



Citation: *SS v Minister of Employment and Social Development*, 2024 SST 1441

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

Decision

Appellant: S. S.
Respondent: Minister of Employment and Social Development

Decision under appeal: Minister of Employment and Social Development reconsideration decision dated February 29, 2024 (issued by Service Canada)

Tribunal member: Connie Dyck
Type of hearing: Teleconference
Hearing date: August 1, 2024
Decision date: August 2, 2024
File number: GP-24-726

Decision

[1] The appeal is dismissed.

[2] The Appellant, S. S., isn't eligible for eligible for a Canada Pension Plan (CPP) retirement pension. This decision explains why I am dismissing the appeal.

Overview

[3] The Appellant is 69 years old.

[4] He applied for a CPP retirement pension on December 20, 2023. The Minister of Employment and Social Development (Minister) refused his application. The Appellant appealed the Minister's decision to the Social Security Tribunal's General Division.

[5] The Appellant says he needs the CPP retirement pension to live in metropolitan Toronto. He also has several health issues that require costly treatments.

[6] The Minister says the Appellant doesn't have sufficient contributions for the retirement pension.

What I must decide

[7] I must decide if the Appellant is eligible to receive a CPP retirement pension.

Matters I have to consider first

The Appellant wasn't at the hearing

[8] A hearing can go ahead without the Appellant if he got the notice of hearing.¹ I decided that the Appellant got the notice of hearing. The Tribunal has been unable to reach the Appellant by telephone. The phone numbers he provided to the Tribunal are either no longer in service or belong to someone else.

¹ Section 58 of the *Social Security Tribunal Rules of Procedure* sets out this rule.

[9] However, throughout the appeal process, the Tribunal has been able to successfully communicate with the Appellant through email. On May 22, 2024, a letter was sent to the Appellant by email explaining that filing deadlines had been set in the appeal. On June 6, 2024, the Appellant confirmed by return email that he had received the May 22, 2024, email. He also submitted additional documents.

[10] On June 28, the Notice of Hearing was emailed to the Appellant at the same email address as other correspondence which the Appellant had received.

[11] So, the hearing took place when it was scheduled, but without the Appellant.

Reasons for my decision

[12] I find that the Appellant isn't eligible to receive a CPP retirement pension.

- **The Appellant has no valid years of contributions to the CPP**

[13] A CPP retirement pension is paid to a contributor who has reached 60 years of age.² A contributor is a person who has made a valid contribution to the CPP in at least one year.³

[14] In this case, the Appellant is more than 60 years old, but he hasn't made at least one valid contribution to the CPP.

[15] The contribution of earnings record shows the Appellant has no valid years of contributions.⁴

[16] A Record of Earnings is conclusively presumed to be accurate.⁵

[17] Because the Appellant has no valid years of contributions to the CPP, he isn't eligible to receive the CPP retirement pension.

² Section 44(1)(a) of the *Canada Pension Plan*.

³ Section 2 of the *Canada Pension Plan*.

⁴ GD2-5.

⁵ Section 97 of the *Canada Pension Plan*.

- **The Tribunal's jurisdiction is limited**

[18] I recognize the Appellant's arguments that he is suffering with several health issues and lives in Toronto, where the cost of living is high.

[19] But the Tribunal is created by legislation and, as such, it has only the powers granted to it by its governing statute. The Tribunal is required to interpret and apply the provisions as they are set out in the CPP. I cannot use the principles of equity or consider extenuating circumstances, including the Appellant's health conditions, to grant the Appellant a CPP retirement pension.

Conclusion

[20] I find that the Appellant isn't eligible for a CPP retirement pension because he didn't make sufficient contributions to the CPP.

[21] This means the appeal is dismissed.

Connie Dyck
Member, General Division – Income Security Section