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Pension Benefits Act

R.S.O. 1990, Chapter P.8

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Z.1](http://www.ontario.ca/laws/statute/S06033#schedzs3s2); [2007, c. 7, Sched. 31](http://www.ontario.ca/laws/statute/S07007#sched31s1s1); [2009, c. 11, s. 41-50](http://www.ontario.ca/laws/statute/S09011#s41s1); [2009, c. 18, Sched. 24](http://www.ontario.ca/laws/statute/S09018#sched24s1s1) (but see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](https://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006)); [2010, c. 1, Sched. 23](http://www.ontario.ca/laws/statute/S10001#sched23s1s1); [2010, c. 9](http://www.ontario.ca/laws/statute/S10009#s1s1) (but see [2010, c. 24, s. 48](http://www.ontario.ca/laws/statute/S10024#s48s1), [2015, c. 20, Sched. 34, s. 7](http://www.ontario.ca/laws/statute/S15020#sched34s7), [2016, c. 5, Sched. 22, s. 4](http://www.ontario.ca/laws/statute/S16005#sched22s4), [2020, c. 36, Sched. 37, s. 25](http://www.ontario.ca/laws/statute/S20036#sched37s25) and [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](https://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006)); [2010, c. 24](http://www.ontario.ca/laws/statute/S10024#s1s1) (but see [2019, c. 7, Sched. 48, s. 6](http://www.ontario.ca/laws/statute/S19007#sched48s6s1), [2020, c. 36, Sched. 37, s. 24](http://www.ontario.ca/laws/statute/S20036#sched37s24) and [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](https://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006)); [2010, c. 26, Sched. 15](http://www.ontario.ca/laws/statute/S10026#sched15s1s1) (but see [2011, c. 9, Sched. 35, s. 13](http://www.ontario.ca/laws/statute/S11009#sched35s13)); [2011, c. 9, Sched. 35](http://www.ontario.ca/laws/statute/S11009#sched35s1s1) (but see [2012, c. 8, Sched. 44, s. 10](http://www.ontario.ca/laws/statute/S12008#sched44s10)); [2012, c. 8, Sched. 44](http://www.ontario.ca/laws/statute/S12008#sched44s1); [2013, c. 2, Sched. 11](http://www.ontario.ca/laws/statute/S13002#sched11s1s1); [2014, c. 7, Sched. 26](http://www.ontario.ca/laws/statute/S14007#sched26s1s1) (but see [2019, c. 15, Sched. 29, s. 4](http://www.ontario.ca/laws/statute/S19015#sched29s4)); [2015, c. 9, s. 31](http://www.ontario.ca/laws/statute/S15009#s31s1); [2015, c. 20, Sched. 34](http://www.ontario.ca/laws/statute/S15020#sched34s1) (but see [2018, c. 8, Sched. 23, s. 25](http://www.ontario.ca/laws/statute/S18008#sched23s25)); [2015, c. 38, Sched. 17](http://www.ontario.ca/laws/statute/S15038#sched17s1); [2016, c. 5, Sched. 22](http://www.ontario.ca/laws/statute/S16005#sched22s1); [2016, c. 17, s. 96](http://www.ontario.ca/laws/statute/S16017#s96) (but see [2016, c. 37, Sched. 18, s. 5](http://www.ontario.ca/fr/lois/loi/S16037#sched18s5)); [2016, c. 23, s. 63](http://www.ontario.ca/laws/statute/S16023#s63); [2016, c. 37, Sched. 19](http://www.ontario.ca/fr/lois/loi/S16037#sched19s1s1); [2017, c. 8, Sched. 27, s. 1-20](http://www.ontario.ca/laws/statute/S17008#sched27s1) (but see [2018, c. 17, Sched. 33, s. 1 (1)](http://www.ontario.ca/laws/statute/S18017#sched33s1s1)); [2017, c. 14, Sched. 4, s. 26](http://www.ontario.ca/laws/statute/S17014#sched4s26); [2017, c. 34, Sched. 17, s. 25](http://www.ontario.ca/laws/statute/S17034#sched17s25); [2017, c. 34, Sched. 33](http://www.ontario.ca/laws/statute/S17034#sched33s1s1) (but see [2018, c. 8, Sched. 23, s. 26](http://www.ontario.ca/laws/statute/S18008#sched23s26); [2020, c. 36, Sched. 37, s. 26](http://www.ontario.ca/laws/statute/S20036#sched37s26); [2022, c. 23, Sched.7, s. 2](http://www.ontario.ca/laws/statute/S22023#sched7s2) and [2024, c. 12, Sched. 8, s. 9](http://www.ontario.ca/laws/statute/S24012#sched8s9)); [2018, c. 8, Sched. 23](http://www.ontario.ca/laws/statute/S18008#sched23s1); [CTS 04 SE 18 - 3](https://www.ontario.ca/laws/consolidated-statutes-change-notices); [CTS 07 DE 18 - 1](https://www.ontario.ca/laws/consolidated-statutes-change-notices); [2018, c. 17, Sched. 33](http://www.ontario.ca/laws/statute/S18017#sched33s1s1); [2019, c. 4, Sched. 6](http://www.ontario.ca/laws/statute/S19004#sched6s1); [2019, c. 5, Sched. 3, s. 16](http://www.ontario.ca/laws/statute/S19005#sched3s16); [2019, c. 7, Sched. 48](http://www.ontario.ca/laws/statute/S19007#sched48s1s1); [2019, c. 14, Sched. 9, s. 22-40](http://www.ontario.ca/laws/statute/S19014#sched9s22); [2019, c. 15, Sched. 29](http://www.ontario.ca/laws/statute/S19015#sched29s1) (but see [2020, c. 36, Sched. 37, s. 27](http://www.ontario.ca/laws/statute/S20036#sched37s27)); [2020, c. 7, Sched. 15, s. 2](http://www.ontario.ca/laws/statute/S20007#sched15s2); [2020, c. 34, Sched. 18](http://www.ontario.ca/laws/statute/S20034#sched18s1); [2020, c. 36, Sched. 14, s. 12](http://www.ontario.ca/laws/statute/S20036#sched14s12s1); [2020, c. 36, Sched. 37](http://www.ontario.ca/laws/statute/S20036#sched37s1s1) (but see [2024, c. 12, Sched. 8, s. 8](http://www.ontario.ca/laws/statute/S24012#sched8s8)); [2022, c. 23, Sched. 7](http://www.ontario.ca/laws/statute/S22023#sched7s1s1) (but see [2024, c. 12, Sched. 8, s. 7](http://www.ontario.ca/laws/statute/S24012#sched8s7)); [2023, c. 9, Sched. 27](http://www.ontario.ca/laws/statute/S23009#sched27s1s1); [2024, c. 2, Sched. 17, s. 3](http://www.ontario.ca/laws/statute/S24002#sched17s3); [2024, c. 12, Sched. 8](http://www.ontario.ca/laws/statute/S24012#sched8s1s1).

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1. Interpretation
2. Definitions

**1** (1)  In this Act,

“additional voluntary contribution” means a contribution to the pension fund by a member of the pension plan beyond any amount that the member is required to contribute, but does not include a contribution in relation to which the employer is required to make a concurrent additional contribution to the pension fund; (“cotisation facultative supplémentaire”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “additional voluntary contribution” in subsection 1 (1) of the Act is repealed and the following substituted: (See: 2020, c. 36, Sched. 37, s. 1 (1))

“additional voluntary contribution” means a contribution to the pension fund by a member of the pension plan beyond any amount that the member is required to contribute, but does not include,

(a) an optional contribution, or

(b) a contribution in relation to which the employer is required to make a concurrent additional contribution to the pension fund; (“cotisation facultative supplémentaire”)

“administrator” means the person or persons that administer the pension plan; (“administrateur”)

“assets”, in relation to an employer, means assets that in the ordinary course of business would be entered in books of account, whether or not a particular asset is entered in the books of account of the employer; (“actif”)

“Authority” means the Financial Services Regulatory Authority of Ontario continued under subsection 2 (1) of the Financial Services Regulatory Authority of Ontario Act, 2016; (“Autorité”)

“Authority rule” means a rule made under subsection 115.1 (1); (“règle de l’Autorité”)

“bridging benefit” means a periodic payment provided under a pension plan to a retired member of the pension plan for a temporary period of time for the purpose of supplementing his or her pension benefit until he or she is eligible to receive benefits under the *Old Age Security Act* (Canada) or is either eligible for or begins to receive retirement benefits under the *Canada Pension Plan* or the *Quebec Pension Plan*; (“prestation de raccordement”)

“certified copy” means a copy certified to be a true copy; (“copie certifiée conforme”)

“Chief Executive Officer” means the Chief Executive Officer appointed under subsection 10 (2) of the Financial Services Regulatory Authority of Ontario Act, 2016; (“directeur général”)

“collective agreement” has the same meaning as in the Labour Relations Act, 1995; (“convention collective”)

“Commission” means the former Financial Services Commission of Ontario that was established under the repealed Financial Services Commission of Ontario Act, 1997; (“Commission”)

“commuted value” means the value calculated in the prescribed manner and as of a fixed date of a pension, a deferred pension, a pension benefit or an ancillary benefit; (“valeur de rachat”)

“continuous”, in relation to employment, membership or service, means without regard to periods of temporary suspension of the employment, membership or service and without regard to periods of lay-off from employment; (“continu”)

“contributory benefit” means a pension benefit or part of a pension benefit to which a member is required to make contributions under the terms of the pension plan; (“prestation contributive”)

“deferred pension” means a pension benefit, payment of which is deferred until the person entitled to the pension benefit reaches the normal retirement date under the pension plan; (“pension différée”)

“defined benefit” means a pension benefit other than a defined contribution benefit or a target benefit; (“prestation déterminée”)

“defined contribution benefit” means a pension benefit determined with reference to and provided by contributions, and the interest on the contributions, paid by or for the credit of a member and determined on an individual account basis; (“prestation à cotisation déterminée”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “defined contribution benefit” in subsection 1 (1) of the Act is repealed and the following substituted: (See: 2020, c. 36, Sched. 37, s. 1 (3))

“defined contribution benefit” means a pension benefit determined with reference to and provided by contributions paid by or for the credit of a member, and the interest on the contributions, and determined on an individual account basis, but does not include an optional benefit; (“prestation à cotisation determinée”)

“designated jurisdiction” means any jurisdiction in Canada, including Canada itself, that is prescribed as a jurisdiction in which there is in force legislation substantially similar to this Act; (“autorité législative désignée”)

“designated multi-jurisdictional pension plan” means a pension plan to which this Act applies and to which the pension benefits legislation of one or more designated jurisdictions also applies; (“régime de retraite à lois d’application multiples désigné”)

“domestic contract” means a domestic contract as defined in Part IV of the Family Law Act; (“contrat familial”)

“employee” means a natural person who is employed by an employer; (“employé”)

“employer” means, in relation to a member, former member or retired member of a pension plan, the person or persons from whom or the organization from which the member, former member or retired member receives or received remuneration to which the pension plan is related, and “employed” and “employment” have a corresponding meaning; (“employeur”, “employé”, “emploi”)

“family arbitration award” means a family arbitration award made under the Arbitration Act, 1991; (“sentence d’arbitrage familial”)

“file” means file with the Chief Executive Officer; (“déposer”)

“former member” means an individual who satisfies the criteria set out in section 1.1 to be a former member; (“ancien participant”)

“going concern unfunded liability” means, with respect to a pension plan, a going concern unfunded liability as determined in accordance with the prescribed requirements; (“passif à long terme non capitalisé”)

“Guarantee Fund” means the Pension Benefits Guarantee Fund continued by this Act; (“Fonds de garantie”)

“insurance company” means a corporation authorized to undertake life insurance in Canada; (“compagnie d’assurance”)

“joint and survivor pension” means a pension payable during the joint lives of the person entitled to the pension and his or her spouse and thereafter during the life of the survivor of them; (“pension réversible”)

“jointly sponsored pension plan” means a pension plan described in subsection (2) and includes such other pension plans as may be prescribed; (“régime de retraite conjoint”)

“member” means a member of the pension plan; (“participant”)

“Minister” means the member of the Executive Council designated by the Lieutenant Governor in Council for the purposes of this Act; (“ministre”)

“multi-employer pension plan” means a pension plan described in subsection (3); (“régime de retraite interentreprises”)

“normal cost” means, with respect to a pension plan, the normal cost as determined in accordance with the regulations; (“coût normal”)

“normal retirement date” means the date or age specified in the pension plan as the normal retirement date of members; (“date normale de retraite”)

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 1 (1) of the Act is amended by adding the following definitions: (See: 2020, c. 36, Sched. 37, s. 1 (4))

“optional benefit” means a benefit that is prescribed for the purposes of subsection 40.1 (1) as an optional benefit; (“prestation optionnelle”)

“optional contribution” means a contribution to the pension fund that is made to obtain an optional benefit under the pension plan and that is made by a member of the pension plan beyond any amount that the member is required to make; (“cotisation optionnelle”)

“partial wind up” means the termination of part of a pension plan and the distribution of the assets of the pension fund related to that part of the pension plan; (“liquidation partielle”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “partial wind up” in subsection 1 (1) of the Act is repealed. (See: 2020, c. 36, Sched. 37, s. 1 (5))

“participating employer”, in relation to a jointly sponsored pension plan or a multi-employer pension plan, means an employer required to make contributions to the pension fund; (“employeur participant”)

“pension” means a pension benefit that is in payment; (“pension”)

“pension benefit” means the aggregate monthly, annual or other periodic amounts payable to a member, former member or retired member during his or her lifetime to which he or she will become entitled under the pension plan or to which, upon his or her death, any other person will become entitled; (“prestation de retraite”)

“pension committee” means a committee that is the administrator of a pension plan; (“comité de retraite”)

“pension fund” means the fund maintained to provide benefits under or related to the pension plan; (“caisse de retraite”)

“pension plan” means a plan organized and administered to provide pensions for employees, but does not include,

(a) an employees’ profit sharing plan or a deferred profit sharing plan as defined in sections 144 and 147 of the Income Tax Act (Canada),

(a.1) a pooled registered pension plan registered under the Pooled Registered Pension Plans Act, 2015,

(b) a plan to provide a retiring allowance as defined in subsection 248 (1) of the Income Tax Act (Canada),

(c) a plan under which all pension benefits are provided by contributions made by members, or

(d) any other prescribed type of plan; (“régime de retraite”)

“prescribed” means,

(a) prescribed by the regulations, or

(b) subject to section 115.2, in respect of matters listed in subsection 115.1 (1), prescribed by the Authority rules; (“prescrit”)

“provision for adverse deviations” means, with respect to a pension plan, the provision for adverse deviations as determined in accordance with the regulations; (“provision pour écarts défavorables”)

“public sector pension plan” means a pension plan described in subsection (5) and includes such other pension plans as may be prescribed; (“régime de retraite du secteur public”)

“qualification date” means,

(a) in respect of Ontario, January 1, 1965, and

(b) in respect of a designated jurisdiction, the date on which, under the pension benefits legislation of that jurisdiction, a pension plan must be registered by the proper authority in that jurisdiction; (“date d’habilitation”)

“reciprocal transfer agreement” means an agreement related to two or more pension plans that provides for the transfer of money or credits for employment or both in respect of individual members; (“accord réciproque de transfert”)

“reduced solvency deficiency” means, with respect to a pension plan, a reduced solvency deficiency as determined in accordance with the prescribed requirements; (“déficit de solvabilité réduit”)

“registered retirement savings arrangement” means a registered retirement savings plan established in accordance with the Income Tax Act (Canada) or a registered retirement income fund established in accordance with that Act; (“arrangement enregistré d’épargne-retraite”)

“registration” means registration under this Act; (“enregistrement”)

“regulations” means regulations made under this Act; (“règlements”)

“retired member” means an individual who satisfies the criteria set out in section 1.1 to be a retired member; (“participant retraité”)

“solvency deficiency” means, with respect to a pension plan, a solvency deficiency as determined in accordance with the prescribed requirements; (“déficit de solvabilité”)

“solvency liabilities” means, with respect to a pension plan, solvency liabilities as determined in accordance with the regulations; (“passif de solvabilité”)

“specified beneficiary” means a spouse of a retired member who is designated as a specified beneficiary for the purposes of subsection 8506 (8) of the Income Tax Regulations (Canada); (“bénéficiaire déterminé”)

“spouse” means, except where otherwise indicated in this Act, either of two persons who,

(a) are married to each other, or

(b) are not married to each other and are living together in a conjugal relationship,

(i) continuously for a period of not less than three years, or

(ii) 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”)

“Superintendent” means the former position of Superintendent of Financial Services under the repealed Financial Services Commission of Ontario Act, 1997; (“surintendant”)

“surplus” means the excess of the value of the assets of a pension fund related to a pension plan over the value of the liabilities under the pension plan, both calculated in the prescribed manner; (“excédent”)

“target benefit” means a pension benefit or ancillary benefit that is a target benefit as determined under section 39.2; (“prestation cible”)

“termination”, in relation to employment, includes retirement and death; (“cessation”)

“trade union” has the same meaning as in the Labour Relations Act, 1995; (“syndicat”)

“Tribunal” means the Financial Services Tribunal continued under the Financial Services Tribunal Act, 2017; (“Tribunal”)

“variable benefit account” means an account under the defined contribution provision of a pension plan that is used, or is to be used, for the payment of variable benefits to a retired member or a specified beneficiary of a retired member; (“compte de prestations variables”)

“variable benefits” means variable benefits for the purposes of the Income Tax Act (Canada); (“prestations variables”)

“wind up” means the termination of a pension plan and the distribution of the assets of the pension fund; (“liquidation”)

“Year’s Maximum Pensionable Earnings” has the same meaning as in the Canada Pension Plan. (“maximum des gains annuels ouvrant droit à pension”) R.S.O. 1990, c. P.8, s. 1; 1997, c. 28, s. 190; 1999, c. 6, s. 53 (1, 2); 2004, c. 31, Sched. 31, s. 1; 2005, c. 5, s. 56 (1-6); 2005, c. 31, Sched. 18, s. 1 (1); 2007, c. 7, Sched. 31, s. 1 (1); 2009, c. 11, s. 41; 2010, c. 1, Sched. 23, s. 1; 2010, c. 9, s. 1 (1-3, 5-7); 2010, c. 24, s. 1 (4, 6, 7); 2012, c. 8, Sched. 44, s. 1; 2014, c. 7, Sched. 26, s. 1 (1); 2015, c. 9, s. 31 (1); 2016, c. 23, s. 63; 2017, c. 8, Sched. 27, s. 1; 2017, c. 34, Sched. 17, s. 25; 2017, c. 34, Sched. 33, s. 1 (2-4); 2018, c. 8, Sched. 23, s. 1, 23, 26; 2018, c. 17, Sched. 33, s. 1; 2020, c. 36, Sched. 14, s. 12 (1); 2020, c. 36, Sched. 37, s. 1 (2, 6).

1. Jointly sponsored pension plans

(2)  For the purposes of this Act, a pension plan is a jointly sponsored pension plan if it has the following characteristics:

1. It provides defined benefits.

2. The defined benefits are contributory benefits.

3. Members of the pension plan are required, by virtue of the documents that create and support the plan, to make contributions in respect of any going concern unfunded liability and reduced solvency deficiency of the plan.

4. The plan satisfies such additional criteria as may be prescribed. 2005, c. 31, Sched. 18, s. 1 (2); 2017, c. 34, Sched. 33, s. 1 (6).

1. Same, reduced funding obligations

(2.1)  A pension plan that is a jointly sponsored pension plan on August 24, 2010 continues to be a jointly sponsored pension plan after that date even if the documents that create and support the plan are amended so that its members are not required to make contributions in respect of any reduced solvency deficiency of the plan. 2010, c. 24, s. 1 (9); 2017, c. 34, Sched. 33, s. 1 (7).

1. Multi-employer pension plans

(3)  For the purposes of this Act, a pension plan is a multi-employer pension plan if it is established and maintained for employees of two or more employers who contribute, or on whose behalf contributions are made, to a pension fund by reason of agreement, statute or municipal by-law to provide a pension benefit that is determined by service with one or more of the employers. 2007, c. 7, Sched. 31, s. 1 (2).

1. Exceptions

(4)  Despite subsection (3), a pension plan is not a multi-employer pension plan for the purposes of this Act,

(a) if all of the employers who contribute, or on whose behalf contributions are made, to the pension fund are affiliates within the meaning of the Business Corporations Act or the Not-for-Profit Corporations Act, 2010; or

(b) if the regulations specify that the pension plan is not a multi-employer pension plan. 2007, c. 7, Sched. 31, s. 1 (2); 2019, c. 7, Sched. 48, s. 1 (1, 2).

(4.1)-(4.3)  Repealed: 2019, c. 7, Sched. 48, s. 1 (4).

1. Public sector pension plans

(5)  For the purposes of this Act, a pension plan is a public sector pension plan if it is provided in respect of any of the following employers:

1. The Crown in right of Ontario.

2. A Crown agency or a corporation, with or without share capital, that is not a Crown agency but is owned, operated or controlled by the Crown.

3. Any board, commission, authority or unincorporated body of the Crown.

4. A district school board as defined in subsection 1 (1) of the Education Act.

5. A person or entity that is a health service provider for the purposes of the Connecting Care Act, 2019.

6. A college of applied arts and technology established under the Ontario Colleges of Applied Arts and Technology Act, 2002.

7. A university in Ontario, including its affiliated and federated colleges, that receives operating grants from the Government of Ontario.

8. A municipality as defined in section 1 of the Municipal Act, 2001.

9. A children’s aid society that is designated in accordance with the Child, Youth and Family Services Act, 2017. 2014, c. 7, Sched. 26, s. 1 (2); 2017, c. 14, Sched. 4, s. 26; 2019, c. 5, Sched. 3, s. 16.

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

1997, c. 28, s. 190 (1, 2) - 01/07/1998; 1999, c. 6, s. 53 (1, 2) - 01/03/2000

[2004, c. 31, Sched. 31, s. 1 (1, 2)](http://www.ontario.ca/laws/statute/S04031#sched31s1s1) - 16/12/2004

[2005, c. 5, s. 56 (1-6)](http://www.ontario.ca/laws/statute/S05005#s56s1) - 13/06/2005; [2005, c. 31, Sched. 18, s. 1 (1, 2)](http://www.ontario.ca/laws/statute/S05031#sched18s1s1) - 31/12/2004

[2007, c. 7, Sched. 31, s. 1 (1, 2)](http://www.ontario.ca/laws/statute/S07007#sched31s1s1) - 17/05/2007

[2009, c. 11, s. 41 (1-3)](http://www.ontario.ca/laws/statute/S09011#s41s1) - 01/01/2012

[2010, c. 1, Sched. 23, s. 1 (1-4)](http://www.ontario.ca/laws/statute/S10001#sched23s1s1) - 01/10/2010; [2010, c. 9, s. 1 (1-3, 5, 7), 2](http://www.ontario.ca/laws/statute/S10009#s1s1) - 01/07/2012; [2010, c. 9, s. 1 (4)](http://www.ontario.ca/laws/statute/S10009#s1s4) - no effect - see [2020, c. 36, Sched. 37, s. 25](http://www.ontario.ca/laws/statute/S20036#sched37s25) - 08/12/2020; [2010, c. 9, s. 1 (6)](http://www.ontario.ca/laws/statute/S10009#s1s6) - 18/05/2010; [2010, c. 24, s. 1 (1-3, 5, 8)](http://www.ontario.ca/laws/statute/S10024#s1s1) - no effect - see [2020, c. 36, Sched. 37, s. 24](http://www.ontario.ca/laws/statute/S20036#sched37s24) - 08/12/2020; [2010, c. 24, s. 1 (4, 6, 7)](http://www.ontario.ca/laws/statute/S10024#s1s4) - 08/12/2010; [2010, c. 24, s. 1 (9)](http://www.ontario.ca/laws/statute/S10024#s1s9) - 01/06/2011; [2010, c. 24, s. 1 (10)](http://www.ontario.ca/laws/statute/S10024#s1s10) - no effect - see [2019, c. 7, Sched. 48, s. 6 (1, 2)](http://www.ontario.ca/laws/statute/S19007#sched48s6s1) - 29/05/2019

[2012, c. 8, Sched. 44, s. 1](http://www.ontario.ca/laws/statute/S12008#sched44s1) - 20/06/2012

[2014, c. 7, Sched. 26, s. 1 (1, 2)](http://www.ontario.ca/laws/statute/S14007#sched26s1s1) - 01/11/2015

[2015, c. 9, s. 31 (1)](http://www.ontario.ca/laws/statute/S15009#s31s1) - 8/11/2016

[2016, c. 17, s. 96](http://www.ontario.ca/laws/statute/S16017#s96) - no effect - see [2016, c. 37, Sched. 18, s. 5](http://www.ontario.ca/fr/lois/loi/S16037#sched18s5) - 8/12/2016; [2016, c. 23, s. 63](http://www.ontario.ca/laws/statute/S16023#s63) - 1/01/2017

[2017, c. 8, Sched. 27, s. 1](http://www.ontario.ca/laws/statute/S17008#sched27s1) - 01/01/2020; [2017, c. 14, Sched. 4, s. 26](http://www.ontario.ca/laws/statute/S17014#sched4s26) - 30/04/2018; [2017, c. 34, Sched. 17, s. 25](http://www.ontario.ca/laws/statute/S17034#sched17s25) - 01/04/2019; [2017, c. 34, Sched. 33, s. 1 (1)](http://www.ontario.ca/laws/statute/S17034#sched33s1s1) - no effect - see [2018, c. 8, Sched. 23, s. 26](http://www.ontario.ca/laws/statute/S18008#sched23s26) - 08/05/2018; [2017, c. 34, Sched. 33, s. 1 (2)](http://www.ontario.ca/laws/statute/S17034#sched33s1s2) - 08/06/2019; [2017, c. 34, Sched. 33, s. 1 (3, 4, 6, 7)](http://www.ontario.ca/laws/statute/S17034#sched33s1s3) - 01/05/2018; [2017, c. 34, Sched. 33, s. 1 (5)](http://www.ontario.ca/laws/statute/S17034#sched33s1s5) - no effect - see [2020, c. 36, Sched. 37, s. 26](http://www.ontario.ca/laws/statute/S20036#sched37s26) - 08/12/2020

[2018, c. 8, Sched. 23, s. 1, 23](http://www.ontario.ca/laws/statute/S18008#sched23s1) - 08/06/2019; [2018, c. 8, Sched. 23, s. 26](http://www.ontario.ca/laws/statute/S18008#sched23s26) - 08/05/2018; [CTS 04 SE 18 - 3](https://www.ontario.ca/laws/consolidated-statutes-change-notices); [2018, c. 17, Sched. 33, s. 1 (1)](http://www.ontario.ca/laws/statute/S18017#sched33s1s1) - 06/12/2018; [2018, c. 17, Sched. 33, s. 1 (2)](http://www.ontario.ca/laws/statute/S18017#sched33s1s2) - 01/01/2020

[2019, c. 5, Sched. 3, s. 16](http://www.ontario.ca/laws/statute/S19005#sched3s16) - 01/04/2021; [2019, c. 7, Sched. 48, s. 1 (1, 3)](http://www.ontario.ca/laws/statute/S19007#sched48s1s1) - 31/12/2019; [2019, c. 7, Sched. 48, s. 1 (2, 4)](http://www.ontario.ca/laws/statute/S19007#sched48s1s2) - 19/10/2021

[2020, c. 36, Sched. 14, s. 12 (1)](http://www.ontario.ca/laws/statute/S20036#sched14s12s1) - 08/12/2020; [2020, c. 36, Sched. 37, s. 1 (1, 3-5)](http://www.ontario.ca/laws/statute/S20036#sched37s1s1) - not in force; ; [2020, c. 36, Sched. 37, s. 1 (2, 6)](http://www.ontario.ca/laws/statute/S20036#sched37s1s2) - 01/01/2025

1. Retired members and former members
2. Retired member

**1.1**  (1)  For the purposes of this Act, an individual is a retired member of a pension plan if he or she has either terminated the employment that relates to the pension plan or has terminated membership in the pension plan and if one or more of the following criteria is also satisfied:

1. The individual is receiving a pension payable from the pension fund.

2. He or she is entitled to begin to receive a pension from the pension fund by virtue of having reached the normal retirement date under the pension plan, even though he or she has not yet elected to receive the pension.

