



SECTION:	Membership
INDEX NO.:	M100-908
TITLE:	Termination of Plan Membership without Termination of Employment - PBA ss. 35(4), 38(1), 38(5), 42 and 63
APPROVED BY:	Superintendent of Financial Services
PUBLISHED:	Winter - Spring 1996 (PCO Bulletin 6/3)
EFFECTIVE DATE:	When Published [references updated - June 2008]

Note: Where this policy conflicts with the Financial Services Commission of Ontario Act, 1997, S.O. 1997, c. 28 (FSCO Act), Pension Benefits Act, R.S.O. 1990, c. P.8 (PBA) or Regulation 909, R.R.O. 1990 (Regulation), the FSCO Act, PBA or Regulation govern.

*Note: The electronic version of this policy, including direct access to all linked references, is available on FSCO's website at www.fSCO.gov.on.ca. All pension policies can be accessed from the **Pensions** section of the website through the **Pension Policies** link on the left side of each page.*

Does the PBA or the Regulation prohibit termination of plan membership with a concurrent right to a refund under section 63 or to portability under section 42 if the member does not also terminate employment?

A member who does not terminate employment will not satisfy the conditions of section 42 or section 63 of the PBA unless membership is terminated in accordance with section 35(4) or sections 38(1) and 38(5) of the PBA. Those sections identify the only circumstances under which a member may voluntarily terminate plan membership without terminating employment.