



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *The Estate of KG v Minister of Employment and Social Development*, 2021 SST 764

Tribunal File Number: GP-20-653

BETWEEN:

The Estate of K. G.

Claimant

and

Minister of Employment and Social Development

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Income Security Section

DECISION BY: Lianne Byrne

DATE OF DECISION: May 29, 2021

REASONS AND DECISION

OVERVIEW

[1] K. G. passed away on August 28, 2019. The Claimant applied for a Canada Pension Plan (CPP) death benefit on October 11, 2019. The Respondent denied the application initially and upon reconsideration. The Claimant appealed the reconsideration decision to the Social Security Tribunal (Tribunal) on March 5, 2020.

[2] Subsection 53(1) of the *Department of Employment and Social Development Act* (DESD Act) states that the General Division must summarily dismiss an appeal if satisfied that it has no reasonable chance of success (*Miter v. Canada (A.G.)*, 2017 FC 262).

[3] The Tribunal has decided that this appeal has no reasonable chance of success for the reasons set out below.

THE LAW

[4] Section 22 of the *Social Security Tribunal Regulations* states that before summarily dismissing an appeal, the General Division must give notice in writing to the Claimant and allow the Claimant a reasonable period of time to make submissions.

[5] 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 as required by Section 22 of the *Social Security Tribunal Regulations* (Regulations). The Claimant did not make submissions in response to the notice of intent.

[6] Paragraph 44(1)(c) of the CPP provides that a death benefit is payable to the estate of a deceased contributor who has made contributions for not less than the minimum qualifying period (MQP).

[7] The calculation of the MQP for a death benefit is set out in subsection 44(3) of the CPP. Subsection 44(3) provides that a contributor has made contributions for not less than the MQP only if he has made valid contributions for: (a) at least one-third of the total number of years included either wholly or partly within his contributory period; or (b) at least ten years.

ANALYSIS

[8] To receive a CPP death benefit, a person must meet all eligibility requirements as set out in the CPP.

[9] In this case, the deceased contributor required 10 years of valid contributions. However, his Record of Earnings¹ indicates that he did not make any contributions to the CPP. This is insufficient to meet the MQP.

[10] The Tribunal is created by legislation and, as such, it has only the powers granted to it by its governing statute. The Tribunal is required to interpret and apply the provisions as they are set out in the CPP. The Tribunal cannot use the principles of equity or consider extenuating circumstances to disregard the contributory requirement under the CPP.

[11] Accordingly, the Tribunal finds that the appeal has no reasonable chance of success.

CONCLUSION

[12] The appeal is summarily dismissed.

Lianne Byrne
Member, General Division - Income Security

¹ See page GD2-18