



## Information About This Statement

**This form is to be completed by the pension plan administrator or the Plan Administrator's authorized agent or representative (Plan Administrator). The information provided in this User Guide is in summary form only and should not be substituted for a complete review of the applicable provisions of the [Ontario Pension Benefits Act \(PBA\)](#) and [Ontario Regulation 287/11 \(Regulation 287/11\)](#) made thereunder. It is the responsibility of the Plan Administrator to ensure compliance with the statute and regulation.**

This form is a **Statement of Imputed Value** prescribed under section 24 of Regulation 287/11. The imputed value for family law purposes under section 67.2(5) of the PBA is called the Family Law Value in this Statement. The Family Law Value must be calculated as of the Family Law Valuation Date determined in accordance with section 67.1 of the PBA.

This Statement applies to a member of a pension plan (Plan Member) who only has a defined contribution benefit under the pension plan. It also applies to an active Plan Member who has a hybrid benefit (entitlement to the greater of a defined benefit or a defined contribution benefit) and on the Family Law Valuation Date the defined contribution benefit is the greater benefit. In determining which of the two benefits is the greater benefit, compare the termination value of each benefit as of the Family Law Valuation Date. In other circumstances, refer to the list of the Financial Services Commission of Ontario's (FSCO) Family Law Forms and use the statement that applies to the Plan Member.

The information provided in this Statement is required for the court order, family arbitration award or domestic contract that will provide for any division of the Family Law Value and to complete an **Application to Transfer the Family Law Value (FSCO Family Law Form 5)**.

Upon receipt of a **completed Application for Family Law Value (FSCO Family Law Form 1)** the Plan Administrator must provide a copy of this Statement (at the same time) to both the applicant and the applicant's spouse/former spouse, within **60 days**, in accordance with section 67.2(9) of the PBA and section 25 of Regulation 287/11.

If the Plan Administrator is not the employer (e.g. as in the case of a multi-employer pension plan), the Plan Administrator will need to obtain information from the employer to complete this Statement. In such cases, the Plan Administrator must make best efforts to obtain the necessary information from the employer in order to provide a copy of this Statement to both the applicant and the applicant's spouse within the 60 day period.

If the **Application for Family Law Value (FSCO Family Law Form 1)** is not complete, the Plan Administrator may complete the **Plan Administrator Request for Information/Payment of Fee (FSCO Family Law Form 1A)** to inform the applicant of any deficiencies. The 60 day period will start from the day the Plan Administrator receives a correctly completed **Application for Family Law Value (FSCO Family Law Form 1)** accompanied by all required documents and the fee (if any).

The Plan Administrator may insert relevant information (e.g. bar codes, plan name or registration number, etc.) in the "For Plan Administrator Use" box.

**Note:** This form must not be altered in any manner. However, the Plan Administrator or its authorized agent or representative may pre-populate the form with plan-specific information, e.g. name and registration number of the pension plan, etc. and may post these pre-populated forms on their own website. It is the responsibility of the Plan Administrator, however, to ensure that the current version of this form (i.e. the version that is posted on FSCO's website) is always provided to applicants. It is essential that Plan Administrators check FSCO's website from time to time to ensure that the current form is used.

## Part A Family Law Value

**Refer to section 24 of Regulation 287/11.**

Complete the information about the Plan Member and his/her spouse/former spouse, and identify who the applicant is.

If an applicant has completed **Appendix A** of the **Application for Family Law Value (FSCO Family Law Form 1)** because there are two proposed Family Law Valuation Dates, you must prepare two **Statements of Family Law Value (FSCO Family Law Form 4A)**. The applicant and his/her spouse/former spouse are entitled to receive both Statements, each showing a different Family Law Value based on one of the two proposed Family Law Valuation Dates.

Complete the information related to the starting date of the spousal relationship using the information provided by the applicant under **Part E** of the **Application for Family Law Value (FSCO Family Law Form 1)**.

Complete the Family Law Valuation Date using the information provided by the applicant under **Part F** of the **Application for Family Law Value (FSCO Family Law Form 1)**.

