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## Forms

### Archived Content

The following content has been archived.

It is provided for historical reference.

### Forms:

- **Actuarial Information Summary 2010:** This form is mandatory for pension plans registered with FSCO that contain defined benefits and must be filed in conjunction with any funding valuation reports with filing deadlines of June 30, 2010 and beyond. **This form is discontinued as of March 31, 2012** but it is available upon request. Please send your request to FSCO Contact Centre at [contactcentre@fSCO.gov.on.ca](mailto:contactcentre@fSCO.gov.on.ca).
- **Form 5.3** - Application to a Financial Institution for a one-time Withdrawal or Transfer of up to 50% of the Money in a Schedule 1 LIF or LRIF. **This form is discontinued as of May 1, 2012** but it is available upon request. Please send your request to FSCO Contact Centre at [contactcentre@fSCO.gov.on.ca](mailto:contactcentre@fSCO.gov.on.ca).
- [Pension Benefits Guarantee Fund Assessment Certificate](#)
- Bill 171, the Spousal Relationships Statute Law Amendment Act, 2005: [amended definition of "spouse" under the Pension Benefits Act - revised forms](#)

### FAQs:

### **Pension Benefits Guarantee Fund Assessment Certificate - Archived on September 1, 2016**

**Q: My pension plan has a fiscal year end of March 31, 2011. Do the changes to the PBGF assessments coming into effect on January 1, 2012 affect my PBGF assessment?**

**A:** No. For a plan fiscal year ending March 31, 2011, the PBGF assessment date is December 31, 2011. The changes to PBGF assessments will apply to your plan's PBGF assessment dates after January 1, 2012. -12/11

**Q: My pension plan has a fiscal year end of June 30, 2011. We have already completed and submitted our PBGF assessment certificate and paid our assessment. Due to the changes to the PBGF assessment, will we be required to pay an additional amount based on the new assessment formula?**

**A:** Yes. Plans with a PBGF assessment date on or after January 1, 2012 are required to pay assessments based on the new formula. Since your pension plan's assessment date is after January 1, 2012 (nine months after its fiscal year end of June 30, 2011), you will be required to pay an additional amount based on the new assessment formula. FSCO will advise you of the additional amount that must be paid on or before September 30, 2012. -12/11

**Q: My pension plan has already received a PBGF assessment certificate form but has not filed the completed certificate or paid the amount of the assessment. How should we proceed?**

**A:** You must file the completed PBGF assessment certificate and pay the amount of the PBGF assessment based on the pre-January 1, 2012 assessment formula, on or before the PBGF assessment date. FSCO will advise you of the additional assessment which must be paid on or before September 30, 2012.

If you would prefer to pay the entire amount at the same time, you can do so provided you file the PBGF assessment certificate and pay both the PBGF assessment based on the pre-January 1, 2012 formula and the additional assessment based on the new assessment formula by your plan's PBGF assessment date (assuming that your plan's PBGF assessment date is on or before September 30, 2012). -12/11

**Q: Will we be charged interest or required to pay a penalty if the additional assessment is not paid by the assessment date?**

**A:** If your assessment date falls on or after January 1, 2012 and before September 30, 2012, the employer will not be required to pay a late payment penalty or interest if:

- the PBGF assessment certificate was filed and the initial assessment is paid before the PBGF assessment date; and
- the additional assessment is paid on or before September 30, 2012. -12/11

**Q: My pension plan has a fiscal year end of December 31, 2011 and has not yet**

**received its PBGF assessment certificate form. Will we receive a revised form based on the new assessment formula?**

**A:** Yes. For those pension plans with a December 31, 2011 fiscal year end, FSCO will be issuing revised PBGF assessment certificate forms which will incorporate the new assessment requirements. -12/11

**Q: My pension plan is registered in Manitoba and has Ontario members. How will the new PBGF rules affect us?**

**A:** If your pension plan has Ontario beneficiaries whose defined benefits are covered by the PBGF, the new PBGF rules will apply. -12/11

### **Form 5.3 - Archived on May 1, 2012**

The following frequently asked questions relate to Form 5.3 – Application to a Financial Institution for a one-time Withdrawal or Transfer of up to 50 % of the Money in a Schedule 1 LIF or LRIF - January 1, 2011 to April 30, 2012. They discuss several new rules that come into effect on January 1, 2011 for Ontario locked-in accounts that are governed by the requirements of Schedules 1 and 2 to Regulation 909. These rules affect old life income funds under Schedule 1 (Old LIFs) and locked-in retirement income funds under Schedule 2 (LRIFs).

