



Citation: *MT v Minister of Employment and Social Development and NP*, 2025 SST 748

## **Social Security Tribunal of Canada Appeal Division**

# **Leave to Appeal Decision**

**Applicant:** M. T.

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

**Added Party:** N. P.  
**Representative:**

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**Decision under appeal:** General Division decision dated April 29, 2025  
(GP-24-2095)

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**Tribunal member:** Kate Sellar

**Decision date:** July 22, 2025

**File number:** AD-25-486

## Decision

[1] I'm refusing to give the Claimant, (M. T.), leave (permission) to appeal. The appeal will not proceed. These are the reasons for my decision.

## Overview

[2] A death benefit is a one-time payment payable when a person who has made sufficient contributions to the Canada Pension Plan (CPP) dies. A death benefit can only be paid to one person.

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

[4] 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.

[5] In July 2024, the Claimant applied for the death benefit. The Minister refused her application initially and in a reconsideration letter. The Claimant appealed to this Tribunal. The General Division dismissed the Claimant's appeal.

[6] The General Division decided that the Claimant isn't eligible for the death benefit and that the Added Party is eligible. The General Division explained that the CPP says that if the estate applies within 60 days of the contributor's death, the Minister pays the death benefit to the estate of the deceased contributor.

[7] The General Division found that the Added Party was the executor, the Added Party applied as executor within 60 days, and there was no court order stating that the

will was invalid. Accordingly, the death benefit cannot go to the Claimant instead of the Added Party, as the law doesn't allow for that outcome.<sup>1</sup>

## Issues

[8] The issues in this appeal are:

- a) Is there an arguable case that the General Division failed to provide the Claimant with a fair process in the hearing?
- b) Does the application set out evidence that wasn't presented to the General Division?

## I'm not giving the Claimant permission to appeal

[9] I can give the Claimant permission to appeal if the application raises an arguable case that the General Division:

- didn't follow a fair process;
- acted beyond its powers or refused to exercise those powers;
- made an error of law;
- made an error of fact; or
- made an error applying the law to the facts.<sup>2</sup>

[10] I can also give the Claimant permission to appeal if the application sets out evidence that wasn't presented to the General Division.<sup>3</sup>

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<sup>1</sup> See section 71 of the *Canada Pension Plan*; and section 64 of the *Canada Pension Plan Regulations*. The General Division member applied these parts of the law to the Claimant's situation in paragraphs 11 to 17 of the General Division decision.

<sup>2</sup> See section 58.1(a) and (b) in the *Department of Employment and Social Development Act (Act)*.

<sup>3</sup> See section 58.1(c) in the Act.

[11] Since the Claimant hasn't raised an arguable case and hasn't set out new evidence, I must refuse permission to appeal.

**There's no arguable case that the General Division failed to provide the Claimant with a fair process at the hearing.**

- **Fair process at the General Division means making sure people have a meaningful opportunity to present their case.**

[12] What fairness requires will vary depending on the circumstances.<sup>4</sup> At the heart of the question about fairness is whether, considering all the circumstances, the people impacted by the process had a meaningful opportunity to present their case fully and fairly.

[13] Part of the duty to act fairly is allowing people the right to be heard. The right to be heard is also about giving people the chance to make arguments on every fact or factor likely to affect the decision.<sup>5</sup>

- **The Claimant argues that the General Division's hearing proceeded in a way that was unfair.**

[14] The Claimant argues that at the hearing, the General Division proceeded in a way that was unfair.<sup>6</sup> She says that she was notified that her navigator (a Tribunal staff member who assist Claimants with understanding the Tribunal's process) would be with her during the hearing, but then the navigator wasn't there.

[15] The Claimant also argues that she understood the hearing would be 90 minutes. However, the hearing was completed in a way that was rushed, and it barely lasted 30 minutes. The Claimant says that the hearing was grossly unfair because she spent time and money getting her documents prepared and that she was prevented from presenting her case in an appropriate way.

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<sup>4</sup> See *Baker v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 (SCC).

<sup>5</sup> See *Kouama v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 9008 (FC).

