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MPPs Pension Act, 1996

S.O. 1996, Chapter 6  
Schedule A

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PART I  
interpretation

Interpretation

Definitions

**1** (1)  In this Act,

“average Consumer Price Index” means the average Consumer Price Index as defined in subsection 8500 (1) of the *Income Tax Regulations* (Canada); (“moyenne de l’indice des prix à la consommation”)

“Consumer Price Index” means the Consumer Price Index as defined in subsection 8500 (1) of the *Income Tax Regulations* (Canada); (“indice des prix à la consommation”)

“dependent child” means, in relation to an individual, a child of the individual who,

(a) is less than 18 years of age, or

(b) is 18 or more years of age and since reaching 18 years of age has been continuously in full-time attendance at either or both of,

(i) a secondary school, or

(ii) for the five years following secondary school, a post-secondary educational institution recognized by the Board of Internal Economy of the Assembly; (“enfant à charge”)

“plan” means the pension plan continued under subsection 2 (1) and includes the registered plan and the supplementary plan; (“régime”)

“pre-reform plan” means the *Legislative Assembly Retirement Allowances Act*, as it read on December 31, 1991, including the amendments deemed to be made to it by subsections 50 (3) and (4) of this Act; (“régime antérieur à la réforme”)

“registered plan” means the pension plan set out in Parts III, IV and V of the Act; (“régime enregistré”)

“registered plan account” means the registered plan account established under subsection 23 (1); (“compte de régime enregistré”)

“spouse” means either of two persons who,

(a) are married to each other,

(b) have together entered into a marriage that is voidable or void, in good faith on the part of the person asserting a right under the plan,

(c) have lived together in a conjugal relationship outside marriage continuously for a period of not less than three years, or

(d) have lived together in a conjugal relationship outside marriage in a relationship of some permanence, if they are the parents of a child as set out in section 4 of the Children’s Law Reform Act; (“conjoint”)

“supplementary plan” means the pension plan set out in Parts VI, VII and VIII of the Act; (“régime supplémentaire”)

“supplementary plan account” means the supplementary plan account established under subsection 39 (1). (“compte de régime supplémentaire”) 1996, c. 6, Sched. A, s. 1 (1); 1999, c. 6, s. 39 (1); 2005, c. 5, s. 43 (1-4); 2016, c. 23, s. 57.

Remuneration

(2)  For the purposes of the Act, an individual’s remuneration is the amount paid to him or her under the *Legislative Assembly Act* (other than an amount paid to reimburse him or her for expenses actually incurred) and the salary, if any, paid to him or her under the *Executive Council Act*. 1996, c. 6, Sched. A, s. 1 (2).

Same

(3)  For the purposes of the Act, the remuneration of the Information and Privacy Commissioner is the salary paid to him or her under the *Freedom of Information and Protection of Privacy Act* and the remuneration of the Ombudsman is the salary paid to him or her under the *Ombudsman Act*. 1996, c. 6, Sched. A, s. 1 (3).

Service

(4)  For the purposes of the Act, the period of service of a member of the Assembly is determined in accordance with subsection 61 (2) of the *Legislative Assembly Act*. 1996, c. 6, Sched. A, s. 1 (4).

Deemed service

(5)  For the purposes of the Act, service by the Information and Privacy Commissioner and by the Ombudsman in those offices shall be deemed to be service as a member of the Assembly. 1996, c. 6, Sched. A, s. 1 (5).

Calculation of service

(6)  In any calculation under the Act involving service of less than one year,

(a) the calculation shall be made on a monthly basis;

(b) any part of a month less than 15 days shall be disregarded; and

(c) any part of a month not less than 15 days shall be deemed to be a month. 1996, c. 6, Sched. A, s. 1 (6).

Calculation involving age

(7)  If an individual’s entitlement under the Act is determined with reference to a combination of an individual’s age and number of years of service, the individual’s age shall be expressed in years and months and subsection (6) applies with necessary modifications. 1996, c. 6, Sched. A, s. 1 (7).

**Section Amendments with date in force (d/m/y)**

1999, c. 6, s. 39 (1) - 1/03/2000

[2005, c. 5, s. 43 (1-4)](http://www.ontario.ca/laws/statute/S05005" \l "s43s1) - 13/06/2005

[2016, c. 23, s. 57](http://www.ontario.ca/laws/statute/S16023" \l "s57) - 01/01/2017

PART II  
GENERAL

Pension plan continued

**2** (1) The pension plan set out in the *Legislative Assembly Retirement Allowances Act* is continued.

Primary purpose of the plan

(2) The primary purpose of the plan is to provide periodic payments of allowances to members of the Assembly after their retirement and until death in respect of their service as members of the Assembly. 1996, c. 6, Sched. A, s. 2.

Application of plan

**3** (1) The plan applies in respect of individuals who are members of the Assembly on or after January 1, 1992.

Same

(2) The plan applies in respect of the individuals who hold office as the Information and Privacy Commissioner or as Ombudsman on or after January 1, 1992. 1996, c. 6, Sched. A, s. 3.

Membership

**4** (1) Every individual who is a member of the Assembly on or after January 1, 1992 is a member of the plan. He or she ceases to be a member of the plan,

(a) at any time he or she ceases to be a member of the Assembly; or

(b) at the end of the calendar year in which he or she reaches 69 years of age.

Deemed members

(2) For the purposes of the Act, the Information and Privacy Commissioner and the Ombudsman shall be deemed to be members of the Assembly.

Former member

(3) An individual is a former member of the plan if he or she has ceased to be a member of the plan and is entitled to be paid an allowance under the plan either immediately or in the future. 1996, c. 6, Sched. A, s. 4.

Credit for service as federal MP

**5** (1) If an individual is a former member of the House of Commons of Canada who is not entitled to or is not receiving an allowance in respect of service as a member of the House of Commons of Canada, his or her service may be counted as service under this Act if the individual pays into his or her registered plan account before June 8, 1995 an amount equal to the refund of contributions received from the account maintained to provide superannuation benefits for members of the House of Commons of Canada, with interest at the rate of 6 per cent per year.

Limit

(2) A period of service after 1989 shall not be counted under subsection (1) for the purposes of the registered plan unless the period is approved in accordance with the past service certification procedure under subsections 8307 (1) and (2) of the *Income Tax Regulations* (Canada). 1996, c. 6, Sched. A, s. 5.

Exemption from seizure, execution or attachment

**6** Section 66 of the *Pension Benefits Act* applies with necessary modifications with respect to money payable under this Act. 1996, c. 6, Sched. A, s. 6.

Effect on teachers’ pension

**7** Despite clause 2 (3) (b) of Schedule 1 to the *Teachers’ Pension Act, 1989*, this Act does not affect the rights of a person under that Act. 1996, c. 6, Sched. A, s. 7.

PART III  
REGISTERED PLAN

Member contributions

**8** (1)  Subject to subsection (3), every member of the plan shall contribute an amount equal to 10 per cent of his or her remuneration.