3. He or she has elected, under subsection 41 (1), to receive an early retirement pension.

4. He or she has elected, under the terms of the pension plan, to begin payment of a pension payable from the pension fund, whether or not receipt of the first payment of the pension is deferred until a later date. 2010, c. 9, s. 2.

1. Former member

(2)  For the purposes of this Act, an individual is a former member of a pension plan if he or she has either terminated the employment that relates to the pension plan or has terminated membership in the pension plan and if either of the following criteria is also satisfied:

1. The individual is entitled to a deferred pension payable from the pension fund.

2. He or she is entitled to receive any other payment from the pension fund. 2010, c. 9, s. 2.

1. Exception

(3)  Despite subsection (2), if an individual is a retired member of a pension plan, the individual is not a former member of the pension plan. 2010, c. 9, s. 2.

1. Neither

(4)  An individual who was a member of a pension plan is neither a former member nor a retired member of the pension plan if either of the following criteria are satisfied:

1. The individual has transferred an amount equal to the commuted value of the individual’s pension or deferred pension under section 42 in connection with the pension plan.

2. The individual is not receiving a pension payable from the pension fund and the individual has transferred the entire amount of the individual’s variable benefit account under subsection 39.1 (4) in connection with the pension plan. 2015, c. 20, Sched. 34, s. 1; 2016, c. 37, Sched. 19, s. 1 (2).

(5)  Repealed: 2017, c. 8, Sched. 27, s. 2.

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

[2010, c. 9, s. 2](http://www.ontario.ca/laws/statute/S10009#s2) - 01/07/2012

[2015, c. 20, Sched. 34, s. 1](http://www.ontario.ca/laws/statute/S15020#sched34s1) - 01/01/2020

[2016, c. 37, Sched. 19, s. 1 (1)](http://www.ontario.ca/laws/statute/S16037#sched19s1s1) - 8/12/2016; [2016, c. 37, Sched. 19, s. 1 (2)](http://www.ontario.ca/laws/statute/S16037#sched19s1s2) - 01/01/2020

[2017, c. 8, Sched. 27, s. 2](http://www.ontario.ca/laws/statute/S17008#sched27s2) - 01/01/2020

Application

1. Crown bound

**2** This Act binds the Crown. R.S.O. 1990, c. P.8, s. 2.

1. Employees in Ontario

**3** This Act applies to every pension plan that is provided for persons employed in Ontario. R.S.O. 1990, c. P.8, s. 3.

1. Place of employment

**4** (1)  For the purposes of this Act, a person shall be deemed to be employed in the province in which the establishment of his or her employer is located and to which the person is required to report for work.

1. Idem

(2)  A person who is not required to report for work at an establishment of his or her employer shall be deemed to be employed in the province in which is located the establishment of his or her employer from which the person’s remuneration is paid. R.S.O. 1990, c. P.8, s. 4.

1. Greater pension benefits

**5** The requirements of this Act and the regulations shall not be construed to prevent the registration or administration of a pension plan and related pension fund that provide pension benefits or ancillary benefits more advantageous to members than those required by this Act and the regulations. R.S.O. 1990, c. P.8, s. 5.

1. Designated multi-jurisdictional pension plans

**5.1**  (1)  This section applies with respect to a designated multi-jurisdictional pension plan if there is an agreement under section 100 between the Crown and any designated jurisdiction whose pension benefits legislation applies to the pension plan. 2010, c. 1, Sched. 23, s. 2 (1).

1. Effect of agreement

(2)  Without limiting the generality of section 101, the agreement governs the manner and extent to which this Act and the regulations apply with respect to the designated multi-jurisdictional pension plan. 2010, c. 1, Sched. 23, s. 2 (1).

1. Duty of administrator

(3)  The administrator of the designated multi-jurisdictional pension plan shall comply with the requirements in the agreement that apply with respect to the pension plan and with any requirements imposed under the authority of the agreement. 2010, c. 1, Sched. 23, s. 2 (1).

1. Duty of employer

(4)  An employer or person required to make contributions to a designated multi-jurisdictional pension plan on the employer’s behalf shall comply with the requirements in the agreement that apply with respect to the pension plan and with any requirements imposed under the authority of the agreement. 2010, c. 1, Sched. 23, s. 2 (1).

1. Entitlement of members, etc.

(5)  The amount of the pension benefits, deferred pension, pension or ancillary benefits or any other amount payable under a designated multi-jurisdictional pension plan in relation to a member, former member or retired member is determined in accordance with such requirements as may be contained in the agreement. 2010, c. 1, Sched. 23, s. 2.

1. Pension plan documents

(6)  This section applies despite any documents that create and support a designated multi-jurisdictional pension plan and the pension fund. 2010, c. 1, Sched. 23, s. 2 (1).

1. Trusts

(7)  This section applies despite any trust that may exist in favour of any person. 2010, c. 1, Sched. 23, s. 2 (1).

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

[2010, c. 1, Sched. 23, s. 2 (1)](http://www.ontario.ca/laws/statute/S10001#sched23s2s1) - 01/10/2010; [2010, c. 1, Sched. 23, s. 2 (2)](http://www.ontario.ca/laws/statute/S10001#sched23s2s2) - 01/07/2012

Registration and Administration

1. Prohibition of administration of unregistered pension plan

**6** (1)  No person shall administer a pension plan unless a certificate of registration or an acknowledgment of application for registration of the pension plan has been issued by the Chief Executive Officer. R.S.O. 1990, c. P.8, s. 6 (1); 2018, c. 8, Sched. 23, s. 23.

1. Application of subs. (1)

(2)  Subsection (1) does not apply to prevent administration during the first ninety days after the establishment of the pension plan. R.S.O. 1990, c. P.8, s. 6 (2).

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

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Refusal or revocation

**7** (1)  No person shall administer a pension plan if registration of the pension plan has been refused or revoked by the Chief Executive Officer. R.S.O. 1990, c. P.8, s. 7 (1); 2018, c. 8, Sched. 23, s. 23.

1. Exception

(2)  Subsection (1) does not apply to prevent administration for the purpose of wind up of a pension plan. R.S.O. 1990, c. P.8, s. 7 (2).

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

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Administrator
2. Requirement

**8** (0.1)  A pension plan must be administered by a person or entity described in subsection (1). 2010, c. 9, s. 3 (1).

1. Prohibition

(0.2)  No person or entity other than a person or entity described in subsection (1) shall administer a pension plan. 2010, c. 9, s. 3 (1).

1. Administrator

(1)  A pension plan is not eligible for registration unless it is administered by an administrator who is,

(a) the employer or, if there is more than one employer, one or more of the employers;

(b) a pension committee that is composed of,

(i) representatives of members of the pension plan, or

(ii) one or more representatives of the employer or employers, or any person, other than the employer or employers, required to make contributions under the pension plan and one or more representatives of the members of the pension plan;

(c) if the pension plan is a single employer jointly sponsored pension plan,

(i) any person, body or entity referred to clause (b), (f) or (h), or

(ii) a board of trustees appointed pursuant to the pension plan or a trust agreement establishing the pension plan of whom one-half are representatives of the employer or employers and one-half are representatives of the members of the pension plan;

(d) the insurance company that provides the pension benefits under the pension plan, if all the pension benefits under the pension plan are guaranteed by the insurance company;

(e) if the pension plan is a multi-employer pension plan established pursuant to a collective agreement or a trust agreement, a board of trustees appointed pursuant to the pension plan or a trust agreement establishing the pension plan of whom at least one-half are representatives of members of the multi-employer pension plan, and a majority of such representatives of the members shall be Canadian citizens or landed immigrants;

(f) a corporation, board, agency or commission made responsible by an Act of the Legislature for the administration of the pension plan;

(g) a person appointed as administrator by the Chief Executive Officer;

(g.1) the Chief Executive Officer; or

(h) such other person or entity as may be prescribed. R.S.O. 1990, c. P.8, s. 8 (1); 1999, c. 15, s. 1; 2005, c. 31, Sched. 18, s. 2; 2010, c. 24, s. 2 (1); 2018, c. 8, Sched. 23, s. 23; 2019, c. 14, Sched. 9, s. 22.

1. Appointment, etc., by Chief Executive Officer

(1.1)  The Chief Executive Officer may, in prescribed circumstances, appoint an administrator for a pension plan and may terminate the appointment if the Chief Executive Officer considers the termination reasonable in the circumstances. 2010, c. 24, s. 2 (2); 2018, c. 8, Sched. 23, s. 23.

1. Chief Executive Officer as administrator

(1.2)  The Chief Executive Officer may, in prescribed circumstances, act as administrator of a pension plan. 2010, c. 24, s. 2 (2); 2018, c. 8, Sched. 23, s. 23.

1. Additional representatives

(2)  A pension committee, or a board of trustees, that is the administrator of a pension plan may include one or more representatives of retired members. 2010, c. 9, s. 3 (2).

1. Interpretation

(3)  For the purposes of clause (1) (b), “employer” includes the following persons and entities:

1. Affiliates within the meaning of the Business Corporations Act of the employer.

2. Such other persons or entities, or classes of persons or entities, as may be prescribed. 2007, c. 7, Sched. 31, s. 2.

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

1999, c. 15, s. 1 (1, 2) - 03/03/2000

[2005, c. 31, Sched. 18, s. 2 (1)](http://www.ontario.ca/laws/statute/S05031#sched18s2s1) - 30/04/2006; [2005, c. 31, Sched. 18, s. 2 (2)](http://www.ontario.ca/laws/statute/S05031#sched18s2s2) - 31/12/2004

[2007, c. 7, Sched. 31, s. 2](http://www.ontario.ca/laws/statute/S07007#sched31s2) - 17/05/2007

[2010, c. 9, s. 3 (1)](http://www.ontario.ca/laws/statute/S10009#s3s1) - 18/05/2010; [2010, c. 9, s. 3 (2)](http://www.ontario.ca/laws/statute/S10009#s3s2) - 01/07/2012; [2010, c. 24, s. 2 (1, 2)](http://www.ontario.ca/laws/statute/S10024#s2s1) - 1/01/2017

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

[2019, c. 14, Sched. 9, s. 22](http://www.ontario.ca/laws/statute/S19014#sched9s22) - 10/12/2019

1. Application for registration

**9** (1)  Within the prescribed period of time, the administrator of a pension plan shall apply to the Chief Executive Officer for registration of the pension plan. 1999, c. 15, s. 2; 2018, c. 8, Sched. 23, s. 23.

1. Requirements for registration

(2)  An application for registration shall be made by paying the fee established by the Minister and filing,

(a) a completed application in the form approved by the Chief Executive Officer;

(b) certified copies of the documents that create and support the pension plan;

(c) certified copies of the documents that create and support the pension fund;

(d) a certified copy of any reciprocal transfer agreement related to the pension plan;

(e) a certified copy of the explanations and other information provided under subsection 25 (1);

(e.1) a certification in a form approved by the Chief Executive Officer and signed by the applicant in which the applicant attests that the pension plan complies with this Act and regulations; and

(f) any other prescribed documents. R.S.O. 1990, c. P.8, s. 9 (2); 1997, c. 28, s. 191; 2018, c. 8, Sched. 23, s. 23.

1. Exception

(2.1)  The regulations may provide that the requirement to file a particular document listed in subsection (2) does not apply in specified circumstances or for prescribed classes of pension plans. 2010, c. 9, s. 4.

1. Collective agreement

(3)  For the purpose of subsection (2), “document” includes “collective agreement”. R.S.O. 1990, c. P.8, s. 9 (3).

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

1997, c. 28, s. 191 (1-3) - 01/01/1998; 1999, c. 15, s. 2 - 03/03/2000

[2010, c. 9, s. 4](http://www.ontario.ca/laws/statute/S10009#s4) - 18/05/2010

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Contents of pension plan

**10** (1)  The documents that create and support a pension plan shall set out the following information:

1. The method of appointment and the details of appointment of the administrator of the pension plan.

2. The conditions for membership in the pension plan.

3. The benefits and rights that are to accrue upon termination of employment, termination of membership, retirement or death.

4. The normal retirement date under the pension plan.

5. The requirements for entitlement under the pension plan to any pension benefit or ancillary benefit.

6. The contributions or the method of calculating the contributions required by the pension plan.

7. The method of determining benefits payable under the pension plan.

8. The method of calculating interest to be credited to contributions under the pension plan.

9. The mechanism for payment of the cost of administration of the pension plan and pension fund.

10. The mechanism for establishing and maintaining the pension fund.

11. The treatment of surplus during the continuation of the pension plan and on the wind up of the pension plan.

12. The obligation of the administrator to provide members with information and documents required to be disclosed under this Act, the regulations and the Authority rules.

13. The method of allocation of the assets of the pension plan on windup.

14. Particulars of any predecessor pension plan under which members of the pension plan may be entitled to pension benefits.

15. Any other prescribed information related to the pension plan or pension fund or both. R.S.O. 1990, c. P.8, s. 10 (1); 2017, c. 34, Sched. 33, s. 2 (1).

1. Collective agreements

(1.0.1)  For greater certainty, the documents that create and support a pension plan include a collective agreement if,

(a) the plan is established pursuant to the collective agreement;

(b) the collective agreement incorporates the plan by reference in whole or in part; or

(c) the terms of the plan are set out in whole or in part in the collective agreement. 2022, c. 23, Sched. 7, s. 1 (1).

1. Exception

(1.1)  The regulations may provide that the requirement to include specified information described in subsection (1) in the documents that create and support a pension plan does not apply in specified circumstances or for prescribed classes of pension plans. 2010, c. 9, s. 5 (1).

1. Multi-employer pension plan

(2)  The documents that create and support a multi-employer pension plan pursuant to a collective agreement or a trust agreement shall also set out the powers and duties of the board of trustees that is the administrator of the multi-employer pension plan. R.S.O. 1990, c. P.8, s. 10 (2); 2010, c. 9, s. 5 (2).

1. Same

(2.1)  The documents that create and support a multi-employer pension plan shall specify the consequences, if any, of the withdrawal of a participating employer from the pension plan in respect of the funding and payment of pension benefits of a member, a former member, a retired member or any other person affected by the withdrawal and must satisfy such requirements as may be imposed by this Act and the regulations. 2010, c. 24, s. 3 (1, 2).

1. Jointly sponsored pension plans

(3)  The documents that create and support a jointly sponsored pension plan shall also set out the following information:

1. The obligation of members to make contributions under the plan. This must include their obligations in respect of any going concern unfunded liability and, except in the case of plans described in subsection 1 (2.1), in respect of any reduced solvency deficiency.

2. The obligation of employers to make contributions under the plan or the obligation of other persons or entities to make the contributions under the plan on behalf of employers. This must include their obligations in respect of any going concern unfunded liability and, except in the case of plans described in subsection 1 (2.1), in respect of any reduced solvency deficiency.

3. The consequences, if any, of the withdrawal of a participating employer from the plan in respect of the funding and payment of pension benefits of a member, a former member, a retired member or any other person affected by the withdrawal. The consequences set out in the pension plan must satisfy such requirements as may be imposed by this Act and the regulations.

4. If a board of trustees is the administrator of a jointly sponsored pension plan, the powers and duties of the board. 2005, c. 31, Sched. 18, s. 3; 2010, c. 24, s. 3 (3-5); 2017, c. 34, Sched. 33, s. 2 (2, 3); 2019, c. 14, Sched. 9, s. 23.

1. Same

(4)  The documents that create and support a jointly sponsored pension plan may authorize a prescribed person or entity to establish or maintain a separate jointly sponsored pension plan for persons employed in less than full-time continuous employment. 2005, c. 31, Sched. 18, s. 3.

1. Plans that provide target benefits — written policies

(5)  The documents that create and support a pension plan that provides any target benefits shall also set out the pension plan’s funding and benefits policy, its governance policy and its communications policy. 2024, c. 12, Sched. 8, s. 1 (1).

1. Conversions by existing pension plans

(6)  If some or all of the benefits provided by a multi-employer pension plan that was registered before the day subsection 1 (1) of Schedule 8 to the Building a Better Ontario Act (Budget Measures), 2024 comes into force are converted to target benefits, the administrator of the pension plan shall, within the prescribed time, file with the Chief Executive Officer the pension plan’s funding and benefits policy, its governance policy and its communications policy. 2024, c. 12, Sched. 8, s. 1 (1).

1. Other conversions

(7)  If some or all of the benefits provided by a multi-employer pension plan that is registered on or after the day subsection 1 (1) of Schedule 8 to the Building a Better Ontario Act (Budget Measures), 2024 comes into force are converted to target benefits, the administrator of the pension plan shall, within the prescribed time, file with the Chief Executive Officer the pension plan’s funding and benefits policy, its governance policy and its communications policy. 2024, c. 12, Sched. 8, s. 1 (1).

1. Requirements

(8)  The policies referred to in subsection (5) must satisfy such requirements and contain such information as may be prescribed, and must be reviewed in accordance with the regulations. 2024, c. 12, Sched. 8, s. 1 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 10 (8) of the Act is repealed and the following substituted: (See: 2024, c. 12, Sched. 8, s. 1 (2))

Plans that do not provide target benefits — written policies

(8)  The documents that create and support a pension plan that does not provide any target benefits shall also set out the pension plan’s funding policy and its governance policy. 2024, c. 12, Sched. 8, s. 1 (2).

Same, existing pension plans

(9)  The administrator of a pension plan described in subsection (8) that applied for registration before the day subsection 1 (2) of Schedule 8 to the Building a Better Ontario Act (Budget Measures), 2024 comes into force shall, within the prescribed time, file with the Chief Executive Officer the pension plan’s funding policy and its governance policy. 2024, c. 12, Sched. 8, s. 1 (2).

Requirements

(10)  The policies referred to in subsections (5) and (8) must satisfy such requirements and contain such information as may be prescribed, and must be reviewed in accordance with the regulations. 2024, c. 12, Sched. 8, s. 1 (2).

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

[2005, c. 31, Sched. 18, s. 3](http://www.ontario.ca/laws/statute/S05031#sched18s3) - 31/12/2004

[2010, c. 9, s. 5 (1, 2)](http://www.ontario.ca/laws/statute/S10009#s5s1) - 18/05/2010; [2010, c. 24, s. 3 (1, 2, 4, 5)](http://www.ontario.ca/laws/statute/S10024#s3s1) - 01/07/2012; [2010, c. 24, s. 3 (3)](http://www.ontario.ca/laws/statute/S10024#s3s3) - 01/06/2011

[2017, c. 34, Sched. 33, s. 2 (1)](http://www.ontario.ca/laws/statute/S17034#sched33s2s1) - 08/06/2019; [2017, c. 34, Sched. 33, s. 2 (2, 3)](http://www.ontario.ca/laws/statute/S17034#sched33s2s2) - 01/05/2018; [2017, c. 34, Sched. 33, s. 2 (4)](http://www.ontario.ca/laws/statute/S17034#sched33s2s4) - no effect - see [2022, c. 23, Sched.7, s. 2](http://www.ontario.ca/laws/statute/S22023#sched7s2) - 08/12/2022

[2018, c. 8, Sched. 23, s. 2](http://www.ontario.ca/laws/statute/S18008#sched23s2) - 08/06/2019; [CTS 04 SE 18 - 3](https://www.ontario.ca/laws/consolidated-statutes-change-notices)

[2019, c. 14, Sched. 9, s. 23](http://www.ontario.ca/laws/statute/S19014#sched9s22) - 10/12/2019

[2022, c. 23, Sched. 7, s. 1 (1)](http://www.ontario.ca/laws/statute/S22023#sched7s1s1) - 01/01/2025; [2022, c. 23, Sched. 7, s. 1 (2, 3)](http://www.ontario.ca/laws/statute/S22023#sched7s1s2) - no effect - see [2024, c. 12, Sched. 8, s. 7](http://www.ontario.ca/laws/statute/S24012#sched8s7) - 16/05/2024

[2024, c. 12, Sched. 8, s. 1 (1)](http://www.ontario.ca/laws/statute/S24012#sched8s1s1) - 01/01/2025; [2024, c. 12, Sched. 8, s. 1 (2)](http://www.ontario.ca/laws/statute/S24012#sched8s1s2) - not in force

**11** Repealed: 2010, c. 9, s. 6.

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

[2010, c. 9, s. 6](http://www.ontario.ca/laws/statute/S10009#s6) - 18/05/2010

1. Application for registration of amendment

**12** (1)  The administrator of a pension plan shall apply to the Chief Executive Officer, within sixty days after the date on which the pension plan is amended, for registration of the amendment. R.S.O. 1990, c. P.8, s. 12 (1); 2018, c. 8, Sched. 23, s. 23.

1. Requirements for registration

(2)  An application for registration of an amendment shall be made by paying the fee established by the Minister and filing,

(a) a certified copy of the amending document;

(b) certified copies of any other prescribed documents;

(b.1) a certification in a form approved by the Chief Executive Officer and signed by the administrator of the pension plan in which the administrator attests that the amendment complies with this Act and the regulations; and

(c) any other prescribed information. R.S.O. 1990, c. P.8, s. 12 (2); 1997, c. 28, s. 192; 2018, c. 8, Sched. 23, s. 23.

1. Exception

(2.1)  The regulations may provide that the requirement to file a particular document or information described in subsection (2) does not apply in specified circumstances or for prescribed classes of pension plans. 2010, c. 9, s. 7.

1. Filing of changes

(3)  The administrator of a pension plan shall file a certified copy of each document that changes the documents that create and support the pension plan or pension fund. R.S.O. 1990, c. P.8, s. 12 (3).

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

1997, c. 28, s. 192 (1, 2) - 01/01/1998

[2010, c. 9, s. 7](http://www.ontario.ca/laws/statute/S10009#s7) - 18/05/2010

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. When amendment effective

**13** (1)  An amendment to a pension plan is not effective until the administrator of the plan files an application for registration of the amendment and the application meets the requirements of section 12. 1997, c. 28, s. 193.

1. Retroactive amendment

(2)  An amendment to a pension plan may be made effective as of a date before the date on which the amendment is registered. R.S.O. 1990, c. P.8, s. 13 (2).

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

1997, c. 28, s. 193 - 01/01/1998

1. Reduction of benefits

**14** (1)  An amendment to a pension plan is void if the amendment purports to reduce,

(a) the amount or the commuted value of a pension benefit accrued under the pension plan with respect to employment before the effective date of the amendment;

(b) the amount or the commuted value of a pension or a deferred pension accrued under the pension plan; or

(c) the amount or the commuted value of an ancillary benefit for which a member, former member or retired member has met all eligibility requirements under the pension plan necessary to exercise the right to receive payment of the benefit. R.S.O. 1990, c. P.8, s. 14 (1); 2010, c. 9, s. 8 (1).

1. Application of subs. (1)

(2)  Subsection (1) does not apply in respect of a multi-employer pension plan established pursuant to a collective agreement or a trust agreement. R.S.O. 1990, c. P.8, s. 14 (2).

1. Idem

(3)  Subsection (1) does not apply in respect of a pension plan that provides defined benefits if the obligation of the employer to contribute to the pension fund is limited to a fixed amount set out in a collective agreement. R.S.O. 1990, c. P.8, s. 14 (3).

1. Same, target benefits

(3.1)  Subsection (1) does not apply in respect of a pension plan that provides only target benefits or in respect of that part of a pension plan that provides target benefits. 2020, c. 36, Sched. 37, s. 2.

1. Same

(4)  Subsection (1) does not apply with respect to an amendment that relates to a transfer of assets authorized by section 80, 80.2 or 81 and that affects the transferred members. 2010, c. 9, s. 8 (2, 3); 2011, c. 9, Sched. 35, s. 1 (1); 2014, c. 7, Sched. 26, s. 14; 2016, c. 5, Sched. 22, s. 4.

(5)  Repealed: 2019, c. 15, Sched. 29, s. 1.

