



IMPORTANT

You may want to get legal and/or financial advice before completing the Application Form.

Complete the Application Form if you are the spouse/former spouse (married or common-law) of the Plan Member who is identified in **Part D** of the **Statement of Family Law Value (FSCO Family Law Form 4A, 4B, 4C or 4D)** and want to transfer your share of the Family Law Value. The Plan Member does not have to complete any Part of the Application Form.

Use:

- the information provided by the Plan Administrator in the **Statement of Family Law Value (FSCO Family Law Form 4A, 4B, 4C or 4D)**; and
- the information provided in your court order, family arbitration award or domestic contract that was made on or after January 1, 2012, and sets out the amount of your share of the Family Law Value. [Note: "Family Law Value" means the "imputed value" under the Ontario *Pension Benefits Act*.]

If you received a **Statement of Family Law Value (FSCO Family Law Form 4E)**, do not complete this Application Form. Instead, complete the **Application to Divide a Retired Member's Pension (FSCO Family Law Form 6)**.

You cannot use the Application Form if:

- you have not received your **Statement of Family Law Value** from the Plan Administrator;
- you do not have a certified copy of a court order, family arbitration award or domestic contract that was made on or after January 1, 2012, and provides for the division and transfer of your share of the Family Law Value; or
- the Plan Member's pension benefit is no longer in the pension plan.

Send your completed Application Form to the Plan Administrator. The Plan Administrator is identified in **Part B** of the **Statement of Family Law Value (FSCO Family Law Form 4A, 4B, 4C and 4D)**. **DO NOT SEND THE APPLICATION FORM TO THE FINANCIAL SERVICES COMMISSION OF ONTARIO (FSCO)**.

Information required in the Application Form is set out in section 67.3 of the [Ontario Pension Benefits Act](#) and sections 26 and 27 of [Ontario Regulation 287/11](#).

Part A 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 4A, 4B, 4C or 4D)**.

Part B Former Spouse of the Plan Member Information

Provide information about yourself, including your social insurance number. The Plan Administrator requires this information for tax reporting purposes and will be unable to transfer your share of the Family Law Value to a financial institution or to another pension plan without it.

If you have authorized your lawyer or someone else to communicate and receive information from the Plan Administrator on your behalf under the **Contact Person Authorization (FSCO Family Law Form 3)**, provide the name of this person.

If you are acting on behalf of the former spouse of the Plan Member under a power of attorney for property or a court order, identify who you are and provide your contact information.

Part C Plan Member Information

Complete the information about the Plan Member. You can find the Plan Member's employee or pension plan identification number under **Part C** of the **Statement of Family Law Value (FSCO Family Law Form 4A, 4B, 4C or 4D)**.

Part D Transfer Information

Check the box that applies to you and fill in the required information based on your court order, family arbitration award or domestic contract.

The "Family Law Value" is the "imputed value" under the Ontario *Pension Benefits Act*. Your court order, family arbitration award or domestic contract may refer to the imputed value. If it does, it is the same as your Family Law Value.

The amount you report in this Part must be the same as the amount reported in your court order, family arbitration award or domestic contract.

The Family Law Valuation Date identified in **Part D** must be the same date as the Family Law Valuation Date that is noted under **Part A** of the **Statement of Family Law Value (FSCO Family Law Form 4A, 4B, 4C or 4D)**. If you are providing a different Family Law Valuation Date, you will have to get a new Family Law Value calculation by completing another **Application for Family Law Value (FSCO Family Law Form 1)**, which must be accompanied by all required documents and the fee (if any).

If the Plan Administrator finds a conflict or discrepancy between the wording of the court order, family arbitration award or domestic contract and the information that you provide under this **Part**, the Plan Administrator may not be able to transfer your share of the Family Law Value until the matter is resolved.

Note: The court order, family arbitration award or domestic contract cannot entitle you to an amount that exceeds 50 percent of the Family Law Value. The Plan Administrator may not transfer to you more than the maximum share permitted by law.

Part E Selected Transfer Option

Before you complete this **Part** you need to refer to **Part E** of the **Statement of Family Law Value (FSCO Family Law Form 4A, 4B, 4C or 4D)** to find out what options are available to you. The transfer options available to you will depend on your age and the terms of the pension plan.

Below is a description of each transfer option:

Transfer to a Locked-in Retirement Account (LIRA)

A LIRA is a registered retirement savings plan (RRSP) that holds money transferred out of a pension plan. The LIRA, also called a locked-in RRSP, is subject to special rules under the Ontario *Pension Benefits Act* that normally prevent the money in the LIRA from being cashed out or unlocked (except in certain situations) until it is transferred to a financial institution to purchase a Life Income Fund (LIF) or transferred to an insurance company to buy an annuity.