Remittance

(2)  The member’s contribution must be deducted monthly from his or her remuneration and credited to the Legislative Assembly Retirement Allowances Account established under subsection 27 (1) of the *Legislative Assembly Retirement Allowances Act*.

Contributions eliminated

(3)  A member is not entitled to make a contribution under the plan for any period after June 7, 1995.

Refund

(4)  The member is entitled to a refund of contributions made for any period after June 7, 1995 together with interest calculated at an annual rate of 6 per cent.  The refund is to be paid out of the Legislative Assembly Retirement Allowances Account.

Same, Information and Privacy Commissioner and Ombudsman

(5)  If the Information and Privacy Commissioner or the Ombudsman, as the case may be, notifies the Speaker within four months after this Act receives Royal Assent that he or she intends to purchase credit in the Public Service Pension Plan for the service to which the refund relates, his or her refund (together with interest) shall be paid,

(a) to the Public Service Pension Plan, to the extent necessary to satisfy his or her contributions under the Plan for the service; and

(b) to the Commissioner or the Ombudsman, as the case may be, to the extent that there is any money remaining after payment is made under clause (a). 1996, c. 6, Sched. A, s. 8.

Entitlement to allowance

**9** (1) An individual who has been a member of the Assembly for at least five years and who ceases to be a member of the plan otherwise than by reason of death is entitled to be paid an annual allowance determined under section 10 during his or her lifetime.

Same

(2)  The allowance under subsection (1) begins on the first day of the month coincident with or next following the later of,

(a) the day on which the individual ceases to be a member of the plan; and

(b) the day on which the sum of the individual’s age plus his or her years of service as a member of the Assembly equals 55.

Allowance at age 69

(3)  If an individual is a member of the plan at the end of the calendar year in which he or she reaches 69 years of age, the individual is entitled to be paid an allowance at the beginning of the next calendar year. 1996, c. 6, Sched. A, s. 9.

Amount of allowance

**10** (1)  The amount of an individual’s allowance under section 9 for the calendar year in which the allowance begins is calculated using the formula,

(A × B)×(1 – 0.0025 × C) + D

in which,

“A” equals the lesser of,

(a) 2 per cent of the individual’s average annual remuneration, and

(b) the defined benefit limit for the year in which the allowance begins;

“B” equals the amount of his or her service as a member of the Assembly after 1991 and before June 8, 1995;

“C” equals the number of months in the period from the day on which the allowance begins to the day that is the earliest of,

(a) the day on which the individual reaches 60 years of age,

(b) the day on which the individual would have completed 30 years of service as a member of the Assembly, had the individual remained a member of the Assembly, and

(c) the day on which the sum of the individual’s age and his or her years of service as a member of the Assembly would have equalled 80, if the individual had remained a member of the Assembly, and

“D” equals,

(a) in the case of an individual who was a member of the Assembly on or before January 1, 1992, the annual allowance that would have been payable to him or her under the pre-reform plan for the year, determined in respect of his or her service as a member of the Assembly before 1992 and without increase or indexation as provided in that plan, had the pre-reform plan applied in respect of the individual, and

(b) in any other case, nil.

1996, c. 6, Sched. A, s. 10 (1); 1996, c. 29, s. 66 (1).

Same

(2)  The amount of an individual’s allowance for a calendar year subsequent to that in which the allowance begins is calculated using the formula,

E × (F/G) + H

in which,

“E” equals the amount calculated under subsection (1) for the individual, assuming that the value of D in that calculation is nil;

“F” equals the average Consumer Price Index for the calendar year;

“G” equals the average Consumer Price Index for the calendar year in which the allowance began; and

“H” equals,

(a) in the case of an individual who was a member of the Assembly on or before January 1, 1992, the annual allowance that would have been payable to him or her under the pre-reform plan for the year, determined in respect of his or her service as a member of the Assembly before 1992, had the pre-reform plan applied in respect of the individual, and

(b) in any other case, nil.

1996, c. 6, Sched. A, s. 10 (2); 1996, c. 29, s. 66 (2).

Average annual remuneration

(3)  For the purposes of “A” in subsection (1), the individual’s average annual remuneration is 12 times the average monthly indexed remuneration for the period of service as a member of the Assembly.

Same

(4)  Despite subsection (3), if the individual has more than three non-overlapping periods of 12 consecutive months of service as a member of the Assembly, his or her average annual remuneration is one-third of the greatest of all amounts each of which is the sum of indexed remuneration for each of the months in any three of the periods.

Monthly indexed remuneration

(5)  Indexed remuneration of an individual for a month is the remuneration for the month multiplied by the ratio of A to B where,

“A” equals the average wage for the later of 1986 and the calendar year in which the allowance begins to be paid to the individual; and

“B” equals the average wage for the later of 1986 and the calendar year in which the remuneration is paid.

Definitions

(6)  For the purposes of this section,

“average wage” means average wage as defined in subsection 147.1 (1) of the *Income Tax Act* (Canada); (“salaire moyen”)

“defined benefit limit” means defined benefit limit as defined in subsection 8500 (1) of the *Income Tax Regulations* (Canada). (“plafond des prestations déterminées”) 1996, c. 6, Sched. A, s. 10 (3-6).

**Section Amendments with date in force (d/m/y)**

1996, c. 29, s. 66 (1, 2) - 9/12/1996

Overall limit

**10.1**  (1)  Despite any other provision of this Part, the aggregate annual allowance payable under this Part to a member of the registered plan shall not exceed,

(a) for the calendar year in which the allowance begins, 5 per cent of the member’s average annual remuneration multiplied by the member’s years of service as a member of the Assembly before June 8, 1995, up to a maximum amount equal to 75 per cent of the member’s average annual remuneration; and

(b) for any subsequent calendar year, the amount referred to in clause (a) increased in the manner described in subsection 30 (6).

Average annual remuneration

(2)  For the purposes of subsection (1), an individual’s average annual remuneration is his or her average annual remuneration during any 36 months of service as a member of the Assembly, which months need not be consecutive, during which his or her remuneration was highest. 1996, c. 29, s. 67.

**Section Amendments with date in force (d/m/y)**

1996, c. 29, s. 67 - 1/01/1992

Post-retirement spousal allowance

**11** (1)  If a former member of the plan who is receiving an allowance under this Part dies leaving a spouse, the spouse is entitled to be paid an allowance during his or her lifetime.

Same

(2)  The amount of the allowance under subsection (1) is the sum of,

(a) two-thirds of the allowance that the former member would have received as calculated under section 10 assuming that the value of D and H in subsections 10 (1) and (2) is zero; and

(b) 60 per cent, plus 10 per cent for each dependent child of the former member at the date of death to a maximum of three children, of the allowance that the former member would have received as calculated under section 10 assuming that the value of all the variables in subsections 10 (1) and (2) other than D and H is zero.

