



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *BC v Minister of Employment and Social Development*, 2020 SST 932

Tribunal File Number: GP-19-1776

BETWEEN:

**B. C.**

Appellant (Claimant)

and

**Minister of Employment and Social Development**

Minister

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**SOCIAL SECURITY TRIBUNAL DECISION**  
**General Division – Income Security Section**

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Decision by: Adam Picotte

Claimant represented by: Chantel Carlston

Teleconference hearing on: September 23, 2020

Date of decision: September 23, 2020

## **DECISION**

[1] The Claimant is not entitled to a Canada Pension Plan (CPP) disability pension.

## **OVERVIEW**

[2] There is no question that B. C. has both a severe and prolonged disability. The medical evidence strongly supports such a finding. The issue on this appeal is whether B. C. has a valid minimum qualifying period such that he can qualify for a benefit under the CPP.

[3] The Minister received the Claimant's application for the disability pension in December 2018. The Minister denied the application initially and on reconsideration. The Claimant appealed the reconsideration decision to the Social Security Tribunal.

*Does the Claimant have a minimum qualifying period?*

[4] To qualify for a CPP disability pension, the Claimant must meet the requirements that are set out in the CPP. More specifically, the Claimant must be found disabled as defined in the CPP on or before the end of the minimum qualifying period (MQP). The calculation of the MQP is based on the Claimant's contributions to the CPP.

[5] The CPP says that in order to qualify for a disability benefit, a contributor must have been sufficient contributions to the CPP for at least four of six calendar years or at least 25 years in total and three of six years.<sup>1</sup>

[6] The Claimant's representative raised the issue of whether their combined income could be used to establish an MQP. She thought this only fair given that other provincial and federal benefits consider combined income for the purpose of benefit entitlement.

[7] Every benefit program has its only qualification for entitlement. The CPP is no different. The language for whether the incomes can be considered in a combined fashion or individually turns on the definition of contributor. This is because "Contributor" is the object of who can contribute to the CPP.

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<sup>1</sup> Section 44(2) of the CPP.

[8] Contributor is a defined term under the CPP. It means a person who has made an employee's contribution or a contribution in respect of the person's self-employed earnings. The definition of Contributor also includes a person who has received attributed pensionable earnings following a separation or divorce.<sup>2</sup>

[9] It is clear from the language in the CPP that Contributor must mean the person or individual. It does not make an allowance for including spousal contributions except in certain circumstances following a separation or divorce. As there has not been a separation or divorce, I can only consider the Claimant's contributions and not those of his spouse.

[10] In this case, the record of earnings shows that the Claimant does not have any years with valid contributions to the CPP. As such, he does not have an MQP and cannot qualify for a CPP disability benefit.

## **CONCLUSION**

[11] The appeal is dismissed

Adam Picotte  
Member, General Division - Income Security

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<sup>2</sup> Section 2 CPP