Information about the Family Law Value and the maximum amount that may be assigned and transferred to the former spouse of the Plan Member should be completed at the very end. **Appendix C** (Worksheet for Family Law Value Calculations) of this Statement must be completed first.

## Part B Pension Plan Information

**Refer to section 24(2)1 of Regulation 287/11.**

Complete the pension plan information. Section 8 of the PBA sets out who can be the Plan Administrator.

## Part C Plan Member Information

**Refer to section 24(2)2 of Regulation 287/11.**

Complete the information about the Plan Member using the information provided by the applicant under **Part C** of the **Application for Family Law Value (FSCO Family Law Form 1)**.

Complete the information about the Contact Person for the Plan Member if you have received a **Contact Person Authorization (FSCO Family Law Form 3)**, a certified copy of a power of attorney for property or a certified copy of the court order that appointed this person.

The Plan Administrator must be able to provide a copy of the **Statement of Family Law Value (FSCO Family Law Form 4A)** to both the applicant and his/her spouse/former spouse or to their contact person(s) (if any), or the Statement cannot be issued.

#### **Part D** **Spouse/Former Spouse of Plan Member Information**

**Refer to section 24(2)2 of Regulation 287/11.**

Complete the information about the spouse/former spouse of the Plan Member using the information provided by the applicant under **Part D** of the **Application for Family Law Value (FSCO Family Law Form 1)**.

Complete the information about the Contact Person for the spouse/former spouse of the Plan Member if you have received a **Contact Person Authorization (FSCO Family Law Form 3)**, a certified copy of a power of attorney for property or a certified copy of the court order that appointed this person.

The Plan Administrator must be able to provide a copy of the **Statement of Family Law Value (FSCO Family Law Form 4A)** to both the applicant and his/her spouse/former spouse or to their contact person(s) (if any), or the Statement cannot be issued.

#### **Part E** **Transfer Options for the Former Spouse of the Plan Member**

**Refer to section 24(6) of Regulation 287/11.**

Check the transfer option(s) that is/are available to the former spouse of the Plan Member. Note that not all options can be offered to the former spouse.

Any entitlement that the former spouse may have to a commutation of a small amount is to be determined based on the value of his/her share of the Family Law Value and based on the YMPE as at the Family Law Valuation Date. The small amount is not to be determined based on the total Family Law Value (i.e. the amount before division).

If the Plan Member has made an application to the Plan Administrator in circumstances of shortened life expectancy, determine if sections 12 or 13 of Regulation 287/11 apply. If the conditions under sections 12 or 13 have been satisfied, the Plan Member's pension benefits/deferred pension must be paid to both the Plan Member and the Plan Member's former spouse on an unlocked basis.

There will be no transfer options if the Plan Member terminates employment or plan membership and his/her pension entitlement is paid out in full from the pension plan between the time this Statement is issued and the time the former spouse of the Plan Member gives the completed **Application to Transfer the Family Law Value (FSCO Family Law Form 5)** to the Plan Administrator.

**Part F**  
**Certification by the Plan Administrator or Plan Administrator's Agent or Representative**

**Refer to section 24(8) of Regulation 287/11.**

Complete the date when the completed **Application for Family Law Value (FSCO Family Law Form 1)** was received from the applicant. The Plan Administrator must provide this Statement to both the applicant and his/her spouse/former spouse within **60 days** of receiving a completed application.

Confirm the nature of the Plan Member's entitlement under the pension plan and that the required appendices have been completed by checking the applicable boxes.

Certify the information shown on the Statement by signing and dating it. If the Plan Administrator's authorized agent or representative has completed and signed this Statement, contact information about the Plan Administrator's authorized agent or representative must also be provided.

**Next Steps**

**Refer to section 26 of Regulation 287/11.**

In this Part, list the additional information or documents that must be provided before the Family Law Value can be divided and the former spouse of the Plan Member's share transferred out of the pension plan. Some examples that may be listed are: Canada Revenue Agency form(s) required for any lump sum transfers; locking-in agreements that must be completed if the former spouse wishes to transfer his/her share of the Family Law Value to a financial institution; or information relating to another registered pension plan if the former spouse wants to transfer his/her share of the Family Law Value to another pension plan willing to accept it.