1. Same, conversion of pension plan

(6)  Subsection (1) does not apply with respect to an amendment that relates to a transfer of assets under section 80.4 from a single employer pension plan to a jointly sponsored pension plan. 2014, c. 7, Sched. 26, s. 2 (2).

1. Same

(7)  Subsection (1) does not apply with respect to an amendment that relates to the conversion under section 81.0.1 of a single employer pension plan into a jointly sponsored pension plan. 2014, c. 7, Sched. 26, s. 2 (3).

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

[2010, c. 9, s. 8 (1)](http://www.ontario.ca/laws/statute/S10009#s8s1) - 01/07/2012; [2010, c. 9, s. 8 (2)](http://www.ontario.ca/laws/statute/S10009#s8s2) - 01/01/2014; [2010, c. 9, s. 8 (3)](http://www.ontario.ca/laws/statute/S10009#s8s3) - see [2014, c. 7, Sched. 26, s.14](http://www.ontario.ca/laws/statute/S14007#sched26s14) - see [2016, c. 5, Sched. 22, s. 4](http://www.ontario.ca/laws/statute/S16005#sched22s4) - 01/07/2017; [2010, c. 24, s. 4 (1)](http://www.ontario.ca/laws/statute/S10024#s4s1) - no effect - see [2020, c. 36, Sched. 37, s. 24](http://www.ontario.ca/laws/statute/S20036#sched37s24) - 08/12/2020; [2010, c. 24, s. 4 (2)](http://www.ontario.ca/laws/statute/S10024#s4s2) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](https://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2020

[2011, c. 9, Sched. 35, s. 1 (1, 2)](http://www.ontario.ca/laws/statute/S11009#sched35s1s1) - 01/01/2014

[2014, c. 7, Sched. 26, s. 2 (1)](http://www.ontario.ca/laws/statute/S14007#sched26s2s1) - 24/07/2014; [2014, c. 7, Sched. 26, s. 2 (2, 3)](http://www.ontario.ca/laws/statute/S14007#sched26s2s2) - 01/11/2015

[2016, c. 5, Sched. 22, s. 4](http://www.ontario.ca/laws/statute/S16005#sched22s4) - 19/04/2016

[2019, c. 15, Sched. 29, s. 1](http://www.ontario.ca/laws/statute/S19015#sched29s1) - 10/12/2019

[2020, c. 36, Sched. 37, s. 2](http://www.ontario.ca/laws/statute/S20036#sched37s2) - 01/01/2025

1. Improvement in benefits

**14.0.1**  (1)  An amendment relating to defined benefits is void,

(a) if the amendment purports to increase an amount described in clause 14 (1) (a), (b) or (c); and

(b) if, after the increase, the solvency ratio or the going concern funded ratio of the pension plan, determined in accordance with the regulations, would be below the prescribed level. 2010, c. 24, s. 5; 2017, c. 34, Sched. 33, s. 3 (1, 2).

1. Target benefits

(1.1)  An amendment relating to target benefits is void,

(a) if the amendment purports to increase an amount described in clause 14 (1) (a), (b) or (c); and

(b) if the prescribed circumstances apply. 2017, c. 34, Sched. 33, s. 3 (3).

1. Exceptions

(2)  Subsections (1) and (1.1) do not apply if an amendment is required as a result of a judicial decision or in such other circumstances as may be prescribed. 2010, c. 24, s. 5; 2017, c. 34, Sched. 33, s. 3 (4).

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

[2010, c. 24, s. 5](http://www.ontario.ca/laws/statute/S10024#s5) - 01/05/2018

[2017, c. 34, Sched. 33, s. 3 (1, 2)](http://www.ontario.ca/laws/statute/S17034#sched33s3s1) - 01/05/2018; [2017, c. 34, Sched. 33, s. 3 (3, 4)](http://www.ontario.ca/laws/statute/S17034#sched33s3s3) - 01/01/2025

1. Gradual and uniform accrual of pension benefits

**14.1**  (1)  A pension plan must provide for the accrual of pension benefits in a gradual and uniform manner. 2010, c. 9, s. 9.

1. Variable contributions or pension benefits

(2)  A pension plan must not provide that the formula for computation of the employer’s contributions under the pension plan or the pension benefit provided under the pension plan is variable at the discretion of the employer. 2010, c. 9, s. 9.

1. Variable deferred profit-sharing

(3)  A deferred profit-sharing pension plan or a pension plan that provides defined contribution benefits must not provide that the formula governing allocation of contributions under the pension plan and profits among members of the plan is variable at the discretion of the employer. 2010, c. 9, s. 9.

1. Exception

(4)  The Chief Executive Officer may register a pension plan that does not comply with subsection (1), (2) or (3), and the Chief Executive Officer may permit the continued registration of such a plan, if the Chief Executive Officer is of the opinion that registration is justified in the circumstances of the pension plan and the members. 2010, c. 9, s. 9; 2018, c. 8, Sched. 23, s. 23.

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

[2010, c. 9, s. 9](http://www.ontario.ca/laws/statute/S10009#s9) - 18/05/2010

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Acknowledgment of application for registration

**15** The Chief Executive Officer shall issue an acknowledgment of application for registration of a pension plan within thirty days after receiving an application for the registration that complies with section 9. R.S.O. 1990, c. P.8, s. 15; 1997, c. 28, s. 194; 2018, c. 8, Sched. 23, s. 23.

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

1997, c. 28, s. 194 - 01/01/1998

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Issuance of certificate of registration

**16** The Chief Executive Officer shall issue a certificate of registration for each pension plan registered under this Act. R.S.O. 1990, c. P.8, s. 16; 2018, c. 8, Sched. 23, s. 23.

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

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Issuance of notice of registration

**17** The Chief Executive Officer shall issue a notice of registration for each amendment to a pension plan registered under this Act. R.S.O. 1990, c. P.8, s. 17; 2018, c. 8, Sched. 23, s. 23.

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

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Refusal or revocation of registration

**18** (1)  The Chief Executive Officer may,

(a) refuse to register a pension plan that does not comply with this Act and the regulations;

(b) revoke the registration of a pension plan that does not comply with this Act and the regulations;

(c) revoke the registration of a pension plan that is not being administered in accordance with this Act, the regulations and the Authority rules;

(d) refuse to register an amendment to a pension plan if the amendment is void or if the pension plan with the amendment would cease to comply with this Act and the regulations;

(e) revoke the registration of an amendment that does not comply with this Act and the regulations;

(f) refuse to register part of an amendment to a pension plan if the part is void or if the pension plan with that part of the amendment would cease to comply with this Act and the regulations;

(g) revoke the registration of a part of an amendment that does not comply with this Act and the regulations. R.S.O. 1990, c. P.8, s. 18 (1); 2010, c. 24, s. 6; 2017, c. 34, Sched. 33, s. 4; 2018, c. 8, Sched. 23, s. 23.

1. Application of subs. (1)

(2)  The authority of the Chief Executive Officer under subsection (1) is subject to the right to a hearing under section 89. R.S.O. 1990, c. P.8, s. 18 (2); 2018, c. 8, Sched. 23, s. 23.

1. Effect of refusal or revocation

(3)  A refusal of registration of a pension plan or a revocation of registration of a pension plan operates to terminate the pension plan as of the date specified by the Chief Executive Officer. R.S.O. 1990, c. P.8, s. 18 (3); 2018, c. 8, Sched. 23, s. 23.

1. Idem

(4)  A refusal of registration of an amendment to a pension plan or the revocation of an amendment to a pension plan operates to terminate the amendment as of the date specified by the Chief Executive Officer. R.S.O. 1990, c. P.8, s. 18 (4); 2018, c. 8, Sched. 23, s. 23.

1. Wind up

(5)  Where registration of a pension plan is refused or revoked, the administrator shall wind up the pension plan in accordance with this Act and the regulations. R.S.O. 1990, c. P.8, s. 18 (5).

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

[2010, c. 24, s. 6](http://www.ontario.ca/laws/statute/S10024#s6) - 08/12/2010

[2017, c. 34, Sched. 33, s. 4](http://www.ontario.ca/laws/statute/S17034#sched33s4) - 08/06/2019

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019; [CTS 04 SE 18 - 3](https://www.ontario.ca/laws/consolidated-statutes-change-notices)

1. Duty of administrator

**19** (1)  The administrator of a pension plan shall ensure that the pension plan and the pension fund are administered in accordance with this Act, the regulations and the Authority rules. R.S.O. 1990, c. P.8, s. 19 (1); 2017, c. 34, Sched. 33, s. 5.

1. Application of subs. (1)

(2)  Subsection (1) applies whether or not the pension plan is amended to comply with this Act and the regulations. R.S.O. 1990, c. P.8, s. 19 (2).

1. Idem

(3)  The administrator of a pension plan shall ensure that the pension plan and the pension fund are administered in accordance with,

(a) the filed documents in respect of which the Chief Executive Officer has issued an acknowledgment of application for registration or a certificate of registration, whichever is issued later; and

(b) the filed documents in respect of an application for registration of an amendment to the pension plan, if the application complies with this Act and the regulations and the amendment is not void under this Act. R.S.O. 1990, c. P.8, s. 19 (3); 2018, c. 8, Sched. 23, s. 23.

1. Application of subs. (3)

(4)  Subsection (3) does not apply to enable the administrator to administer the pension plan contrary to this Act and the regulations. R.S.O. 1990, c. P.8, s. 19 (4).

1. Idem, amendment

(5)  The administrator of a pension plan may administer or permit administration of the pension plan and the pension fund in accordance with an amendment pending registration or refusal of registration of the amendment. R.S.O. 1990, c. P.8, s. 19 (5).

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

[2017, c. 34, Sched. 33, s. 5](http://www.ontario.ca/laws/statute/S17034#sched33s5) - 08/06/2019

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019; [CTS 04 SE 18 - 3](https://www.ontario.ca/laws/consolidated-statutes-change-notices)

1. Administrator’s annual information return

**20** (1)  The administrator of a pension plan shall file each year an annual information return in respect of the pension plan within the prescribed period and in the form approved by the Chief Executive Officer and shall pay the filing fee established by the Minister. 1997, c. 28, s. 195; 2017, c. 34, Sched. 33, s. 6 (1); 2018, c. 8, Sched. 23, s. 23.

1. Additional reports

(2)  The administrator of a pension plan shall file additional reports at the prescribed times and containing the prescribed information. R.S.O. 1990, c. P.8, s. 20 (2); 2017, c. 34, Sched. 33, s. 6 (2).

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

1997, c. 28, s. 195 - 01/01/1998

[2017, c. 34, Sched. 33, s. 6 (1, 2)](http://www.ontario.ca/laws/statute/S17034#sched33s6s1) - 08/06/2019

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Reciprocal transfer agreement

**21** An administrator of a pension plan shall file a certified copy of a reciprocal transfer agreement entered into in respect of the pension plan. R.S.O. 1990, c. P.8, s. 21.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 21 of the Act is amended by adding the following subsection: (See: 2020, c. 36, Sched. 37, s. 3 (1))

Requirements

(2)  The reciprocal transfer agreement must satisfy such requirements as may be prescribed. 2020, c. 36, Sched. 37, s. 3 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 21 of the Act is amended by adding the following subsection: (See: 2020, c. 36, Sched. 37, s. 3 (2))

Same

(3)  The administrator shall not transfer money or credits for employment under a reciprocal transfer agreement unless it complies with subsection (2). 2020, c. 36, Sched. 37, s. 3 (2).

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

[2010, c. 9, s. 10 (1, 2)](http://www.ontario.ca/laws/statute/S10009#s10s1) - no effect - see [2020, c. 36, Sched. 37, s. 25](http://www.ontario.ca/laws/statute/S20036#sched37s25) - 08/12/2020

[2020, c. 36, Sched. 37, s. 3 (1, 2)](http://www.ontario.ca/laws/statute/S20036#sched37s3s1) - not in force

1. Care, diligence and skill

**22** (1)  The administrator of a pension plan shall exercise the care, diligence and skill in the administration and investment of the pension fund that a person of ordinary prudence would exercise in dealing with the property of another person. R.S.O. 1990, c. P.8, s. 22 (1).

1. Special knowledge and skill

(2)  The administrator of a pension plan shall use in the administration of the pension plan and in the administration and investment of the pension fund all relevant knowledge and skill that the administrator possesses or, by reason of the administrator’s profession, business or calling, ought to possess. R.S.O. 1990, c. P.8, s. 22 (2).

1. Member of pension committee, etc.

(3)  Subsection (2) applies with necessary modifications to a member of a pension committee or board of trustees that is the administrator of a pension plan and to a member of a board, agency or commission made responsible by an Act of the Legislature for the administration of a pension plan. R.S.O. 1990, c. P.8, s. 22 (3).

1. Conflict of interest

(4)  An administrator or, if the administrator is a pension committee or a board of trustees, a member of the committee or board that is the administrator of a pension plan shall not knowingly permit the administrator’s interest to conflict with the administrator’s duties and powers in respect of the pension fund. R.S.O. 1990, c. P.8, s. 22 (4).

1. Employment of agent

(5)  Where it is reasonable and prudent in the circumstances so to do, the administrator of a pension plan may employ one or more agents to carry out any act required to be done in the administration of the pension plan and in the administration and investment of the pension fund. R.S.O. 1990, c. P.8, s. 22 (5).

1. Trustee of pension fund

(6)  No person other than a prescribed person shall be a trustee of a pension fund. R.S.O. 1990, c. P.8, s. 22 (6).

1. Responsibility for agent

(7)  An administrator of a pension plan who employs an agent shall personally select the agent and be satisfied of the agent’s suitability to perform the act for which the agent is employed, and the administrator shall carry out such supervision of the agent as is prudent and reasonable. R.S.O. 1990, c. P.8, s. 22 (7).

1. Employee or agent

(8)  An employee or agent of an administrator is also subject to the standards that apply to the administrator under subsections (1), (2) and (4). R.S.O. 1990, c. P.8, s. 22 (8).

1. Benefits of administrator

(9)  The administrator of a pension plan is not entitled to any benefit from the pension plan other than pension benefits, ancillary benefits and a refund of contributions. 2010, c. 24, s. 7.

1. Benefits of members of pension committee, etc.

(10)  Subsection (9) applies, with necessary modifications, to a member of a pension committee or board of trustees that is the administrator of a pension plan and to a member of a board, agency or commission made responsible by an Act for the administration of a pension plan. 2010, c. 24, s. 7.

(11)  Repealed: 2010, c. 24, s. 7.

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

[2010, c. 24, s. 7](http://www.ontario.ca/laws/statute/S10024#s7) - 08/12/2010

1. Payment of administrative fees and expenses

**22.1**  (1)  The administrator of a pension plan is entitled to be paid from the pension fund the administrator’s reasonable fees and expenses relating to the administration of the pension plan and the administration and investment of the pension fund. 2010, c. 24, s. 8 (1).

1. Exception

(2)  However, the administrator is not entitled to be paid from the pension fund any fees and expenses relating to the administration of the pension plan or the administration and investment of the pension fund,

(a) if payment to the administrator is prohibited, or payment of the fees and expenses is otherwise provided for, under the documents that create and support the pension plan or the pension fund; or

(b) if payment to the administrator is prohibited, or payment of those fees and expenses is otherwise provided for, under the Act or regulations. 2010, c. 24, s. 8 (1).

1. Same, members of pension committee, etc.

(3)  Subsections (1) and (2) apply, with necessary modifications, to a member of a pension committee or board of trustees that is the administrator of a pension plan and to a member of a board, agency or commission made responsible by an Act for the administration of a pension plan. 2010, c. 24, s. 8 (1).

1. Fees and expenses of agent, etc.

(4)  The administrator of a pension plan may pay from the pension fund to an agent of the administrator, to the employer or to any other person who provides services relating to the administration of the pension plan or the administration and investment of the pension fund the reasonable fees and expenses of the agent, employer or other person. 2010, c. 24, s. 8 (1).

1. Exception

(5)  However, the administrator is not permitted to pay from the pension fund to an agent, employer or other person described in subsection (4) the fees and expenses relating to the administration of the pension plan or the administration and investment of the pension fund,

(a) if payment to the agent, employer or other person is prohibited, or payment of the fees and expenses is otherwise provided for, under the documents that create and support the pension plan or the pension fund; or

(b) if payment to the agent, employer or other person is prohibited, or payment of those fees and expenses is otherwise provided for, under the Act or regulations. 2010, c. 24, s. 8 (1).

1. Fees and expenses of appointed administrator

(6)  If the Chief Executive Officer appoints an administrator under subsection 8 (1.1), the appointed administrator is entitled to be paid, from the pension fund, the appointed administrator’s reasonable fees and expenses relating to the administration of the pension plan and the administration and investment of the pension fund. 2010, c. 24, s. 8 (2); 2018, c. 8, Sched. 23, s. 23.

1. Expenses of Chief Executive Officer

(7)  If the Chief Executive Officer acts as administrator under subsection 8 (1.2), the Chief Executive Officer is entitled to be paid, from the pension fund, his or her reasonable expenses relating to the administration of the pension plan and the administration and investment of the pension fund. 2010, c. 24, s. 8 (2); 2016, c. 5, Sched. 22, s. 1; 2018, c. 8, Sched. 23, s. 23.

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

[2010, c. 24, s. 8 (1)](http://www.ontario.ca/laws/statute/S10024#s8s1) - 08/12/2010; [2010, c. 24, s. 8 (2)](http://www.ontario.ca/laws/statute/S10024#s8s2) - 1/01/2017

[2016, c. 5, Sched. 22, s. 1](http://www.ontario.ca/laws/statute/S16005#sched22s1) - 19/04/2016

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Information from employer

**23** An employer shall provide to the administrator of the pension plan any information required by the administrator for the purpose of complying with the terms of the pension plan or of this Act, the regulations or the Authority rules. R.S.O. 1990, c. P.8, s. 23; 2017, c. 34, Sched. 33, s. 7.

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

[2017, c. 34, Sched. 33, s. 7](http://www.ontario.ca/laws/statute/S17034#sched33s7) - 08/06/2019

[CTS 04 SE 18 - 3](https://www.ontario.ca/laws/consolidated-statutes-change-notices)

1. Meetings required by Chief Executive Officer

**23.1**(1)  The Chief Executive Officer may, in writing, order that an administrator of a pension plan hold a meeting at which matters specified by the Chief Executive Officer are discussed. 2017, c. 8, Sched. 27, s. 3; 2018, c. 8, Sched. 23, s. 23.

1. Same

(2)  The order may specify the time within which the meeting must be held. 2017, c. 8, Sched. 27, s. 3.

1. Same

(3)  The Chief Executive Officer may,

(a) participate in the meeting;

(b) require the administrator to invite members, former members, retired members or any other persons entitled to benefits under the pension plan to attend the meeting; and

(c) require the administrator to permit other interested persons to attend the meeting. 2017, c. 8, Sched. 27, s. 3; 2018, c. 8, Sched. 23, s. 23.

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

[2017, c. 8, Sched. 27, s. 3](http://www.ontario.ca/laws/statute/S17008#sched27s3) - 17/05/2017

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Advisory committee

**24** (1)  The members and retired members of a pension plan, by the decision of a majority of them participating in a vote, may establish an advisory committee in accordance with such conditions and subject to such restrictions as may be prescribed. R.S.O. 1990, c. P.8, s. 24 (1); 2010, c. 9, s. 11 (1, 2).

1. Same

(2)  If members of the pension plan are represented by a trade union, the trade union may act on their behalf for the purpose of establishing an advisory committee. 2010, c. 9, s. 11 (3).

1. Representation

(3)  The following rules govern the composition of the advisory committee:

1. Each class of employees that is represented in the pension plan is entitled to appoint at least one representative to the advisory committee.

2. If there is only one class of employees that is represented in the pension plan, that class is entitled to appoint at least two representatives to the committee.

3. The retired members of the pension plan are entitled to appoint at least two representatives to the committee. 2010, c. 9, s. 11 (3).

1. Same, former members

(3.1)  One or more former members of the pension plan may be appointed as representatives on the advisory committee. 2010, c. 9, s. 11 (3).

1. Purposes

(4)  The purposes of an advisory committee are,

(a) to monitor the administration of the pension plan;

(b) to make recommendations to the administrator respecting the administration of the pension plan; and

(c) to promote awareness and understanding of the pension plan. R.S.O. 1990, c. P.8, s. 24 (4); 2010, c. 9, s. 11 (4).

1. Duties of the administrator

(4.1)  Upon receiving written notice from members, a trade union acting on their behalf, or retired members of their intent to establish an advisory committee, and if such conditions as may be prescribed are satisfied, the administrator shall do the following things to help them to establish the committee:

1. Distribute the notice and such other information as may be prescribed to the members and retired members.

2. Provide such other assistance as may be prescribed. 2010, c. 9, s. 11 (5).

1. Same, to assist the committee

(4.2)  Once the advisory committee has been established, the administrator has the following duties:

1. To meet with the committee as required by the regulations.

2. To provide such assistance to the committee as may be prescribed to help the committee carry out its purposes.

3. To give the committee or its representative such information as is under the administrator’s control and is required by the committee or the representative for the purposes of the committee. 2010, c. 9, s. 11 (5).

1. Examination of records

(5)  The advisory committee or its representative has the right to examine the records of the administrator in respect of the administration of the pension plan and the pension fund and to make extracts from and copies of the records, but this subsection does not apply in respect of information as to the service, salary, pension benefits or other personal information related to any specific person without the person’s prior consent. R.S.O. 1990, c. P.8, s. 24 (5).

1. Application of section

(6)  This section does not apply,

(a) if the pension plan is administered by a pension committee at least one of the members of which is appointed by the members of the pension plan;

(b) in respect of a multi-employer pension plan established pursuant to a collective agreement;

(c) in respect of a jointly sponsored pension plan; or

(d) in respect of a pension plan that satisfies such criteria as may be prescribed. R.S.O. 1990, c. P.8, s. 24 (6); 2010, c. 9, s. 11 (6); 2016, c. 5, Sched. 22, s. 2 (1, 2).

1. Costs of the committee

(7)  Such costs associated with the advisory committee as may be prescribed are payable out of the pension fund, subject to the prescribed restrictions. 2010, c. 9, s. 11 (7).

1. Transitional matters

(8)  The regulations may provide for transitional rules for the application of this section and the regulations made under it to advisory committees that are established under this section before the day this subsection comes into force. 2016, c. 5, Sched. 22, s. 2 (3).

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

[2010, c. 9, s. 11 (1)](http://www.ontario.ca/laws/statute/S10009#s11s1) - 01/07/2012; [2010, c. 9, s. 11 (2-7)](http://www.ontario.ca/laws/statute/S10009#s11s2) - 1/01/2017

[2016, c. 5, Sched. 22, s. 2 (1)](http://www.ontario.ca/laws/statute/S16005#sched22s2s1) - 19/04/2016; [2016, c. 5, Sched. 22, s. 2 (2, 3)](http://www.ontario.ca/laws/statute/S16005#sched22s2s2) - 1/01/2017

Record Keeping and Disclosure

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2020, c. 36, Sched. 37, s. 4)

Duty to retain records

**24.1**The administrator of a pension plan shall retain the prescribed records about the pension plan and the pension fund for the prescribed period of time. 2020, c. 36, Sched. 37, s. 4.

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

[2010, c. 9, s. 13](http://www.ontario.ca/laws/statute/S10009#s13) - no effect - see [2020, c. 36, Sched. 37, s. 25](http://www.ontario.ca/laws/statute/S20036#sched37s25) - 08/12/2020

[2020, c. 36, Sched. 37, s. 4](http://www.ontario.ca/laws/statute/S20036#sched37s4) - not in force

1. Information from administrator

**25** (1)  The administrator of a pension plan shall provide in writing to each person who will be eligible or is required to become a member of the pension plan,

(a) an explanation of the provisions of the plan that apply to the person;

(b) an explanation of the person’s rights and obligations in respect of the pension plan; and

(c) any other prescribed information. R.S.O. 1990, c. P.8, s. 25 (1); 2017, c. 34, Sched. 33, s. 8.

1. Time

(2)  The administrator shall provide the information mentioned in subsection (1),

(a) to each person who becomes a member within the prescribed period of time after the date on which the pension plan is established;

(b) to a person who is likely to become eligible to become a member of the pension plan, within the prescribed period of time before the date on which the person is likely to become eligible;

(c) to each person who becomes eligible to become a member of the pension plan upon becoming employed by the employer, within the prescribed period of time after the date on which the person becomes so employed. R.S.O. 1990, c. P.8, s. 25 (2).

1. Information from employer

(3)  The employer shall transmit to the administrator the information necessary to enable the administrator to comply with subsection (2) and shall transmit the information in sufficient time to enable the administrator to comply with the time limits set out in that subsection. R.S.O. 1990, c. P.8, s. 25 (3).

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

[2017, c. 34, Sched. 33, s. 8](http://www.ontario.ca/laws/statute/S17034#sched33s8) - 08/06/2019

1. Chief Executive Officer’s order re information

**25.1**(1)  The Chief Executive Officer may, in writing, order an administrator of a pension plan to provide members, former members, retired members and other persons entitled to benefits under the pension plan with the information that the Chief Executive Officer specifies in the order. 2017, c. 8, Sched. 27, s. 4; 2018, c. 8, Sched. 23, s. 23, 24.

1. Same

(2)  The order may specify the manner in which the information is to be provided and the timeline for doing so. 2017, c. 8, Sched. 27, s. 4.

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

[2017, c. 8, Sched. 27, s. 4](http://www.ontario.ca/laws/statute/S17008#sched27s4) - 17/05/2017

[2018, c. 8, Sched. 23, s. 23, 24](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Pension plan amendments
2. Notice of proposed amendment

**26** (1)  If the administrator of a pension plan applies for registration of an amendment to the pension plan that would result in a reduction of pension benefits accruing subsequent to the effective date of the amendment or that would otherwise adversely affect the rights or obligations of a member or former member or of any other person entitled to payment from the pension fund, the Chief Executive Officer shall require the administrator to transmit to such persons as the Chief Executive Officer may specify a written notice containing an explanation of the amendment and inviting comments to be submitted to the administrator and the Chief Executive Officer, and the administrator shall provide to the Chief Executive Officer a copy of the notice and shall certify to the Chief Executive Officer the date on which the last such notice was transmitted. R.S.O. 1990, c. P.8, s. 26 (1); 2018, c. 8, Sched. 23, s. 23.