As with a regular RRSP, all monies in a LIRA must be transferred out of the LIRA before the end of the calendar year in which you turn 71 years of age.

The monies in a LIRA can be transferred to a financial institution to purchase a LIF, to another pension plan (if the receiving pension plan administrator agrees to the transfer) or to an insurance company to buy an immediate or deferred life annuity.

Transfer to a Life Income Fund (LIF)

A LIF is a retirement income fund that holds money transferred out of a pension plan or a LIRA and provides a regular flow of income. The amount of income will vary each year, depending on the fund's earnings and/or the age of the LIF owner. The federal *Income Tax Act* sets the minimum amount that must be paid as annual income while the Ontario *Pension Benefits Act* sets the maximum amount of annual income that may be paid.

You must be eligible to buy a LIF to exercise this option. The earliest that you may buy a LIF is anytime during the calendar year before the year you turn 55 years of age.

Note that you may withdraw from the LIF, or transfer from the LIF to a registered retirement savings plan (RRSP) or a registered retirement income fund (RRIF), up to 50 per cent of the money that is transferred into the LIF. To do this, you must apply to the financial institution by completing FSCO's **Form 5.2 - Application to Withdraw or Transfer up to 50% of the Money Transferred into a Schedule 1.1 LIF** within 60 days of transferring the money to the LIF.

Transfer to Another Pension Plan

If you are currently a member of a registered pension plan, you can transfer your share of the Family Law Value to your pension plan if the Plan Administrator agrees to accept the transfer. The Plan Administrator of your pension plan is not required to accept the transfer.

If the Plan Administrator of the receiving pension plan agrees to receive the transfer it must provide the Plan Administrator identified in **Part A** of the Application Form (i.e. Plan Administrator of the transferring pension plan) with written confirmation that it will accept the transferred money, and that it will administer the transferred money in accordance with the requirements of the Ontario *Pension Benefits Act* before the transfer can happen.

Transfer to a Registered Retirement Savings Plan (RRSP), a Registered Retirement Income Fund (RRIF) or cash payment

These options will only be available to you under the following four situations:

1. If you qualify for the payment of a small amount.
2. If the Plan Member applied for the withdrawal of his/her pension in circumstances of shortened life expectancy and the conditions that are specified under Ontario Regulation 287/11 (Family Law Matters) have been met.
3. If the Plan Member is not vested on the Family Law Valuation Date.
4. If you are entitled to a share of the Plan Member's surplus.

Note: If the Plan Member has a combination of a defined benefit and a defined contribution benefit [i.e. **Statement of Family Law Value (FSCO Family Law Form 4C)** was provided to you] your court order, family arbitration award or domestic contract should set out if your share of the Family Law Value will be transferred from the defined benefit component or the defined contribution benefit component, or from both components, and in what amounts. Otherwise, the Plan Administrator may transfer an equal share of the Family Law Value from both components.

Part F Financial Institution Information (Receiving the Transfer to a LIRA/LIF)

Complete this Part if you have chosen to transfer your share of the Family Law Value to a LIRA or a LIF.

You must attach a locking-in agreement with the Application Form. The locking in agreement is provided by the financial institution receiving the transfer.

Part G Receiving Pension Plan Information (Transfer to Another Pension Plan)

Complete this Part if you have chosen to transfer your share of the Family Law Value to another registered pension plan of which you are currently a member.

You must attach a written confirmation from the Plan Administrator of your pension plan (the receiving plan) that the money transferred to your pension plan will be administered in accordance with the requirements of the Ontario *Pension Benefits Act*.

Part H Required Documents

You must provide the Plan Administrator with a certified copy of a court order, family arbitration award or domestic contract that contains the Family Law Valuation Date and provides for the division and transfer of your share of the Family Law Value.

By checking the box for a court order or family arbitration award, you are also certifying that you are providing the Plan Administrator with the final document that is not subject to appeal or review by a court.

You must also provide the Plan Administrator with any other applicable documents that are listed under "**Next Steps**" of the **Statement of Family Law Value (FSCO Family Law Form 4A, 4B, 4C or 4D)**. List the additional documents that you are including with your Application Form in this Part.

Part I Confirmation and Direction

You must sign, print your name and date the Application 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 Application Form; and,
- must also sign, print his/her name and date this Part of the Application Form immediately after seeing you sign and date the Application Form (this means that you and your witness must sign on the same date).

If you are acting on behalf of the former spouse of the Plan Member under a power of attorney for property or a court order, you may sign on his/her behalf. A contact person cannot sign the Application Form unless the contact person also has been granted power of attorney for property, or is authorized to do so by a court order.

Once the Plan Administrator receives your completed Application Form, including all required documents, you will receive your share of the Family Law Value within 60 days.