



[TRANSLATION]

Citation: *LS v Minister of Employment and Social Development*, 2026 SST 255

Social Security Tribunal of Canada Appeal Division

Leave to Appeal Decision

Applicant:	L. S.
Respondent:	Minister of Employment and Social Development
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Decision under appeal:	General Division decision dated January 21, 2026 (GP-25-142)
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Tribunal member:	Jean Lazure
Decision date:	March 24, 2026
Corrected decision date:	April 21, 2026
File number:	AD-26-73

Decision

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

Overview

[2] After applying in March 2012, the Applicant got an Old Age Security (OAS) pension and the Guaranteed Income Supplement (GIS).¹

[3] In March 2024, the Minister of Employment and Social Development (Minister) recalculated the Applicant's GIS payments. This resulted in \$2,604 being overpaid for the period between July 2020 and June 2021.² The Applicant asked for that decision to be reconsidered. In a reconsideration decision letter, the Minister upheld its initial decision.³

[4] The Applicant appealed to the Social Security Tribunal (Tribunal) on January 23, 2025.⁴ Since this was an issue under the jurisdiction of the Tax Court of Canada (Tax Court), it was referred to the Tax Court.⁵ On August 12, 2025, the Minister told the Tribunal that the Tax Court's ruling was carried out.

[5] The Tribunal's General Division member wrote to the Applicant to check whether there were still any issues in this appeal.⁶ The Applicant responded to the member on September 28, 2025.⁷

[6] On January 21, 2026, the General Division dismissed the appeal, finding that it didn't have the authority to accept the Applicant's request.⁸ The Applicant asked the Appeal Division for permission to appeal that decision.⁹

¹ See GD2-3.

² On March 12, 2024, at GD2-14 and following.

³ On November 8, 2024, at GD2-26.

⁴ See GD1-1.

⁵ On February 5, 2025, after the Minister's letter at GD3-1.

⁶ On September 26, 2025, at GD4-1.

⁷ See GD5-1.

⁸ At AD1A-1, after a hearing that took place on January 14, 2026.

⁹ On January 30, 2026, at AD1-1.

Issues

[7] The issues are as follows:

- a) Is there an arguable case that the General Division made an error in its decision dated January 21, 2026?
- b) Does the application contain evidence that wasn't before the General Division?

I am not giving the Applicant permission to appeal

[8] I can give the Applicant permission to appeal if his application raises an arguable case that the General Division:

- didn't follow 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

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

– I wrote to the Applicant

[10] After reviewing the Applicant's application for permission to appeal, I wrote to him on February 13, 2026, asking him why he needed permission to appeal the General Division decision.

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

¹¹ See section 58.1(c) of the DESD Act.

[11] The Applicant's application for permission to appeal had only the following under section [translation] "6 – Reasons why you are challenging the reconsideration decision:¹²

- 2019 TAXES
- Canada Revenue Agency (CRA) told in 2020
- CRA told by Member of Parliament (MP) FERGUS
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[12] I gave the Applicant until March 18, 2026, to respond to me. The Applicant didn't respond to the Tribunal. I saw a note on file about a phone call between the navigator and the Applicant. The navigator also suggested that the Applicant could ask for an extension of time because the Tribunal hadn't received any response. The Applicant declined. So, the navigator told him that I would give a decision based on the information on file.

– **The Applicant hasn't raised an arguable case for error on the part of the General Division**

[13] I believe the Applicant meant—in his application for permission to appeal—that he had told the CRA about the change in his income and that he finds it unfair to have to pay back an overpayment, even in part.¹³

[14] 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.

¹² See AD1-3 and AD1B-4. The Applicant also used the form to appeal to the Tribunal's General Division. That had no impact on the outcome of his application for permission to appeal.

¹³ See paragraph 15 of the General Division decision.

[15] I also reviewed the file.¹⁴ I am satisfied that there is no arguable case that the General Division overlooked or misinterpreted other evidence that could support an arguable case for error on the part of the General Division.

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

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

Conclusion

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

Jean Lazure
Member, Appeal Division

¹⁴ For more information on this type of review by the Appeal Division, see *Karadeolian v Canada (Attorney General)*, 2016 FC 615.