



Citation: *MT v Minister of Employment and Social Development and NP*, 2025 SST 749

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

# Decision

**Appellant:** M. T.

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

**Added Party:** N. P.

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**Decision under appeal:** Minister of Employment and Social Development  
reconsideration decision dated October 30, 2024 (issued  
by Service Canada)

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**Tribunal member:** Wayne van der Meide

**Type of hearing:** In person

**Hearing date:** April 29, 2025

**Hearing participants:** Appellant  
Respondent's representative  
Added Party

**Decision date:** April 29, 2025

**File number:** GP-24-2095

## Decision

[1] The appeal is dismissed.

[2] The Appellant, M. T., isn't eligible for Canada Pension Plan (CPP) death benefit.

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

## Overview

[4] A death benefit is a one-time payment payable when a person who has made sufficient contributions to the CPP dies. A death benefit can only be paid to one person. This appeal is about two competing claims for a death benefit.

[5] C.R. (the deceased contributor) died on November 21, 2020. The Added Party applied for the death benefit on December 31, 2020.<sup>1</sup> She was not related by blood to C.R. She applied as the executor of C.R.'s estate.

[6] The Minister of Employment and Social Development (Minister) paid the death benefit to the Added Party, as the executor of C.R.'s estate, in a decision dated January 13, 2021.

[7] In July 2024, the Appellant applied for C.R.'s death benefit.<sup>2</sup> The Minister denied her application. The Appellant appealed the Minister's decision to the General Division of the Social Security Tribunal (Tribunal).

[8] The Appellant says that the death benefit should be paid to her because:

- The Added Party withdrew money from C.R.'s bank account before he died.
- C.R.'s will, and a Power of Attorney in the Added Party's name, are invalid.
- She was C.R.'s next of kin.

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<sup>1</sup> See GD2-78 to GD2-81.

<sup>2</sup> See GD2-42 to GD2-47.

- The Added Party lied in her application when she said that she was related to C.R. by blood, and the application form says that the Minister can penalize someone for lying.

[9] The Minister says that the death benefit was paid to the Added Party, as the executor of C.R.'s estate. The Minister says this is what the law requires. The Minister also says that as of the hearing, it had no proof that the Appellant's will is invalid or that the Added Party was not the executor of C.R.'s estate.

## **What I have to decided**

[10] I have to decide if the Appellant is entitled to the death benefit.

## **What the law says**

[11] The CPP explains who is entitled to a death benefit when someone dies.<sup>3</sup> It says if the estate applies within 60 days of the contributor's death, the benefit is payable to the estate of the deceased contributor.

## **Reasons for my decision**

[12] The Appellant isn't entitled to the death benefit. The Added Party is entitled to the death benefit.

[13] No court has declared C.R.'s will invalid.

[14] No court has said that the Added Party was not the executor of C.R.'s estate.

[15] The Added Party, as the executor of C.R.'s estate, applied for the death benefit within 60 days of his death.

[16] Even if **all** the other facts which the Appellant alleges are true (and I am **not** saying whether they are or are not), it doesn't matter.

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<sup>3</sup> See section 71 of the *Canada Pension Plan Act* and section 64 of the *Canada Pension Plan Regulations*.

## **Conclusion**

[17] I find that the Appellant isn't eligible for the death benefit.

[18] This means the appeal is dismissed.

Wayne van der Meide  
Member, General Division – Income Security Section