1. Registration

(2)  If the Chief Executive Officer has required the administrator to transmit notices under subsection (1), the Chief Executive Officer shall not register an amendment mentioned in that subsection before the expiration of forty-five days after the date certified to the Chief Executive Officer under that subsection, but after the expiration of the forty-five day period the Chief Executive Officer may register the amendment with such changes as are requested in writing by the administrator. R.S.O. 1990, c. P.8, s. 26 (2); 2018, c. 8, Sched. 23, s. 23.

1. Notice after registration

(3)  Within the prescribed period of time after an amendment to a pension plan is registered, the administrator shall transmit notice and a written explanation of the amendment to each member, former member or other person entitled to payment from the pension fund who is affected by the amendment. R.S.O. 1990, c. P.8, s. 26 (3).

1. Order dispensing with notice

(4)  The Chief Executive Officer need not require the transmittal of notices under subsection (1), or by order may dispense with the notice required by subsection (3), or both, in any of the following circumstances:

1. The Chief Executive Officer is of the opinion that the amendment is of a technical nature or will not substantially affect the pension benefits, rights or obligations of a member or former member or will not adversely affect any person entitled to payments from the pension fund.

2. Except in the case of an amendment relating to target benefits, the amendment has been agreed to by a trade union that represents the members.

3. Except in the case of an amendment relating to target benefits, the amendment is in respect of a multi-employer pension plan established pursuant to a collective agreement or a trust agreement. 2017, c. 34, Sched. 33, s. 9 (1); 2018, c. 8, Sched. 23, s. 3.

1. Notice to trade union

(5)  Where a proposed amendment affects members or former members represented by a trade union that is a party to a collective agreement filed as a document that creates or supports a pension plan, the administrator shall transmit to the trade union the written notice mentioned in subsection (1). R.S.O. 1990, c. P.8, s. 26 (5).

1. Same, conversion of pension plan

(6)  This section does not apply with respect to an amendment that relates to a transfer of assets under section 80.4 from a single employer pension plan to a jointly sponsored pension plan. 2014, c. 7, Sched. 26, s. 3 (1).

1. Same

(7)  Subsection (1) does not apply with respect to an amendment that relates to the conversion under section 81.0.1 of a single employer pension plan into a jointly sponsored pension plan. 2014, c. 7, Sched. 26, s. 3 (3).

1. Same

(8)  Subsection (1) does not apply with respect to an amendment that relates to a conversion under section 81.0.2 of benefits provided by a multi-employer pension plan. 2017, c. 34, Sched. 33, s. 9 (2).

1. Target benefits

(9)  The regulations may prescribe different notice requirements than as provided for in this section with respect to a pension plan that provides target benefits. 2017, c. 34, Sched. 33, s. 9 (2).

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

[2010, c. 9, s. 15 (1, 2)](http://www.ontario.ca/laws/statute/S10009#s15s1) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](https://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2020; [2010, c. 9, s. 15 (3)](http://www.ontario.ca/laws/statute/S10009#s15s3) - see [2014, c. 7, Sched. 26, s. 14](http://www.ontario.ca/laws/statute/S14007#sched26s14) - see [2016, c. 5, Sched. 22, s. 4](http://www.ontario.ca/laws/statute/S16005#sched22s4) - 01/07/2017; [2010, c. 24, s. 9](http://www.ontario.ca/laws/statute/S10024#s9) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](https://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2020

[2014, c. 7, Sched. 26, s. 3 (1, 3)](http://www.ontario.ca/laws/statute/S14007#sched26s3s1) - 01/11/2015; [2014, c. 7, Sched. 26, s. 14](http://www.ontario.ca/laws/statute/S14007#sched26s14) - 24/07/2014; [2014, c. 7, Sched. 26, s. 3 (2, 4)](http://www.ontario.ca/laws/statute/S14007#sched26s3s2) - no effect - see [2010, c. 9, s. 15 (1)](http://www.ontario.ca/laws/statute/S10009#s15s1) - 31/12/2020

[2016, c. 5, Sched. 22, s. 4](http://www.ontario.ca/laws/statute/S16005#sched22s4) - 19/04/2016

[2017, c. 34, Sched. 33, s. 9 (1, 2)](http://www.ontario.ca/laws/statute/S17034#sched33s9s1) - 01/01/2025; [2017, c. 34, Sched. 33, s. 9 (3)](http://www.ontario.ca/laws/statute/S17034#sched33s9s3) - no effect - see [2010, c. 9, s. 15 (1)](http://www.ontario.ca/laws/statute/S10009#s15s1) - 31/12/2020

[2018, c. 8, Sched. 23, s. 3, 23](http://www.ontario.ca/laws/statute/S18008#sched23s3) - 08/06/2019

1. Annual statement of pension benefits

**27** (1)  The administrator of a pension plan shall give to each member annually, within the prescribed period, a written statement containing the prescribed information about the pension plan, the member’s pension benefits and any ancillary benefits. 2017, c. 34, Sched. 33, s. 10.

1. Other statements to former members, retired members

(2)  The administrator of a pension plan shall give to each former member and retired member, within the prescribed period, a written statement containing the prescribed information about the pension plan or about the member’s pension benefits and any ancillary benefits. 2017, c. 34, Sched. 33, s. 10.

1. Waiver of requirement

(3)  The Chief Executive Officer may waive the requirement in subsection (2) in respect of a former member or retired member if the Chief Executive Officer is satisfied that the administrator of the pension plan is unable to locate the former member or retired member after making reasonable efforts to do so. 2019, c. 14, Sched. 9, s. 24.

1. Factors to be considered

(4)  For the purposes of subsection (3), in determining whether the administrator has made reasonable efforts to locate the former member or retired member, the Chief Executive Officer shall consider the following factors:

1. The amount or commuted value of the former member’s deferred pension or the retired member’s pension, as the case may be.

2. The searches that were undertaken by the administrator, including the search methods that were used.

3. The costs of the searches that were undertaken and the anticipatedcosts for additional searches. 2019, c. 14, Sched. 9, s. 24.

1. Revocation of waiver

(5)  A waiver of the requirement under subsection (2) in respect of a former member or retired member is revoked on the day on which the administrator receives the former member or retired member’s contact information and, for clarity, the waiver continues to apply until it is revoked. 2019, c. 14, Sched. 9, s. 24.

1. Duty to notify Chief Executive Officer

(6)  The administrator of a pension plan shall promptly notify the Chief Executive Officer if the administrator receives the contact information of the former member or retired member in respect of whom the requirement under subsection (2) was waived. 2019, c. 14, Sched. 9, s. 24.

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

[2010, c. 9, s. 16](http://www.ontario.ca/laws/statute/S10009#s16) - 01/01/2015

[2017, c. 8, Sched. 27, s. 5](http://www.ontario.ca/laws/statute/S17008#sched27s5) - 17/05/2017; [2017, c. 34, Sched. 33, s. 10](http://www.ontario.ca/laws/statute/S17034#sched33s10) - 08/06/2019

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

[2019, c. 14, Sched. 9, s. 24](http://www.ontario.ca/laws/statute/S19014#sched9s24) - 10/12/2019

1. Statement of benefits

**28** (1)  The administrator of a pension plan shall give to each member who terminates employment with the employer or otherwise ceases to be a member, or to any other person who as a result becomes entitled to a payment under the pension plan, within the prescribed period, a written statement containing the prescribed information about the benefits, rights and obligations of the member or person. 2017, c. 34, Sched. 33, s. 11.

1. Multi-employer pension plan

(2)  Subsection (1) applies in respect of a multi-employer pension plan where a member ceases to be a member, but does not apply where a member terminates employment with an employer but continues to be a member. R.S.O. 1990, c. P.8, s. 28 (2).

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

[2017, c. 34, Sched. 33, s. 11](http://www.ontario.ca/laws/statute/S17034#sched33s11) - 08/06/2019

1. Inspection of administrator’s records

**29** (1)  On written request, the administrator of a pension plan shall make available the prescribed records about the pension plan and the pension fund for inspection without charge by,

(a) a member, former member or retired member;

(b) the spouse of a member, former member or retired member;

(c) Repealed: 2010, c. 9, s. 17 (2).

(c.1) a former spouse, within the meaning of section 67.1, of a member, former member or retired member but only in such circumstances and for such purposes as may be prescribed;

(d) any other person entitled to pension benefits under the pension plan;

(e) Repealed: 1999, c. 15, s. 3 (1).

(f) a representative of a trade union that represents members of the pension plan;

(g) an employer;

(h) a person required to make contributions under the pension plan on behalf of an employer;

(i) an agent of a person described in any of clauses (a) to (h) who is authorized in writing; or

(j) such other persons as may be prescribed. R.S.O. 1990, c. P.8, s. 29 (1); 1999, c. 6, s. 53 (3); 1999, c. 15, s. 3; 2005, c. 5, s. 56 (7); 2009, c. 11, s. 42; 2010, c. 9, s. 17 (1-3); 2017, c. 8, Sched. 27, s. 6.

1. Place of inspection

(2)  The administrator shall make the prescribed records available,

(a) at the premises of the employer where the member is employed or where the former member or retired member was employed, as the case may be; or

(b) at a location that is agreed upon by the administrator and the person making the request. 2010, c. 9, s. 17 (5).

1. Restriction on inspections

(3)  A person described in clause (1) (a), (b) or (d), or the person’s agent is entitled to make an inspection under subsection (1) not more than once in a calendar year. 2010, c. 9, s. 17 (6); 2011, c. 9, Sched. 35, s. 2 (1).

1. Obtaining copies during inspection

(4)  The administrator shall permit the person making the inspection to make extracts from, or to copy, the prescribed records and, upon request, the administrator shall give the person a copy of any of the prescribed records upon payment of the applicable fee to the administrator. 2010, c. 9, s. 17 (6).

1. Same, by mail or electronically

(5)  If the administrator receives a written request from a person described in subsection (1) and receives payment of the applicable fee, the administrator shall provide prescribed records by mail or electronically to the person in such circumstances as may be prescribed. 2010, c. 9, s. 17 (6).

1. Restriction on copies

(6)  A person described in clause (1) (a), (b) or (d), or the person’s agent is entitled to make a request under subsection (5) for a particular prescribed record not more than once in a calendar year. 2010, c. 9, s. 17 (6); 2011, c. 9, Sched. 35, s. 2 (2).

1. Restriction on fees

(7)  The applicable fee referred to in subsection (4) or (5) cannot exceed such amount as may be prescribed. 2010, c. 9, s. 17 (6).

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

1999, c. 6, s. 53 (3, 4) - 01/03/2000; 1999, c. 15, s. 3 (1, 2) - 03/03/2000

[2005, c. 5, s. 56 (7, 8)](http://www.ontario.ca/laws/statute/S05005#s56s7) - 13/06/2005

[2009, c. 11, s. 42](http://www.ontario.ca/laws/statute/S09011#s42) - 01/01/2012

[2010, c. 9, s. 17 (1, 4)](http://www.ontario.ca/laws/statute/S10009#s17s1) - 18/05/2010; [2010, c. 9, s. 17 (2, 3, 5, 6)](http://www.ontario.ca/laws/statute/S10009#s17s2) - 01/07/2012

[2011, c. 9, Sched. 35, s. 2 (1, 2)](http://www.ontario.ca/laws/statute/S11009#sched35s2s1) - 01/07/2012

[2017, c. 8, Sched. 27, s. 6](http://www.ontario.ca/laws/statute/S17008#sched27s6) - 17/05/2017

1. Inspection of filed records

**30** (1)  The administrator of a pension plan and the persons described in subsection 29 (1) are entitled to inspect the following records at the office of the Chief Executive Officer during the business hours of that office:

1. The filed documents that create and support the pension plan and the pension fund.

2. Such other prescribed documents as are filed in respect of the pension plan and the pension fund. 1999, c. 15, s. 4; 2010, c. 9, s. 18 (1); 2018, c. 8, Sched. 23, s. 23.

1. Obtaining copies during inspection

(2)  Upon payment of the applicable fee, the Chief Executive Officer shall give the person making an inspection under subsection (1) a copy of any record that the person is entitled to inspect. 2010, c. 9, s. 18 (3); 2018, c. 8, Sched. 23, s. 23.

1. Same, by mail or electronically

(3)  If the Chief Executive Officer receives a written request from the administrator or from a person described in subsection 29 (1) and receives payment of the applicable fee, the Chief Executive Officer shall provide prescribed records by mail or electronically to the administrator or other person in such circumstances as may be prescribed. 2010, c. 9, s. 18 (3); 2018, c. 8, Sched. 23, s. 23.

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

1999, c. 15, s. 4 - 03/03/2000

[2010, c. 9, s. 18 (1, 2)](http://www.ontario.ca/laws/statute/S10009#s18s1) - 18/05/2010; [2010, c. 9, s. 18 (3)](http://www.ontario.ca/laws/statute/S10009#s18s3) - 01/07/2012

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Electronic forms of delivery
2. Application

**30.1**(1)  This section only applies to documents that this Act, the regulations or the Authority rules require the administrator of a pension plan to send. 2019, c. 14, Sched. 9, s. 25.

1. Personal information

(2)  The administrator shall not send a document in electronic form if the document contains personal information or any prescribed information, unless the administrator sends the document by way of a secure information system that,

(a) requires the intended recipient to identify themselves prior to accessing the document; and

(b) complies with any other prescribed conditions, requirements, limitations or prohibitions, including any requirements concerning methods of identification for the purpose of clause (a). 2019, c. 14, Sched. 9, s. 25.

1. Notice re electronic form of delivery

(3)  The administrator may send a notice to a member or former member by regular mail to his or her last known address, setting out,

(a) the date on which the administrator will begin to send documents in an electronic form to the member or former member;

(b) the last known email address of the member or former member;

(c) a statement explaining that the member or former member may, at any time, instruct the administrator to send documents to him or her in a written form other than electronic form; and

(d) any prescribed information. 2019, c. 14, Sched. 9, s. 25.

(4)  Repealed: 2023, c. 9, Sched. 27, s. 1 (1).

1. Instruction to use non-electronic form of delivery

(5)  The member, former member or retired member who has received the notice referred to in subsection (3) may at any time instruct the administrator to send documents to them in a written form other than electronic form, in which case the administrator shall send the documents in a written form other than electronic form. 2023, c. 9, Sched. 27, s. 1 (2).

1. Deemed consent to electronic form of delivery

(6)  The member, former member or retired member who has received the notice referred to in subsection (3) is deemed to consent to accept the documents in electronic form, unless the member, former member or retired member has instructed the administrator under subsection (5). 2019, c. 14, Sched. 9, s. 25.

1. Prescribed requirements

(7)  The administrator of a pension plan shall comply with such conditions, requirements, limitations or prohibitions as may be prescribed with respect to sending a document in electronic form. 2019, c. 14, Sched. 9, s. 25.

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

[2010, c. 9, s. 19](http://www.ontario.ca/laws/statute/S10009#s19) - 01/07/2012

[2019, c. 14, Sched. 9, s. 25](http://www.ontario.ca/laws/statute/S19014#sched9s25) - 10/12/2019

[2023, c. 9, Sched. 27, s. 1 (1, 2)](http://www.ontario.ca/laws/statute/S23009#sched27s1s1) - 08/06/2023

1. Electronic designation of beneficiaries

**30.1.1**  (1)  An administrator may permit members, former members and retired members to designate beneficiaries electronically for the purposes of any provision in this Act permitting the designation of a beneficiary. 2018, c. 17, Sched. 33, s. 2; 2020, c. 7, Sched. 15, s. 2.

1. Same

(2)  The administrator shall comply with any prescribed requirements respecting the electronic designation of beneficiaries. 2018, c. 17, Sched. 33, s. 2.

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

[2018, c. 17, Sched. 33, s. 2](http://www.ontario.ca/laws/statute/S18017#sched33s2) - 06/12/2018

[2020, c. 7, Sched. 15, s. 2](http://www.ontario.ca/laws/statute/S20007#sched15s2) - 12/05/2020

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section before the heading “Membership”: (See: 2017, c. 34, Sched. 33, s. 12)

Registry of missing beneficiaries

**30.2**(1)  The Chief Executive Officer shall, in accordance with any prescribed requirements, establish, maintain and operate an electronic registry relating to beneficiaries who are missing. 2017, c. 34, Sched. 33, s. 12; 2018, c. 8, Sched. 23, s. 4.

Interpretation

(2)  A reference to a beneficiary in this section is a reference to a beneficiary of a pension plan. 2017, c. 34, Sched. 33, s. 12.

Purposes

(3)  The purposes of the registry are as follows:

1. To help beneficiaries locate benefits or payments they are owed under pension plans.

2. Such other purposes as may be prescribed. 2017, c. 34, Sched. 33, s. 12.

Organization, form

(4)  The registry shall be organized in the manner and kept in the form that the Chief Executive Officer may determine. 2017, c. 34, Sched. 33, s. 12; 2018, c. 8, Sched. 23, s. 4.

Duty to notify the Chief Executive Officer

(5)  If an administrator of a pension plan cannot locate a beneficiary, the administrator shall, within a reasonable time, notify the Chief Executive Officer in the form approved by the Chief Executive Officer, and the notice must include such information as may be specified by the Chief Executive Officer, including personal information. 2017, c. 34, Sched. 33, s. 12; 2018, c. 8, Sched. 23, s. 4.

Posting information on registry

(6)  If, after receiving a notice under subsection (5), the Chief Executive Officer is satisfied that there are reasonable and probable grounds to believe that a beneficiary is missing, the Chief Executive Officer shall record the following informationin the registry:

1. The beneficiary’s name.

2. The name and last known address of the employer identified by the plan administrator in connection with the beneficiary.

3. The name and registration number of the pension plan.

4. The name and contact information of the plan administrator.

5. Any other information as may be prescribed. 2017, c. 34, Sched. 33, s. 12; 2018, c. 8, Sched. 23, s. 4.

Request

(7)  A person may make a request to the Chief Executive Officer, in the form and manner approved by the Chief Executive Officer, in order to determine,

(a) whether the person making the request is a beneficiary recorded in the registry; or

(b) if the person making the request is authorized to act on behalf of another person, whether the other person is a beneficiary recorded in the registry. 2017, c. 34, Sched. 33, s. 12; 2018, c. 8, Sched. 23, s. 4.

Disclosure

(8)  If the Chief Executive Officer receives a request from a person under subsection (7) and the person has provided proof satisfactory to the Chief Executive Officer that they are a beneficiary recorded in the registry or that they are authorized to act on behalf of a person who is a beneficiary recorded in the registry, the Chief Executive Officer shall give that person the information in the registry referred to in paragraphs 2 to 5 of subsection (6) that relates to the beneficiary. 2017, c. 34, Sched. 33, s. 12; 2018, c. 8, Sched. 23, s. 4.

Removal from registry

(9)  If the administrator of a pension plan has located a beneficiary who was missing, the administrator shall, as soon as reasonably possible, notify the Chief Executive Officer, and the Chief Executive Officer shall remove all information relating to the beneficiary from the registry. 2017, c. 34, Sched. 33, s. 12; 2018, c. 8, Sched. 23, s. 4.

No notice to individual

(10)  Any collection by the Chief Executive Officer of personal information under this section is exempt from the application of subsection 39 (2) of the Freedom of Information and Protection of Privacy Act. 2017, c. 34, Sched. 33, s. 12; 2018, c. 8, Sched. 23, s. 4.

Deemed consistent purpose

(11)  For the purposes of the Freedom of Information and Protection of Privacy Act, personal information in the custody or control of the Chief Executive Officer that has been collected otherwise than in accordance with this section may be used by the Chief Executive Officer for the purposes described in subsection (3), and that use shall be deemed to be for a purpose that is consistent with the purpose for which the personal information was obtained or compiled. 2017, c. 34, Sched. 33, s. 12; 2018, c. 8, Sched. 23, s. 4.

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

[2017, c. 34, Sched. 33, s. 12](http://www.ontario.ca/laws/statute/S17034#sched33s12) - not in force

[2018, c. 8, Sched. 23, s. 4](http://www.ontario.ca/laws/statute/S18008#sched23s4) - 08/06/2019

Membership

1. Eligibility for membership

**31** (1)  Every employee of a class of employees for whom a pension plan is established is eligible to be a member of the pension plan.

1. Full-time employment

(2)  An employee in a class of employees for whom a pension plan is maintained is entitled to become a member of the pension plan upon application at any time after completing twenty-four months of continuous full-time employment.

1. Part-time employment

(3)  A pension plan may require not more than twenty-four months of less than full-time continuous employment with the employer, with the lesser of,

(a) earnings of not less than 35 per cent of the Year’s Maximum Pensionable Earnings; or

(b) 700 hours of employment with the employer,

in each of two consecutive calendar years immediately prior to membership in the pension plan, or such equivalent basis as is approved by the Chief Executive Officer, as a condition precedent to membership in the pension plan. R.S.O. 1990, c. P.8, s. 31 (3); 2018, c. 8, Sched. 23, s. 23

1. Multi-employer pension plan

(4)  A multi-employer pension plan may require not more than the lesser of,

(a) earnings of not less than 35 per cent of the Year’s Maximum Pensionable Earnings with one or more of the participating employers; or

(b) 700 hours of employment with one or more participating employers,

in each of the two consecutive calendar years immediately before the year in which membership is applied for, or such equivalent basis as is approved by the Chief Executive Officer, as a condition precedent to membership in the multi-employer pension plan. R.S.O. 1990, c. P.8, s. 31 (4); 2018, c. 8, Sched. 23, s. 23

1. Approval

(5)  The Chief Executive Officer may give the approval mentioned in subsection (3) or (4) if the Chief Executive Officer is of the opinion that the basis is equivalent in the circumstances to the earnings mentioned in the subsection. R.S.O. 1990, c. P.8, s. 31 (5); 2018, c. 8, Sched. 23, s. 23.

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

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Loss of membership

**32** A member of a pension plan who is employed continuously on a less than full-time basis does not cease to be a member by reason only that he or she has earnings of less than 35 per cent of the Year’s Maximum Pensionable Earnings in a calendar year or is employed for fewer than 700 hours in a calendar year. R.S.O. 1990, c. P.8, s. 32.

1. Dispute as to member of class of employees

**33** (1)  Where there is a dispute as to whether or not an employee is a member of a class of employees for whom a pension plan is established or maintained, the Chief Executive Officer, subject to section 89, by order may require the administrator to accept the employee as a member. R.S.O. 1990, c. P.8, s. 33 (1); 2018, c. 8, Sched. 23, s. 23.

1. Ground for order

(2)  The Chief Executive Officer may make the order if the Chief Executive Officer is of the opinion that, on the basis of the nature of the employment or of the terms of employment of the employee, the employee is a member of the class. R.S.O. 1990, c. P.8, s. 33 (2); 2018, c. 8, Sched. 23, s. 23.

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

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Separate pension plan

**34** (1)  An employer may establish or maintain a separate pension plan for employees employed in less than full-time continuous employment if the separate pension plan provides pension benefits and other benefits reasonably equivalent to those provided under the pension plan maintained by the employer for employees of the same class employed in full-time continuous employment. R.S.O. 1990, c. P.8, s. 34.

1. Same, jointly sponsored pension plan

(2)  If the documents that create and support a jointly sponsored pension plan so authorize, a prescribed person or entity may establish or maintain a separate jointly sponsored pension plan for employees employed in less than full-time continuous employment if the separate plan provides pension benefits and other benefits reasonably equivalent to those provided under the jointly sponsored pension plan maintained for employees of the same class employed in full-time continuous employment. 2005, c. 31, Sched. 18, s. 4.

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

[2005, c. 31, Sched. 18, s. 4](http://www.ontario.ca/laws/statute/S05031#sched18s4) - 30/04/2006

Retirement

1. Normal retirement date

**35** (1)  The normal retirement date under a pension plan submitted for registration after the 1st day of January, 1988 shall not be later than one year after the attainment of sixty-five years of age. R.S.O. 1990, c. P.8, s. 35 (1).

1. Transitional

(2)  Every pension plan registered or submitted for registration before the 1st day of January, 1988 shall be deemed to specify a normal retirement date in respect of pension benefits that accrue after the 1st day of January, 1988, that is not later than one year after attainment of sixty-five years of age, unless the pension plan specifies an earlier retirement date. R.S.O. 1990, c. P.8, s. 35 (2).

1. Right to pension

(3)  If a member of a pension plan continues employment and membership in the pension plan after reaching the normal retirement date under the plan, he or she is entitled, on termination of employment, to payment of,

(a) the pension benefits to which he or she would have been entitled upon terminating employment at the normal retirement date; and

(b) any additional pension benefits accrued under the pension plan that result from his or her employment after the normal retirement date. 2010, c. 9, s. 21.

1. Continuation after normal retirement date

(4)  A member of a pension plan who continues employment after attaining the age that is the normal retirement date under the pension plan and who is not receiving a pension under the pension plan is entitled to continue membership in the pension plan and has the right to continue to accrue pension benefits under the pension plan subject to any terms of the pension plan,

(a) fixing a maximum number of years of employment or membership that can be taken into account for purposes of determining a pension benefit; or

(b) fixing a maximum amount of the pension benefit. R.S.O. 1990, c. P.8, s. 35 (4).

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

[2010, c. 9, s. 21](http://www.ontario.ca/laws/statute/S10009#s21) - 18/05/2010

**35.1**

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

[2010, c. 9, s. 22](http://www.ontario.ca/laws/statute/S10009#s22) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](https://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2020

1. Deferred pension for service before 1987

**36** (1)  A member of a pension plan who terminates his or her employment with the employer on or after the day on which subsection 23 (1) of the Pension Benefits Amendment Act, 2010 comes into force and before reaching the normal retirement date under the pension plan is entitled to the benefit described in subsection (3) in connection with his or her employment, if any, before January 1, 1987. 2010, c. 9, s. 23 (1).

(2)  Repealed: 2010, c. 9, s. 23 (1).

