



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *M. F. v Minister of Employment and Social Development*, 2020 SST 640

Tribunal File Number: GP-19-1067

BETWEEN:

**M. F.**

Claimant

and

**Minister of Employment and Social Development**

Minister

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

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DECISION BY: Patrick O'Neil

DATE OF DECISION: June 17, 2020

## DECISION

[1] The Claimant is not entitled to the *Canada Pension Plan* (CPP) survivor's pension or orphan's benefit.

## OVERVIEW

[2] The Minister denied the Claimant's application for a CPP survivor's pension and an orphan's benefit in relation to the deceased contributor E. A. initially and upon reconsideration. The Minister determined E. A. had not made sufficient contributions to the CPP to meet the Minimum Qualifying Period (MQP) eligibility requirements for a survivor's pension or an orphan's benefit. The Claimant appealed the reconsideration decision to the Social Security Tribunal (Tribunal).

[3] The CPP sets out the eligibility requirements for the CPP survivor's pension and an orphan's benefit. To qualify for an orphan's benefit and survivor's pension, E. A. must have made valid contributions to the CPP for not less than the MQP.

[4] I must summarily dismiss an appeal if satisfied that it has no reasonable chance of success<sup>1</sup>. I have decided this appeal has no reasonable chance of success.

## ISSUE(S)

[5] Did E. A. make sufficient contributions to the CPP to meet the MQP requirements for the CPP survivor's pension and orphan's benefit?

## ANALYSIS

**E. A. did not make sufficient contributions to the CPP to meet the MQP requirements.**

[6] I gave the Claimant the required notice in writing of my intent to summarily dismiss her appeal<sup>2</sup>. She was allowed reasonable time to make submissions. She made no submissions after receipt of the notice.

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<sup>1</sup> Subsection 53(1) of the *Department of Employment and Social Development Act* (DESD Act)

<sup>2</sup> Section 22 SST Regulations

[7] A survivor's pension shall be paid to the survivor of a deceased contributor who has made CPP contributions for not less than the MQP<sup>3</sup>. An orphan's benefit shall be paid to each orphan of a deceased contributor who has made CPP contributions for not less than the MQP<sup>4</sup>.

[8] The MQP entitlement to an orphan's benefit and the survivor's pension requires a deceased contributor to have made valid contributions to the CPP for at least one-third of the deceased contributor's contributory period<sup>5</sup> or for at least ten years<sup>6</sup>.

[9] E. A.'s contributory period began February 1975, the month after his 18th birthday, and ended February 2013, the month of his death. On the facts of this case, E. A. is considered to have made contributions for not less than the MQP if he made contributions for at least ten years in his contributory period.

[10] E. A.'s CPP Contributions Statement<sup>7</sup> confirms he contributed to the CPP for just nine years, being 2005-2013, inclusive, during his contributory period. As he contributed for only nine years, being less than the required ten years, and did not contribute for at least one-third of his contributory period, I find the Claimant is not entitled to a CPP orphan's benefit, or CPP survivor's pension.

[11] The Tribunal is created by legislation and, as such, I only have the powers granted to it by its governing statute. I must interpret and apply the provisions set out in the CPP. I cannot use the principles of fairness, or equity, or consider extenuating circumstances to disregard the CPP contributory eligibility requirements for a CPP orphan's benefit, and survivor's pension.

[12] I find E. A. did not make sufficient contributions to the CPP to meet the MQP requirements for the CPP survivor's pension and orphan's benefit.

[13] Accordingly, I find that the appeal has no reasonable chance of success.

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<sup>3</sup> Paragraph 44(1)(d) CPP

<sup>4</sup> Paragraph 44(1)(f) CPP

<sup>5</sup> Paragraph 44(3)(a) CPP

<sup>6</sup> Paragraph 44(3)(b) CPP

<sup>7</sup> GD2 page 22

**CONCLUSION**

[14] The appeal is summarily dismissed.

Patrick O'Neil  
Member, General Division - Income Security