



Citation: *MR v Minister of Employment and Social Development*, 2024 SST 400

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

## Decision

**Appellant:** M. R.

**Respondent:** Minister of Employment and Social Development

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**Decision under appeal:** Minister of Employment and Social Development  
reconsideration decision dated June 21, 2023 (issued by  
Service Canada)

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**Tribunal member:** Brianne Shalland-Bennett

**Type of hearing:** Teleconference

**Hearing date:** January 3, 2024

**Hearing participants:** Appellant

**Decision date:** January 3, 2024

**File number:** GP-23-1376

## Decision

[1] The appeal is dismissed.

[2] The Appellant, M. R., isn't entitled to a Canada Pension Plan (CPP) death benefit. This decision explains why I am dismissing the appeal.

## Overview

[3] The Appellant's uncle, R. F., passed away in March 2023. The Appellant applied for a CPP death benefit. She says she was the person responsible for his funeral expenses.<sup>1</sup>

[4] The Minister of Employment and Social Development (Minister) denied the application. The Appellant appealed the Minister's decision to the Social Security Tribunal's General Decision.

[5] The Minister says the Appellant can't get a death benefit because her uncle didn't make enough contributions to the CPP.<sup>2</sup>

[6] The Appellant says she didn't know her uncle didn't qualify for the death benefit at the time of his death. She says different government organizations told her she would be entitled to the death benefit. She paid for his funeral services thinking she would be reimbursed. She feels like she has been treated unfairly.

## What the Appellant must prove

[7] I have to decide if the Appellant is entitled to a CPP death benefit. The law says a death benefit is payable when a deceased contributor (in this case, R. F.), has contributed to the CPP for 10 years.<sup>3</sup>

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<sup>1</sup> See GD1-6 and GD2-10.

<sup>2</sup> See GD3.

<sup>3</sup> A death benefit is payable when a deceased contributor has made base contributions for not less than the minimum qualifying period. The "minimum qualifying period" is one third of the years in the contributor's contributory period (with a minimum of three years), or ten years. See section 44(1)(c) and of the *Canada Pension Plan*.

## Reasons for my decision

[8] The Appellant isn't entitled to a CPP death benefit. This is because R. F. didn't make enough contributions to the CPP.

### **R. F. didn't make enough contributions to the CPP**

[9] R. F. needed to have contributed for 10 years for the death benefit to be payable. He only has seven years of contributions. This means he doesn't have enough contributions to the CPP for the Appellant to be eligible for a death benefit.

[10] R. F.'s contributions are calculated from January 1, 1966, to the month before his CPP retirement pension started to be paid (December 2005).<sup>4</sup>

[11] From January 1, 1966, to December 2005, R. F. made valid contributions to the CPP for seven years. He had contributions from 1973 to 1976, 1978, 1982, and 1990.<sup>5</sup>

[12] The Appellant doesn't dispute R. F. years of contributions. She says she understands how the law about how a death benefit is payable. But, she argues that other factors should be considered. I will discuss these factors next.

### **The Appellant's arguments**

[13] The Appellant says she took care of R. F.'s funeral expenses out of pocket, with good faith. She had a short timeline to handle his affairs. She got advice from Service Canada, Service BC, and Service Ontario. She says they told her she is entitled to the death benefit. She didn't know R. F. didn't have enough contributions to qualify. She feels like she has been treated unfairly.

#### **– Compassionate reasons and extenuating circumstances**

[14] I sympathize with the Appellant's circumstances. However, I can't make my decision based on compassionate reasons or extenuating circumstances, like financial

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<sup>4</sup> See section 49 of the *Canada Pension Plan*.

<sup>5</sup> See GD2-15.

hardship. This is because I don't have equitable jurisdiction. I can only interpret and apply the law as set out in the CPP.<sup>6</sup>

– **Wrong advice and administrative error**

[15] I don't have the jurisdiction to assess or decide if the Appellant got the wrong advice, or any arguments about administrative error.<sup>7</sup>

[16] If the Appellant wants to pursue this argument, she must ask the Minister (Service Canada) to investigate the matter. I have requested the Minister provide the Appellant with instructions on how to do so in a letter separate to this decision.

[17] I also clarified that Service Canada, Service BC, and Service Ontario, are different organizations with their own rules and guidelines. She may have to contact Service BC and Service Ontario separately to see how she can make a complaint about the advice she got from them related to the death benefit.

## **Conclusion**

[18] Because R. F. didn't contribute to the CPP for at least ten years, the Appellant isn't eligible for a CPP death benefit.

[19] This means the appeal is dismissed.

Brianne Shalland-Bennett  
Member, General Division – Income Security Section

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<sup>6</sup> See sections 3(1) and section 49(c) of the *Canada Pension Plan*. See also *Miter v Canada (Attorney General)*, 2017 FC 262.

<sup>7</sup> Subsection 66(4) of the *Canada Pension Plan* addresses these types of errors. The courts have made it clear that the Tribunal does not have jurisdiction to make findings about departmental error. See, for example *Canada (Minister of Human Resources Development) v. Tucker*, 2003 FCA 278.