

CPP benefits: Are you entitled?

Survivor's Benefits

If your spouse, common-law partner, parent, or guardian dies, you may be entitled to survivor's benefits.



CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario

What is the Canada Pension Plan?

The Canada Pension Plan (CPP) is a benefits plan for workers. Workers who pay into the plan might get a retirement pension when they retire, or a disability pension if they can no longer work because of a disability. There are also benefits for the children of people who are receiving CPP disability pensions and for survivors of CPP contributors who have died. The amount of the pension depends on how many pension credits the contributor earned while working. Pension credits are based on contributions.

Most workers make regular contributions. Their employers deduct money from their wages and send it to the CPP. The employers then contribute a matching amount. Most self-employed workers make CPP contributions with their income tax returns. The government keeps a record of all contributions.

Contributions to the Quebec Pension Plan count toward the Canada Pension Plan. Contributions to the pension plans of some other countries can also count to help you qualify for CPP, but they do not affect the amount of your benefits.

Someone who is divorced or separated may be entitled to a share of the pension credits of their former spouse or common-law partner.

What are survivor's benefits?

Survivor's benefits are payments that you might get if your spouse, common-law partner, parent, or guardian dies and he or she contributed to the CPP for enough years.

The number of years of contributions needed can range from 3 to 10, depending on the circumstances. Years of contributions to pension plans of some other countries can also count.

Special rules may apply if there were times when the person could not contribute to CPP because they were receiving CPP disability benefits, or because they were raising young children.

The rules about this are complicated. If you think you might be entitled, apply even if you are not sure if the person made enough contributions.

You can have an application kit sent to you by calling Service Canada toll-free at **1-800-277-9914**. If you use a TTY device, call **1-800-255-4786**. You can also download an application kit and an information sheet from the "Families and Children" section of their web site at www.servicecanada.gc.ca. The information sheet will tell you what other documents you will need to include with your application.

Application kits and information are also available at many funeral homes.

There are 3 types of survivor's benefits available if a worker or retired worker dies:

- survivor's pension,
- children's benefits, and
- death benefit.

The following sections give more details about each of these benefits.

Survivor's Pension

You can apply for the survivor's pension if:

- you were legally married to the contributor when they died, or
- you had been living in a common-law relationship with the contributor for at least one year at the time of their death.

If your spouse or partner was legally married to someone else or in a common-law relationship with someone else, that other person might also apply. If this is your situation, get legal advice. Usually, only one spouse or partner can get a survivor's pension.

How much can I get from a survivor's pension?

The amount you get depends mainly on your spouse or partner's CPP contributions. The amount will also be affected in the following ways:

If you were 65 years or older when your spouse or partner died, you can get up to 60 per cent of their CPP retirement pension. The maximum amount in 2010 is \$560.50 per month. You will get less than 60 percent if you are also receiving your own retirement pension or disability benefits.

If you were under 65 years of age, you will get less than 60 per cent. The amount depends on your age and the number of dependent children you have.

If you were under 35 years of age and had no dependent children when your spouse or partner died, you will usually not receive any survivor's pension.

If you have a disability that prevents you from working, you may get a survivor's pension at any age. The amount depends on any other benefits you can get from the Canada Pension Plan.

Your pension will go up every year that the cost of living index goes up.

Is there a time limit for applying?

There is no time limit, but you should apply as soon as possible.

If you qualify, CPP will give you benefits for the months dating back to your spouse or partner's death, but will not go back more than 12 months before the date of your application. So if you wait more than one year to apply, you might lose some benefits.

Will I lose my pension if I remarry?

No. Getting married or living with someone after your spouse or partner's death will not affect your survivor's pension.

What if I already get money from CPP?

You can get a survivor's pension even if you get other CPP benefits or a CPP retirement pension. But, there are limits on the total amount of CPP you can get.

Children's Benefits

A child may be entitled to children's benefits if their parent, guardian, or custodian dies. This can include someone who adopted the child (either legally or informally), or someone who had custody and control of the child. Children can get these benefits until they turn 18 years of age, or until they turn 25 years of age if they are full-time students.

How much money will a child get?

The children's benefit in 2010 is \$214.85 per month. If the child is under 18 years old, the payments are sent to their surviving parent or guardian. If more than one parent or guardian dies while the child is eligible, and they each paid into CPP long enough, the child can receive benefits for each parent or guardian's contributions.

Is there a time limit for applying?

No, but if you wait for more than one year to apply, the child might lose some benefits. CPP will give benefits for the months dating back to a parent or guardian's death, but will not go back more than 12 months before the date of the application.

Death Benefit

The CPP death benefit is a one-time payment which can be claimed by the estate of the person who died. Sometimes it can be claimed by the surviving spouse or partner, close relative, or person who paid the funeral expenses.

How much is the death benefit?

The amount depends on the contributions made by the deceased person while they worked. It cannot be more than \$2,500. If you are claiming it as a person who paid funeral expenses, it cannot be more than the actual cost of the funeral.

Is there a time limit for applying?

No, but if you are applying on behalf of the estate, you should do so within 60 days of the person's death. Otherwise, CPP might pay it to someone else who makes a claim.

What if the person who died was entitled to CPP retirement benefits, but never claimed them?

CPP can pay up to 12 months of retirement benefits if the person who died:

- qualified for these benefits but never applied for them, and
- was at least 70 years old when they died.

To get these benefits, an application must be made within one year after the date of the person's death. This is called a "post-mortem" application.

These are not considered survivor's benefits, but they can increase the value of the estate or be paid directly to the survivors or dependants.

Can I appeal if I am refused benefits?

Most decisions about CPP pensions and benefits can be appealed. If you want to appeal, you must do it within 90 days after receiving the decision. If you have been refused or you do not agree with the amount, get legal advice right away. Your community legal clinic may be able to give you free legal help.

For a list of community legal clinics and how to contact them, see the CLEO booklet called *Getting legal help: Community Legal Clinics in Ontario*. Information about how to order CLEO publications or view them online is on the [back cover](#) of this pamphlet. You can also check Legal Aid Ontario's web site at <www.legalaid.on.ca>, or call:

Toll-free: **1-800-668-8258**

Toronto area: **416-979-1446**

Toll-free TTY: **1-866-641-8867**

Toronto area TTY: **416-598-8867**

This booklet contains general information.
It is not a substitute for getting legal advice
for your particular situation.

Written, edited, and produced by:

CLEO (Community Legal Education Ontario /
Éducation juridique communautaire Ontario)

With funding from:

Legal Aid Ontario and the Department of Justice Canada

This publication is part of a series on CPP produced by CLEO.
CLEO has free publications on other legal topics as well.

We revise our publications regularly to reflect changes in the
law. Our Discard List tells you which publications are out of
date and should be thrown away. For a copy of our current
Order Form or Discard List, please visit our web site at
<www.cleo.on.ca> or call **416-408-4420, extension 33**.