



Citation: *WH v Minister of Employment and Social Development*, 2025 SST 1290

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

Decision

Appellant: W. H.

Respondent: Minister of Employment and Social Development

Decision under appeal: Minister of Employment and Social Development
reconsideration decision dated May 8, 2025 (issued by
Service Canada)

Tribunal member: Wayne van der Meide

Type of hearing: Teleconference

Hearing date: October 16, 2025

Hearing participants: Appellant
Respondent's representative

Decision date: October 17, 2025

File number: GP-25-1101

Decision

[1] The appeal is dismissed.

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

Overview

[3] The Appellant and the deceased contributor (contributor) were in a common-law relationship from 1980 to 1994. The contributor died in June 2011. The Appellant applied for the survivor's pension. The Minister of Employment and Social Development (Minister) denied her application initially and on reconsideration.

[4] The Appellant says that she and the contributor were separated, not single, when he died. She also says that separated common-law spouses are the same as separated married people. This means that she is entitled to the survivor's pension.

[5] The Minister says that the Appellant isn't entitled to the survivor's pension because she wasn't the common-law spouse of the contributor when he died.

What the law says

[6] The law says to get a CPP survivor pension; a person must be the survivor the contributor.¹

[7] A "**survivor**" is a person who was the common-law partner of the contributor at the time of the contributor's death or, if there is no common-law partner, a person who was married to the contributor at the time of the contributor's death.²

[8] A common-law partner is a person who cohabits with the contributor in a conjugal relationship for a continuous period of one year. In the case of a contributor's death, this one-year period of continuous cohabitation must immediately be before the contributor

¹ See section 44(1)(d)(ii)

² The term "survivor" is defined in section 42(1) of the *Canada Pension Plan*.

died.³To be successful in this appeal, the Appellant has to prove she was the survivor of the contributor.

Reasons for my decision

[9] The Appellant isn't entitled to a CPP survivor's pension.

[10] The Appellant says she wasn't married to the contributor, or in a common law relationship with the contributor when he died.⁴ She says she was only separated from the contributor when he died, so she should still be entitled to the survivor's pension. That isn't the law.

[11] The Appellant and the contributor weren't cohabitating in a conjugal relationship in the year before his death. The law says they needed to be. This means she wasn't a survivor according to what the law says. This also means, she isn't entitled to survivor's pension.

Conclusion

[12] I find that the Appellant isn't eligible for the survivor's pension.

[13] This means the appeal is dismissed.

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

³ See subsection 2(1) of the *Canada Pension Plan*. See also see *J.R. v. Minister of Employment and Social Development*, 2021 SST 113.

⁴ See the recording of the hearing and GD2-7, GD2-20 and GD2-28.