Children’s allowance

(3)  If a former member who is receiving an allowance under this Part dies leaving no spouse but leaving one or more dependent children, the dependent children are entitled to be paid an allowance equal to the allowance that would have been paid to the spouse of the former member under subsection (1), if the spouse had survived the former member.

Termination of child’s allowance

(4)  An allowance payable under this section in respect of a dependent child ceases when he or she ceases to be a dependent child. 1996, c. 6, Sched. A, s. 11.

Pre-retirement spousal allowance

**12** (1)  If a member of the plan dies leaving a spouse, the spouse is entitled to be paid an allowance during his or her lifetime.

Amount of spousal allowance

(2)  The amount of the allowance under subsection (1) for the calendar year in which the member dies is the sum of,

(a) two-thirds of the allowance that the member had earned to the date of death, determined in accordance with subsection 10 (1) assuming that the value of C and D in that subsection is zero; and

(b) 60 per cent, plus 10 per cent for each dependent child of the member at the date of death to a maximum of three children, of the allowance that the member had earned to the date of death, determined in accordance with subsection 10 (1) assuming that the value of A, B and C in that subsection is zero.

Same

(3)  The amount of the allowance under subsection (1) for a calendar year subsequent to the year of death is the sum of,

(a) two-thirds of the allowance that the member had earned to the date of death, determined in accordance with subsection 10 (2) assuming that the value of H in that subsection is zero; and

(b) 60 per cent, plus 10 per cent for each dependent child of the member at the date of death to a maximum of three children, of the allowance that the member had earned to the date of death, determined in accordance with subsection 10 (2) assuming that the value of E, F and G in that subsection is zero.

Children’s allowance

(4)  If a member dies leaving no spouse but leaving one or more dependent children, the dependent children are entitled to be paid an allowance equal to the allowance that would have been paid to the spouse of the member under subsection (1), if the spouse had survived the member.

Survivor’s allowance

(5)  If a spouse entitled to be paid an allowance under subsection (1) dies leaving one or more dependent children of the member, the dependent children are entitled to be paid an allowance equal to the allowance that would have been paid to the spouse, had the spouse not died.

Termination of child’s allowance

(6)  An allowance payable under this section in respect of a dependent child ceases when he or she ceases to be a dependent child. 1996, c. 6, Sched. A, s. 12.

Former member, spousal allowance

**13** (1)  If a former member of the plan dies before his or her allowance under the plan begins and if he or she leaves a spouse, the spouse is entitled to be paid an allowance during his or her lifetime.

Same

(2)  The allowance under subsection (1) begins on the first day of the month coincident with or next following the day on which the sum of the individual’s age (had he or she not died) plus his or her years of service as a member of the Assembly equals 55.

Amount of spousal allowance

(3)  The amount of the allowance under subsection (1) is the sum of,

(a) two-thirds of the allowance that the former member would have received as calculated under section 10 assuming that the value of D and H in subsections 10 (1) and (2) is zero; and

(b) 60 per cent, plus 10 per cent for each dependent child of the former member at the date of death to a maximum of three children, of the allowance that the former member would have received as calculated under section 10 assuming that the value of all the variables in subsections 10 (1) and (2) other than D and H is zero.

Reduced allowance

(4)  The spouse may elect to be paid an immediate allowance instead of one beginning on the day described in subsection (2).  Upon making the election, the spouse is entitled to be paid an allowance during his or her lifetime calculated in accordance with subsection (3) and reduced on an actuarially-equivalent basis.

Children’s allowance

(5)  If the former member dies leaving no spouse but leaving one or more dependent children, the dependent children are entitled to be paid an allowance equal to the immediate allowance calculated in accordance with subsection (4), with necessary modifications.

Termination of child’s allowance

(6)  An allowance payable under this section in respect of a dependent child ceases when he or she ceases to be a dependent child. 1996, c. 6, Sched. A, s. 13.

Refund of contributions before vesting

**14** (1)  An individual who ceases to be a member of the plan after 1991 but before becoming eligible for an allowance is entitled to a refund of his or her contributions together with interest calculated at an annual rate of 6 per cent.

Application for refund

(2)  The individual is not entitled to be paid the refund until the Speaker has received a written application for it. 1996, c. 6, Sched. A, s. 14.

100 per cent rule (refund of contributions)

**15** (1)  If a former member of the plan who is receiving an allowance or a member of the plan dies and no one becomes entitled to be paid an allowance under section 11, 12 or 13, his or her estate is entitled to payment of the amount, if any, by which A exceeds B, both as determined under subsection (2).

Same

(2)  For the purposes of subsection (1),

“A” equals the amount of the former member’s or the member’s contributions together with interest at an annual rate of 6 per cent up to the earlier of,

(a) the date, if any, on which he or she began to be paid the allowance, and

(b) the date of death; and

“B” equals the total amount, if any, of the allowance paid to him or her up to the date of death. 1996, c. 6, Sched. A, s. 15.

Reinstatement of service

**16** (1)  An individual who receives a refund and who again becomes a member of the plan on or before June 8, 1995 is entitled to reinstatement of the service in respect of which the refund was made if he or she pays the amount refunded together with interest calculated at the annual rate of 6 per cent to the Minister of Finance.

Restriction

(2)  Despite subsection (1), the member is not entitled to a reinstatement of service after 1989 unless the service is approved in accordance with the past service certification procedure under subsections 8307 (1) and (2) of the *Income Tax Regulations* (Canada). 1996, c. 6, Sched. A, s. 16.

Assignment prohibited

**17** (1)  No right under the plan of a member or former member is capable of being assigned, charged, anticipated, given as security or surrendered except as provided in this section.

Exception

(2)  A right may be assigned under a decree, order or judgment of a competent tribunal or a written agreement in settlement of rights arising as a consequence of the breakdown of a conjugal relationship between an individual and his or her spouse or former spouse.

Same

(3)  A right may be assigned by the legal representative of a deceased individual on the distribution of the individual’s estate. 1996, c. 6, Sched. A, s. 17.

PART IV  
CONVERSION OF THE REGISTERED PLAN

Credit for service before June 8, 1995

**18** (1)  Every individual who was a member of the Assembly on June 8, 1995 and who had been a member before that date is entitled to have his or her registered plan account credited with the amount determined under this section for his or her service before June 8, 1995.

Amount of credit

(2)  The amount of the individual’s credit is the total of the commuted value of the benefits described in Part III for his or her service as a member before June 8, 1995 and interest on the commuted value.

Part III benefits

(3)  For the purposes of subsection (2), the benefits described in Part III are calculated in accordance with that Part with the following modifications:

1. An individual shall be deemed to be entitled to the benefits described in Part III even if the individual was not a member of the Assembly for at least five years before June 8, 1995.

2. The benefits are based on the individual’s average annual remuneration determined as of June 7, 1995 in accordance with section 10.

3. It is assumed that the individual ceased to be a member of the Assembly on the conversion date chosen by the Minister of Finance.

