



Citation: *MM v Minister of Employment and Social Development*, 2024 SST 304

Social Security Tribunal of Canada
General Division – Income Security Section

Decision

Appellant: M. M.

Respondent: Minister of Employment and Social Development

Decision under appeal: Minister of Employment and Social Development
reconsideration decision dated September 25, 2023
(issued by Service Canada)

Tribunal member: Virginia Saunders

Type of hearing: Teleconference

Hearing date: January 31, 2024

Hearing participants: Appellant

Decision date: February 3, 2024

File number: GP-23-1956

Decision

[1] The appeal is dismissed.

[2] The Appellant, M. M., isn't eligible to be paid a Canada Pension Plan (CPP) survivor's pension before August 2022. This decision explains why I am dismissing the appeal.

Overview

[3] The Appellant is 86 years old. Her husband L. died in July 2014. They had been married for more than 60 years.

[4] The Appellant didn't know that she could apply for a CPP survivor's pension. She doesn't remember getting any letters from the government or the funeral home that told her about this benefit. She doesn't have any children or other family members, so there was no one to help her with financial matters after her husband died.

[5] As a result, the Appellant didn't apply for the survivor's pension until July 2023, after a friend mentioned it to her.¹ The Minister of Employment and Social Development (Minister) approved the application, with payments to start as of August 2022.²

[6] The Appellant would like her payments to start before August 2022. She says that if she had known about the pension she would have applied immediately after L. died. She has very little income and she struggles with high rent and the cost of living.

What I have to decide

[7] I have to decide if the Appellant is eligible to have her CPP survivor's pension start before August 2022.

¹ See GD2-12.

² See GD2-7.

Reasons for my decision

[8] The Appellant's CPP survivor's pension can't start before August 2022. I sympathize with her, but I have to follow the law.

[9] The law says that payment of a survivor's pension can't start more than 11 months before the Minister received the application.³ The Minister received the Appellant's application in July 2023, so it approved the pension to start 11 months before that, which is August 2022.

[10] The 11-month rule applies even if a person didn't know about the pension. The law doesn't require the Minister to tell a person about a benefit they might be eligible for.⁴

Conclusion

[11] I recognize that the Appellant has had a difficult time. It isn't her fault that she didn't apply for the pension sooner. But I don't have equitable jurisdiction. This means I can't make a decision because I think it would be fair or because I want to help the Appellant in difficult circumstances. I have to follow the law.

[12] I find that the Appellant isn't eligible to have her CPP survivor's pension start before August 2022.

[13] This means the appeal is dismissed.

Virginia Saunders
Member, General Division – Income Security Section

³ See section 72 of the *Canada Pension Plan*.

⁴ See *Lee v Canada (Attorney General)*, 2011 FC 689.