



SECTION: Amendments
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PBA, 1987 ss. 27(5)
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Note: Due to legislative changes, the reference to ss. 27(5) of the PBA, 1987 should now read ss. 26(5) of the PBA, R.S.O. 1990.

If an adverse amendment has been registered by the Superintendent, can it still be challenged by plan members?

Generally, only by legal action. An Administrator is entitled under the PBA, 1987 to register an adverse amendment (that is, an amendment which reduces future benefits or which otherwise adversely affects rights or obligations of members, former member or certain others). An Administrator proposing such an amendment to a pension plan is required to give notice of the proposed amendment to members, former members and any other person entitled to payment from the pension fund (and to a trade union, if applicable, under subsection 27(5) of the PBA, 1987). Provided that this notice is given, the Superintendent has the power to register whether the members agree or not. Plan members always have the right to challenge the amendment by way of appropriate legal action.