Commuted value

(4)  The commuted value of the benefits is determined as of the conversion date chosen by the Minister and in accordance with the assumptions adopted by the Minister acting on the recommendations of the plan actuary made in accordance with generally accepted actuarial principles.

Interest

(5)  The interest on the commuted value of the benefits is calculated at the rate implicit in the calculation of the commuted value and is payable from the conversion date chosen by the Minister to the date on which the amount described in subsection (2) is credited to the individual’s registered plan account.

Conversion date

(6)  The conversion date must be no earlier than June 8, 1995. 1996, c. 6, Sched. A, s. 18.

Effect of receiving credit

**19** No individual who receives credit under subsection 18 (1) is entitled to be paid benefits under Part III for service as a member of the Assembly. 1996, c. 6, Sched. A, s. 19.

Election re credit

**20** (1)  An individual who receives credit under subsection 18 (1) shall elect whether to have the credit remain in the registered plan account or to transfer an amount equal to the credit to a locked-in retirement account.

Statement re election

(2)  The Speaker shall give every individual required to make the election a statement describing the individual’s options.

Same

(3)  The individual shall notify the Speaker in writing which option he or she elects, and shall do so within 60 days after receiving the statement.

Deemed election

(4)  If the individual does not notify the Speaker within the 60-day period, the individual shall be deemed to have elected to have the credit remain in the registered plan account. 1996, c. 6, Sched. A, s. 20.

Transfer to locked-in retirement account

**21** (1)  This section applies if an individual elects the transfer described in subsection 20 (1) to a locked-in retirement account. 1996, c. 6, Sched. A, s. 21 (1).

Payment

(2)  The Minister of Finance shall pay to the individual’s locked-in retirement account an amount equal to the individual’s credit in the registered plan account together with interest on the amount of the credit.  The interest is calculated from the date on which the amount was credited to the registered plan account until the date on which the Minister makes the payment to the locked-in retirement account. 1996, c. 6, Sched. A, s. 21 (2).

Same

(3)  The Minister shall make the payment within 90 days after the Speaker receives notice of the individual’s election. 1996, c. 6, Sched. A, s. 21 (3).

(4)  Repealed: 1999, c. 15, s. 20 (1).

Same

(5)  The locked-in retirement account must not permit any payment to be made to the individual before the later of,

(a) the date on which he or she ceases to be a member of the plan; and

(b) the date on which he or she reaches 55 years of age. 1996, c. 6, Sched. A, s. 21 (5).

Effect of payment

(6)  The individual ceases to be entitled to any other benefit under the registered plan for service before June 8, 1995 when the payment is made to the locked-in retirement account. 1996, c. 6, Sched. A, s. 21 (6).

Amendment, locked-in retirement account

(7)  An individual described in subsection (1) who has entered into a contract to establish a locked-in retirement account is entitled to require that the contract be amended, despite any other term of the contract,

(a) if the person who is the individual’s spouse when the amendment is required to be made consents in writing to the amendment; and

(b) if the contract, as it would be amended, complies with subsection (5) and meets the requirements established under the Income Tax Act (Canada) for a registered retirement savings plan or a registered retirement income fund, as those expressions are defined in that Act. 1999, c. 15, s. 20 (2); 2005, c. 5, s. 43 (5).

Same, life income fund

(8)  An individual described in subsection (1) who, by the exercise of rights under a contract entered into to establish a locked-in retirement account, has entered into a contract to establish a life income fund is entitled to require that the life income fund contract be amended, despite any other term of the contract,

(a) if the person who is the individual’s spouse when the amendment is required to be made consents in writing to the amendment; and

(b) if the life income fund contract, as it would be amended, complies with subsection (5) and meets the requirements established under the Income Tax Act (Canada) for a registered retirement savings plan or a registered retirement income fund, as those expressions are defined in that Act. 1999, c. 15, s. 20 (2); 2005, c. 5, s. 43 (6).

Amendment required

(9)  The parties to the contract to establish the locked-in retirement account or life income fund, as the case may be, that is to be amended in accordance with subsection (7) or (8) shall promptly make the amendment. 1999, c. 15, s. 20 (2).

Effect of amendment

(10)  When the contract is amended as required by subsection (9), the locked-in retirement account or life income fund ceases to be such an account or fund. 1999, c. 15, s. 20 (2).

Definitions

(11)  In subsections (7) to (10),

“life income fund” means a life income fund that was established before the Pension Benefits Statute Law Amendment Act, 1999 received Royal Assent and that, when the fund was established, was described in Schedule 1 to Regulation 909 (“General”) made under the Pension Benefits Act as the Schedule then read; (“fonds de revenu viager”)

“locked-in retirement account” means a locked-in retirement account that was established before the Pension Benefits Statute Law Amendment Act, 1999 received Royal Assent and that, when the account was established, was intended to comply with this section as it then read. (“compte de retraite avec immobilisation des fonds”) 1999, c. 15, s. 20 (2).

**Section Amendments with date in force (d/m/y)**

1999, c. 15, s. 20 (1, 2) - 22/12/1999

[2005, c. 5, s. 43 (5, 6)](http://www.ontario.ca/laws/statute/S05005" \l "s43s5) - 13/06/2005

PART V  
REGISTERED PLAN PAYMENTS

Trust established

**22.**  The Speaker shall establish a trust for the purpose of receiving contributions from the Minister of Finance under section 25, accruing interest and earnings on the contributions and making payments in accordance with the terms of the registered plan. 1996, c. 6, Sched. A, s. 22.

Registered plan account

**23** (1)  The Speaker shall establish and maintain a registered plan account for each individual who is a member of the Assembly on or after June 8, 1995.

Same

(2)  All payments or transfers made under the registered plan in respect of an individual must be charged to his or her registered plan account.

Vesting

(3)  Amounts properly credited to a member’s registered plan account vest in the member when credited.

Interest

(4)  Interest accumulates on amounts credited to a registered plan account under subsections 18 (1) and 24 (24). Interest must be credited to the account at least annually.

Rate of interest

(5)  Interest is calculated at a rate equal to the annual rate of return, as determined by the Minister of Finance, on the assets held by the trust established in section 22 less one per cent.

Same

(6)  Despite subsection (5), interest payable during the first year after the *MPPs Pension and Compensation Reform Act, 1996* receives Royal Assent is calculated on the basis of chartered bank administered interest rates for five-year personal fixed term deposits as set out in the Canadian Socio-Economic Information Management System (CANSIM) series B 14045 published monthly in the *Bank of Canada Review* over a reasonably recent period, such that the averaging period does not exceed 12 months. 1996, c. 6, Sched. A, s. 23.

Money purchase credit

**24** (1)  Every month, the Minister of Finance shall credit to a plan member’s registered plan account an amount equal to 10 per cent of the member’s remuneration for that month. 1996, c. 6, Sched. A, s. 24 (1); 2006, c. 36, s. 2 (1).

