



Citation: *YL v Minister of Employment and Social Development and EY*, 2025 SST 1452

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

Decision

Appellant: Y. L.

Respondent: Minister of Employment and Social Development

Added Party: E. Y.

Decision under appeal: Minister of Employment and Social Development
reconsideration decision dated July 29, 2025 (issued by
Service Canada)

Tribunal member: Brianne Shalland-Bennett

Type of hearing: Teleconference

Hearing date: October 22, 2025

Hearing participants: Appellant
Respondent's representative
Added Party
Observers from the Respondent

Decision date: October 22, 2025

File number: GP-25-1322

Decision

[1] The appeal is dismissed.

[2] The Appellant, Y. L., isn't eligible for a Canada Pension Plan (CPP) division of unadjusted pensionable earnings (credit split).

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

Overview

[4] The Appellant was in a common-law relationship with K. Y. She and K. Y. started living separate and apart in June 2016.¹ She applied for a credit split in July 2024. The Minister of Employment and Social Development (Minister) denied her application.² It said she applied too late.

[5] The Appellant disagrees with the Minister's decision. She appealed its decision to the Social Security Tribunal's General Division.³ She says:

- The only agreement she signed was about a condo.
- She asked K. Y. to sign the waiver to allow the credit split. He said no.
- No one, including the government and K. Y., told her she could apply.
- The four-year limit to apply should start from when she found out about the credit split.

[6] The Minister says it can't process the credit split. The Appellant applied too late. There isn't an agreement signed by both parties showing that the four-year limit can be waived.

[7] The Added Party said there was no information included in the estate documents showing K. Y. waived the four-year deadline for the Appellant to apply.⁴

¹ See GD2-6. The Appellant also agreed this is when she and K. Y. separated at the hearing.

² See GD2-9 to 10.

³ See GD1 for the Appellant's notice of appeal.

⁴ See GD12.

What the Appellant must prove

[8] The Appellant must show she applied for a credit split within four years of being separated from K. Y.

[9] The law says that when a common-law relationship ends, an application for a credit split must be made within four years after the parties started living separate and apart. This rule applies even if a person didn't know about the credit split.⁵

[10] There is an exception to the rule about the four-year time limit to apply. The exception applies when both former common-law partners agree in writing to proceed with the credit split, although the four-year limit has passed.⁶

Reasons for my decision

[11] The Appellant isn't entitled to a credit split from her relationship with K. Y. She didn't apply for the credit split within four years of separating. There isn't an agreement in writing to proceed with the credit split after the four-year limit.

[12] I explain the reasons for my decision next.

– When did the Appellant and K. Y. separate?

[13] The Appellant and K. Y. started living separate and apart in June 2016. This is the date she used in her application. She also confirmed this date at the hearing.

– Did the Appellant apply for a credit split within four years of separating?

[14] As mentioned, when a common-law relationship ends, an application for a credit split must be made within four years after the parties started living separate and apart.

[15] The Appellant didn't apply within four years of separating. The Minister got her application in July 2024. She and K. Y. had been living separate and apart for over four years by then. July 2024 is over four years after June 2016.

⁵ See section 55.1(1)(c) of the *Canada Pension Plan*.

⁶ See section 55.1(1)(c) of the *Canada Pension Plan*.

[16] The Appellant said the four-year limit should start from when she became aware she could apply for credit splitting. She said no one told her she could apply.

[17] This isn't something I can consider. The Minister doesn't have to tell people about a potential entitlement to benefits. Canadians are expected to apply for the benefits for which they might be eligible.⁷

– **Does the exception apply?**

[18] As mentioned earlier, there is an exception to the rule about the four-year time limit to apply. The exception applies when both former partners agree in writing to proceed with the credit split, although the four-year time limit has passed.

[19] There isn't evidence showing the Appellant and K. Y. agreed in writing to proceed with the credit split, although the four-year time limit has passed. At the hearing, she confirmed there is no such agreement. She said she asked K. Y. to sign an agreement, but he said no. He has since passed away and can't sign an agreement. So, the exception to the rule doesn't apply.

Conclusion

[20] I sympathize with the Appellant's situation. She has had some health challenges over the years. She says she had several emotional and financial problems related to K. Y. But these aren't factors I can consider. The law doesn't give the jurisdiction (power) to consider compassionate, humanitarian, or financial reasons.

[21] I find the Appellant can't have her credit split processed. She applied too late. There isn't an agreement to waive the four-year deadline.

[22] This means the appeal is dismissed.

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

⁷ See *Lee v Canada (Attorney General)*, 2011 FC 689 at paragraph 72.