**Q: What is a “PBGF assessment certificate” and when must it be filed?**

**A:** The PBGF assessment certificate is a form approved and issued by FSCO to be completed by a plan administrator and actuary. The form sets out the calculation of the PBGF assessment. It is normally sent by FSCO to the plan administrator three months after the plan’s fiscal year end and must be completed and filed by the plan administrator along with the PBGF assessment payment. The completed PBGF assessment certificate, along with the accompanying payment, must be filed by the PBGF assessment date. -12/11

**Q: Between January 1, 2011 and April 30, 2012, owners of Old LIFs and LRIFs may apply to a financial institution for a one-time withdrawal or transfer of up to 50 per cent of the total market value of the assets in the fund. How is this amount determined?**

**A:** The total market value of the assets in the fund is based on the amount that is stated in the owner's most recent statement issued by the financial institution at the time of the application. The statement must be dated within one year of the date the application is made.

Note that it is up to the financial institution to determine what statements could have been issued to the owner of the fund and when that occurred. - 12/10

**Q: My financial institution does not issue paper-based statements, but provides the information online. How do I determine the total market value of the assets that I should use in my application?**

**A:** In this case you should print the report available to you on the day that you sign the application, or the report available to you on the previous day, and provide the printed copy to your financial institution when you make the application. - 12/10

**Q: Can I withdraw 25 per cent of the total market value of the money in my Old LIF in 2011 and another 25 per cent before April 30, 2012?**

**A:** No, you can only make one application to withdraw or transfer money from your Old LIF or LRIF using Form 5.3. If you withdraw or transfer less than 50 per cent of the funds from your Old LIF or LRIF, you will not be able to make another withdrawal or transfer in the future. - 12/10

**Q: Can I use Form 5.3 to withdraw or transfer money from my New LIF?**

**A:** No, Form 5.3 can only be used to withdraw or transfer money from an Old LIF (under Schedule 1) or an LRIF (under Schedule 2). After December 31, 2010 you may only withdraw or transfer up to 50 per cent of the money that is transferred into your New LIF using [Form 5.2](#). However, you can only withdraw or transfer the funds if they are transferred into your New LIF from a LIRA or a registered pension plan. You cannot withdraw or transfer the funds if they are transferred from an Old LIF, LRIF or another new LIF, unless the transfer is made in accordance with the terms of an order under the Family Law Act or a domestic contract (as defined in Part IV of that Act). - 12/10

**Q: Can we pay the additional PBGF assessment from the pension fund?**

**A:** A PBGF assessment may not be paid from the pension fund unless an actuarial report discloses an actuarial gain under the plan and no special payments are required to be made for the plan. In such circumstances, any actuarial gain not applied to reduce any going concern unfunded liability or to reduce contributions for normal costs required to be paid may be applied to pay the PBGF assessment, including the additional PBGF assessment. -12/11

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## New FSCO Pension Forms Due to Amended Definition of "Spouse" Under the Pension Benefits Act (Form 1, Form 3, Form 4, Form 5, Form 6, and Form 6.1)

### Archived Content

The following content is not accurate as of January 1, 2017.

It is provided for historical reference.

Effective June 13, 2005, Bill 171, the Spousal Relationships Statute Law Amendment Act, 2005 (S.O. 2005, c. 5) amended the definition of "spouse" under the Ontario Pension Benefits Act (PBA) to include same-sex spouses in addition to opposite-sex spouses. Effective that day, Bill 171 and Ontario Regulation 324/05 also removed all references to "same-sex partner" that were found in the PBA and Regulation 909 made under the PBA.

As a result of these legislative changes, FSCO has revised a number of the FSCO pension forms approved by the Superintendent of Financial Services for use under the PBA. The revised FSCO pension forms are required to be used by pension stakeholders effective June 13, 2005.

