



FSCO Family Law Form 8

Post-retirement Waiver of Joint and Survivor Pension by the Former Spouse of a Retired Member on Spousal Relationship Breakdown

IMPORTANT

This Waiver Form is authorized under sections 67.4(8) and 113.2 of the [Ontario Pension Benefits Act](#) and section 35(3) of [Ontario Regulation 287/11](#).

As of March 1, 2016, if you are the former spouse of a retired member and you want to waive (give up) your right to receive a survivor benefit on the death of your former spouse (the Retired Member), you must complete the Waiver Form in addition to having waived your right to the survivor benefit in your court order, family arbitration award, or domestic contract (settlement instrument).

The value of your survivor benefit is shown in **Part A (Family Law Value Summary)** of the **Statement of Family Law Value (FSCO Family Law Form 4E)**.

You should get independent legal advice before completing the Waiver Form. You and your lawyer should confirm with the Plan Administrator how the waiver is addressed under the terms of the pension plan and its effect (if any) on your share of the pension. Depending on the terms of the pension plan, waiving your right to the joint and survivor pension may not benefit you or the Retired Member.

You can **only** use this Waiver Form if **all** of the following conditions apply to you:

- There has been a breakdown in your spousal relationship.
- You were the spouse of the Retired Member on the date when the first instalment of his or her pension was due.
- The pension valuation and division rules that came into effect on January 1, 2012 apply to you.
- You have received your **Statement of Family Law Value (FSCO Family Law Form 4E)** and you are identified as the spouse in **Part D (Spouse/Former Spouse of Retired Member Information)**.
- The waiver is included in your final settlement instrument.
- The pension has not already been divided.

The pension valuation and division rules that came into effect on January 1, 2012 apply to you if you have a settlement instrument that is made on or after January 1, 2012, or a settlement instrument made before January 1, 2012 that did not deal with the pension assets.

If **all** of the above conditions apply, you must complete this Waiver Form. Note that the Retired Member does not have to complete any Part of the Waiver Form.


By completing the Waiver Form, you are **ONLY** waiving your right to receive a survivor benefit after the death of the Retired Member, including any guarantee payments that are attached to the joint and survivor pension. You are **NOT** waiving your right to receive a share of the Retired Member's joint and survivor pension. If you are entitled to receive a share of the pension as set out under the terms of your final settlement instrument, you will receive your share of the pension while the Retired Member is alive. You will not be entitled to a survivor benefit from the pension plan after his or her death.

If you are dividing the Retired Member's joint and survivor pension as part of your family law settlement, and you want to waive your right to receive your survivor benefit, send your Waiver Form, along with the **Application to Divide a Retired Member's Pension (FSCO Family Law Form 6)** and the certified copy of your final settlement instrument, to the Plan Administrator.

If you are not dividing the Retired Member's joint and survivor pension as part of your family law settlement and you want to waive your right to receive a survivor benefit, send your Waiver Form, along with the certified copy of your final settlement instrument, to the Plan Administrator.

The Plan Administrator is identified in **Part B** of the **Statement of Family Law Value (FSCO Family Law Form 4E)**.

DO NOT SEND THE WAIVER FORM TO THE FINANCIAL SERVICES COMMISSION OF ONTARIO (FSCO).

On the Waiver Form, you may also click on  for assistance.

Part A **Former Spouse of the Retired Member Information**

Provide information about yourself.

Part B **Retired Member Information**

Complete the information about the Retired Member. You can find his or her employee or pension plan identification number under **Part C** of the **Statement of Family Law Value (FSCO Family Law Form 4E)**.

Part C **Pension Plan Information**

Complete the information about the pension plan. You can find this information in **Part B** of the **Statement of Family Law Value (FSCO Family Law Form 4E)**.

Part D **Waiving My Right to Receive the Survivor Benefit Payable to Me After the Death of the Retired Member**

See **Part A (Family Law Value Summary)** of the **Statement of Family Law Value (FSCO Family Law Form 4E)** for information about the value of your survivor benefit.

Depending on the terms of the pension plan, waiving your right to receive a survivor benefit may or may not result in an increase to the Retired Member's pension. If there is no increase (or only a partial increase) the value remains in the pension plan and neither you nor the Retired Member may claim that value from the plan.

By completing the Waiver Form, you are **not waiving** your right to receive a share of the Retired Member's pension under the pension plan as set out under the terms of your final settlement instrument. You are **ONLY waiving your right to receive a survivor benefit**, including any guarantee payments that are attached to the joint and survivor pension, which you would be otherwise entitled to upon the death of the Retired Member.

If you are entitled to receive a share of the pension as set out under the terms of your final settlement instrument, you will receive your share of the pension while the Retired Member is alive. However, you will not be entitled to a survivor benefit from the pension plan after his or her death.

Your final settlement instrument must specify that you have waived your right to the joint and survivor pension.

You must sign, print your name and date the Waiver Form in the presence of a witness. Note that your witness:

- may not be your spouse/former spouse;
- must be at least 18 years of age;
- must **see you sign** the Waiver Form; and
- must also sign, print his/her name and date this Part of the Waiver Form immediately after seeing you sign and date the Waiver Form (this means that you and your witness must sign on the same date).

You cannot cancel this Waiver Form after you have given it to the Plan Administrator.