



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *B. R. v. Minister of Employment and Social Development*, 2017 SSTGDIS 124

Tribunal File Number: GP-16-367

BETWEEN:

**The Estate of B. R.**

Appellant

and

**Minister of Employment and Social Development**

Respondent

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**SOCIAL SECURITY TRIBUNAL DECISION**  
**General Division – Income Security Section**

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DECISION BY: Shane Parker

DATE OF DECISION: August 30, 2017

## REASONS AND DECISION

### OVERVIEW

[1] The Appellant appealed a decision by the Respondent pertaining to benefits under the *Canada Pension Plan* (CPP). He argued that his CPP retirement pension should not be reduced because of his decision to receive it at age 60. In his Notice of Appeal to the Tribunal, he alleged that his rights under the Canadian *Charter of Rights and Freedoms* were violated. On October 20, 2016 the Tribunal asked that the Appellant comply with paragraph 20(1)(a) of the *Social Security Tribunal Regulations*, which pertained to the notice of constitutional issue requirements. The Appellant was asked to file such notice by December 1, 2016 (GD4).

[2] The Respondent notified the Tribunal that the Appellant passed away (GD5). The Respondent provided a redacted copy of a Death Certificate on January 18, 2017 (GD2-2).

[3] On January 26, 2017 the Tribunal requested that the Respondent file an unredacted copy of the Death Certificate in order to identify someone who may possibly pursue the appeal. The Tribunal also asked for the name and contact information of anyone who may have applied for the death benefit in connection with the Appellant's death (GD10).

[4] A Certified Copy of Death Certificate was filed with the Tribunal on February 2, 2017. The Certificate confirms and the Tribunal accepts that the Appellant passed away on August 29, 2016. The Certificate listed the Appellant's mother, L. R., as his next of kin (GD11-2).

[5] On February 7, 2017 the Tribunal wrote to L. R. at the address indicated in the Death Certificate. The letter explained the process for the estate to resume the appeal. Certain documentation was requested by March 1, 2017.

[6] On February 28, 2017 the Tribunal received a handwritten letter from L. R. confirming that she would not be pursuing the Appellant's appeal (GD12).

[7] On March 8, 2017 the Tribunal followed up with the Respondent to inquire if anyone had applied for the death benefit in relation to the deceased Appellant. The Tribunal informed that the appeal would be placed in abeyance until August 29, 2017 (the anniversary of the Appellant's death) (GD13).

[8] To date, the Tribunal has not received any further information pointing to anyone that may pursue the appeal on behalf of the Appellant's estate.

**CONCLUSION**

[9] The appeal is dismissed.

Shane Parker  
Member, General Division - Income Security