



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *The estate of WB v Minister of Employment and Social Development*, 2021 SST 224

Tribunal File Number: GP-20-1477

BETWEEN:

The estate of W. B.

Appellant

and

Minister of Employment and Social Development

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Income Security Section

DECISION BY: Connie Dyck

DATE OF DECISION: February 24, 2021

REASONS AND DECISION

OVERVIEW

[1] A. B. is the executrix of the estate of her late father, W. B., who passed away on July 6, 2018. The estate of the deceased made an application for the *Canada Pension Plan* (CPP) retirement pension. It was received by the Minister of Employment and Social Development (Minister).¹

[2] The Minister denied the application initially and upon reconsideration. The Claimant appealed the reconsideration decision to the Social Security Tribunal.

[3] This appeal involves whether the CPP retirement application was received in time.

[4] I must summarily dismiss an appeal if I am satisfied that it has no reasonable chance of success.²

[5] I have decided that this appeal has no reasonable chance of success for the reasons set out below.

ANALYSIS

[6] The Claimant was given notice in writing of the intent to summarily dismiss the appeal and was allowed a reasonable period of time to make submissions.³ In her submissions, she stated that her application to the Tribunal was based on the hope that the Tribunal was able to address the extenuating circumstances. She was disappointed to learn that the Tribunal does not have authority to make exceptions to the provisions of the CPP.⁴

¹ The application is at GD 2-8.

² As required by Section 53(1) of the *Department of Employment and Social Development Act* (DESD Act); *Miter v. Canada* (A.G.), 2017 FC 262.

³ As required by Section 22 of the *Social Security Tribunal Regulations*.

⁴ The submissions of the executrix are at GD 6.

[7] The CPP says that an application has to be made within one year of the person's death to be entitled to the post-mortem CPP retirement benefit.⁵ In this case, the application was received more than 12 months after the contributor's death.

[8] The executrix submitted that she only discovered her father was not receiving a CPP retirement pension after he passed away. She did not know of the post-mortem retirement pension. When she became aware, she immediately filed an application. She submitted that the minimal delay of 6 months is an insignificant time when considering that her father made CPP contributions for decades.

[9] This is an unfortunate situation and I am sympathetic. However, the Tribunal is created by legislation and only has the powers granted to it by its governing statute. This means I am required to interpret and apply the provisions as they are set out in the CPP. I have no authority to make exceptions to the provision of the CPP, or to make decisions on the basis of fairness, compassion, or extenuating circumstances.⁶

[10] In this case, the application was received by the Minister more than 12 months after the contributor's father's death. Therefore, I find that the appeal has no reasonable chance of success.

CONCLUSION

[11] The appeal is summarily dismissed.

Connie Dyck
Member, General Division - Income Security

⁵ This is in the CPP at Section 60(2).

⁶ *Miter v. Canada (AG)*, 2017 FC 262