**Appendix A – Plan Membership, Employment and Additional Voluntary Contribution Information  
as of the Family Law Valuation Date**

**Refer to sections 24(2)3, 24(5)1 and 2 of Regulation 287/11.**

**Plan Membership and Employment Information as of the Family Law Valuation Date:**

Complete the information about the Plan Member's employment/membership in the pension plan, based on the status of Plan Member on the Family Law Valuation Date and the date the Plan Member became a former member (if applicable).

Indicate if the Plan Member was vested on the Family Law Valuation Date.

**Additional Voluntary Contributions (AVCs) Information as of the Family Law Valuation Date**

AVCs are reported for disclosure purposes only. AVCs must not be including in the Preliminary Value in accordance with section 3(3) of Regulation 287/11. As provided in section 67.3(6) of the PBA, AVCs are not subject to the 50 per cent maximum division rule. The payment of AVCs is subject to terms of the pension plan.

Note: Excess member contributions do not apply to active members. Therefore, this information is not reported in the Statement.

## Appendix B – Explanation of Pension Plan Provisions that Apply to the Plan Member as of the Family Law Valuation Date

Refer to section 24(7)1 of Regulation 287/11.

Provide information about the pension plan provisions that apply to the Plan Member or attach them to the Statement. In the latter case, check the box to indicate that you are attaching the information.

## Appendix C – Worksheet for Family Law Value Calculations

### Information about any Hybrid Benefit (Entitlement to the Greater of a Defined Contribution Benefit or a Defined Benefit)

Complete this section, if applicable. Note that this Statement should only be used if the defined contribution benefit is the greater benefit reported in this section.

### Step 1 – Calculation of Preliminary Value as of the Family Law Valuation Date

Refer to section 24(3) of Regulation 287/11.

The Preliminary Value of a defined contribution benefit must be calculated in accordance with section 4 or 5 of Regulation 287/11. Note that additional voluntary contributions (if any) are not included in the Preliminary Value.

If the Preliminary Value (i.e. the total value of the Plan Member's defined contribution benefit with interest/investment earnings credited to the Family Law Valuation Date) can be determined as of the Family Law Valuation Date, complete **Section 1**. Otherwise, complete **Section 2**.

If the Plan Member was not vested on the Family Law Valuation Date, also complete **Section 3**. The Preliminary Value must be reduced by 50 per cent in accordance with section 11 of Regulation 287/11.

### Step 2 – Calculation of Family Law Value as of the Family Law Valuation Date

Refer to section 24(4) of Regulation 287/11.

The Family Law Value is the portion of the Preliminary Value that relates to the period of the spousal relationship (married or common-law) as of the Family Law Valuation Date and must be calculated in accordance with section 19 of Regulation 287/11. The Family Law Value is the "imputed value" in the PBA.

The account balance in the calculations is the total amount of the contributions, including interest/investment earnings on the contributions, attributable to the Plan Member.

Complete **Section 1** if the starting date of the spousal relationship is **before the date** when the Plan Member joined the pension plan. If this does not apply to the Plan Member, check the "N/A" box and complete one of the three calculations under **Section 2**.

Complete **Calculations 1, 2 or 3** of **Section 2**, whichever applies. Check the “N/A” box for the calculations that do not apply to the Plan Member. Calculation 1 must be completed if information is available to complete this calculation. If information is not available to complete Calculation 1, then complete Calculation 2. If information is not available to complete Calculation 2, then complete Calculation 3. When calculating the period of credited service for Calculation 3, use the method set out in the pension plan. If the pension plan does not set out a specific formula, calculate the credited service in years and months. Note that you cannot randomly choose which calculation to complete.

**Step 3 – Maximum Amount that May Be Assigned and Transferred to the Former Spouse of the Plan Member as of the Family Law Valuation Date**

**Refer to section 67.3(6) of the PBA.**

Report the maximum amount of the Family Law Value that may be assigned and transferred to the former spouse of a Plan Member. The former spouse cannot be entitled to more than 50 per cent of the Family Law Value.