The revised FSCO pension forms (and/or related instruction guides) are:

- [Form 1](#) - Application for Registration of a Pension Plan  
[Instructions for completing Form 2](#) - Annual Information Return (but not the Form 2 itself)
- [Instructions for completing Form 2.1](#) - Pension Benefits Guarantee Fund Assessment Certificate (but not the Form 2.1 itself)
- [Form 3](#) - Waiver of Joint and Survivor Pension
- [Form 4](#) - Waiver of Pre-retirement Death Benefit
- [Form 5](#) - Application to a Financial Institution to Withdraw Money from an Ontario Locked-in Retirement Account, Life Income Fund or Locked-in Retirement Income Fund
- [Instructions for completing Form 5](#)
- [Form 6](#) - Application to the Superintendent of Financial Services for Consent to Withdraw Money from an Ontario Locked-in Retirement Account, Life Income Fund or Locked-in Retirement Income Fund Based on Financial Hardship
- [Instructions for completing Form 6](#)
- [Form 6.1](#) - Application to the Superintendent of Financial Services for Consent to Withdraw Money from an Ontario Locked-in Retirement Account, Life Income Fund or Locked-in Retirement Income Fund Based on Low Income Financial Hardship
- [Instructions for completing Form 6.1](#)

Obtain copies of the revised FSCO pension forms and/or instruction guides, or contact FSCO at 416-250-7250 or toll free at 1-800-668-0128

More Information:

- Definition of spouse (effective January 1, 2017)

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## Definition of "spouse"

Except where otherwise indicated in the Pension Benefits Act (PBA), "spouse" means either of two persons who,

(a) are married to each other, or

(b) are not married to each other and are living together in a conjugal relationship,

(i) continuously for a period of not less than three years, or

(ii) in a relationship of some permanence, if they are the parents of a child as set out in section 4 of the Children's Law Reform Act.

## How was the definition changed in 2017?

The definition of "spouse" in section 1(1) of the PBA was amended under Bill 28, All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment), 2016.

Effective January 1, 2017, subclause (b)(ii) of the definition was amended to change the language "*natural or adoptive parents of a child, both as defined in the Family Law Act*" to "*parents of a child as set out in section 4 of the Children's Law Reform Act*".

Although the definition still requires that two people live in a relationship of some permanence if they are the "parents of a child," the rules for determining who is a "parent of a child" have changed. As a result, a "spouse" under the PBA now includes any of the following people if they were living with the member in a relationship of some permanence at the relevant time:

- the birth parent of a child (with the exception of a surrogate whose rights have been relinquished);
- the person whose sperm resulted in the conception of a child conceived through sexual intercourse (unless the person agrees in writing otherwise);
- the birth parent's spouse if a child was conceived through assisted reproduction or insemination and the spouse consents to be a parent;
- a person who is a party to a "pre-conception parentage agreement" executed before conception of a child;



- any person who has been declared a parent of a child by a court, or
- the adoptive parent of a child.

As a result of the expansion of the definition of “parent of a child” under the Children’s Law Reform Act, it is now possible for up to four people to be the parents of a child. However, the PBA definition of “spouse” restricts the number of people who can be spouses of each other to two. In other words, only one person can be the spouse of a member under clause (b) of the definition of “spouse” at any given time.

### **What remains the same for purposes of the PBA?**

The revised definition of “spouse” continues to include persons who are married to each other, or persons who have been living together in a conjugal relationship continuously for a period of at least three years.

The rights and entitlements of a spouse under a pension plan, for purposes of the PBA, have not changed.

### **Plan administrator considerations**

Plan administrators should carefully review and familiarize themselves with the new rules of parentage set out in the Children’s Law Reform Act, as they are complex and detailed.

Plan administrators should review their plan documents and communications (e.g. plan text, member booklets, forms, etc.) to determine what documents and administrative procedures need to be amended to reflect the new definition of spouse.

Members need to know who qualifies as their “spouse” for purposes of eligibility and entitlements to benefits under their pension plan. Therefore, consideration should be given as to how members should be informed about this change, and whether it may be appropriate to remind their members to update their spouse or beneficiary information.

Plan administrators should consider obtaining legal advice regarding the application of the new rules of parentage to any particular member or their spouse, where appropriate in the circumstances.

## **Member considerations**

Members may wish to contact their plan administrator to update their spouse or beneficiary information, if necessary. Members should consider obtaining legal advice regarding the application of the new rules of parentage if they are considering having a child and they believe one of the new categories of parentage may apply to their family.