



## 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 has not terminated employment or plan membership as of the Family Law Valuation Date (i.e. for an active member) and who has only a defined 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 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 4B)**. 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 E** (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 4B)** 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/Formal 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 4B)** 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 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.

Note: The rules for maximum transfer limit set out in section 8517 of the *Income Tax Act* (Canada) Regulations do not apply to the former spouse.

## Part F Pension Fund Status

**Refer to section 24(7)2 of Regulation 287/11.**

The transfer ratio of the pension plan as of the valuation date of the most recent valuation report made under section 3 or 14 of Ontario Regulation 909 must be reported in this Part.

Note that it is the transfer ratio of the pension plan on the date when payment is to be made to the former spouse of the Plan Member that determines any limits on the payment. If the former spouse submits an **Application to Transfer the Family Law Value (FSCO Family Law Form 5)** to the Plan Administrator, the Plan Administrator should explain any payment restrictions to the former spouse (e.g. reason for the restriction, when the final payment will be made, etc.).

## Part G 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(s) the Plan Member became a former member and/or retired member (if applicable) after the Family Law Valuation Date.

Complete the information about the Plan Member's credited service. When calculating the period of credited service, use the method set out in the pension plan. If the pension plan does not set out a specific formula, indicate the period of credited service in years and months.

Indicate whether any purchased pension credits (resulting from buybacks or asset transfers) have been included in the Family Law Value.

Report the pensionable/average annual salary if the Plan Member's salary is required in the pension formula.

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 – Actuarial Assumptions Used in the Calculation of the Family Law Value as of the Family Law Valuation Date**

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

The actuarial methods and assumptions used to determine the Family Law Value must be provided in this Appendix or attached to the Statement. In the latter case, check the box to indicate that you are attaching the information.

Section 3(2) of Regulation 287/11 requires that section 3500 of the [Canadian Institute of Actuaries' Standards of Practice](#) (2010 version) be applied when calculating the Preliminary Value, regardless of the Family Law Valuation Date. This means that the methods and actuarial assumptions in section 3800 of the Canadian Institute of Actuaries' Standards of Practice or in any older version of the standards of practice should not be used, even if the Family Law Valuation Date is a date before January 1, 2012.

If the Plan Member has filed a shortened life expectancy application and the conditions set out in sections 12 or 13 of Regulation 287/11 have been satisfied, the Preliminary Value is the same as the commuted value as determined under section 49 of the PBA, based on the shortened life expectancy of the Plan Member.

## Appendix D – Full or Partial Plan Wind up/Surplus/Plan Amendments

**Refer to sections 24(7)3 to 24(7)6 of Regulation 287/11.**

### **Information about the full or partial wind up of the pension plan:**

Check the “Yes” box if the pension plan has been wound up in full or in part, the Plan Member is included in the wind up group, and the effective date of the wind up is **on or before the date when this Statement is issued**. Otherwise, check the “N/A” box and do not complete this section.

If the pension plan has been wound up in full or in part, the Plan Member is included in the wind up group, and the effective date of the wind up is **on or before the Family Law Valuation Date**, the Preliminary Value of the pension benefits is the same as the wind up value (i.e. the commuted value) of the pension benefits, accumulated with interest from the effective date of the wind up to the Family Law Valuation Date, in accordance with section 14 of Regulation 287/11.

If the effective date of the wind up or partial wind up is after the Family Law Valuation Date, the Preliminary Value is determined without reference to the wind up or partial wind up.

### **Surplus Application Made On or Before the Family Law Valuation Date:**

Check the “Yes” box if the Plan Member is entitled to receive a share of surplus from the pension plan. Otherwise, check the “N/A” box and do not complete this section.

If the surplus amount is not known at the time when this Statement is being prepared, provide the relevant details of the surplus application (e.g. information about the surplus sharing agreement, etc.).

If the Plan Member's surplus entitlement is known at the time when this Statement is being prepared, the surplus amount must be added to the Preliminary Value of the pension benefits in accordance with section 15 of Regulation 287/11.

### **Pension Plan Amendments Before the Family Law Valuation Date:**

Check the “Yes” box if the Plan Member belongs to a class of employees that received (or will be receiving) payment(s) resulting from amendment(s) to the pension plan related to cost of living adjustments during the last three fiscal years of the pension plan before the Family Law Valuation Date. Otherwise, check the “N/A” box and do not complete this section.

If applicable, provide an explanation of the amendment(s). If there is more than one, start with the amendment made in the most recent fiscal year.

## Appendix E – Worksheet for Family Law Value Calculations

Note: A completed Statement, including the information that must be provided in this Appendix, must be sufficient for an independent verification of the Preliminary Value and Family Law Value calculations.