Same, for certain members re-elected in 2007

(1.1)  Despite subsection (1), if a plan member to whom section 61.1 of the Legislative Assembly Act applies gives the notice described in that section to the Speaker, this section, as it read immediately before it was amended by section 2 of the Legislative Assembly Statute Law Amendment Act, 2006, continues to apply with respect to the member. 2006, c. 36, s. 2 (2).

Money purchase limit

(2)  Despite subsection (1), the Minister shall not credit a member’s registered plan account with an amount for a calendar year greater than the money purchase limit for the year as defined in subsection 147.1 (1) of the *Income Tax Act* (Canada). 1996, c. 6, Sched. A, s. 24 (2).

Payment of excess amount

(3)  Each year, the Minister shall pay to a plan member the amount, if any, by which the amount that the Minister is required by subsection (1) to credit to the member’s registered plan account for the year exceeds the money purchase limit described in subsection (2) for the year. 2006, c. 36, s. 2 (3).

**Section Amendments with date in force (d/m/y)**

[2006, c. 36, s. 2 (1-3)](http://www.ontario.ca/laws/statute/S06036" \l "s2s1) - 21/12/2006

Contributions by Minister

**25** (1)  The Minister of Finance shall pay from the Consolidated Revenue Fund to the trust established under section 22 the amounts credited to all registered plan accounts in respect of members’ service after June 7, 1995. 1996, c. 6, Sched. A, s. 25 (1).

Other payments by Minister

(2)  The Minister shall pay from the Consolidated Revenue Fund the amounts that are payable under subsection 24 (3). 2006, c. 36, s. 2 (4).

**Section Amendments with date in force (d/m/y)**

[2006, c. 36, s. 2 (4)](http://www.ontario.ca/laws/statute/S06036" \l "s2s4) - 21/12/2006

Statement of benefits and options

**26** (1)  The Speaker shall give an individual who ceases to be a member of the plan otherwise than by reason of death a statement describing the individual’s benefits and options under sections 27 and 28. The Speaker shall do so within 30 days after the individual ceases to be a member.

Same

(2)  The Speaker shall give a person entitled to a benefit under section 29 a statement describing the person’s benefits and options, if any, under that section.  The Speaker shall do so within 30 days after receiving proof of the death of the individual who was the member. 1996, c. 6, Sched. A, s. 26.

Entitlement to lifetime pension

**27** (1)  An individual who ceases to be a member of the plan otherwise than by reason of death is entitled to be paid the lifetime pension described in this section upon ceasing to be a member. 1996, c. 6, Sched. A, s. 27 (1).

Size of pension

(2)  The pension is to be provided using the balance in the individual’s registered plan account when the pension is purchased. 1996, c. 6, Sched. A, s. 27 (2); 1999, c. 15, s. 21.

Form of pension

(3)  The pension must meet the following requirements:

1. It must be in a form acceptable for pensions that are payable from money purchase pension plans registered under the Income Tax Act (Canada).

2. If the member has a spouse when he or she ceases to be a member of the plan, it must be payable in a joint and survivor form.  The member must be permitted to waive the joint and survivor payments with the consent of his or her spouse.

3. If the member has a spouse when he or she ceases to be a member of the plan and the pension is to be paid in a joint and survivor form, the spouse must be entitled to receive 60 per cent of the amount payable under the pension to the member.

4. Payment of the pension must begin,

i. no earlier than the later of the date on which the individual ceased to be a member of the plan and the date on which he or she reaches 55 years of age, and

ii. no later than the last day of the calendar year in which the individual reaches 69 years of age. 1996, c. 6, Sched. A, s. 27 (3); 1999, c. 6, s. 39 (2); 2005, c. 5, s. 43 (7).

Preference re pension

(4)  The individual shall notify the Speaker in writing of the form of pension that the individual wishes to receive and shall do so within 60 days after receiving the statement described in subsection 26 (1). 1996, c. 6, Sched. A, s. 27 (4).

Same

(5)  If the individual does not notify the Speaker of his or her wishes as to the form of the pension within the 60-day period, he or she shall be paid a pension in that meets the requirements set out in subsection (3) and that,

(a) does not have a guarantee period;

(b) is not indexed; and

(c) meets such other conditions as the Speaker may decide. 1996, c. 6, Sched. A, s. 27 (5).

**Section Amendments with date in force (d/m/y)**

1999, c. 6, s. 39 (2) - 1/03/2000; 1999, c. 15, s. 21 - 22/12/1999

[2005, c. 5, s. 43 (7)](http://www.ontario.ca/laws/statute/S05005" \l "s43s7) - 13/06/2005

Portability rights

**28** (1)  An individual who ceases to be a member of the plan otherwise than by reason of death may transfer the balance in his or her registered plan account to a locked-in retirement account or a life income fund that satisfies the conditions established under the *Pension Benefits Act* for those accounts or funds, with necessary modifications.

Payment

(2)  The Minister of Finance shall pay from the Consolidated Revenue Fund to the individual’s locked-in retirement account or life income fund, as the case may be, an amount equal to the balance in the individual’s registered plan account.

Effect of transfer

(3)  No individual who makes a transfer described in subsection (1) is entitled to a pension under section 27.

Notice to Speaker

(4)  The individual shall notify the Speaker in writing if he or she wishes to make a transfer described in subsection (1) and shall do so within 60 days after receiving the statement described in subsection 26 (1).

Deemed choice

(5)  The individual shall be deemed not to wish to make a transfer described in subsection (1) if the individual does not notify the Speaker within the 60-day period that he or she wishes to do so. 1996, c. 6, Sched. A, s. 28.

Pre-retirement spousal entitlement

**29** (1)  If a member of the plan dies leaving a spouse, the spouse is entitled upon the member’s death to be paid the balance in the member’s registered plan account as of the date of death. It is payable as a lump sum or as a lifetime pension in a form acceptable for pensions payable from money purchase pension plans registered under the Income Tax Act (Canada). 1996, c. 6, Sched. A, s. 29 (1); 1999, c. 6, s. 39 (3); 2005, c. 5, s. 43 (8).

Election

(2)  The spouse shall notify the Speaker in writing which payment option he or she elects, and shall do so within 60 days after receiving the statement described in subsection 26 (2). 1996, c. 6, Sched. A, s. 29 (2); 1999, c. 6, s. 39 (4); 2005, c. 5, s. 43 (9).

Deemed election

(3)  If the spouse does not notify the Speaker within the 60-day period, the spouse shall be deemed to have elected to be paid a lump sum. 1996, c. 6, Sched. A, s. 29 (3); 1999, c. 6, s. 39 (5); 2005, c. 5, s. 43 (10).

Entitlement of beneficiary

(4)  If the member dies without a spouse but has notified the Speaker in writing that the member designates a beneficiary for the purposes of the plan, the beneficiary is entitled to be paid the balance in the member’s registered plan account as of the date of death, together with interest calculated from that date until it is paid.  The total is payable as a lump sum. 1996, c. 6, Sched. A, s. 29 (4); 1999, c. 6, s. 39 (6); 2005, c. 5, ss. 43 (11).

