



Citation: *The Estate of PM v Minister of Employment and Social Development*, 2023 SST 848

**Social Security Tribunal of Canada  
General Division – Income Security Section**

**Decision**

**Appellant:** The Estate of P. M.  
**Respondent:** Minister of Employment and Social Development

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**Decision under appeal:** Minister of Employment and Social Development  
reconsideration decision dated April 4, 2022 (issued by  
Service Canada)

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**Tribunal member:** George Tsakalis  
**Type of hearing:** Teleconference  
**Hearing date:** January 12, 2023  
**Hearing participants:** Appellant  
Appellant's sister  
**Decision date:** January 13, 2023  
**File number:** GP-22-1092

## **Decision**

[1] The appeal is dismissed.

[2] The Appellant, The Estate of P. M., isn't eligible for a death benefit. This decision explains why I am dismissing the appeal.

## **Overview**

[3] P. M. (the deceased contributor) passed away on January 2, 2022. The Appellant's mother applied for a Canada Pension Plan (CPP) death benefit. She represents the Appellant Estate. The Minister of Employment and Social Development (the Minister) received the death benefit application on January 21, 2022. The Minister denied the Appellant's application. The Appellant appealed the Minister's decision to the General Division of the Social Security Tribunal of Canada.

[4] The Minister says the Appellant cannot receive a death benefit. This is because the deceased contributor did not make enough CPP contributions to allow the Appellant to receive a death benefit.

[5] The Appellant says she thought the CPP death benefit provided financial support to survivors after a family member died. She also believes that the deceased contributor made enough contributions to allow her to be eligible for a death benefit.

## **What the Appellant must prove**

[6] For the Appellant to succeed, she must prove that the deceased contributor made enough CPP contributions to receive a death benefit.

## **Reasons for my decision**

[7] I agree with the Minister that this appeal should be dismissed because the deceased contributor did not make enough CPP contributions.

[8] In order for the Appellant to be eligible to receive a CPP death benefit, the deceased contributor must have made sufficient contributions to the CPP to meet something called a Minimum Qualifying Period (MQP).<sup>1</sup>

[9] In order to meet the MQP for a death benefit, the deceased contributor had to have made valid CPP contributions for at least three years during his contributory period.<sup>2</sup>

[10] The CPP sets out the rules for calculating the beginning and ending of a contributory period for a death benefit.<sup>3</sup>

[11] The deceased contributor's contributory period began in June 2015, which is the month after his 18<sup>th</sup> birthday.

[12] The deceased contributor's contributory period ended in January 2022, which is the month he passed away.

[13] The CPP says that any part year falling within the contributory period must be considered a full year. This means the deceased contributor had eight years in his contributory period.

[14] Since the deceased contributor had eight years in his contributory period, he must have made valid CPP contributions for at least three years in order the Appellant to receive a death benefit. However, his Record of Earnings (ROE) shows he made only one year of valid CPP contributions in 2021.<sup>4</sup>

[15] The Appellant says the deceased contributor worked odd jobs before 2021. She says there were years the deceased contributor could not make CPP contributions because he was in school. She also said the deceased contributor's one year of valid contributions should count for something towards a CPP death benefit.<sup>5</sup>

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<sup>1</sup> See paragraph 44(1)(c) of the CPP

<sup>2</sup> See subsection 44(3) of the CPP

<sup>3</sup> See subsection 49(b) of the CPP

<sup>4</sup> See GD2-15

<sup>5</sup> See GD2-11

[16] However, the CPP says that I have to presume a ROE is true.<sup>6</sup> The ROE says that the deceased contributor only made one year of valid CPP contributions. This means the Appellant cannot receive a death benefit.

[17] I have tremendous sympathy for the Appellant. She and her sister told me how much she has suffered on an emotional and financial level after her son passed away. But the Tribunal is created by law. It can only grant such remedies as the law allows. I cannot vary the requirements of the CPP so that the Appellant can receive a death benefit.

## **Conclusion**

[18] I find that the Appellant isn't eligible for a CPP death benefit.

[19] This means the appeal is dismissed.

George Tsakalis  
Member, General Division – Income Security Section

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<sup>6</sup> See subsection 97(1) of the CPP