1. Amount

(3)  The benefit is a deferred pension equal to the pension benefit provided under the pension plan as it existed on December 31, 1986 in respect of employment before January 1, 1987 in Ontario or in a designated jurisdiction,

(a) under the terms of the pension plan, with respect to employment on or after the qualification date;

(b) by an amendment to the pension plan made on or after the qualification date; and

(c) by the creation of a new pension plan on or after the qualification date. R.S.O. 1990, c. P.8, s. 36 (3); 2010, c. 1, Sched. 23, s. 3.

1. Application of subss. (1, 3)

(4)  Subsections (1) and (3) do not apply in respect of benefits that result from additional voluntary contributions. R.S.O. 1990, c. P.8, s. 36 (4); 2010, c. 9, s. 23 (2).

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

[2010, c. 1, Sched. 23, s. 3](http://www.ontario.ca/laws/statute/S10001#sched23s3) - 01/10/2010; [2010, c. 9, s. 23 (1, 2)](http://www.ontario.ca/laws/statute/S10009#s23s1) - 01/07/2012

1. Deferred pension for service after 1986

**37** (1)  A member of a pension plan who is a member on or after the day on which subsection 24 (1) of the Pension Benefits Amendment Act, 2010 comes into force and who terminates his or her employment with the employer before reaching the normal retirement date is entitled to the benefit described in subsection (3) in connection with his or her employment after December 31, 1986. 2010, c. 9, s. 24 (1).

(2)  Repealed: 2010, c. 9, s. 24 (1).

1. Amount

(3)  The benefit is a deferred pension equal to the pension benefit provided in respect of employment in Ontario or in a designated jurisdiction,

(a) under the pension plan in respect of employment by the employer after the later of the 31st day of December, 1986 or the qualification date;

(b) under any amendment made to the pension plan after the 31st day of December, 1986; and

(c) under any new pension plan established after the 31st day of December, 1986 for members of the pension plan. R.S.O. 1990, c. P.8, s. 37 (3); 2010, c. 1, Sched. 23, s. 4.

1. Application of subss. (1, 3)

(4)  Subsections (1) and (3) do not apply in respect of benefits that result from additional voluntary contributions. R.S.O. 1990, c. P.8, s. 37 (4); 2010, c. 9, s. 24 (2).

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

[2010, c. 1, Sched. 23, s. 4](http://www.ontario.ca/laws/statute/S10001#sched23s4) - 01/10/2010; [2010, c. 9, s. 24 (1, 2)](http://www.ontario.ca/laws/statute/S10009#s24s1) - 01/07/2012

1. Termination by member

**38** (1)  A person who is,

(a) a member of a multi-employer pension plan;

(b) a member of a pension plan who is employed by the employer on a less than full-time basis; or

(c) a member of a pension plan who has been laid off from employment by the employer,

is entitled to terminate his or her membership in the pension plan if no contributions are paid or are required to be paid to the pension fund by or on behalf of the member for twenty-four consecutive months or for such shorter period of time as is specified in the pension plan. R.S.O. 1990, c. P.8, s. 38 (1).

1. Election

(1.1)  If the person elects to terminate his or her membership in the pension plan, the membership is terminated when the person delivers written notice of his or her election to the administrator of the pension plan or at the end of the period described in subsection (1), whichever is later. 2010, c. 9, s. 25 (1).

1. Effect of termination

(2)  For the purpose of determining benefits under this Act, the person is deemed to have terminated his or her employment when his or her membership in the pension plan is terminated. 2010, c. 9, s. 25 (2).

1. Application of subss. (1, 2)

(3)  Subsections (1) and (2) do not apply if contributions are not paid or are not required to be paid because the person has become a member of another pension plan and there is a reciprocal transfer agreement respecting the two pension plans. R.S.O. 1990, c. P.8, s. 38 (3).

1. Determination of entitlement

(4)  For the purpose of determining entitlement to a deferred pension, a member of a multi-employer pension plan who terminates employment with a participating employer or an employer on whose behalf contributions are made under the pension plan shall be deemed not to have terminated employment until the member terminates membership in the pension plan. R.S.O. 1990, c. P.8, s. 38 (4).

1. Certification of new bargaining agent

(5)  Where a member of a multi-employer pension plan is represented by a trade union, which, in accordance with section 62 of the Labour Relations Act, 1995, ceases to represent the member, and the member joins a different pension plan, the member is entitled to terminate membership in the first plan. R.S.O. 1990, c. P.8, s. 38 (5); 2004, c. 31, Sched. 31, s. 2.

1. Application of subs. (5)

(6)  Subsection (5) does not apply where there is a reciprocal agreement respecting the two pension plans. R.S.O. 1990, c. P.8, s. 38 (6).

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

[2004, c. 31, Sched. 31, s. 2](http://www.ontario.ca/laws/statute/S04031#sched31s2) - 16/12/2004

[2010, c. 9, s. 25 (1, 2)](http://www.ontario.ca/laws/statute/S10009#s25s1) - 18/05/2010

Benefits

1. Value of deferred pension, etc.

**39** (1)  If the commuted value of a deferred pension accrued by a former member or a pension accrued by a retired member, as the case may be, in respect of employment before January 1, 1987 is less than the value of the contributions that he or she was required, as a member, to make under the pension plan before that date, plus interest credited to the contributions, he or she is entitled to have the commuted value of the deferred pension or the pension increased so that the commuted value is equal to the value of the contributions plus interest. 2010, c. 9, s. 26 (1).

1. Effect of amendment

(2)  An increase in the value of the pension or deferred pension in respect of employment before the 1st day of January, 1987 that results from an amendment to the pension plan made on or after that date may be included in calculating the commuted value of the pension or deferred pension for the purposes of subsection (1). R.S.O. 1990, c. P.8, s. 39 (2).

1. 50 per cent rule

(3)  Contributions made on or after January 1, 1987 by a member, and interest on the contributions, shall not be used to provide more than 50 per cent of the commuted value of a deferred pension or pension in respect of contributory benefits accrued after that date to which the member is entitled under the pension plan on termination of employment or membership. 2010, c. 9, s. 26 (2).

1. Entitlement to excess amount

(4)  A former member or retired member who is entitled to a deferred pension or a pension, as the case may be, on termination of employment or membership is entitled to a lump sum payment from the pension fund that is equal to the amount by which his or her contributions, as a member, made on or after January 1, 1987, and interest on the contributions, exceeds one-half of the commuted value of the deferred pension or pension in respect of contributory benefits accrued after that date. 2010, c. 9, s. 26 (2).

1. Right to transfer excess amount

(4.1)  A person entitled to a lump sum payment under subsection (4) may require the administrator to pay the lump sum into a registered retirement savings arrangement by delivering a direction to the administrator within the prescribed period. 2010, c. 9, s. 26 (3).

1. Same

(4.2)  Section 50.1 applies with respect to the payment into the registered retirement savings arrangement. 2010, c. 9, s. 26 (3).

1. Reduction re target benefits

(4.3)  Subsections (3) and (4) do not apply with respect to a pension or a deferred pension if the benefits to which the pension or deferred pension relates are target benefits. 2017, c. 34, Sched. 33, s. 13.

1. Exclusions

(5)  The following may be excluded in determining that part of the commuted value of a pension or deferred pension to which subsections (3) and (4) apply:

1. Defined contribution benefits.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 39 (5) of the Act is amended by adding the following paragraph: (See: 2020, c. 36, Sched. 37, s. 5)

1.1 Optional benefits.

2. Benefits that result from additional voluntary contributions.

2.1 Benefits that result from voluntary contributions for past service, as defined in the regulations.

3. In the case of a multi-employer pension plan that permits a member who has not accrued maximum pension benefits permitted under the plan in a fiscal year of the plan to make contributions to increase the member’s pension benefit to the maximum permitted for the fiscal year, benefits resulting from such contributions.

4. Any other benefits prescribed for the purposes of this subsection. R.S.O. 1990, c. P.8, s. 39 (5); 1999, c. 15, s. 5.

1. Matters that may be included

(6)  The following may be included by the administrator of the pension plan in calculating a member’s contributory benefit for the purposes of subsection (3):

1. Ancillary benefits related to employment on or after the 1st day of January, 1987.

2. Increases to pension benefits and ancillary benefits related to employment before the date of the amendment resulting from an amendment to the pension plan made on or after the 1st day of January, 1987 but that are not included in calculating commuted value under subsection (2).

3. Pension benefits and ancillary benefits related to employment before the date of the establishment of the pension plan, in the case of a pension plan established on or after the 1st day of January, 1987. R.S.O. 1990, c. P.8, s. 39 (6).

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

1999, c. 15, s. 5 - 03/03/2000

[2010, c. 9, s. 26 (1-3)](http://www.ontario.ca/laws/statute/S10009#s26s1) - 01/07/2012; [2010, c. 24, s. 10 (1)](http://www.ontario.ca/laws/statute/S10024#s10s1) - no effect - see [2017, c. 34, Sched. 33, s. 44](http://www.ontario.ca/laws/statute/S17034#sched33s44) - 14/12/2017; [2010, c. 24, s. 10 (2)](http://www.ontario.ca/laws/statute/S10024#s10s2) - no effect - see [2020, c. 36, Sched. 37, s. 24](http://www.ontario.ca/laws/statute/S20036#sched37s24) - 08/12/2020

[2017, c. 34, Sched. 33, s. 13](http://www.ontario.ca/laws/statute/S17034#sched33s13) - 01/01/2025

[2020, c. 36, Sched. 37, s. 5](http://www.ontario.ca/laws/statute/S20036#sched37s5) - not in force

1. Variable benefits

**39.1**(1)  Repealed: 2017, c. 8, Sched. 27, s. 7 (1).

1. Payment of variable benefits authorized

(2)  A pension plan that provides defined contribution benefits may authorize payment of pension benefits that are variable benefits in the manner authorized by the Income Tax Act (Canada) and in accordance with such requirements and subject to such restrictions as may be prescribed. 2015, c. 20, Sched. 34, s. 2.

1. Waiver of joint and survivor pension

(2.1)  No variable benefit account shall be established for a retired member who has a spouse who would be entitled to a joint and survivor pension under section 44 unless the retired member and the spouse have waived the entitlement to receive payment of pension benefits in the form of a joint and survivor pension in accordance with subsection 46 (1). 2017, c. 8, Sched. 27, s. 7 (2).

1. Time

(2.2)  A waiver under subsection (2.1) is not effective unless the following condition is satisfied:

1. For a written waiver in the form approved by the Chief Executive Officer, the form is dated, signed and delivered to the administrator within the prescribed period before the date the variable benefit account is established.

2. For a certified copy of a domestic contract, the certified copy is delivered to the administrator within the prescribed period before the date the variable benefit account is established. 2017, c. 8, Sched. 27, s. 7 (2); 2017, c. 34, Sched. 33, s. 14 (1); 2018, c. 8, Sched. 23, s. 5.

1. Cancellation of waiver

(2.3)  Persons who have delivered a waiver under subsection (2.1) may jointly cancel it by delivering a written and signed notice of cancellation to the administrator before the variable benefit account is established. 2017, c. 8, Sched. 27, s. 7 (2).

1. Transfers in

(3)  A pension plan that provides for the payment of variable benefits may provide that a retired member receiving variable benefits is entitled to transfer, to the extent authorized by the Income Tax Act (Canada) and in accordance with such requirements and subject to such restrictions as may be prescribed, any amount to the retired member’s variable benefit account,

(a) from the pension fund related to another defined contribution pension plan;

(a.1) from an account with a pooled registered pension plan; or

(b) from a prescribed retirement savings arrangement. 2015, c. 20, Sched. 34, s. 2; 2017, c. 8, Sched. 27, s. 7 (3).

1. Transfers out

(4)  A pension plan that providesfor the payment of variable benefits shall provide that a retired member or specified beneficiary receiving variable benefits is entitled to require the administrator to pay, to the extent authorized by the Income Tax Act (Canada) and in accordance with such requirements and subject to such restrictions as may be prescribed, anyamount remaining in the retired member’s variable benefit account,

(a) to the pension fund related to another defined contribution pension plan, if the administrator of the other pension plan agrees to accept payment;

(b) into a prescribed retirement savings arrangement; or

(c) for the purchase of a life annuity. 2015, c. 20, Sched. 34, s. 2; 2017, c. 34, Sched. 33, s. 14 (2).

1. Withdrawal from variable benefit account

(5)  Within 60 days after the establishment of a variable benefit account for a retired member, the retired member may apply to the administrator, in accordance with such requirements and subject to such restrictions as may be prescribed, to withdraw from the retired member’s variable benefit account or transfer from it to a registered retirement savings arrangement an amount representing up to 50 per cent of the amount transferred to the retired member’s variable benefit account at the time the account was established. 2018, c. 17, Sched. 33, s. 3.

1. Cessation of variable benefit payments

(6)  Before a pension plan ceases to provide for the payment of a variable benefit, the administrator shall offer a retired member or specified beneficiary who receives that variable benefit the options referred to in subsection (4). 2015, c. 20, Sched. 34, s. 2.

1. Direction

(7)  A retired member or specified beneficiary may exercise his or her entitlement under subsection (4) or (6) by delivering a direction to the administrator in accordance with the prescribed rules. 2015, c. 20, Sched. 34, s. 2; 2017, c. 8, Sched. 27, s. 7 (5); 2017, c. 34, Sched. 33, s. 14 (3).

1. Compliance with direction

(8)  Subject to compliance with the requirements of this section and the regulations, the administrator shall comply with the direction within the prescribed period of time after delivery of the direction. 2015, c. 20, Sched. 34, s. 2.

1. Terms of arrangement or life annuity

(9)  The administrator shall not make a payment,

(a) under clause (4) (b) unless the retirement savings arrangement meets the prescribed requirements; or

(b) under clause (4) (c) unless the life annuity meets the prescribed requirements. 2015, c. 20, Sched. 34, s. 2.

(10)-(13)  Repealed: 2017, c. 8, Sched. 27, s. 7 (6).

1. Discharge of administrator

(14)  The administrator is discharged in respect of the amount that is paid or transferred under subsection (4) on making the payment or transferin accordance with the direction of the retired member or specified beneficiary if the payment or transfer complies with this Act and the regulations. 2015, c. 20, Sched. 34, s. 2; 2017, c. 34, Sched. 33, s. 14 (4).

(15)  Repealed: 2017, c. 8, Sched. 27, s. 7 (6).

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

[2015, c. 20, Sched. 34, s. 2](http://www.ontario.ca/laws/statute/S15020#sched34s2) - 01/01/2020

[2017, c. 8, Sched. 27, s. 7 (4, 6)](http://www.ontario.ca/laws/statute/S17008#sched27s7s4) - 17/05/2017; [2017, c. 8, Sched. 27, s. 7 (1-3, 5)](http://www.ontario.ca/laws/statute/S17008#sched27s7s1) - 01/01/2020; [2017, c. 34, Sched. 33, s. 14 (1-4)](http://www.ontario.ca/laws/statute/S17034#sched33s14s1) - 01/01/2020

[2018, c. 8, Sched. 23, s. 5 (1, 2)](http://www.ontario.ca/laws/statute/S18008#sched23s5s1) - 08/06/2019; [2018, c. 17, Sched. 33, s. 3](http://www.ontario.ca/laws/statute/S18017#sched33s3) - 01/01/2020

1. Variable benefit account — death benefit

**39.1.1**(1)  On the death of a retired member for whom a variable benefit account has been established, the person who is the retired member’s spouse on the date of death is entitled to receive the balance remaining in the retired member’s variable benefit account in a lump sum payment. 2017, c. 8, Sched. 27, s. 8.

1. Interpretation re “spouse”

(2)  If, on the date of death, a retired member has a spouse described in clause (a) of the definition of “spouse” in subsection 1 (1) from whom the retired member is living separate and apart, that spouse does not have an entitlement under subsection (1). 2017, c. 8, Sched. 27, s. 8.

1. Same

(3)  If, on the date of death, a retired member has a spouse described in clause (b) of the definition of “spouse” in subsection 1 (1) and a spouse described in clause (a) of that definition from whom the retired member is living separate and apart, the spouse described in clause (b) of the definition has an entitlement under subsection (1). 2017, c. 8, Sched. 27, s. 8.

1. Same, entitlement as beneficiary or personal representative

(4)  Subsection (2) does not prevent a spouse from having an entitlement as a designated beneficiary under subsection (5) or a personal representative under subsection (6). 2017, c. 8, Sched. 27, s. 8.

1. Designated beneficiary

(5)  A retired member for whom a variable benefit account has been established may designate a beneficiary and the beneficiary is entitled to receive the balance remaining in the retired member’s variable benefit account in a lump sum payment unless on the date of death the retired member has a spouse who has an entitlement under subsection (1). 2017, c. 8, Sched. 27, s. 8.

1. Estate entitlement

(6)  The personal representative of a retired member for whom a variable benefit account has been established is entitled to receive the balance remaining in the retired member’s variable benefit account in a lump sum payment unless,

(a) on the date of death, the retired member has a spouse who has an entitlement under subsection (1); or

(b) the retired member has designated a beneficiary who has an entitlement under subsection (5). 2017, c. 8, Sched. 27, s. 8.

1. Spouse’s right to transfer entitlement

(7)  A spouse entitled to a lump sum payment under subsection (1) may require the administrator to pay the lump sum into a registered retirement savings arrangement by delivering a direction to the administrator within the prescribed period. 2017, c. 8, Sched. 27, s. 8.

1. Payments into registered retirement savings arrangements

(8)  Section 50.1 applies with respect to any payment into a registered retirement savings arrangement that is made in accordance with a direction given under subsection (7). 2017, c. 8, Sched. 27, s. 8.

1. Right of specified beneficiary

(9)  Despite subsection (1), the retired member’s variable benefits may continue to be paid, after the retired member’s death, to the retired member’s spouse if the spouse is a specified beneficiary in relation to the retired member and the spouse elects to continue receiving the variable benefits instead of requiring the balance remaining in the retired member’s variable benefit account to be paid in accordance with subsection (1) or (7). 2017, c. 8, Sched. 27, s. 8.

1. Election

(10)  The spouse’s election under subsection (9) must be in the form approved by the Chief Executive Officer and must be delivered to the administrator within the prescribed period after the retired member’s death. 2017, c. 8, Sched. 27, s. 8; 2018, c. 8, Sched. 23, s. 6 (1).

1. Statement to spouse who is specified beneficiary

(10.1)  If a specified beneficiary elects under subsection (9) to continue receiving the variable benefits, the administrator shall give to the specified beneficiary, within the prescribed period, a written statement containing the prescribed information about the pension plan or about the retired member’s variable benefit account. 2017, c. 34, Sched. 33, s. 15.

1. Information

(11)  It is the responsibility of the person entitled to the payment to provide to the administrator the information needed to make the payment. 2017, c. 8, Sched. 27, s. 8.

1. Discharge of administrator

(12)  In the absence of actual notice to the contrary, when the administrator makes one of the following payments in accordance with the information provided by the relevant person, the administrator is discharged in respect of the particular payment:

1. A lump sum payment to the person who is the retired member’s spouse on the date of death, in accordance with subsection (1).

2. A lump sum payment to the designated beneficiary, in accordance with subsection (5).

3. A lump sum payment to the retired member’s personal representative, in accordance with subsection (6). 2017, c. 8, Sched. 27, s. 8.

1. Restriction on entitlement

(13)  An entitlement to a benefit under this section is subject to any right to or interest in the benefit set out in an order made under Part I (Family Property) of the Family Law Act, a family arbitration award or a domestic contract. 2017, c. 8, Sched. 27, s. 8.

1. Waiver

(14)  The spouse of a retired member may waive the spouse’s entitlement under subsection (1) by delivering a written waiver, in the form approved by the Chief Executive Officer, to the administrator. 2017, c. 8, Sched. 27, s. 8; 2018, c. 8, Sched. 23, s. 6 (2).

1. Cancellation of waiver

(15)  A spouse who has delivered a waiver may cancel it by delivering a written and signed notice of cancellation to the administrator before the date of death of the retired member. 2017, c. 8, Sched. 27, s. 8.

1. Effect of waiver

(16)  If a waiver is in effect on the date of death of the retired member, subsections (5) and (6) apply as if the retired member does not have a spouse on the date of death. 2017, c. 8, Sched. 27, s. 8.

1. Definition

(17)  In this section,

“personal representative” has the same meaning as in the Estates Administration Act. 2017, c. 8, Sched. 27, s. 8.

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

[2017, c. 8, Sched. 27, s. 8](http://www.ontario.ca/laws/statute/S17008#sched27s8) – 01/01/2020; [2017, c. 34, Sched. 33, s. 15](http://www.ontario.ca/laws/statute/S17034#sched33s15) - 01/01/2020

[2018, c. 8, Sched. 23, s. 6 (1, 2)](http://www.ontario.ca/laws/statute/S18008#sched23s6s1) - 08/06/2019

1. Death of specified beneficiary

**39.1.2**(1)  A specified beneficiary who elects under subsection 39.1.1 (9) to continue receiving the retired member’s variable benefits may designate a beneficiary. 2017, c. 34, Sched. 33, s. 16.

1. Death benefit

(2)  A beneficiary designated under subsection (1) is entitled to receive the balance remaining in the retired member’s variable benefit account in a lump sum payment on the death of the specified beneficiary. 2017, c. 34, Sched. 33, s. 16.

1. Estate entitlement

(3)  The personal representative of the specified beneficiary is entitled to receive the balance remaining in the retired member’s variable benefit account in a lump sum payment on the death of the specified beneficiary unless the specified beneficiary has designated a beneficiary who has an entitlement under this section. 2017, c. 34, Sched. 33, s. 16.

1. Definition

(4)  In this section,

“personal representative” has the same meaning as in the Estates Administration Act. 2017, c. 34, Sched. 33, s. 16.

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

[2017, c. 34, Sched. 33, s. 16](http://www.ontario.ca/laws/statute/S17034#sched33s16) - 01/01/2020

1. Target benefits

**39.2**(1)  A benefit provided by a pension plan is a target benefit if all of the following criteria are satisfied:

1. The pension plan is a multi-employer pension plan established pursuant to a collective agreement or a trust agreement.

2. Repealed: 2020, c. 36, Sched. 37, s. 6 (1).

3. The documents that create and support the pension plan identify the benefit as a target benefit.

3.1 The benefit is determined in part with reference to the value of the assets of the pension fund, except as provided by the regulations. The benefit must satisfy this criterion both before and after the payments of the pension begin.

3.2 The benefit is not determined on an individual account basis.

4. Except at the time a newly established pension plan is registered under this Act as providing target benefits, the benefit, if accrued, was converted to a target benefit in accordance with section 81.0.2.

5. Either of the following circumstances exist:

i. The obligation of an employer to contribute to the pension fund in respect of the benefit is limited to a fixed amount set out in one or more collective agreements and the pension plan satisfies such conditions as may be prescribed.

ii. The obligation of an employer to contribute to the pension fund in respect of the benefit is limited to a fixed amount set out in one or more documents, other than a collective agreement, that create and support the plan and the pension plan satisfies such conditions as may be prescribed.

5.1 Employee contributions to the pension fund in respect of the benefit do not exceed employer contributions to the pension fund in respect of the benefit.

6. The administrator is authorized under the pension plan to reduce the benefit after it has accrued, both while the plan is ongoing and upon wind up.

7. The reduction referred to in paragraph 6 is not prohibited by the terms of any applicable collective agreement.

8. The reduction referred to in paragraph 6 is not prohibited by any applicable pension legislation of a designated jurisdiction, except as provided by the regulations.

9. The benefit satisfies such other criteria as may be prescribed.

10. The pension plan satisfies such other criteria as may be prescribed. 2017, c. 34, Sched. 33, s. 17; 2019, c. 7, Sched. 48, s. 2; 2020, c. 36, Sched. 37, s. 6; 2024, c. 12, Sched. 8, s. 2 (1-4).

1. Same

(2)  Despite subsections (1) and (3), a benefit provided by a pension plan is not a target benefit if the administrator’s authority to reduce the benefit is restricted in a manner or to an extent that is prohibited by regulation for target benefits. 2017, c. 34, Sched. 33, s. 17.

1. Same

(3)  Except as otherwise prescribed by regulation and despite subsection (1), a pension plan shall not provide both target benefits and defined benefits. 2017, c. 34, Sched. 33, s. 17.

1. Reduction of target benefits

(4)  The regulations may specify circumstances in which a target benefit must be reduced. 2024, c. 12, Sched. 8, s. 2 (5).

1. Same

(5)  The regulations may prescribe rules relating to how a target benefit is to be reduced, including prescribing any restrictions, limitations or conditions on the reduction. 2024, c. 12, Sched. 8, s. 2 (5).

1. Failure to satisfy criteria

(6)  If one or more of the criteria specified in subsection (1) are no longer satisfied, such that the benefit provided by a pension plan ceases to be a target benefit, the prescribed requirements apply. 2024, c. 12, Sched. 8, s. 2 (5).

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

[2010, c. 24, s. 12 (1, 2)](http://www.ontario.ca/laws/statute/S10024#s12s1) - no effect - see [2017, c. 34, Sched. 33, s. 44](http://www.ontario.ca/laws/statute/S17034#sched33s44) - 14/12/2017

[2017, c. 34, Sched. 33, s. 17](http://www.ontario.ca/laws/statute/S17034#sched33s17) - 01/01/2025

[2019, c. 7, Sched. 48, s. 2](http://www.ontario.ca/laws/statute/S19007#sched48s2) - 01/01/2025

[2020, c. 36, Sched. 37, s. 6 (1, 2)](http://www.ontario.ca/laws/statute/S20036#sched37s6s1) - 01/01/2025

[2024, c. 12, Sched. 8, s. 2 (1-5)](http://www.ontario.ca/laws/statute/S24012#sched8s2s1) - 01/01/2025

1. Ancillary benefits

**40** (1)  A pension plan may provide the following ancillary benefits:

1. Disability benefits.

2. Death benefits in excess of those provided in section 48 (pre-retirement death benefit).

3. Bridging benefits.

4. Supplemental benefits, other than bridging benefits, payable for a temporary period of time.

5. Early retirement options and benefits in excess of those provided by section 41 (early retirement option).

6. Postponed retirement options and benefits in excess of those referred to in subsection 35 (4).

7. Any prescribed ancillary benefit. R.S.O. 1990, c. P.8, s. 40 (1).

1. Use in calculating pension benefit

(2)  An ancillary benefit for which a member has met all eligibility requirements under the pension plan necessary to exercise the right to receive payment of the benefit shall be included in calculating the member’s pension benefit or the commuted value of the pension benefit. R.S.O. 1990, c. P.8, s. 40 (2).