<sup>6</sup> See AD1-4.

– **The General Division hearing was brief and there was no navigator present.**

[16] I reviewed the recording of the General Division hearing. The hearing was brief, and there was no navigator present.

[17] During the hearing, the General Division member:

- gave a brief history of the appeal process to date, and explained what the legal issue was at the beginning of the hearing;
- actively advised but also demonstrated that he was familiar with the documents the Claimant relied on in the appeal;
- asked that the Claimant affirm she would tell the truth, and then invited her to give her evidence;
- specifically encouraged the Claimant to take her time at one point in the hearing;
- invited the Claimant to say anything else (this happened no less than three times throughout the hearing, when it appeared that the Claimant was finished with a topic or finished giving her evidence all together);
- asked a key follow-up question to the Claimant about whether any court had invalidated the deceased contributor's will;
- explained he did not have the power to invalidate the will; and
- reiterated the narrow issue he had the power to decide (namely whether the Claimant or the Added Party was entitled to the CPP death benefit).

– **There's no arguable case that the Claimant wasn't treated fairly at the General Division hearing.**

[18] There's no arguable case that the General Division failed to provide a fair process to the Claimant at the hearing.

[19] The length of the hearing alone doesn't give rise to an arguable case that the General Division denied the Claimant a fair process. This is particularly so given that the General Division invited the Claimant to take her time, and also to say more on several occasions during the hearing. The Claimant hasn't identified any specific evidence or argument the General Division prevented her from making that resulted in a shorter hearing. The fact that the General Division member reassured the Claimant that he was familiar with the materials she filed doesn't mean there's an arguable case that the Claimant was unable to present her case fully and fairly.

[20] The fact that the Claimant's navigator didn't attend the hearing doesn't give rise to an arguable case that the General Division denied the Claimant a fair process. The Tribunal's website explains that navigators provide a service to people who don't have a professional representative, like a lawyer. The website clearly states that navigators cannot be at your hearing.<sup>7</sup>

[21] There's no arguable case that the lack of a navigator at the hearing means that the Claimant wasn't provided with a fair process. The navigator helps people to prepare for a hearing and explains what happens at a hearing. The Claimant has given no reason how or why the lack of a navigator at the hearing negatively impacted her ability to make her case fully and fairly. This is especially so in light of the many steps outlined above that the General Division member took to ensure that the Claimant was able to make her case at the hearing.

### **The Claimant hasn't set out any new evidence that could justify giving her permission to appeal**

[22] The Claimant says that she has evidence that the General Division didn't have.<sup>8</sup> She says she has the results of a small claims court matter in which a judge authorized that she should be paid \$7500 from the joint account of the deceased contributor. She explained that she previously sent this information to Service Canada when she applied in 2024.

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<sup>7</sup> See <https://sst-tss.gc.ca/en/your-appeal/navigators#toc-id-0ors>

<sup>8</sup> See AD1-5.

[23] The Claimant hasn't set out this evidence sufficiently for me to allow permission to appeal. The information I do have tells me that the evidence isn't sufficiently connected to any issue on appeal. Accordingly, it cannot justify giving the Claimant permission to appeal.

[24] The General Division explained that the Added Party met the legal requirements as the executor to have the death benefit paid to the estate. The Claimant hasn't identified anything about how receiving money from an account would change the assessment of the Added Party's application for the death benefit. The Claimant has provided no new evidence that the will was invalidated, or that the Added Party wasn't the executor, or that the Added Party didn't apply in time.

[25] Whether the Claimant was ever entitled to money from the deceased contributor's account doesn't seem to have any possible connection to who receives the deceased contributor's CPP death benefit.

[26] I've reviewed the record.<sup>9</sup> I don't see any evidence that the General Division may have overlooked or misinterpreted that could impact the outcome of the Claimant's appeal.

## **Conclusion**

[27] I refused to give the Claimant permission to appeal. This means that the appeal will not proceed.

Kate Sellar  
Member, Appeal Division

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<sup>9</sup> For more on this kind of review by the Appeal Division, see *Karadeolian v Canada (Attorney General)*, 2016 FC 615.