



Citation: *BP v Minister of Employment and Social Development*, 2026 SST 162

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

**Decision**

**Appellant:** B. P.

**Respondent:** Minister of Employment and Social Development

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**Decision under appeal:** Minister of Employment and Social Development  
reconsideration decision dated December 16, 2025  
(issued by Service Canada)

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**Tribunal member:** Wayne van der Meide

**Type of hearing:** In writing

**Decision date:** March 6, 2026

**File number:** GP-25-1994

## Decision

[1] The appeal is dismissed.

[2] The Appellant, B. P., isn't eligible to have her entitlement to the Guaranteed Income Supplement (GIS) for the payment period of July 2025 to June 2026 recalculated based on an estimate of her 2025 income.

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

## Overview

### How the GIS is calculated

[4] The GIS is a monthly benefit for people who get an Old Age Security (OAS) pension. How much they get for the GIS (or whether they get it at all) depends on their income.

[5] The payment periods for GIS go from July of one year to June of the following year. A person's GIS entitlement for each payment period is based on their income in the previous calendar year. For example, their GIS entitlement for the July 2023 to June 2024 payment period is based on their 2022 income, as reported to the Canada Revenue Agency (CRA). The CRA gives the Minister of Employment and Social Development (Minister) the person's income information, which the Minister uses to calculate their GIS entitlement.<sup>1</sup>

[6] In some cases, a person can file a Statement of Estimated Income (SEI) with the Minister. The Minister can, in certain circumstances, base the GIS calculation on the person's estimated income for the current calendar year rather than their actual income from the previous calendar year.

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<sup>1</sup> The Minister administers OAS and GIS for the Government of Canada through Service Canada.

## **What happened in this case**

[7] The Appellant operated a business as a real estate agent. She turned 65 years old on March X, 2024. She started to receive an Old Age Security (OAS) pension in April 2024.

[8] Based on her income in 2022, the Appellant was paid GIS from April 2024.

[9] Based on her income in 2023, the Appellant was paid GIS for the payment period of July 2024 to June 2025.

[10] The Appellant's income was too high in 2024 to get GIS for the July 2025 to June 2026 payment period. She sent in an SEI for 2025 asking the Minister to use that as the basis to determine her eligibility for GIS payments from July 2025 to June 2026.

## **The parties' positions**

[11] The Minister says that the Appellant isn't entitled to rely on her SEI for 2025 to calculate eligibility for GIS payments from July 2025 to June 2026 because she didn't retire.<sup>2</sup>

[12] The Appellant says she is entitled to rely on her SEI for 2025 because although she maintained her real estate licence and continued efforts to generate business, her commission income was nil. She says the Minister's position that she had to retire is too restrictive, what matters is that her income was reduced.

## **Reasons for my decision**

[13] The Appellant doesn't dispute that she continued efforts to generate income.<sup>3</sup> The evidence shows that she did continue efforts to generate income.<sup>4</sup> In other words, she carried on a business.

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<sup>2</sup> See GD4.

<sup>3</sup> See GD6.

<sup>4</sup> See GD2-33 to GD2-35.

[14] The Appellant says: “Interpreting the provision as requiring complete and permanent withdrawal from self employment imposes a condition not clearly stated in the statutory language and excludes self-employed individuals whose income has declined.”<sup>5</sup>

[15] The law says that calculation of the GIS can be based on the person’s estimated income for the current calendar year if the applicant “ceases to carry on a business....”<sup>6</sup>

[16] The law also says that calculation of the GIS can be based on the person’s estimated income for the current calendar year if the applicant experiences a termination or reduction in pension income.<sup>7</sup> This provision doesn’t apply to the Appellant’s situation.

[17] The law clearly specifies the circumstances when a reduction of income in the current calendar year entitles the Minister to rely on an SEI for the current year.

[18] Contrary to what the Appellant says, the language of the statute is clear. It does exclude people whose self-employment income has been reduced **unless** the reason for the reduction is that they ceased carrying on a business.

[19] I must follow the law. The law is clear. The Appellant didn’t cease carrying on a business.

## Conclusion

[20] The Appellant isn’t eligible to have her entitlement to the GIS for the payment period of July 2025 to June 2026 recalculated based on an estimate of her 2025 income.

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<sup>5</sup> See GD6-1.

<sup>6</sup> See section 14(2) of the *Old Age Security Act*.

<sup>7</sup> See section 14(4) of the *Old Age Security Act*.

[21] This means the appeal is dismissed.

Wayne van der Meide  
Member, General Division – Income Security Section