1. Consent of employer

(3)  For the purposes of subsection (2) and clause 14 (1) (c), if the consent of an employer is an eligibility requirement for entitlement to receive an ancillary benefit and a member, former member or retired member has met all other eligibility requirements, the employer is deemed to have consented. 2010, c. 9, s. 27.

1. Same, jointly sponsored pension plan

(4)  For the purposes of subsection (2) and clause 14 (1) (c), if the consent of the administrator is an eligibility requirement for entitlement to receive an ancillary benefit under a jointly sponsored pension plan and a member, former member or retired member has met all other eligibility requirements, the administrator is deemed to have consented. 2010, c. 9, s. 27.

1. Treatment re target benefits

(5)  Subsection (2) applies with respect to ancillary benefits under a pension plan that provides target benefits, except in such circumstances as may be prescribed. 2020, c. 36, Sched. 37, s. 7 (1)

Note: On a day to be named by proclamation of the Lieutenant Governor, section 40 of the Act is amended by adding the following subsection: (See: 2020, c. 36, Sched. 37, s. 7 (2))

Treatment of optional benefits

(6)  Subsection (2) applies with respect to ancillary benefits that are optional benefits, except in such circumstances as may be prescribed. 2020, c. 36, Sched. 37, s. 7 (2).

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

[2005, c. 31, Sched. 18, s. 5](http://www.ontario.ca/laws/statute/S05031#sched18s5) - 01/01/2007

[2010, c. 9, s. 27](http://www.ontario.ca/laws/statute/S10009#s27) - 01/07/2012; [2010, c. 24, s. 13 (1, 2)](http://www.ontario.ca/laws/statute/S10024#s13s1) - no effect - see [2020, c. 36, Sched. 37, s. 24](http://www.ontario.ca/laws/statute/S20036#sched37s24) - 08/12/2020

[2020, c. 36, Sched. 37, s. 7 (1)](http://www.ontario.ca/laws/statute/S20036#sched37s7s1) - 01/01/2025; [2020, c. 36, Sched. 37, s. 7 (2)](http://www.ontario.ca/laws/statute/S20036#sched37s7s2) - not in force

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2020, c. 36, Sched. 37, s. 8)

Optional benefits

**40.1**(1)  A pension plan that provides defined benefits may provide as optional benefits such benefits as may be prescribed. 2020, c. 36, Sched. 37, s. 8.

Optional contributions

(2)  Optional contributions may be made by a member for optional benefits under the pension plan and, if the pension plan so permits, the member may choose or vary the amount of the optional contributions to be made. 2020, c. 36, Sched. 37, s. 8.

Same

(3)  The optional contributions made by a member must be applied, in accordance with the terms of the pension plan, to provide only optional benefits upon the termination of employment or membership. 2020, c. 36, Sched. 37, s. 8.

Requirements re contributions

(4)  A pension plan that provides optional benefits must satisfy such requirements as may be prescribed about the manner of determining the amount of the optional contributions for the optional benefits. 2020, c. 36, Sched. 37, s. 8.

Requirements re conversion

(5)  The conversion of optional contributions into optional benefits is subject to such requirements as may be prescribed by regulation. 2020, c. 36, Sched. 37, s. 8.

Non-application

(6)  Such provisions of the Act and regulations as may be prescribed do not apply with respect to optional benefits and optional contributions. 2020, c. 36, Sched. 37, s. 8.

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

[2010, c. 24, s. 14](http://www.ontario.ca/laws/statute/S10024#s14) - no effect - see [2020, c. 36, Sched. 37, s. 24](http://www.ontario.ca/laws/statute/S20036#sched37s24) - 08/12/2020

[2020, c. 36, Sched. 37, s. 8](http://www.ontario.ca/laws/statute/S20036#sched37s8) - not in force

1. Early retirement option

**41** (1)  A former member is entitled to elect to receive an early retirement pension under the pension plan if he or she has terminated employment and is within 10 years of reaching the normal retirement date. 2010, c. 9, s. 28 (1).

1. Idem

(2)  A member who is within ten years of attaining the normal retirement date and who would be entitled to a deferred pension on termination of employment with the employer is entitled upon termination of the employment or on the wind up of the pension plan in whole or in part to receive an early retirement pension under the pension plan. R.S.O. 1990, c. P.8, s. 41 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 41 (2) of the Act is amended by striking out “in whole or in part”. (See: 2020, c. 36, Sched. 37, s. 9)

1. Commuted value

(3)  The commuted value of a member’s early retirement pension must be not less than the commuted value of the member’s pension benefit under the pension plan. R.S.O. 1990, c. P.8, s. 41 (3).

1. Idem, former member

(4)  The commuted value of a former member’s early retirement pension must be not less than the commuted value of the former member’s deferred pension benefit under the pension plan. R.S.O. 1990, c. P.8, s. 41 (4).

1. Payment

(5)  The member or former member is entitled to require the commencement of payment of the early retirement pension at any time within the ten year period mentioned in subsection (1) or (2). R.S.O. 1990, c. P.8, s. 41 (5).

1. Election

(6)  An election under subsection (1) or (2) shall be made in writing, signed by the member or former member and delivered to the administrator of the pension plan. R.S.O. 1990, c. P.8, s. 41 (6).

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

[2010, c. 9, s. 28 (1)](http://www.ontario.ca/laws/statute/S10009#s28s1) - 01/07/2012; [2010, c. 9, s. 28 (2)](http://www.ontario.ca/laws/statute/S10009#s28s2) - no effect - see [2020, c. 36, Sched. 37, s. 25](http://www.ontario.ca/laws/statute/S20036#sched37s25) - 08/12/2020

[2020, c. 36, Sched. 37, s. 9](http://www.ontario.ca/laws/statute/S20036#sched37s9) - not in force

1. Transfer

**42** (1)  A former member of a pension plan is entitled to require the administrator to pay an amount equal to the commuted value of the former member’s deferred pension,

(a) to the pension fund related to another pension plan, if the conditions set out in subsection (1.1) are satisfied;

(b) into a prescribed retirement savings arrangement; or

(c) if the pension plan so permits, for the purchase for the former member of a life annuity that will not commence before the earliest date on which the former member would have been entitled to receive payment of pension benefits under the pension plan. R.S.O. 1990, c. P.8, s. 42 (1); 2010, c. 9, s. 29 (1); 2010, c. 24, s. 15 (1); 2011, c. 9, Sched. 35, s. 3 (1).

1. Requirements re transfer to another pension plan

(1.1)  The transfer described in clause (1) (a) to the pension fund related to another pension plan is authorized,

(a) if the other pension plan is a pension plan registered under this Act, a pension plan established or governed by a statute in a designated jurisdiction, a pension plan registered in a designated jurisdiction or a pension plan prescribed for the purposes of this section; and

(b) if the administrator of the other pension plan agrees to accept the payment. 2010, c. 24, s. 15 (2).

1. Limitation

(2)  The entitlement under subsection (1) is subject to the prescribed limitations in respect of the transfer of funds from pension funds. R.S.O. 1990, c. P.8, s. 42 (2).

1. Application

(3)  Subsection (1) does not apply to a former member who is entitled to immediate payment of a pension under the pension plan or under section 41 unless the pension plan provides such an entitlement. 2010, c. 9, s. 29 (2).

1. Direction

(4)  A former member may exercise his or her entitlement under subsection (1) by delivering a direction to the administrator within the prescribed period. 2010, c. 9, s. 29 (3).

1. Compliance with direction

(5)  Subject to compliance with the requirements of this section and the regulations, the administrator shall comply with the direction within the prescribed period of time after delivery of the direction. R.S.O. 1990, c. P.8, s. 42 (5).

1. Terms of arrangement or deferred annuity

(6)  The administrator shall not make payment,

(a) under clause (1) (b) unless the retirement savings arrangement meets the requirements prescribed by the regulations; or

(b) under clause (1) (c) unless the contract to purchase the deferred life annuity meets the prescribed requirements. R.S.O. 1990, c. P.8, s. 42 (6).

1. Lump sum payment

(6.1)  If the amount of the commuted value of the deferred pension of the former member to be paid into a prescribed retirement savings arrangement under clause (1) (b) is greater than the amount prescribed under the Income Tax Act (Canada) for such a transfer, the administrator shall pay the portion that exceeds the prescribed amount as a lump sum to the former member. 1999, c. 15, s. 6.

1. Purchase of life annuity

(6.2)  If a life annuity is purchased under clause (1) (c) for a former member and if the amount of the commuted value of the former member’s deferred pension that is used to purchase the life annuity is greater than the amount permitted under the Income Tax Act (Canada) for such a purchase, the administrator shall pay to the former member as a lump sum the portion of the commuted value that exceeds the amount permitted under that Act for the purchase of the life annuity. 2010, c. 26, Sched. 15, s. 1 (2); 2011, c. 9, Sched. 35, s. 3 (2).

1. Approval

(7)  If a payment under subsection (1) does not meet the limitations prescribed in relation to transfers of funds from pension funds, the administrator shall not make the payment without the approval of the Chief Executive Officer. R.S.O. 1990, c. P.8, s. 42 (7); 2018, c. 8, Sched. 23, s. 23.

1. Terms and conditions

(8)  The Chief Executive Officer may approve the payment subject to such terms and conditions as the Chief Executive Officer considers appropriate in the circumstances. R.S.O. 1990, c. P.8, s. 42 (8); 2018, c. 8, Sched. 23, s. 23.

1. Order for repayment

(9)  If a payment that does not meet the limitations prescribed in relation to transfers of funds from pension funds is made without the approval of the Chief Executive Officer or there is failure to comply with a term or condition attached to the approval, the Chief Executive Officer by order, subject to section 89 (notices and hearings), may require any person to whom payment under subsection (1) has been made to repay an amount not greater than the amount of the payment together with interest thereon. R.S.O. 1990, c. P.8, s. 42 (9); 2018, c. 8, Sched. 23, s. 23.

1. Enforcement

(10)  Subject to section 89 (notices and hearings), an order for payment under subsection (9), exclusive of the reasons therefor, may be filed in the Superior Court of Justice and is thereupon enforceable as an order of that court. R.S.O. 1990, c. P.8, s. 42 (10); 2006, c. 19, Sched. C, s. 1 (1).

1. Discharge of administrator

(11)  The administrator is discharged on making the payment or transfer in accordance with the direction of the former member if the payment or transfer complies with this Act, the regulations and the Authority rules. R.S.O. 1990, c. P.8, s. 42 (11); 2017, c. 34, Sched. 33, s. 18.

1. Retired members

(12)  This section applies, with necessary modifications, to a retired member who is entitled to begin to receive a pension from the pension fund by virtue of having reached the normal retirement date under the pension plan but who has not yet elected to receive the pension, if the pension plan so permits. 2016, c. 37, Sched. 19, s. 2.

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

1997, c. 28, s. 197 - 01/01/1998; 1999, c. 15, s. 6 - 03/03/2000

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019#schedcs1s1) - 22/06/2006

[2010, c. 9, s. 29 (1, 2)](http://www.ontario.ca/laws/statute/S10009#s29s1) - 01/07/2012; [2010, c. 9, s. 29 (3)](http://www.ontario.ca/laws/statute/S10009#s29s3) - 18/05/2010; [2010, c. 24, s. 15 (1, 2)](http://www.ontario.ca/laws/statute/S10024#s15s1) - 01/01/2015; [2010, c. 24, s. 15 (3)](http://www.ontario.ca/laws/statute/S10024#s15s3) - no effect - see [2017, c. 34, Sched. 33, s. 44](http://www.ontario.ca/laws/statute/S17034#sched33s44) - 14/12/2017; [2010, c. 26, Sched. 15, s. 1 (1)](http://www.ontario.ca/laws/statute/S10026#sched15s1s1) - 30/06/2011; [2010, c. 26, Sched. 15, s. 1 (2)](http://www.ontario.ca/laws/statute/S10026#sched15s1s2) - 08/12/2010

[2011, c. 9, Sched. 35, s. 3 (1, 2)](http://www.ontario.ca/laws/statute/S11009#sched35s3s1) - 12/05/2011

[2015, c. 9, s. 31 (2)](http://www.ontario.ca/laws/statute/S15009#s31s2) - no effect - see [2016, c. 5, Sched. 23, s. 5](http://www.ontario.ca/laws/statute/S16005#sched23s5) - 19/04/2016

[2016, c. 5, Sched. 23, s. 5](http://www.ontario.ca/laws/statute/S16005#sched23s5) - 19/04/2016; [2016, c. 37, Sched. 19, s. 2](http://www.ontario.ca/laws/statute/S16037#sched19s2) - 1/03/2017

[2017, c. 34, Sched. 33, s. 18](http://www.ontario.ca/laws/statute/S17034#sched33s18) - 08/06/2019

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019; [CTS 04 SE 18 - 3](https://www.ontario.ca/laws/consolidated-statutes-change-notices)

1. Purchase of pension

**43** (1)  The administrator of a pension plan who is required by the pension plan to provide a pension, a deferred pension or an ancillary benefit may purchase the pension, deferred pension or ancillary benefit from an insurance company. R.S.O. 1990, c. P.8, s. 43 (1); 2017, c. 34, Sched. 33, s. 19.

1. Limitations

(2)  The authority of the administrator under subsection (1) is subject to the entitlement of a member under section 42 and to the limitations prescribed in relation to transfers of funds from pension funds. R.S.O. 1990, c. P.8, s. 43 (2).

1. Approval by Chief Executive Officer

(3)  If a purchase under subsection (1) does not meet the limitations prescribed in relation to transfers of funds from pension funds, the administrator shall not make the purchase without the prior approval of the Chief Executive Officer. R.S.O. 1990, c. P.8, s. 43 (3); 2018, c. 8, Sched. 23, s. 23.

1. Idem

(4)  The Chief Executive Officer may approve a purchase mentioned in subsection (3) subject to such terms and conditions as the Chief Executive Officer considers appropriate in the circumstances. R.S.O. 1990, c. P.8, s. 43 (4); 2018, c. 8, Sched. 23, s. 23.

1. Order for repayment

(5)  If a purchase that does not meet the limitations prescribed in relation to transfers of funds from pension funds is made without the approval of the Chief Executive Officer or there is a failure to comply with a term or condition attached to the approval, the Chief Executive Officer, subject to section 89 (notices and hearings), by order may require any person to whom payment under subsection (1) has been made to repay an amount not greater than the amount of the payment together with interest thereon. R.S.O. 1990, c. P.8, s. 43 (5); 2018, c. 8, Sched. 23, s. 23.

1. Enforcement

(6)  Subject to section 89 (notices and hearings), an order for payment under subsection (5), exclusive of the reasons therefor, may be filed in the Superior Court of Justice and is thereupon enforceable as an order of that court. R.S.O. 1990, c. P.8, s. 43 (6); 2006, c. 19, Sched. C, s. 1 (1).

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

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019#schedcs1s1) - 22/06/2006

[2017, c. 34, Sched. 33, s. 19](http://www.ontario.ca/laws/statute/S17034#sched33s19) - 14/12/2017

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Purchase of pension, single employer pension plan
2. Interpretation

**43.1**(1)  Despite subsection 1.1 (1), a reference to a retired member in this section does not include an individual who has not yet elected to receive a pension even though the individual is entitled to begin to receive a pension from the pension fund by virtue of having reached the normal retirement date under the pension plan. 2017, c. 34, Sched. 33, s. 20.

1. Purchase of pension, single employer pension plan

(2)  The administrator of a single employer pension plan that provides defined benefits who is required by the pension plan to provide a pension, a deferred pension or an ancillary benefit to a former member or retired member or to the surviving spouse of a member, former member or retired member may purchase the pension, deferred pension or ancillary benefit from an insurance company. 2017, c. 34, Sched. 33, s. 20; 2018, c. 17, Sched. 33, s. 4 (1).

1. Notice of purchase

(3)  The administrator shall give notice of the purchase under subsection (2), in accordance with the prescribed requirements, to the following persons, as applicable:

1. The former member in respect of whom the purchase was made.

2. The retired member in respect of whom the purchase was made.

3. The surviving spouse in respect of whom the purchase was made.

4. The spouse of a retired member, if the purchase was made in respect of a retired member whose spouse is receiving a specified amount or a portion of the pension instalment otherwise payable to the retired member under section 67.4 or 67.6. 2018, c. 17, Sched. 33, s. 4 (2).

1. Requirements

(4)  The purchase under subsection (2) must meet the following requirements:

1. In the case of a purchase in respect of a former member, the deferred pension or ancillary benefit purchased from the insurance company must provide the same benefit as the benefit the former member would have received from the pension plan had the purchase not been made.

2. In the case of a purchase in respect of a retired member, the pension or ancillary benefit purchased from the insurance company must provide the retired member with payments in the same amount and form as the pension or ancillary benefit, as the case may be, that the retired member would have received from the pension plan had the purchase not been made.

2.1 In the case of a purchase in respect of a surviving spouse receiving a joint and survivor pension under section 44 or a surviving spouse receiving a pension under section 48, the pension purchased from the insurance company must provide the surviving spouse with payments in the same amount and form as the pension that the surviving spouse would have received from the pension plan had the purchase not been made.

3. If a spouse of a retired member is receiving a specified amount or a proportion of the pension instalment otherwise payable to the retired member in accordance with section 67.4 or 67.6, the pension or ancillary benefit purchased from the insurance company must provide the retired member and the spouse with payments in the same amount and form as the payments they would have received from the pension plan had the purchase not been made.

3.1 In the case of a purchase in respect of a surviving spouse entitled to a deferred pension under section 48, the deferred pension purchased from the insurance company must provide the same benefit as the benefit the surviving spouse would have received from the pension plan had the purchase not been made.

4. The insurance company from which the purchase is made must be authorized to sell annuities.

5. The contract to purchase the pension, deferred pension or ancillary benefit must meet the prescribed requirements.

6. The purchase must meet any other requirements, conditions or limitations that may be prescribed, including requirements, conditions or limitations relating to funding. 2017, c. 34, Sched. 33, s. 20; 2018, c. 17, Sched. 33, s. 4 (3-5).

1. Discharge of administrator

(5)  An administrator is discharged,

(a) in the case of a former member in respect of whom the purchase of a deferred pension has been made and, if the former member is entitled to an ancillary benefit, the purchase of the ancillary benefit has also been made, on filing a certificate prepared and signed by an actuary certifying that, in the actuary’s opinion, the administrator has complied with subsection (4) in respect of the purchase or purchases, as the case may be;

(b) in the case of a retired member in respect of whom the purchase of a pension has been made and, if the retired member is entitled to an ancillary benefit, the purchase of the ancillary benefit has also been made, on filing a certificate prepared and signed by an actuary certifying that, in the actuary’s opinion, the administrator has complied with subsection (4) in respect of the purchase or purchases, as the case may be; and

(c) in the case of a surviving spouse in respect of whom the purchase of a pension or a deferred pension has been made, on filing a certificate prepared and signed by an actuary certifying that, in the actuary’s opinion, the administrator has complied with subsection (4) in respect of the purchase. 2018, c. 17, Sched. 33, s. 4 (6).

1. Discharge, previous purchases under s. 43

(6)  Subject to subsection (7), an administrator of a single employer pension plan that provides defined benefits who purchased a pension, deferred pension or ancillary benefit from an insurance company under section 43 before the day the Restoring Trust, Transparency and Accountability Act, 2018 received Royal Assent is discharged,

(a) in the case of a former member in respect of whom the purchase of a deferred pension has been made and, if the former member is entitled to an ancillary benefit, the purchase of the ancillary benefit has also been made, on filing a certificate prepared and signed by an actuary certifying that, in the actuary’s opinion, either the original purchase or subsequent adjustments made to the original purchase result in the prescribed requirements being satisfied;

(b) in the case of a retired member in respect of whom the purchase of a pension has been made and, if the retired member is entitled to an ancillary benefit, the purchase of the ancillary benefit has also been made, on filing a certificate prepared and signed by an actuary certifying that, in the actuary’s opinion, either the original purchase or subsequent adjustments made to the original purchase result in the prescribed requirements being satisfied; and

(c) in the case of a surviving spouse in respect of whom the purchase of a pension or deferred pension has been made, on filing a certificate prepared and signed by an actuary certifying that, in the actuary’s opinion, either the original purchase or subsequent adjustments made to the original purchase result in the prescribed requirements being satisfied. 2018, c. 17, Sched. 33, s. 4 (7).

1. Discharge, other purchases under s. 43

(6.1)  Subject to subsections (6.2) and (7), an administrator of a single employer pension plan that provides defined benefits who purchases a pension, deferred pension or ancillary benefit from an insurance company under section 43 on or after the day the Restoring Trust, Transparency and Accountability Act, 2018 received Royal Assent is discharged,

(a) in the case of a former member in respect of whom the purchase of a deferred pension has been made and, if the former member is entitled to an ancillary benefit, the purchase of the ancillary benefit has also been made, on filing a certificate prepared and signed by an actuary certifying that, in the actuary’s opinion, either the original purchase or subsequent adjustments made to the original purchase result in the prescribed requirements being satisfied;

(b) in the case of a retired member in respect of whom the purchase of a pension has been made and, if the retired member is entitled to an ancillary benefit, the purchase of the ancillary benefit has also been made, on filing a certificate prepared and signed by an actuary certifying that, in the actuary’s opinion, either the original purchase or subsequent adjustments made to the original purchase result in the prescribed requirements being satisfied; and

(c) in the case of a surviving spouse in respect of whom the purchase of a pension or deferred pension has been made, on filing a certificate prepared and signed by an actuary certifying that, in the actuary’s opinion, either the original purchase or subsequent adjustments made to the original purchase result in the prescribed requirements being satisfied. 2018, c. 17, Sched. 33, s. 4 (7).

1. Conditions for discharge under subs. (6.1)

(6.2)  The administrator is only discharged under subsection (6.1) if, on the date of the purchase of the pension, deferred pension or ancillary benefit under section 43, the purchase satisfies the prescribed requirements, conditions or limitations relating to funding. 2018, c. 17, Sched. 33, s. 4 (7).

1. Notice re purchase under s. 43

(7)  Subsections (6) and (6.1) do not apply unless the administrator has, in accordance with the prescribed requirements, given notice to the following persons, as applicable, that it intends to file the certificate mentioned in subsection (6) or (6.1):

1. The former member in respect of whom the purchase was made.

2. The retired member in respect of whom the purchase was made.

3. The surviving spouse in respect of whom the purchase was made.

4. The spouse of a retired member, if the purchase was made in respect of a retired member whose spouse is receiving a specified amount or a portion of the pension instalment otherwise payable to the retired member under section 67.4 or 67.6. 2018, c. 17, Sched. 33, s. 4 (8).

1. Effect of discharge

(8)  If an administrator is discharged under this section, the former member or retired member in respect of whom the purchase was made is no longer a former member or retired member under this Act for any purpose, subject to subsection (9). 2017, c. 34, Sched. 33, s. 20.

1. Entitlement to surplus on plan wind up

(9)  If the pension plan has a surplus on wind up, a former member or retired member in respect of whom a purchase was made has the same rights with respect to payment of surplus under the pension plan as former members and retired members who, as of the date of the wind up, are entitled to payments under the pension plan. However, this only applies if the former member or retired member would have been entitled to payment of surplus under the pension plan if the pension plan had been wound up on the date of the purchase whether or not the pension plan actually had a surplus on the date of the purchase. 2017, c. 34, Sched. 33, s. 20; 2018, c. 17, Sched. 33, s. 4 (9).

1. No discharge if requirements not met

(10)  Subject to subsection (12), if it is discovered after the filing of a certificate mentioned in subsection (5), (6) or (6.1) that the purchase referred to in the certificate did not satisfy the requirements of this section, the administrator is deemed, as of the filing of the certificate, not to have been discharged under this section. 2018, c. 17, Sched. 33, s. 4 (10).

1. Notice

(11)  An administrator that is deemed under subsection (10) not to have been discharged shall promptly notify the former member, retired member, spouse or surviving spouse, as applicable, that the administrator,

(a) failed to satisfy the requirements of this section; and

(b) is no longer deemed to have been discharged under this section. 2018, c. 17, Sched. 33, s. 4 (10).

1. Discharge after subs. (10) applies

(12)  If an administrator is deemed under subsection (10) not to have been discharged, the administrator may be discharged again if the administrator satisfies the requirements of this section. 2018, c. 17, Sched. 33, s. 4 (10).

1. Order for repayment

(13)  Subject to section 89 (notices and hearings), the Chief Executive Officer may, by order, require the insurance company from which the pension, deferred pension or ancillary benefit was purchased under subsection (2), (6) or (6.1) to repay an amount not greater than the amount of the payment, with interest, if the purchase does not satisfy the requirements of this section. 2018, c. 17, Sched. 33, s. 4 (10); 2018, c. 8, Sched. 23, s. 23.

1. Enforcement

(14)  Subject to section 89 (notices and hearings), an order for repayment under subsection (13) may be filed in the Superior Court of Justice without reasons and, on filing, is enforceable as an order of that court. 2018, c. 17, Sched. 33, s. 4 (10).

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

[2017, c. 34, Sched. 33, s. 20](http://www.ontario.ca/laws/statute/S17034#sched33s20) - 01/07/2018

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23)- 08/06/2019; [2018, c. 17, Sched. 33, s. 4 (4, 9)](http://www.ontario.ca/laws/statute/S18017#sched33s4s4) - 06/12/2018; [2018, c. 17, Sched. 33, s. 4 (1-3, 5-8, 10)](http://www.ontario.ca/laws/statute/S18017#sched33s4s1) - 15/10/2019

1. Joint and survivor pension benefits

**44** (1)  Every pension paid under a pension plan to a retired member who has a spouse on the date that the payment of the first instalment of the pension is due shall be a joint and survivor pension. R.S.O. 1990, c. P.8, s. 44 (1); 1999, c. 6, s. 53 (5); 2005, c. 5, s. 56 (9); 2010, c. 9, s. 30 (1).