Entitlement of estate

(5)  If the member dies without spouse or beneficiary, his or her estate is entitled to be paid the balance in the member’s registered plan account as of the date of death, together with interest calculated from that date until it is paid.  The total is payable as a lump sum. 1996, c. 6, Sched. A, s. 29 (5); 1999, c. 6, s. 39 (7); 2005, c. 5, s. 43 (12).

**Section Amendments with date in force (d/m/y)**

1999, c. 6, s. 39 (3-7) - 1/03/2000

[2005, c. 5, s. 43 (8-12)](http://www.ontario.ca/laws/statute/S05005" \l "s43s8) - 13/06/2005

PART VI  
SUPPLEMENTARY PLAN

Entitlement to allowance

**30** (1)  An individual who has been a member of the Assembly for at least five years and who ceases to be a member of the plan otherwise than by reason of death is entitled to be paid an annual allowance during his or her lifetime.

Same

(2)  The allowance begins on the first day of the month coincident with or next following the later of,

(a) the day on which the individual ceases to be a member of the plan; and

(b) the day on which the sum of the individual’s age plus his or her years of service as a member of the Assembly equals 55.

Amount of allowance

(3)  The amount of the allowance for the calendar year in which it begins is calculated using the formula,

A – B

in which,

“A” equals 5 per cent of the individual’s average annual remuneration multiplied by the individual’s years of service as a member of the Assembly before June 8, 1995 up to a maximum of 15 years; and

“B” equals the amount payable under the registered plan for that year as determined under subsection 10 (1).

Same

(4)  Subject to subsection (6), the amount of the allowance for a calendar year subsequent to that in which the allowance begins is calculated using the formula,

A × (C/D) – E

in which,

“A” equals 5 per cent of the individual’s average annual remuneration multiplied by the individual’s years of service as a member of the Assembly before June 8, 1995 up to a maximum of 15 years;

“C” equals the average Consumer Price Index for the later of 1995 and the calendar year;

“D” equals the average Consumer Price Index for the later of 1995 and the calendar year in which the allowance began;

“E” equals the amount payable under the registered plan for that year as determined under subsection 10 (2).

Average annual remuneration

(5)  For the purposes of the variable A in subsections (3) and (4), the individual’s average annual remuneration is his or her average annual remuneration during any 36 months of service as a member of the Assembly, which months need not be consecutive, during which his or her remuneration was highest.

Annual inflation rate over 2 per cent

(6)  If the increase in the average Consumer Price Index from one year to the next is greater than 2 per cent, the increase shall be deemed to be 2 per cent for the purposes of subsection (4).  The amount in excess of 2 per cent for a year shall be carried forward and attributed to a year in which the increase is less than 2 per cent (to the extent necessary to increase the average CPI for that year to 2 per cent). 1996, c. 6, Sched. A, s. 30.

Post-retirement spousal allowance

**31** (1)  If a former member of the plan who is receiving an allowance under this Part dies leaving a spouse, the spouse is entitled to be paid an allowance during his or her lifetime.

Same

(2)  The amount of the allowance under subsection (1) is the amount, if any, by which A exceeds B where,

“A” equals the amount of the allowance that would have been paid to the spouse under subsection 19 (1) of the pre-reform plan if that subsection had applied in respect of the former member on the date of death; and

“B” equals the amount of the allowance payable to the spouse under subsection 11 (1).

Children’s allowance

(3)  If a former member who is receiving an allowance under this Part dies leaving no spouse but leaving one or more dependent children, the dependent children are entitled to be paid an allowance equal to the allowance that would have been paid to the spouse of the former member under subsection (1), if the spouse had survived the former member.

Termination of child’s allowance

(4)  An allowance payable under this section in respect of a dependent child ceases when he or she ceases to be a dependent child. 1996, c. 6, Sched. A, s. 31.

Pre-retirement spousal allowance

**32** (1)  If a member of the plan dies leaving a spouse, the spouse is entitled to be paid an allowance during his or her lifetime.

Amount of spousal allowance

(2)  The allowance under subsection (1) is the amount, if any, by which A exceeds B where,

“A” equals the amount of the allowance that would have been paid to the spouse under clause 19 (3) (a) of the pre-reform plan, if that clause had applied in respect of the member on the date of death; and

“B” equals the amount of the allowance payable to the spouse under subsection 12 (1).

Children’s allowance

(3)  If a member dies leaving no spouse but leaving one or more dependent children, the dependent children are entitled to be paid an allowance equal to the allowance that would have been paid to the spouse of the member under subsection (1) if the spouse had survived the member.

Survivor’s allowance

(4)  If a spouse entitled to an allowance under subsection (1) dies leaving one or more dependent children of the member, the dependent children are entitled to be paid an allowance equal to the allowance that would have been paid to the spouse, had the spouse not died.

Termination of child’s allowance

(5)  An allowance payable under this section in respect of a dependent child ceases when he or she ceases to be a dependent child. 1996, c. 6, Sched. A, s. 32.

Former member, spousal allowance

**33** (1)  If a former member of the plan dies before his or her allowance under the plan begins and if he or she leaves a spouse, the spouse is entitled to be paid an allowance during his or her lifetime.

Same

(2)  The allowance under subsection (1) begins on the first day of the month coincident with or next following the day on which the sum of the individual’s age (had he or she not died) and his or her years of service as a member of the Assembly equals 55.

Amount of spousal allowance

(3)  The amount of the allowance under subsection (1) is calculated using the formula,

A + B – C

in which,

“A” equals 60 per cent of the allowance to which the former member would have been entitled under the pre-reform plan on the day the allowance under subsection (1) begins, had the pre-reform plan applied in respect of the former member;

“B” equals in respect of each dependent child of the former member at the date of death, to a maximum of three children, 10 per cent of the allowance referred to in the definition of the variable A; and

“C” equals the amount of the allowance payable to the spouse under subsection 13 (1).

Reduced allowance

(4)  The spouse may elect to be paid an immediate allowance instead of one beginning on the day described in subsection (2).  Upon making the election, the spouse is entitled to be paid an allowance during his or her lifetime calculated in accordance with subsection (3) and reduced on an actuarially-equivalent basis.

Children’s allowance

(5)  If the former member dies leaving no spouse but leaving one or more dependent children, the dependent children are entitled to be paid an allowance equal to the immediate allowance calculated in accordance with subsection (4), with necessary modifications.

Termination of child’s allowance

(6)  An allowance payable under this section in respect of a dependent child ceases when he or she ceases to be a dependent child. 1996, c. 6, Sched. A, s. 33.

PART VII  
conversion of the supplementary plan

Credit for service before June 8, 1995

**34** (1)  Every individual who was a member of the Assembly on June 8, 1995 and who had been a member before that date is entitled to have his or her supplementary plan account credited with the amount determined under this section for his or her service before June 8, 1995.

