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*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](http://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.*

**What portability rights does a member have for vested but not locked-in benefits on termination or plan wind up?**

Non locked-in benefits are subject to the terms of the pension plan. Only locked-in benefits are subject to prescribed portability rights, unless the plan provides otherwise.

Administrators should refer to sections 63(3) and (4) and section 64 of the PBA for direction concerning the minimum termination entitlement under the circumstances.