### Information about the Plan Member's Accrued Pension as of the Family Law Valuation Date for Calculations 1, 2 and 3:

Complete the information under this section. Do not complete this section if the pension plan was wound up in full or in part, the Plan Member is included in the wind up group and the effective date of the wind up is on or before the Family Law Valuation Date.

The Plan Member's age must be expressed using the method set out in the pension plan. If the pension plan does not set out a specific method, calculate the age in years and months.

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

Complete this section, if applicable. Note that this Statement should only be used if the defined 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 is the total value of the pension accrued by the Plan Member during the period of his/her membership in the pension plan as of the Family Law Valuation Date.

The Preliminary Value of the defined benefit must be calculated in accordance with either section 6 (if the Family Law Valuation Date is on or before the Plan Member's Early Unreduced Retirement Date) or section 7 (if the Family Law Valuation Date is after the Plan Member's Early Unreduced Retirement Date) of Regulation 287/11. It also includes any surplus payable to the Plan Member in accordance with section 15 of Regulation 287/11. Note that additional voluntary contributions (if any) are not included in the Preliminary Value.

Complete:

(i) **Calculation 1** (if the Family Law Valuation Date is on or before the Plan Member's Early Unreduced Retirement Date) or **Calculation 2** (if the Family Law Valuation Date is after the Plan Member's Early Unreduced Retirement Date) and also **Calculation 3** for non-vested Plan Members;

**OR**

(ii) **Calculation 4** (if the pension plan was wound up in full or in part, the Plan Member is included in the wind up group and the effective date of the wind up is on or before the Family Law Valuation Date).

### Calculation 1 – Family Law Valuation Date is on or before the Plan Member's Early Unreduced Retirement Date

Refer to section 6 of Regulation 287/11 for the calculation details. The information provided below is only a summary.

Check "N/A" if this calculation does not apply to the Plan Member and do not complete this section.

The Preliminary Value is the sum of the weighted average of 3 commuted values (Values A, B and C). These calculations are based on different assumptions about when the Plan Member will start his/her pension:

<b>Value "A"</b>	<ul style="list-style-type: none"> <li>• Determined as if the Plan Member had terminated employment/plan membership on the Family Law Valuation Date</li> <li>• Determined in accordance with the terms of the pension plan on the Family Law Valuation Date and without consideration of future salary, benefits or changes to the pension plan and regardless of whether the Plan Member is vested under the pension plan on the Family Law Valuation Date</li> <li>• Includes the commuted value of any ancillary benefit for which, as of the Family Law Valuation Date, the member has met all eligibility requirements to exercise the right to receive the benefit</li> <li>• Assumes that the pension will commence on the date that results in a pension with the greatest commuted value</li> </ul>
<b>Value "B"</b>	<ul style="list-style-type: none"> <li>• Determined as if the Plan Member had terminated employment/plan membership on the Family Law Valuation Date</li> <li>• Determined in accordance with the terms of the pension plan on the Family Law Valuation Date and without consideration of future salary, benefits or changes to the pension plan and regardless of whether the Plan Member is vested under the pension plan on the Family Law Valuation Date</li> <li>• Assumes that pension will commence on the normal retirement date</li> </ul>
<b>Value "C"</b>	<ul style="list-style-type: none"> <li>• Determined as if the Plan Member had terminated employment/plan membership on the Family Law Valuation Date</li> <li>• Determined in accordance with the terms of the pension plan on the Family Law Valuation Date and without consideration of future salary, benefits or changes to the pension plan on the Family Law Valuation Date</li> <li>• Assumes that pension will commence, without reduction, at the earliest date when the Plan Member would be eligible to be paid an unreduced pension if his/her employment/plan membership continued on the same plan terms (though with no further accruals) to that date</li> <li>• Assumes administrator's or employer's consent or deemed consent has been given</li> <li>• If applicable, includes bridging/supplemental benefits</li> </ul>

Weightings are assigned to Values A, B, and C based on the number of years from the Family Law Valuation Date to the date the Plan Member would first be eligible, or would have been deemed to be eligible in accordance with section 6(4) or 6(5) of Regulation 287/11, to retire with an unreduced pension ("T" factor). The "T" factor must include one-twelfth of a year for each full month of employment/membership during the period.

