the Minister's submissions.⁸

Conclusion

[23] The Appellant's GIS was correctly calculated between January 2019 and June 2023.

[24] The appeal is therefore dismissed.

Antoinette Cardillo
Member, General Division – Income Security Section

⁸ See paragraph 52 of the Minister's submissions at GD5-25.