Amount of credit

(2)  The amount of the individual’s credit is the total of the commuted value of the benefits described in Part VI for his or her service as a member before June 8, 1995 and interest on the commuted value.

Part VI benefits

(3)  For the purposes of subsection (2), the benefits described in Part VI are calculated in accordance with that Part with the following modifications:

1. An individual shall be deemed to be entitled to the benefits described in Part VI even if the individual was not a member of the Assembly for at least five years before June 8, 1995.

2. The benefits are based on the individual’s average annual remuneration determined as of June 7, 1995 in accordance with subsection 30 (5).

3. It is assumed that the individual ceased to be a member of the Assembly on the conversion date chosen by the Minister of Finance.

Commuted value

(4)  The commuted value of the benefits is determined as of the conversion date chosen by the Minister and in accordance with the assumptions adopted by the Minister acting on the recommendations of the plan actuary made in accordance with generally accepted actuarial principles.

Interest

(5)  The interest on the commuted value of the benefits is calculated at the rate implicit in the calculation of the commuted value and is payable from the conversion date chosen by the Minister to the date on which the amount described in subsection (2) is credited to the individual’s supplementary plan account.

Conversion date

(6)  The conversion date must be no earlier than June 8, 1995. 1996, c. 6, Sched. A, s. 34.

Effect of receiving credit

**35** No individual who receives credit under subsection 34 (1) is entitled to be paid benefits under Part VI. 1996, c. 6, Sched. A, s. 35.

Election re credit

**36** (1)  An individual who receives credit under subsection 34 (1) shall elect whether to have the credit remain in the supplementary plan account or to be paid an amount equal to the credit as a lump sum.

Statement re election

(2)  The Speaker shall give every individual required to make the election a statement describing the individual’s options.

Same

(3)  The individual shall notify the Speaker in writing which option he or she elects, and shall do so within 60 days after receiving the statement.

Deemed election

(4)  If the individual does not notify the Speaker within the 60-day period, the individual shall be deemed to have elected to have the credit remain in the supplementary plan account. 1996, c. 6, Sched. A, s. 36.

Lump sum payment

**37** (1)  This section applies if an individual elects to receive the lump sum payment described in subsection 34 (1).

Payment

(2)  The Minister of Finance shall pay to the individual an amount equal to the individual’s credit in the supplementary plan account together with interest on the amount of the credit.  The interest is calculated from the date on which the amount was credited to the supplementary plan account until the date on which the Minister makes the lump sum payment to the individual.

Same

(3)  The Minister shall make the payment within 90 days after the Speaker receives notice of the individual’s election.

Effect of payment

(4)  The individual ceases to be entitled to any other benefit under the supplementary plan when the Minister pays him or her the lump sum. 1996, c. 6, Sched. A, s. 37.

PART VIII  
supplementary plan payments

Arrangements for payment

**38** The Minister of Finance may make whatever arrangements he or she considers appropriate to provide for the payment of pensions under this Part. 1996, c. 6, Sched. A, s. 38.

Supplementary plan account

**39** (1)  The Speaker shall establish and maintain a supplementary plan account for each individual who is a member of the Assembly on or after June 8, 1995.

Same

(2)  All payments made under the supplementary plan in respect of an individual must be charged to his or her supplementary plan account.

Vesting

(3)  Amounts properly credited to a member’s supplementary plan account vest in the member when credited.

Interest

(4)  Interest accumulates on the amount credited to a supplementary plan account under subsection 34 (1).  Interest must be credited to the account at least annually.

Rate of interest

(5)  Interest is calculated at a rate equal to the annual rate of return, as determined by the Minister of Finance, on the assets held by the trust established in section 22 less one per cent.

Same

(6)  Despite subsection (5), interest payable during the first year after the *MPPs Pension and Compensation Reform Act, 1996* receives Royal Assent is calculated on the basis of chartered bank administered interest rates for five-year personal fixed term deposits as set out in the Canadian Socio-Economic Information Management System (CANSIM) series B 14045 published monthly in the *Bank of Canada Review* over a reasonably recent period, such that the averaging period does not exceed 12 months. 1996, c. 6, Sched. A, s. 39.

Statement of benefits and options

**40** (1)  The Speaker shall give an individual who ceases to be a member of the plan otherwise than by reason of death a statement describing the individual’s benefits and options under section 41 The Speaker shall do so within 30 days after the individual ceases to be a member.

Same

(2)  The Speaker shall give a person entitled to a benefit under section 42 a statement describing the person’s benefits and options, if any, under that section.  The Speaker shall do so within 30 days after receiving proof of the death of the individual who was the member. 1996, c. 6, Sched. A, s. 40.

Entitlement to lifetime pension

**41** (1)  An individual who ceases to be a member of the plan otherwise than by reason of death is entitled to be paid the lifetime pension described in this section upon ceasing to be a member.

Size of pension

(2)  The pension is to be provided using the balance in the individual’s supplementary plan account when he or she ceases to be a member.

Form of pension

(3)  Subsections 27 (3) to (5) apply, with necessary modifications, with respect to the pension. 1996, c. 6, Sched. A, s. 41.

Pre-retirement spousal entitlement

**42** (1)  If a member of the plan dies leaving a spouse, the spouse is entitled upon the member’s death to be paid the balance in the member’s supplementary plan account as of the date of death. It is payable as a lump sum or as a lifetime pension in a form acceptable for pensions payable from money purchase pension plans registered under the *Income Tax Act* (Canada).

Election

(2)  The spouse shall notify the Speaker in writing which payment option he or she elects, and shall do so within 60 days after receiving the statement described in subsection 40 (2).

Deemed election

(3)  If the spouse does not notify the Speaker within the 60-day period, the spouse shall be deemed to have elected to be paid a lump sum.

Entitlement of beneficiary

(4)  If the member dies without a spouse but has notified the Speaker in writing that the member designates a beneficiary for the purposes of the plan, the beneficiary is entitled to be paid the balance in the member’s supplementary plan account as of the date of death, together with interest calculated from that date until it is paid.  The total is payable as a lump sum.

Entitlement of estate

(5)  If the member dies without a spouse or beneficiary, his or her estate is entitled to be paid the balance in the member’s supplementary plan account as of the date of death, together with interest calculated from that date until it is paid.  The total is payable as a lump sum. 1996, c. 6, Sched. A, s. 42.

PART IX  
administration

Administration of Act

**43** The Act is administered by the Speaker. 1996, c. 6, Sched. A, s. 43.

Consolidated Revenue Fund

**44** (1)  All contributions to the plan made by plan members shall be paid to the Consolidated Revenue Fund and all amounts to be credited under the plan are credited to the Consolidated Revenue Fund.

Same

(2)  All payments and transfers to be made under the plan are a charge on and payable from the Consolidated Revenue Fund. 1996, c. 6, Sched. A, s. 44.

Accounts in the CRF

**45** (1)  The Minister of Finance shall establish an account in the Consolidated Revenue Fund in which all credits, receipts and disbursements under the registered plan must be entered, and one in which all credits, receipts and disbursements under the supplementary plan must be entered.