**Formula for the Preliminary Value:**

1	If "T" for the Plan Member is at least zero but less than 10	$(0.1T/10) \times A + [(4 - 0.04T)/10] \times B + [(6 - 0.06T)/10] \times C$
2	If "T" for the Plan Member is at least 10 but less than 20	$[(0.3T - 2)/10] \times A + [(4.8 - 0.12T)/10] \times B + [(7.2 - 0.18T)/10] \times C$
3	If "T" for the Plan Member is at least 20 but less than	$[(0.45T - 5)/10] \times A + [(6 - 0.18T)/10] \times B + [(9 - 0.27T)/10] \times C$



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4	If "T" for the Plan Member is 30 or more	$(0.85 \times A) + (0.06 \times B) + (0.09 \times C)$

**Calculation 2 – Family Law Valuation Date is after the Plan Member’s Early Unreduced Retirement Date**

Refer to section 7 of Regulation 287/11 for the calculation details. The information provided below is only a summary.

Check “N/A” if this calculation does not apply to the Plan Member and do not complete this section.

The Preliminary Value is the sum of the weighted average of 2 commuted values (Values B and F):

<b>Value “B”</b>	<ul style="list-style-type: none"> <li>• Determined as if the Plan Member had terminated employment/plan membership on the Family Law Valuation Date</li> <li>• Determined in accordance with the terms of the pension plan on the Family Law Valuation Date and without consideration of future salary, benefits or changes to the pension plan and regardless of whether the Plan Member is vested under the pension plan on the Family Law Valuation Date</li> <li>• Assumes that pension will commence on the normal retirement date</li> </ul>
<b>Value “F”</b>	<ul style="list-style-type: none"> <li>• Determined as if the Plan Member had terminated employment/plan membership on the Family Law Valuation Date</li> <li>• Determined in accordance with the terms of the pension plan on the Family Law Valuation Date and without consideration of future salary, benefits or changes to the pension plan and regardless of whether the Plan Member is vested under the pension plan on the Family Law Valuation Date</li> <li>• Determined assuming that the Plan Member’s pension will commence on the Family Law Valuation Date</li> <li>• If the Plan Member would have been entitled to bridging benefits on the Family Law Valuation Date had he/she been in receipt of a pension on that date, the commuted value of the bridging benefits is included</li> </ul>

Weightings are assigned to Values B and F based on the ratio of:

- The number of years from the Family Law Valuation Date to the Plan Member’s normal retirement date under the pension plan (“E” Factor); and
- The number of years from the date the Plan Member would first be eligible, or would have been deemed to have been eligible in accordance with section 6(4) or (5) of Regulation 287/11, to retire with an unreduced pension to the Plan Member’s normal retirement date under the pension plan (“D” factor).

The “D” and “E” factors must include one-twelfth of a year for each full month of employment/membership during the applicable periods.

**Formula for the Preliminary Value:**

1	If “D” for the Plan Member is greater than zero, and the Family Law Valuation Date is before the Plan Member’s normal retirement date under the pension plan	$(1 - 0.6 \times E/D) \times B + (0.6 \times E/D) \times F$
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2	If the Family Law Valuation Date is on or after the Plan Member's normal retirement date under the pension plan	<b>Preliminary Value is equal to "F"</b>
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**Calculation 3 – Plan Member was not vested on the Family Law Valuation Date**

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

Check "N/A" if this calculation does not apply to the Plan Member and do not complete this section.

If the Plan Member was not vested under the pension plan as of the Family Law Valuation Date, the Preliminary Value is determined as if the Plan Member **was vested** (see Calculations 1 or 2 above, whichever applies) and then reduced by 50 per cent. Note that the 50 per cent reduction **does not apply** to surplus payable to the Plan Member. The entire value of any surplus must be added to the Preliminary Value.

**Calculation 4 – Full or Partial Wind Up**

**Refer to section 14 of Regulation 287/11.**

Check "N/A" if this calculation does not apply to the Plan Member and do not complete this section.

**Information about the Plan Member's Accrued Pension as of the Full or Partial Wind Up Date and Information about the Plan Member's Preliminary Value as of the Family Law Valuation Date**

Complete the information under these sections if the pension plan was wound up in full or in part, the Plan Member is included in the wind up group, and the effective date of the wind up is on or before the Family Law Valuation Date. Indicate if the pension plan was wound up in full or in part by checking the applicable box.

**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 18 of Regulation 287/11. The Family Law Value is the "imputed value" in the PBA.

**Formula for the Family Law Value = Preliminary Value [(G or Adjusted G) + surplus] x H/J**

**H** = total credited service accrued by the Plan Member during the period beginning on the starting date of the spousal relationship and ending on the Family Law Valuation Date

**J** = total credited service accrued by the Plan Member during the entire period of employment/plan membership as of the Family Law Valuation Date

Note that the ratio **H/J** cannot exceed 1. Use the credited service information that is reported under Appendix A of this Statement.

**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.