1. Interpretation re “spouse”

(1.1)  If, on the date that the payment of the first instalment of the pension is due, a retired member has a spouse described in clause (a) of the definition of “spouse” in subsection 1 (1) from whom the retired member is living separate and apart, that person is not a spouse for the purposes of subsection (1). 2014, c. 7, Sched. 26, s. 4 (1).

1. Same

(1.2)  If, on the date that the payment of the first instalment of the pension is due, a retired member has a spouse described in clause (b) of the definition of “spouse” in subsection 1 (1) and a spouse described in clause (a) of that definition from whom the retired member is living separate and apart, the spouse described in clause (b) of the definition is the spouse for the purposes of subsection (1). 2014, c. 7, Sched. 26, s. 4 (1).

1. Commuted value

(2)  The commuted value of a joint and survivor pension under subsection (1) shall not be less than the commuted value of the pension that would be payable under the pension plan to the retired member. R.S.O. 1990, c. P.8, s. 44 (2); 2010, c. 9, s. 30 (2).

1. Amount of survivor benefit

(3)  Upon the death of the retired member, the pension payable to his or her surviving spouse shall not be less than 60 per cent of the pension paid to the retired member during their joint lives. 2010, c. 9, s. 30 (3).

1. Same

(3.1)  If the spouse of the retired member dies before the retired member, the pension payable to the retired member after the spouse’s death shall not be less than 60 per cent of the pension paid to the retired member during their joint lives. 2012, c. 8, Sched. 44, s. 2 (1).

1. Application of subss. (1-3.1)

(4)  Subsections (1) to (3.1) do not apply in respect of a pension benefit if payment of the pension commenced before January 1, 1988. 2014, c. 7, Sched. 26, s. 4 (2).

1. Deferred life annuity

(5)  Where,

(a) prior to the 1st day of January, 1988, a deferred life annuity has been purchased from an insurance company for a person entitled to a deferred pension under the Pension Benefits Act, being chapter 373 of the Revised Statutes of Ontario, 1980;

(b) payments have not commenced under the annuity on the 1st day of January, 1988; and

(c) the recipient of the payments has a spouse on the date payments commence,

the annuity shall be paid as a joint and survivor pension in accordance with the requirements of this section and the insurance company shall make payments accordingly. R.S.O. 1990, c. P.8, s. 44 (5); 1999, c. 6, s. 53 (8); 2005, c. 5, s. 56 (12).

1. Application of ss. 45, 46

(6)  For the purposes of subsection (5), the insurance company shall be deemed to be the administrator under sections 45 and 46. R.S.O. 1990, c. P.8, s. 44 (6).

1. Lump sum payment, small amounts

(7)  A pension plan may provide for payment, upon the death of a retired member, of the commuted value of the survivor benefit to a person who is entitled to the survivor benefit if, at the date of death,

(a) the annual benefit payable is not more than 4 per cent of the Year’s Maximum Pensionable Earnings; or

(b) the commuted value of the benefit is less than 20 per cent of the Year’s Maximum Pensionable Earnings. 2010, c. 9, s. 30 (5); 2012, c. 8, Sched. 44, s. 2 (3).

1. Same

(7.1)  However, if the first instalment of the retired member’s pension is due before the date on which subsection (7) comes into force, subsection (7) does not apply unless the person entitled to the survivor benefit upon the retired member’s death consents in writing to the payment of the commuted value of the survivor benefit. 2012, c. 8, Sched. 44, s. 2 (4).

1. Right to transfer lump sum

(8)  The person to whom the payment under subsection (7) is to be made may require the administrator to pay the commuted value into a registered retirement savings arrangement and the person may exercise this entitlement by delivering a direction to the administrator within the prescribed period. 2010, c. 9, s. 30 (5).

1. Same

(9)  Section 50.1 applies with respect to the payment into the registered retirement savings arrangement. 2010, c. 9, s. 30 (5).

1. Discharge

(10)  An administrator who commenced payment of a pension under this section before the day on which subsection (1.2) comes into force is deemed to have been discharged on making the payment if all of the following circumstances exist:

1. On the date that the payment of the first instalment of the pension was due, the retired member had a spouse described in clause (b) of the definition of “spouse” in subsection 1 (1) and a spouse described in clause (a) of that definition from whom the retired member was living separate and apart.

2. The spouse described in clause (b) of the definition of “spouse” in subsection 1 (1) was the retired member’s spouse for the purposes of determining that the pension is a joint and survivor pension under subsection (1).

3. The pension benefit was paid or continues to be paid to the retired member or to the spouse described in clause (b) of the definition of “spouse” in subsection 1 (1).

4. The payment otherwise complied with the requirements under this Act and the regulations. 2014, c. 7, Sched. 26, s. 4 (3).

1. Claims

(11)  If, before the day on which subsection (1.2) comes into force, an administrator made a payment of a pension as a joint and survivor pension and the circumstances set out in subsection (10) existed, no person has a claim against the administrator or against the recipient of the payment in respect of the payment. 2014, c. 7, Sched. 26, s. 4 (3).

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

1999, c. 6, s. 53 (5-8) - 01/03/2000

[2005, c. 5, s. 56 (9-12)](http://www.ontario.ca/laws/statute/S05005#s56s9) - 13/06/2005

[2010, c. 9, s. 30 (1-5)](http://www.ontario.ca/laws/statute/S10009#s30s1) - 01/07/2012

[2012, c. 8, Sched. 44, s. 2 (1, 2, 4)](http://www.ontario.ca/laws/statute/S12008#sched44s2s1) - 01/10/2012; [2012, c. 8, Sched. 44, s. 2 (3)](http://www.ontario.ca/laws/statute/S12008#sched44s2s3) - 20/06/2012

[2014, c. 7, Sched. 26, s. 4 (1-3)](http://www.ontario.ca/laws/statute/S14007#sched26s4s1) - 24/07/2014

1. Information for payment

**45** (1)  Before commencing payment of a pension or pension benefit, the administrator of a pension plan shall require the person entitled to the payment to provide to the administrator the information needed to calculate and pay the pension or pension benefit.

1. Person to provide information

(2)  The person entitled to the payment shall provide the information to the administrator.

1. Discharge of administrator

(3)  In the absence of actual notice to the contrary, the administrator is discharged on paying the pension or pension benefit in accordance with the information provided by the person in accordance with subsection (2) or, if the person does not provide the information, in accordance with the latest information in the records of the administrator. R.S.O. 1990, c. P.8, s. 45.

1. Waiver of joint and survivor pension benefit

**46** (1)  The persons entitled to a joint and survivor pension benefit may waive the entitlement to receive payment of pension benefits in the form of a joint and survivor pension by delivering to the administrator of the pension plan or, in the case of a deferred life annuity, to the insurance company a written waiver in the form approved by the Chief Executive Officer or a certified copy of a domestic contract containing the waiver. R.S.O. 1990, c. P.8, s. 46 (1); 1997, c. 28, s. 198; 2009, c. 11, s. 43; 2018, c. 8, Sched. 23, s. 23.

1. Time

(2)  The waiver is not effective unless the following condition is satisfied:

1. For a written waiver in the form approved by the Chief Executive Officer, the form is dated and signed within the 12 months preceding commencement of payment of the pension benefit and is delivered to the administrator or insurance company within that 12-month period.

2. For a certified copy of a domestic contract, the certified copy is delivered to the administrator or insurance company within the 12 months preceding commencement of payment of the pension benefit. 2010, c. 9, s. 31; 2018, c. 8, Sched. 23, s. 23.

1. Cancellation of waiver

(3)  Persons who have delivered a waiver may jointly cancel it by delivering a written and signed notice of cancellation to the administrator or the insurance company, as the case may be, before the commencement of payment of the pension benefit. 1999, c. 15, s. 7.

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

1997, c. 28, s. 198 - 01/01/1998; 1999, c. 15, s. 7 - 03/03/2000

[2009, c. 11, s. 43](http://www.ontario.ca/laws/statute/S09011#s43) - 01/01/2012

[2010, c. 9, s. 31](http://www.ontario.ca/laws/statute/S10009#s31) - 18/05/2010

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Remarriage, etc.

**47** If the spouse of a deceased former member or retired member of a pension plan is receiving a pension under the pension plan, he or she is not disentitled to payment of the pension by reason only of becoming the spouse of another person after the death of the former member or retired member. 2010, c. 9, s. 32.

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

1999, c. 6, s. 53 (9) - 01/03/2000

[2005, c. 5, s. 56 (13)](http://www.ontario.ca/laws/statute/S05005#s56s13) - 13/06/2005

[2010, c. 9, s. 32](http://www.ontario.ca/laws/statute/S10009#s32) - 01/07/2012

1. Pre-retirement death benefit

**48** (1)  If a member who is entitled under the pension plan to a deferred pension described in section 37 dies before payment of the first instalment is due, or if a former member or retired member dies before payment of the first instalment of his or her deferred pension or pension is due, the person who is his or her spouse on the date of death is entitled,

(a) to receive a lump sum payment equal to the commuted value of the deferred pension;

(b) to require the administrator to pay an amount equal to the commuted value of the deferred pension into a registered retirement savings arrangement; or

(c) to receive an immediate or deferred pension, the commuted value of which is at least equal to the commuted value of the deferred pension. R.S.O. 1990, c. P.8, s. 48 (1); 1999, c. 6, s. 53 (10); 2005, c. 5, s. 56 (14); 2010, c. 9, s. 33 (1, 2).

1. Same

(2)  If a member of a pension plan continues in employment after the normal retirement date under the pension plan and dies before payment of pension benefits referred to in section 37 begins, the person who is the spouse of the member on the date of death is entitled,

(a) to receive a lump sum payment equal to the commuted value of the pension benefits;

(b) to require the administrator to pay an amount equal to the commuted value of the pension benefits into a registered retirement savings arrangement; or

(c) to receive an immediate or deferred pension, the commuted value of which is at least equal to the commuted value of the pension benefits. 2010, c. 9, s. 33 (3).

1. Interpretation re “spouse”

(3)  If, on the date of death, a member, former member or retired member has a spouse described in clause (a) of the definition of “spouse” in subsection 1 (1) from whom the member, former member or retired member is living separate and apart, that spouse does not have an entitlement under subsection (1) or (2). 2014, c. 7, Sched. 26, s. 5 (1).

1. Same

(3.1)  If, on the date of death, a member, former member or retired member has a spouse described in clause (b) of the definition of “spouse” in subsection 1 (1) and a spouse described in clause (a) of that definition from whom the member, former member or retired member is living separate and apart, the spouse described in clause (b) of the definition has an entitlement under subsection (1) or (2). 2014, c. 7, Sched. 26, s. 5 (1).

1. Same, entitlement as beneficiary or personal representative

(3.2)  Subsection (3) does not prevent a spouse from having an entitlement as a designated beneficiary under subsection (6) or as a personal representative under subsection (7). 2014, c. 7, Sched. 26, s. 5 (1).

1. Application

(3.3)  For greater certainty, subsections (3), (3.1) and (3.2) apply if the member, former member or retired member dies on or after the day subsection 5 (1) of Schedule 26 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force. 2014, c. 7, Sched. 26, s. 5 (1).

1. Direction

(4)  A spouse may exercise his or her entitlement under subsection (1) or (2) by delivering a direction to the administrator within the prescribed period and, if the spouse does not do so, the spouse is deemed to have elected to receive an immediate pension. 2010, c. 9, s. 33 (5).

1. Calculation of benefit

(5)  For the purposes of this section, the deferred pension or pension benefits to which a member is entitled if the member dies while employed shall be calculated as if the member’s employment were terminated immediately before the member’s death. R.S.O. 1990, c. P.8, s. 48 (5).

1. Designated beneficiary

(6)  A member, former member or retired member described in subsection (1) may designate a beneficiary and the beneficiary is entitled to be paid an amount equal to the commuted value of the deferred pension or pension benefits mentioned in subsection (1) or (2) unless on the date of death the member, former member or retired member has a spouse who has an entitlement under subsection (1) or (2). 2014, c. 7, Sched. 26, s. 5 (2).

1. Estate entitlement

(7)  The personal representative of a member, former member or retired member described in subsection (1) is entitled to receive payment of the commuted value mentioned in subsection (1) or (2) as the property of the member, former member or retired member unless,

(a) on the date of death, the member, former member or retired member has a spouse who has an entitlement under subsection (1) or (2); or

(b) the member, former member or retired member has designated a beneficiary who has an entitlement under subsection (6). 2014, c. 7, Sched. 26, s. 5 (2).

1. Dependent children

(8)  If the pension plan provides for payment of pension benefits to or for a dependent child or dependent children of the member, former member or retired member upon the death of the member, former member or retired member,

(a) the commuted value of the payments in respect of employment after December 31, 1986 may be deducted from the entitlement of a beneficiary designated under subsection (6) or of a personal representative under subsection (7); and

(b) the commuted value of the payments in respect of employment before January 1, 1987 may be deducted from the entitlement in subsection (8.1) of a beneficiary designated under subsection (6) or of a personal representative under subsection (7). 2011, c. 9, Sched. 35, s. 4 (1).

1. Additional entitlement

(8.1)  A spouse who has an entitlement under subsection (1) or (2), a designated beneficiary who has an entitlement under subsection (6) or a personal representative who has an entitlement under subsection (7) is entitled to a lump sum payment from the pension fund equal to the amount of any contributions that the member or former member was required to make under the pension plan in respect of employment before January 1, 1987, plus interest credited to the contributions. 2010, c. 9, s. 33 (7).

1. Spouse’s right to transfer additional entitlement

(8.2)  A spouse entitled to a lump sum payment under subsection (8.1) may require the administrator to pay the lump sum into a registered retirement savings arrangement and may exercise this entitlement by delivering a direction to the administrator within the prescribed period. 2010, c. 9, s. 33 (7).

1. Payments into registered retirement savings arrangements

(8.3)  Section 50.1 applies with respect to any payment into a registered retirement savings arrangement. 2010, c. 9, s. 33 (7).

1. Limitation on all payments

(8.4)  The entitlements under this section are subject to the prescribed limitations in respect of the transfer of funds from pension funds. 2010, c. 9, s. 33 (7).

1. Information

(9)  It is the responsibility of the person entitled to the payment to provide to the administrator the information needed to make the payment. R.S.O. 1990, c. P.8, s. 48 (9).

1. Discharge of administrator

(10)  In the absence of actual notice to the contrary, the administrator is discharged on making payment in accordance with the information provided by the person. R.S.O. 1990, c. P.8, s. 48 (10).

1. Discharge, payments prior to October 31, 2012

(10.1)  An administrator who made a payment under subsection (1) or (2) before October 31, 2012 is deemed to have been discharged on making the payment if all of the following circumstances exist:

1. On the date of death, the member, former member or retired member had a spouse described in clause (b) of the definition of “spouse” in subsection 1 (1) and a spouse described in clause (a) of that definition from whom the member, former member or retired member was living separate and apart.

2. The payment was made to the spouse described in clause (b) of the definition of “spouse” in subsection 1 (1).

3. The payment otherwise complied with the requirements under this Act and the regulations. 2014, c. 7, Sched. 26, s. 5 (3).

1. Claims

(10.2)  If, before October 31, 2012, an administrator made a payment under subsection (1) or (2) and the circumstances set out in subsection (10.1) existed, no person has a claim against the administrator or against the recipient of the payment in respect of the payment. 2014, c. 7, Sched. 26, s. 5 (3).

1. Offset

(11)  A pension plan may provide for reduction of an amount to which a person is entitled under this section to offset any part of a prescribed additional benefit that is attributable to an amount paid by an employer, subject to the following:

1. The reduction shall be calculated in the prescribed manner.

2. The reduction shall not exceed the prescribed limits. R.S.O. 1990, c. P.8, s. 48 (11).

1. Discharge of entitlement

(12)  Payment in accordance with this section replaces the entitlement of a member, former member or retired member in respect of a deferred pension mentioned in section 37. R.S.O. 1990, c. P.8, s. 48 (12); 2010, c. 9, s. 33 (8).

1. Restriction on entitlement

(13)  An entitlement to a benefit under this section is subject to any right to or interest in the benefit set out in an order made under Part I (Family Property) of the Family Law Act, a family arbitration award or a domestic contract. 2009, c. 11, s. 44.

1. Waiver

(14)  The spouse of a member or former member may waive the spouse’s entitlement under subsection (1) or (2) by delivering a written waiver, in the form approved by the Chief Executive Officer, to the administrator of the pension plan.1999, c. 15, s. 8; 2005, c. 5, s. 56 (20); 2018, c. 8, Sched. 23, s. 23.

1. Cancellation of waiver

(14.1)  A spouse who has delivered a waiver may cancel it by delivering a written and signed notice of cancellation to the administrator before the date of death of the member or former member.1999, c. 15, s. 8; 2005, c. 5, s. 56 (21).

1. Effect of waiver

(14.2)  If a waiver is in effect on the date of death of the member or former member, subsections (6) and (7) apply as if the member or former member does not have a spouse on the date of death.1999, c. 15, s. 8; 2005, c. 5, s. 56 (22).

1. Definition

(15)  In this section,

“personal representative” has the same meaning as in the Estates Administration Act. R.S.O. 1990, c. P.8, s. 48 (15).

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

1999, c. 6, s. 53 (10-15) - 01/03/2000; 1999, c. 15, s. 8 - 03/03/2000

[2005, c. 5, s. 56 (14-22)](http://www.ontario.ca/laws/statute/S05005#s56s14) - 13/06/2005

[2009, c. 11, s. 44](http://www.ontario.ca/laws/statute/S09011#s44) - 01/01/2012

[2010, c. 9, s. 33 (1-4, 6-8)](http://www.ontario.ca/laws/statute/S10009#s33s1) - 01/07/2012; [2010, c. 9, s. 33 (5)](http://www.ontario.ca/laws/statute/S10009#s33s5) - 18/05/2010

[2011, c. 9, Sched. 35, s. 4 (1)](http://www.ontario.ca/laws/statute/S11009#sched35s4s1) - 01/07/2012; [2011, c. 9, Sched. 35, s. 4 (2)](http://www.ontario.ca/laws/statute/S11009#sched35s4s2) - 12/05/2011

[2014, c. 7, Sched. 26, s. 5 (1-3)](http://www.ontario.ca/laws/statute/S14007#sched26s5s1) - 24/07/2014

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Variation of payment to disabled person

**49** (1)  A pension plan may permit variation in the terms of payment of a pension benefit, deferred pension or pension by reason of the mental or physical disability of a member, former member or retired member that is likely to considerably shorten his or her life expectancy. 2010, c. 9, s. 34.

1. Shortened life expectancy

(2)  A pension plan shall be deemed to permit variation in the terms of payment of a pension or deferred pension in such circumstances of shortened life expectancy as may be prescribed, if the prescribed conditions are satisfied. 1999, c. 15, s. 9.

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

1999, c. 15, s. 9 - 03/03/2000

[2010, c. 9, s. 34](http://www.ontario.ca/laws/statute/S10009#s34) - 01/07/2012

1. Unlocking for small amounts

**50** (1)  A pension plan may provide for payment of the commuted value of a benefit to a former member or retired member,

(a) if the annual benefit payable at the normal retirement date is not more than 4 per cent of the Year’s Maximum Pensionable Earnings in the year that he or she terminated employment; or

(b) if the commuted value of the benefit is less than 20 per cent of the Year’s Maximum Pensionable Earnings in the year that he or she terminated employment. 2010, c. 9, s. 35 (1, 2).

1. Idem

(2)  A pension plan registered before the 1st day of January, 1988 may provide that upon termination of employment a person entitled to a deferred pension under section 36 (deferred pension) is entitled to payment of an amount not greater than 25 per cent of the commuted value of the deferred pension. R.S.O. 1990, c. P.8, s. 50 (2).

1. Right to transfer amount

(3)  A person entitled to a payment described in subsection (1) or (2) may require the administrator to pay the applicable amount into a registered retirement savings arrangement and may exercise this entitlement by delivering a direction to the administrator within the prescribed period. 2010, c. 9, s. 35 (3).

1. Same

(4)  Section 50.1 applies with respect to the payment into the registered retirement savings arrangement. 2010, c. 9, s. 35 (3).

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

[2010, c. 9, s. 35 (1-3)](http://www.ontario.ca/laws/statute/S10009#s35s1) - 01/07/2012

1. Unlocking for non-resident

**50.0.1**A pension plan may provide for payment of the commuted value of a deferred pension to a former member if both of the following circumstances exist:

1. The former member is a non-resident of Canada for the purposes of the Income Tax Act (Canada).

2. If the former member has a spouse, the spouse has waived any rights the spouse may have in the pension fund under this Act or under the pension plan by delivering a written waiver, in the form approved by the Chief Executive Officer, to the administrator. 2018, c. 8, Sched. 23, s. 23; 2018, c. 17, Sched. 33, s. 5.

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

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23)- 08/06/2019; [2018, c. 17, Sched. 33, s. 5](http://www.ontario.ca/laws/statute/S18017#sched33s5) - 06/12/2018

1. Payments into registered retirement savings arrangements
2. Administrator’s duty

**50.1**  (1)  When a person delivers a direction to the administrator of a pension plan in accordance with subsection 39 (4.1), 39.1.1 (7), 44 (8), 48 (4) or (8.2), 50 (3) or 63 (9) to pay an amount into a registered retirement savings arrangement, the administrator shall make the payment in accordance with the direction and shall do so within the prescribed period. 2010, c. 9, s. 36; 2017, c. 8, Sched. 27, s. 9.

1. Lump sum payment

(2)  If the amount to be paid into the registered retirement savings arrangement is greater than the amount prescribed under the Income Tax Act(Canada) for such a transfer, the administrator shall pay the portion that exceeds the prescribed amount as a lump sum to the person who gave the administrator the direction. 2010, c. 9, s. 36.

1. Discharge of administrator

(3)  The administrator is discharged on making the payment in accordance with the person’s direction if the payment complies with this Act and the regulations. 2010, c. 9, s. 36.

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

[2010, c. 9, s. 36](http://www.ontario.ca/laws/statute/S10009#s36) - 01/07/2012

[2017, c. 8, Sched. 27, s. 9](http://www.ontario.ca/laws/statute/S17008#sched27s9) - 01/01/2020

**51** Repealed:  2009, c. 11, s. 45.

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

1999, c. 6, s. 53 (17-19) - 01/03/2000

[2005, c. 5, s. 56 (23-25)](http://www.ontario.ca/laws/statute/S05005#s56s23) - 13/06/2005

[2009, c. 11, s. 45](http://www.ontario.ca/laws/statute/S09011#s45) - 01/01/2012

1. Discrimination on basis of sex

**52** (1)  The sex of a member, former member, retired member or other beneficiary under a pension plan shall not be taken into account in,

(a) determining the amount of contributions required to be made by a member of the plan;

(b) determining the pension benefits, deferred pension or pension or the commuted value of pension benefits, deferred pension or pension to which the member, former member, retired member or other beneficiary may become entitled;

(c) the provision of eligibility conditions for membership; and

(d) the provision of ancillary benefits. R.S.O. 1990, c. P.8, s. 52 (1); 2010, c. 9, s. 37.

1. Administration

(2)  In order to comply with subsection (1), the administrator may,

(a) use annuity factors that do not differentiate as to sex;

(b) provide for employer contributions that vary according to the sex of the employee; or

(c) use any prescribed method of calculation or valuation. R.S.O. 1990, c. P.8, s. 52 (2).

1. Application

(3)  This section applies in respect of contributions, benefits and conditions in relation to,

(a) employment after the 31st day of December, 1986;

(b) employment before the 1st day of January, 1987, in so far as it is dealt with in an amendment made to the pension plan after the 31st day of December, 1986; and

(c) employment before the 1st day of January, 1987, in so far as it is dealt with in a pension plan established after the 31st day of December, 1986. R.S.O. 1990, c. P.8, s. 52 (3).

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

[2010, c. 9, s. 37 (1, 2)](http://www.ontario.ca/laws/statute/S10009#s37s1) - 01/07/2012

1. Inflation protection

**53** (1)  Pension benefits, pensions or deferred pensions shall be adjusted in accordance with the established formula or formulas and in the prescribed manner to provide inflation-related increases.

1. Idem

(2)  Any formula or formulas for any inflation related adjustments to pension benefits, pensions or deferred pensions shall be established only by amendment to this Act. R.S.O. 1990, c. P.8, s. 53.

1. C.P.P. / Q.P.P. offsets

**54** (1)  The reduction of a pension benefit that may be required by a pension plan in relation to payments under the Canada Pension Plan, the Quebec Pension Plan or the Old Age Security Act (Canada) shall not exceed the reduction calculated in accordance with the prescribed formula applied in the prescribed manner. R.S.O. 1990, c. P.8, s. 54 (1).

1. Restriction

(2)  The amount of the reduction that is required by the pension plan in relation to those payments shall not be increased by reason of an increase in those payments after the date on which the member’s employment or membership in the plan is terminated. 2010, c. 9, s. 38 (1).

1. Reduction re *Old Age Security Act* (Canada)

(3)  A pension plan for registration of which application is made on or after the 1st day of January, 1988 shall not permit the reduction of a pension benefit based on a person’s entitlement under the Old Age Security Act (Canada). R.S.O. 1990, c. P.8, s. 54 (3).

1. Application of subs. (3)

(4)  Subsection (3) does not apply to a pension plan that is a successor of a pension plan registered under the Pension Benefits Act, being chapter 373 of the Revised Statutes of Ontario, 1980, that permitted such a reduction. R.S.O. 1990, c. P.8, s. 54 (4).

1. Idem

(5)  A pension plan shall not permit reduction of a pension benefit based on a person’s entitlement under the Old Age Security Act (Canada) in respect of a benefit accrued on or after the 1st day of January, 1987. R.S.O. 1990, c. P.8, s. 54 (5).

