



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *The Estate of B. P. v Minister of Employment and Social Development*, 2020 SST 1224

Tribunal File Number: GP-20-724

BETWEEN:

**The Estate of B. P.**

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: Connie Dyck

DATE OF DECISION: December 14, 2020

## **REASONS AND DECISION**

### **DECISION and OVERVIEW**

[1] I am summarily dismissing this appeal because it has no reasonable chance of success.<sup>1</sup> The Appellant applied for a *Canada Pension Plan* (CPP) Death benefit in October 2019. The Respondent denied the application initially and upon reconsideration. The Appellant appealed the reconsideration decision to the Social Security Tribunal (Tribunal) in April 2020.

[2] This appeal involves the death benefit of the contributor B. P., who may also be referred to as the contributor. The Appellant must prove the contributor had enough valid contributions to the CPP for the Appellant to qualify for a death benefit.

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

### **PRELIMINARY MATTER and PRE-CONFERENCE HEARING**

[4] The Appellant was given notice in writing of the intention to summarily dismiss the appeal and was allowed a reasonable period of time to make submissions.<sup>2</sup> The Appellant's response was received on November 20, 2020<sup>3</sup> wherein the Appellant questioned the number of years the deceased had contributions.

[5] I decided to hold a pre-hearing conference to clarify any confusion regarding the contributor's years of contributions.

[6] The Appellant agreed that the deceased needed 10 valid years of contributions to meet the eligibility requirements for the CPP benefit. I explained what "valid years of contributions" means. I told the Appellant that a contribution is considered to be valid if the earnings are above the year's basic exemption (YBE). YBE is explained in Section 19 of the CPP – "The amount of a Year's Basic Exemption is the higher multiple of \$100 that is less than or equal to 10% of the Year's Maximum Pensionable Earnings for the year." The formula to calculate Maximum

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<sup>1</sup> Subsection 53(1) of the *Department of Employment and Social Development Act* (DESD Act) and (*Miter v. Canada* (A.G.), 2017 FC 262).

<sup>2</sup> Section 22 of the *Social Security Tribunal Regulations* (Regulations) requires this.

<sup>3</sup> The response is at GD 04.

Pensionable Earnings is in Section 18 of the CPP. The Appellant told me that he understood what 10 valid years of contributions meant.

[7] The Appellant questioned why in 1974 and 1983, some of the deceased's CPP contributions were not returned to her since those years were not valid years of contributions. The Minister's representative explained that this is a matter under the jurisdiction of Canada Revenue Agency (CRA). The Appellant was aware that the Tribunal must consider the earnings and CPP contributions of the deceased as submitted to be accurate. This information is provided by the CRA and only the CRA has the jurisdiction to change or amend this information.<sup>4</sup> The Claimant told me that he was in contact with the CRA and had requested a copy of the contributor's income tax return to investigate this issue further.

[8] At the conclusion of the pre-conference hearing, the Appellant said he understood the deceased needed 10 valid years of contributions. He expressed his frustration that it seemed "the rules were changing". I understand the Appellant's frustration. Unfortunately, the Reconsideration decision letter sent by the Minister in March 2020<sup>5</sup> does not clearly explain that a CPP contribution is considered to be valid only if the earnings are above the year's basic exemption (according to the CPP). I understand how this can be confusing for any Appellant. However, I am required to interpret and apply the provisions as they are set out in the CPP.

## **EVIDENCE**

[9] The *Canada Pension Plan* (CPP) legislation states that in order for a benefit to be payable, a contributor (B. P.) must have made at least the minimum amount of contributions required.

[10] The minimum amount of contributions<sup>6</sup> required to be eligible for the Survivor's pension and Death benefit is:

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<sup>4</sup> The Appellant referred to the Intention to Summarily Dismiss at GD 0.

<sup>5</sup> The reconsideration decision letter is at GD 2-17.

[1] <sup>6</sup>

This is explained in Subsection 44(3) of the CPP.

(a) 1/3 of the total number of years within B. P.' contributory period, **or**

(b) for at least 10 years.

[11] The contributory period of the contributor is more than 30 years. It is from January 1973 (when she turned 18 years old) to December 2014 (the month before she started receiving her retirement pension). This means the contributor would need 10 years of contributions to meet the minimum contributory requirements.

[12] The contributor had valid contributions in only 8 years (1975 – 1980 inclusive and 1982 and 1985) and not 10 years as required to meet the minimum contributory requirements.

[13] The Appellant submitted that the Statement of Contributions shows that for the year 1980 the contributor's CPP contributions were \$3.98 for 1980. This amount is lower than the contributions for 1974 and 1983, yet 1980 is considered as a year of valid contributions. Although the CPP refers to "valid contributions", the determining fact that allows a person to contribute to the CPP is earnings. In 1980, the contributor had earnings of \$5,514. These earnings are considered valid earnings because they are more than then the Yearly Basic Exemption (YBE) amount for 1980. Therefore, the Claimant was able to make CPP contributions for 1980. In 1974 and 1983, the Claimant did not have earnings equal to or more than the YBE. This is why she is considered to only have 8 years of valid contributions. She only had 8 years when her earnings were more than the Yearly Basic Exemption amounts, but she requires 10 valid years of earnings to be eligible for the Death benefit.

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

## **CONCLUSION**

[15] The appeal is summarily dismissed.

Connie Dyck  
Member, General Division - Income Security