Transfers from Consolidated Revenue Fund

(2)  Each year, the Minister of Finance shall credit to the applicable account in the Consolidated Revenue Fund such amounts as the Lieutenant Governor in Council may direct to provide for payments under the registered plan or the supplementary plan, as the case may be. 1996, c. 6, Sched. A, s. 45.

Extension of deadlines

**46** The Speaker may extend any deadline established under the Act and may do so before or after the deadline has passed if, in the Speaker’s opinion,

(a) there are special circumstances justifying the extension; and

(b) the extension will not result in additional costs to the plan. 1996, c. 6, Sched. A, s. 46.

Payment of allowances

**47** (1)  Unless otherwise provided in the Act, allowances payable under the plan shall be paid monthly in equal amounts.

Same

(2)  Amounts paid under the plan in respect of an individual who becomes a former member before June 8, 1995 shall be paid out of the Legislative Assembly Retirement Allowances Account established under subsection 27 (1) of the *Legislative Assembly Retirement Allowances Act*. 1996, c. 6, Sched. A, s. 47.

Purchase of annuities

**48** (1)  The Minister of Finance may purchase an annuity contract to provide for payment of the pension to which an individual is entitled under the registered plan or the supplementary plan.

Same

(2)  The annuity provided by the annuity contract must be subject to the same terms and conditions as the pension to which it relates.

Discharge of rights

(3)  The purchase of an annuity contract discharges the rights under the Act of the individual and of any other person in respect of the individual.

Authorized company

(4)  The annuity contract must be purchased from a company authorized under the laws of Canada or a province to carry on an annuities business in Canada. 1996, c. 6, Sched. A, s. 48.

Payment to purchase annuity contracts

**48.1**(1)  The Minister of Finance may pay from the Consolidated Revenue Fund the amount required to purchase annuity contracts under section 48 of this Act or section 25.2 of the *Legislative Assembly Retirement Allowances Act*, and the amount standing to the credit of accounts maintained in the Consolidated Revenue Fund in connection with benefits under those Acts shall be reduced by the amount by which a person’s entitlement to benefits under those Acts is reduced by the purchase of the annuity contracts.

Accounts held outside the Consolidated Revenue Fund

(2)  If the Speaker, with the approval of the Minister of Finance, enters into an arrangement under which registered plan accounts or supplementary plan accounts or both are held under this Act outside the Consolidated Revenue Fund, the Minister of Finance shall pay from the Consolidated Revenue Fund to the person by whom the accounts are held the amount standing to the credit of the accounts. 1996, c. 29, s. 68.

**Section Amendments with date in force (d/m/y)**

1996, c. 29, s. 68 - 1/01/1992

PART X  
TRANSITION

Benefits in lieu

**49** (1)  The benefits provided under the plan in respect of individuals who were members of the Assembly on or after January 1, 1992 are in lieu of the benefits, if any, provided in respect of those individuals under the *Legislative Assembly Retirement Allowances Act*.

Certain individuals

(2)  An individual who is a member of the Assembly on June 8, 1995 and who ceases to be a member of the Assembly before the day on which the *MPPs Pension and Compensation Reform Act, 1996* receives Royal Assent is entitled only to the benefits provided under the plan. 1996, c. 6, Sched. A, s. 49.

Application of predecessor Act

**50** (1)  Despite its repeal and except as otherwise provided in this section, the *Legislative Assembly Retirement Allowances Act* continues to apply in respect of individuals who had ceased to be members of the Assembly before January 1, 1992 and who were entitled on that date to receive an allowance under that Act.

Deemed amendments

(2)  For the purposes of subsection (1), the *Legislative Assembly Retirement Allowances Act* shall be deemed to be the Act as it read on December 31, 1991, as amended by subsections (3) and (4).

Same, suspension of allowances

(3)  For the purposes of subsection (1), sections 7, 10 and 20 of the *Legislative Assembly Retirement Allowances Act* shall be deemed to be repealed.

Same, annual increases

(4)  For the purposes of subsection (1), section 25 of the *Legislative Assembly Retirement Allowances Act*, as it read on December 31, 1991, shall be deemed to be repealed and the following substituted:

Increase in allowance

**25** (1)  Effective April 1, 1996, the amount of the allowance otherwise payable to a person under the Act is increased by 2 per cent.

Same

(2)  On January 1 every year, beginning with 1997, the amount of the allowance otherwise payable to a person under the Act is increased by the lesser of,

(a) 2 per cent; and

(b) the increase in the average Consumer Price Index for the year.

Annual inflation rate over 2 per cent

(3)  If the increase in the average Consumer Price Index from one year to the next is greater than 2 per cent, the increase shall be deemed to be 2 per cent for the purposes of clause (2) (b). The amount in excess of 2 per cent shall be carried forward and attributed to a year in which the increase is less than 2 per cent (to the extent necessary to increase the average CPI for that year to 2 per cent).

Definition

(4)  For the purposes of this section,

“average Consumer Price Index” means the average Consumer Price Index as defined in subsection 8500 (1) of the *Income Tax Regulations* (Canada).

Discretionary increase

**25.1** (1)  Before June 8, 1995, the Speaker may, by order, provide for the payment of supplementary benefits to persons receiving allowances under the Act.  The Speaker may do this only with the approval of the Board of Internal Economy.

Same

(2)  The order may set out the classes of persons entitled to be paid the supplementary benefits, the amounts of the benefits and the times at which they may be paid.

Status of supplementary benefits

(3)  A person who is paid supplementary benefits is entitled to continue to receive them while the person is being paid an allowance under the Act.  They shall be deemed to form part of the allowance which the person is paid under the Act.

Purchase of annuity

**25.2** (1)  The Minister of Finance may purchase an annuity contract to provide for payment of an allowance to which a person is entitled under the Act.

Same

(2)  The annuity provided by an annuity contract must be subject to the same terms and conditions as the allowance to which it relates.

Discharge of rights

(3)  The purchase of the annuity contract discharges the rights under the Act of the person and of any other person in respect of that person.

Authorized company

(4)  The annuity contract must be purchased from a company authorized under the laws of Canada or a province to carry on an annuities business in Canada. 1996, c. 6, Sched. A, s. 50.

Conversion report

**51** (1)  The Minister of Finance shall ensure that an actuary other than the plan actuary prepares a report on the conversion of the pension plan established under the *Legislative Assembly Retirement Allowances Act* into the plan described in this Act.

Contents

(2)  The report must contain the information required under the *Pension Benefits Act*, with necessary modifications, for conversion reports.

Approval

(3)  The Minister and the Speaker shall not implement the conversion until the Minister has approved the conversion report. 1996, c. 6, Sched. A, s. 51.

**52** Omitted (provides for coming into force of provisions of this Act). 1996, c. 6, Sched. A, s. 52.

**53** Omitted (enacts short title of this Act). 1996, c. 6, Sched. A, s. 53.

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