



Citation: *CL v Minister of Employment and Social Development*, 2021 SST 897

Social Security Tribunal of Canada General Division – Income Security Section

Decision

Appellant: C. L.

Respondent: Minister of Employment and Social Development

Decision under appeal: Minister of Employment and Social Development
reconsideration decision dated January 27, 2021 (issued
by Service Canada)

Tribunal member: Carol Wilton

Type of hearing: On the record

Decision date: November 2, 2021

File number: GP-21-905

Decision

[1] The Minister correctly calculated the Claimant's *Canada Pension Plan* (CPP) retirement pension based on his earnings to April 2018. There is no provision in the CPP that would allow the Claimant to collect the CPP retirement pension based on his earnings to 2015 and the post retirement benefit for the years 2015-2018.

[2] This decision explains why I am dismissing the appeal.

Overview

[3] The Claimant turned 65 years old in March 2015. That month, he applied for the CPP retirement pension. He stated that he wanted payment deferred until 2020.¹

[4] The Minister denied his application. It had been submitted too far in advance.²

[5] The Claimant had valid contributions to the CPP in 2015, 2016, 2017, and 2018.³

[6] In June 2020, on behalf of the Claimant, the Minister made an automatic application for the CPP retirement pension. Payment was to start in April 2020. This was the month after the Claimant's 70th birthday. The Minister calculated his retirement benefit based on his regular earnings to April 2018.

[7] In August 2020, the Claimant disputed the way the Minister had calculated his CPP retirement benefit. He stated he wanted to have his benefits calculated using his regular CPP contributions to March 31, 2015, and his CPP contributions from April 1, 2015 to April 2018 as post-retirement contributions.⁴

[8] The Minister denied this request initially and on reconsideration.

[9] The Claimant appealed the reconsideration decision to the General Division of the Social Security Tribunal (Tribunal).

Matters that I must address first

¹ GD2-4

² GD2-22

³ GD2-16-17

⁴ GD2-8

[10] I scheduled a case conference for October 5, 2021. Both the Claimant and a representative of the Minister, attended.

[11] At the conclusion of the case conference, the Claimant agreed to my writing a decision on the record.

Issue

[12] Did the Minister use the right method to calculate the Claimant's CPP retirement pension?

The Minister used the right method to calculate the Claimant's CPP retirement pension

[13] A person who qualifies for the CPP retirement pension can decide to start receiving it any time between the ages of 60 and 70 – or even later - depending on the date of application.⁵

[14] In the present case, the Claimant began receiving his CPP retirement pension the month after his 70th birthday.

[15] To qualify for the CPP post-retirement benefit, a person must meet the following terms:

- They must already be receiving the CPP retirement pension;
- They must under the age of 70;
- They must be making valid contributions to the CPP from their employment income.⁶

[16] The CPP post-retirement benefit is available only to those who are under 70 years of age and who continue to work after they begin collecting their CPP retirement

⁵ Sections 46 and 67 of the CPP. Section 67 of the CPP sets out how to determine the start date of the CPP retirement pension.

⁶ Section 76.1 of the CPP

pension. The Claimant did not begin receiving his CPP retirement pension until after he stopped working. He was therefore ineligible for the post-retirement benefit.

[17] Because the Claimant deferred receiving his CPP retirement pension until after the age of 65, he receives a higher amount than he would have if he had started receiving it at age 65.⁷

Conclusion

[18] The appeal is dismissed.

Carol Wilton
Member, General Division – Income Security Section

⁷ Section 67(3) CPP. The adjustment is .07% for each month after a person's 65th birthday up to a maximum of 60 months, or age 70.