1. Bridging benefit

(6)  If a pension plan provides for the reduction of a bridging benefit because a person receives or is eligible to receive retirement benefits under the Canada Pension Plan or the Quebec Pension Plan before he or she reaches 65 years of age, the reduction may only be made in the prescribed circumstances. 2010, c. 9, s. 38 (2).

1. Variations based on other benefits

(7)  Where a pension plan provides for the variation of a pension benefit by reason of benefits payable under the Canada Pension Plan, the Quebec Pension Plan or the Old Age Security Act (Canada), the variation shall be applied in the prescribed manner. R.S.O. 1990, c. P.8, s. 54 (7).

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

[2010, c. 9, s. 38 (1, 2)](http://www.ontario.ca/laws/statute/S10009#s38s1) - 18/05/2010

Contributions

1. Funding

**55** (1)  A pension plan must provide for funding sufficient to provide the pension benefits, ancillary benefits and other benefits under the pension plan in accordance with this Act and the regulations. R.S.O. 1990, c. P.8, s. 55 (1); 2010, c. 9, s. 39 (1).

1. Payment by employers, etc.

(2)  An employer required to make contributions under a pension plan, or a person or entity required to make contributions under a pension plan on behalf of an employer, shall make the contributions in accordance with the prescribed requirements for funding and shall make the contributions in the prescribed manner and at the prescribed times,

(a) to the pension fund; or

(b) if pension benefits under the pension plan are paid by an insurance company, to the insurance company that is the administrator of the pension plan. R.S.O. 1990, c. P.8, s. 55 (2); 2005, c. 31, Sched. 18, s. 6 (1); 2010, c. 9, s. 39 (2).

1. Payment by members

(3)  Members of a pension plan that provides contributory benefits shall make the contributions required under the plan in the prescribed manner and at the prescribed times. 2005, c. 31, Sched. 18, s. 6 (2).

1. Same, jointly sponsored pension plans

(4)  Members of a jointly sponsored pension plan shall make the contributions required under the plan (including their obligations in respect of any going concern unfunded liability and, except in the case of plans described in subsection 1 (2.1), in respect of any reduced solvency deficiency) in accordance with the prescribed requirements for funding and shall make the contributions in the prescribed manner and at the prescribed times. 2010, c. 24, s. 16; 2017, c. 34, Sched. 33, s. 21.

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

[2005, c. 31, Sched. 18, s. 6 (1-3)](http://www.ontario.ca/laws/statute/S05031#sched18s6s1) - 31/12/2004

[2010, c. 9, s. 39 (1-3)](http://www.ontario.ca/laws/statute/S10009#s39s1) - 18/05/2010; [2010, c. 24, s. 16](http://www.ontario.ca/laws/statute/S10024#s16) - 01/06/2011

[2017, c. 34, Sched. 33, s. 21](http://www.ontario.ca/laws/statute/S17034#sched33s21) - 01/05/2018

1. Contribution holidays

**55.1**  (1)  An employer required to make contributions under a pension plan, or a person or entity required to make contributions under a pension plan on behalf of an employer, may reduce or suspend, in the prescribed manner, contributions for the normal cost of the pension plan and contributions for the provision for adverse deviations in respect of the normal cost of the pension plan if the pension plan has an available actuarial surplus and if such other requirements as may be prescribed are satisfied. 2010, c. 24, s. 17; 2017, c. 34, Sched. 33, s. 22 (1).

1. Same

(2)  The contributions that members of a pension plan are required to make for the normal cost of the pension plan may be reduced or suspended in the prescribed manner if the pension plan has an available actuarial surplus and if such other requirements as may be prescribed are satisfied. 2010, c. 24, s. 17; 2017, c. 34, Sched. 33, s. 22 (2).

1. Same, jointly sponsored pension plan

(2.1)  Any contributions that members of a jointly sponsored pension plan are required to make for the provision for adverse deviations in respect of the normal cost of the pension plan may be reduced or suspended in the prescribed manner if the pension plan has a surplus and if such other requirements as may be prescribed are satisfied. 2017, c. 34, Sched. 33, s. 22 (3).

1. Exception

(3)  However, contributions cannot be reduced or suspended under this section if the documents that create and support the pension plan or the pension fund prohibit the reduction or suspension. 2010, c. 24, s. 17.

1. Conflict

(4)  This section prevails over subsections 55 (2), (3) and (4). 2010, c. 24, s. 17.

1. No limitation

(4.1)  This section does not prevent the reduction or suspension of contributions for normal cost of the pension plan or contributions for the provision for adverse deviations in respect of the normal cost of the pension plan if the reduction or suspension is otherwise authorized by this Act or the regulations. 2019, c. 7, Sched. 48, s. 3.

1. Interpretation, “available actuarial surplus”

(5)  In this section,

“available actuarial surplus” means the portion of the surplus that is determined in accordance with the regulations. 2017, c. 34, Sched. 33, s. 22 (4).

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

[2010, c. 24, s. 17](http://www.ontario.ca/laws/statute/S10024#s17) - 01/05/2018

[2017, c. 34, Sched. 33, s. 22 (1-4)](http://www.ontario.ca/laws/statute/S17034#sched33s22s1) - 01/05/2018

[2019, c. 7, Sched. 48, s. 3](http://www.ontario.ca/laws/statute/S19007#sched48s3) - 29/05/2019

1. Letters of credit

**55.2**  (1)  This section applies if a prescribed employer is required to make payments into the pension fund with respect to a reduced solvency deficiency. 2010, c. 24, s. 18; 2017, c. 34, Sched. 33, s. 23 (1).

1. Use of letter of credit

(2)  Instead of making payments into the pension fund with respect to the reduced solvency deficiency, the employer may provide a letter of credit to a prescribed person or entity if the requirements of this section are satisfied. 2010, c. 24, s. 18; 2017, c. 34, Sched. 33, s. 23 (2).

1. Requirements

(3)  The letter of credit must satisfy such requirements as may be prescribed. 2010, c. 24, s. 18.

1. Restrictions

(4)  The employer is not entitled to provide a letter of credit if the total amount of all letters of credit provided to the prescribed person or entity for the pension plan would exceed 15 per cent of the solvency liabilities of the pension plan. 2010, c. 24, s. 18.

1. Same

(5)  For the purposes of subsection (4), the regulations may specify that solvency liabilities must be determined in a manner that may differ from the requirements that otherwise apply. 2010, c. 24, s. 18.

1. Distribution

(6)  The employer must provide the letter of credit to the prescribed person or entity within such period after it is issued as may be prescribed and the employer must give a copy of the letter of credit to the administrator within the same period. 2010, c. 24, s. 18.

1. Notice to the Chief Executive Officer

(7)  The administrator shall notify the Chief Executive Officer in the prescribed manner and within the prescribed period that a letter of credit has been provided and, upon request, the administrator shall give the Chief Executive Officer such information about the letter of credit as the Chief Executive Officer may specify. 2010, c. 24, s. 18; 2018, c. 8, Sched. 23, s. 23.

1. Held in trust

(8)  The prescribed person or entity holds the letter of credit in trust for the pension plan. 2010, c. 24, s. 18.

1. Demand for payment

(9)  In such circumstances as may be prescribed, the prescribed person or entity shall demand payment of the amount of the letter of credit into the pension fund by the issuer of the letter of credit. 2010, c. 24, s. 18.

1. Costs of letter of credit

(10)  The fees or expenses associated with obtaining, holding, amending or cancelling a letter of credit are not payable from the pension fund. However, subject to section 22.1, the fees and expenses associated with enforcing a letter of credit are payable from the pension fund. 2010, c. 24, s. 18.

1. Status of public sector pension plans

(11)  This section does not apply with respect to a public sector pension plan unless the regulations specify that it applies to the pension plan. 2010, c. 24, s. 18.

1. Other exclusions

(12)  Despite subsection (11), this section does not apply with respect to a jointly sponsored pension plan or a multi-employer pension plan. 2012, c. 8, Sched. 44, s. 3.

1. Conflict

(13)  This section prevails over subsection 55 (2). 2010, c. 24, s. 18.

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

[2010, c. 24, s. 18](http://www.ontario.ca/laws/statute/S10024#s18) - 01/01/2013

[2012, c. 8, Sched. 44, s. 3](http://www.ontario.ca/laws/statute/S12008#sched44s3) - 01/01/2013

[2017, c. 34, Sched. 33, s. 23 (1, 2)](http://www.ontario.ca/laws/statute/S17034#sched33s23s1) - 01/05/2018

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Duty re payment of contributions

**56** (1)  The administrator of a pension plan and the agent, if any, of the administrator who is responsible for receiving contributions under the pension plan shall ensure that all contributions are paid when due.

1. Notice

(2)  If a contribution is not paid when due, the administrator and the agent, if any, shall notify the Chief Executive Officer in the prescribed manner and within the prescribed period. 1999, c. 15, s. 10; 2018, c. 8, Sched. 23, s. 23.

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

1999, c. 15, s. 10 - 03/03/2000

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Duty to pension fund trustees

**56.1**  (1)  The administrator shall give the persons who are prescribed for the purposes of subsection 22 (6) (trustee of pension fund) a summary of the contributions required to be made in respect of the pension plan, and shall do so in the prescribed manner and within the prescribed period. 1999, c. 15, s. 10.

1. Exception

(1.1)  Subsection (1) does not apply if the administrator is also the trustee of the pension fund. 2005, c. 31, Sched. 18, s. 7.

1. Notice re summary

(2)  A person who is entitled to receive a summary shall notify the Chief Executive Officer in the prescribed manner and within the prescribed period if the person is not given the summary in accordance with subsection (1). 1999, c. 15, s. 10; 2018, c. 8, Sched. 23, s. 23.

1. Notice re contributions

(3)  A person who is entitled to receive a summary shall notify the Chief Executive Officer in the prescribed manner and within the prescribed period if a contribution is not paid when due. 1999, c. 15, s. 10; 2018, c. 8, Sched. 23, s. 23.

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

1999, c. 15, s. 10 - 03/03/2000

[2005, c. 31, Sched. 18, s. 7](http://www.ontario.ca/laws/statute/S05031#sched18s7) - 15/12/2005

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Trust property

**57** (1)  Where an employer receives money from an employee under an arrangement that the employer will pay the money into a pension fund as the employee’s contribution under the pension plan, the employer shall be deemed to hold the money in trust for the employee until the employer pays the money into the pension fund. R.S.O. 1990, c. P.8, s. 57 (1).

1. Money withheld

(2)  For the purposes of subsection (1), money withheld by an employer, whether by payroll deduction or otherwise, from money payable to an employee shall be deemed to be money received by the employer from the employee. R.S.O. 1990, c. P.8, s. 57 (2).

1. Accrued contributions

(3)  An employer who is required to pay contributions to a pension fund shall be deemed to hold in trust for the beneficiaries of the pension plan an amount of money equal to the employer contributions due and not paid into the pension fund. R.S.O. 1990, c. P.8, s. 57 (3).

1. Wind up

(4)  Where a pension plan is wound up in whole or in part, an employer who is required to pay contributions to the pension fund shall be deemed to hold in trust for the beneficiaries of the pension plan an amount of money equal to employer contributions accrued to the date of the wind up but not yet due under the plan or regulations. R.S.O. 1990, c. P.8, s. 57 (4).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 57 (4) of the Act is amended by striking out “in whole or in part”. (See: 2020, c. 36, Sched. 37, s. 10)

1. Jointly sponsored pension plans

(4.1)  An employer who transfers assets under section 80.4 from a single employer pension plan to a jointly sponsored pension plan and who is required to make a payment under subsection 80.4 (18) for the benefit of transferred members and other transferees shall be deemed to hold in trust for the transferred members and other transferees an amount of money equal to any payment due under subsection 80.4 (18) that has not been paid into the pension fund of the jointly sponsored pension plan. 2014, c. 7, Sched. 26, s. 6 (1).

1. Lien and charge

(5)  The administrator of the pension plan has a lien and charge on the assets of the employer in an amount equal to the amounts deemed to be held in trust under this section. R.S.O. 1990, c. P.8, s. 57 (5); 2014, c. 7, Sched. 26, s. 6 (2).

1. Application of subss. (1, 3, 4, 4.1)

(6)  Subsections (1), (3), (4) and (4.1) apply whether or not the money has been kept separate and apart from other money or property of the employer. R.S.O. 1990, c. P.8, s. 57 (6); 2014, c. 7, Sched. 26, s. 6 (3).

1. Money to be paid to insurance company

(7)  Subsections (1) to (6) apply with necessary modifications in respect of money to be paid to an insurance company that guarantees pension benefits under a pension plan. R.S.O. 1990, c. P.8, s. 57 (7).

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

[2010, c. 9, s. 40](http://www.ontario.ca/laws/statute/S10009#s40) - no effect - see [2020, c. 36, Sched. 37, s. 25](http://www.ontario.ca/laws/statute/S20036#sched37s25) - 08/12/2020

[2014, c. 7, Sched. 26, s. 6 (1-3)](http://www.ontario.ca/laws/statute/S14007#sched26s6s1) - 01/11/2015

[2020, c. 36, Sched. 37, s. 10](http://www.ontario.ca/laws/statute/S20036#sched37s10) - not in force

1. Accrual

**58** (1)  Money that an employer is required to pay into a pension fund accrues on a daily basis.

1. Interest

(2)  Interest on contributions shall be calculated and credited at a rate not less than the prescribed rates and in accordance with prescribed requirements. R.S.O. 1990, c. P.8, s. 58.

1. Collection of contributions

**59** The administrator may commence proceedings in a court of competent jurisdiction to obtain payment of contributions due under the pension plan, this Act and the regulations. R.S.O. 1990, c. P.8, s. 59.

1. Bond

**60** The administrator of a multi-employer pension plan may require a person who receives contributions to the pension fund or who administers or invests the pension fund to be bonded in an amount required by the administrator or in the prescribed amount. R.S.O. 1990, c. P.8, s. 60.

1. Statement of employer’s obligation

**61** An employer who is required to make contributions to a multi-employer pension plan shall transmit to the administrator of the plan a copy of the agreement that requires the employer to make the contributions or a written statement that sets out the contributions the employer is required to make and any other obligations of the employer under the pension plan. R.S.O. 1990, c. P.8, s. 61.

1. Investment of pension fund

**62** Every person engaged in selecting an investment to be made with the assets of a pension fund shall ensure that the investment is selected in accordance with the criteria set out in this Act and prescribed by the regulations. R.S.O. 1990, c. P.8, s. 62.

1. Overpayments, etc., by employer

**62.1**  (1)  This section applies,

(a) if an employer pays an amount in respect of a pension plan that should have been paid out of the pension fund; or

(b) if an employer makes an overpayment into the pension fund. 2010, c. 24, s. 19.

1. Prerequisite for reimbursement

(2)  The administrator of the pension plan is not permitted to make or authorize a payment from the pension fund to reimburse the employer for a payment described in subsection (1) unless the Chief Executive Officer consents in advance to the payment from the pension fund to the employer. 2010, c. 24, s. 19; 2018, c. 8, Sched. 23, s. 23.

1. Application for reimbursement

(3)  The employer or, in the case of a jointly sponsored pension plan or multi-employer pension plan, the administrator may apply to the Chief Executive Officer for consent to the payment from the pension fund to reimburse the employer for a payment described in subsection (1). 2010, c. 24, s. 19; 2018, c. 8, Sched. 23, s. 23.

1. Deadline

(4)  The application must be made before the later of,

(a) 24 months after the date on which the employer made the payment described in subsection (1); and

(b) six months after the date on which the administrator, acting reasonably, becomes aware of the payment described in subsection (1). 2010, c. 24, s. 19.

1. Consent

(5)  Subject to section 89, the Chief Executive Officer may consent to the payment from the pension fund to the employer if the application is made before the deadline described in subsection (4). 2010, c. 24, s. 19; 2018, c. 8, Sched. 23, s. 23.

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

[2010, c. 24, s. 19](http://www.ontario.ca/laws/statute/S10024#s19) - 08/12/2010

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

Locking In

1. Refunds

**63** (1)  No member, former member or retired member is entitled to a refund from a pension fund of contributions made in respect of employment in Ontario or a designated jurisdiction on or after the qualification date. R.S.O. 1990, c. P.8, s. 63 (1); 2010, c. 1, Sched. 23, s. 5; 2010, c. 9, s. 41 (1).

1. Idem

(2)  Subsection (1) does not prevent the refund of an additional voluntary contribution and interest thereon to a member, former member or retired member or a payment under subsection 39 (4) (entitlement to excess amount). R.S.O. 1990, c. P.8, s. 63 (2); 2010, c. 9, s. 41 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 63 of the Act is amended by adding the following subsection: (See: 2020, c. 36, Sched. 37, s. 11 (1))

Same, optional contributions

(2.1)  Subsection (1) does not prevent the refund of an optional contribution and interest thereon to a former member. 2020, c. 36, Sched. 37, s. 11 (1)

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 63 (2.1) of the Act is amended by striking out “to a former member” at the end and substituting “to a former member or retired member”. (See: 2020, c. 36, Sched. 37, s. 11 (2))

(3), (4)  Repealed: 2010, c. 9, s. 41 (3).

1. Application of subs. (1)

(5)  Subsection (1) does not apply,

(a) to prevent the commutation of a pension benefit under subsection 50 (1) (commuted value);

(b) to prevent a payment under subsection 50 (2); or

(c) to such other circumstances as are prescribed. R.S.O. 1990, c. P.8, s. 63 (5).

(6)  Repealed: 2010, c. 9, s. 41 (4).

1. Refund with consent

(7)  Despite subsection (1), on application by the administrator of a pension plan, contributions may be refunded to a member, former member or retired member with the consent of the Chief Executive Officer. 1997, c. 28, s. 199; 2010, c. 9, s. 41 (5); 2018, c. 8, Sched. 23, s. 23.

1. Consent of Chief Executive Officer

(8)  On application by the administrator of a pension plan, the Chief Executive Officer may consent to a refund under subsection (7) if the pension plan provides or has been amended to provide for the refund and the employer has assumed responsibility for funding all pension benefits associated with the contributions. R.S.O. 1990, c. P.8, s. 63 (8); 1997, c. 28, s. 200; 2010, c. 9, s. 41 (6); 2018, c. 8, Sched. 23, s. 23.

1. Right to transfer amount

(9)  A person entitled to a payment under subsection (2) or (7) may require the administrator to pay the applicable amount into a registered retirement savings arrangement and may exercise this entitlement by delivering a direction to the administrator within the prescribed period. 2010, c. 9, s. 41 (7).

1. Same

(10)  Section 50.1 applies with respect to the payment into the registered retirement savings arrangement. 2010, c. 9, s. 41 (7).

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

1997, c. 28, s. 199, 200 - 01/07/1998

[2010, c. 1, Sched. 23, s. 5](http://www.ontario.ca/laws/statute/S10001#sched23s5) - 01/10/2010; [2010, c. 9, s. 41 (1-5, 7)](http://www.ontario.ca/laws/statute/S10009#s41s1) - 01/07/2012; [2010, c. 9, s. 41 (6)](http://www.ontario.ca/laws/statute/S10009#s41s6) - 18/05/2010; [2010, c. 24, s. 20 (1, 2)](http://www.ontario.ca/laws/statute/S10024#s20s1) - no effect - see [2020, c. 36, Sched. 37, s. 24](http://www.ontario.ca/laws/statute/S20036#sched37s24) - 08/12/2020

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

[2020, c. 36, Sched. 37, s. 11 (1, 2)](http://www.ontario.ca/laws/statute/S20036#sched37s11s1) - not in force

**64** Repealed: 2010, c. 9, s. 42.

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

[2010, c. 9, s. 42](http://www.ontario.ca/laws/statute/S10009#s42) - 01/07/2012

1. Void transactions

**65** (1)  Every transaction that purports to assign, charge, anticipate or give as security money payable under a pension plan is void. R.S.O. 1990, c. P.8, s. 65 (1).

1. Same

(2)  Every transaction that purports to assign, charge, anticipate or give as security money transferred from a pension fund in accordance with the following provisions is void:

0.1 Section 39.1 (variable benefits).

0.2 Subsection 39.1.1 (7) (spouse’s right to transfer entitlement).

1. Section 42 (transfer).

2. Section 43 (purchase of pension).

2.1 Section 43.1 (purchase of pension, single employer pension plan).

3. Clause 48 (1) (b) (pre-retirement death benefit).

4. Section 67.3 (transfer of a lump sum for certain family law purposes).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 65 (2) of the Act is amended by adding the following paragraph: (See: 2019, c. 14, Sched. 9, s. 26 (1))

4.1 Section 67.3.1 (Transfer of lump sum from a successor pension plan for certain family law purposes).

5. Section 67.4 (division of a pension for certain family law purposes).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 65 (2) of the Act is amended by adding the following paragraph: (See: 2019, c. 14, Sched. 9, s. 26 (1))

5.0.1 Section 67.4.1 (Division of pension from a successor pension plan for certain family law purposes).

5.1 Section 67.8 (transfer of lump sum from variable benefit account for certain family law purposes).

6. Subsection 73 (2) (transfer rights on wind up). 2017, c. 8, Sched. 27, s. 10 (1, 2-4); 2018, c. 17, Sched. 33, s. 6 (1).

1. Exemptions

(3)  Subsections (1) and (2) do not apply to prevent the assignment, by an order under the Family Law Act, a family arbitration award or a domestic contract, of an interest in money payable under a pension plan or an interest in money payable as a result of a purchase or transfer under the following provisions:

0.1 Section 39.1 (variable benefits).

0.2 Subsection 39.1.1 (7) (spouse’s right to transfer entitlement).

1. Section 42 (transfer).

2. Section 43 (purchase of pension).

2.1 Section 43.1 (purchase of pension, single employer pension plan).

3. Clause 48 (1) (b) (pre-retirement death benefit).

4. Section 67.3 (transfer of a lump sum for certain family law purposes).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 65 (3) of the Act is amended by adding the following paragraph: (See: 2019, c. 14, Sched. 9, s. 26 (2))

4.1 Section 67.3.1 (Transfer of lump sum from a successor pension plan for certain family law purposes).

5. Section 67.4 (division of a pension for certain family law purposes).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 65 (3) of the Act is amended by adding the following paragraph: (See: 2019, c. 14, Sched. 9, s. 26 (2))

5.0.1 Section 67.4.1 (Division of pension from a successor pension plan for certain family law purposes).

5.1 Section 67.8 (transfer of lump sum from variable benefit account for certain family law purposes).

6. Subsection 73 (2) (transfer rights on wind up). 2017, c. 8, Sched. 27, s. 10 (5, 6-8); 2018, c. 17, Sched. 33, s. 6 (2).

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

[2009, c. 11, s. 46 (1, 2)](http://www.ontario.ca/laws/statute/S09011#s46s1) - 01/01/2012

[2015, c. 20, Sched. 34, s. 3 (1, 2)](http://www.ontario.ca/laws/statute/S15020#sched34s3s1) - no effect - see [2017, c. 8, Sched. 27, s. 20](http://www.ontario.ca/laws/statute/S17008#sched27s20).

[2017, c. 8, Sched. 27, s. 10 (1, 5)](http://www.ontario.ca/laws/statute/S17008#sched27s10s1) - 17/05/2017; [2017, c. 8, Sched. 27, s. 10 (2-4, 6-8)](http://www.ontario.ca/laws/statute/S17008#sched27s10s2) - 01/01/2020

[2018, c. 17, Sched. 33, s. 6 (1, 2)](http://www.ontario.ca/laws/statute/S18017#sched33s6s1) - 06/12/2018

[2019, c. 14, Sched. 9, s. 26 (1, 2)](http://www.ontario.ca/laws/statute/S19014#sched9s26s1) - not in force

1. Exemption from execution, seizure or attachment

**66** (1)  Money payable under a pension plan is exempt from execution, seizure or attachment. R.S.O. 1990, c. P.8, s. 66 (1).

1. Idem

(2)  Money transferred from a pension fund to a prescribed retirement savings arrangement or for the purchase of a life annuity under section 39.1, 42, 43, 43.1, 48, 67.3, 67.4 or 67.8 or subsection 73 (2) is exempt from execution, seizure or attachment. R.S.O. 1990, c. P.8, s. 66 (2); 2009, c. 11, s. 47 (1); 2015, c. 20, Sched. 34, s. 4 (1); 2017, c. 8, Sched. 27, s. 11 (1); 2018, c. 17, Sched. 33, s. 7 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 66 (2) of the Act is amended by striking out “67.3, 67.4” and substituting “67.3, 67.3.1, 67.4, 67.4.1”. (See: 2019, c. 14, Sched. 9, s. 27 (1))

1. Idem

(3)  Money payable from a prescribed retirement savings arrangement or from a life annuity purchased in accordance with section 39.1, 42, 43, 43.1, 48, 67.3, 67.4 or 67.8 or subsection 73 (2) is exempt from execution, seizure or attachment. R.S.O. 1990, c. P.8, s. 66 (3); 2009, c. 11, s. 47 (2); 2015, c. 20, Sched. 34, s. 4 (2); 2017, c. 8, Sched. 27, s. 11 (1); 2018, c. 17, Sched. 33, s. 7 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 66 (3) of the Act is amended by striking out “67.3, 67.4” and substituting “67.3, 67.3.1, 67.4, 67.4.1”. (See: 2019, c. 14, Sched. 9, s. 27 (2))

1. Order for support

(4)  Despite subsection (1), payments under a pension plan or that result from a purchase or transfer under the following provisions are subject to execution, seizure or attachment in satisfaction of an order for support enforceable in Ontario to a maximum of one-half the money payable:

0.1 Section 39.1 (variable benefits).

0.2 Subsection 39.1.1 (7) (spouse’s right to transfer entitlement).

1. Section 42 (transfer).

2. Section 43 (purchase of pension).

2.1 Section 43.1 (purchase of pension, single employer pension plan).

3. Clause 48 (1) (b) (pre-retirement death benefit).

4. Section 67.3 (transfer of a lump sum for certain family law purposes).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 66 (4) of the Act is amended by adding the following paragraph: (See: 2019, c. 14, Sched. 9, s. 27 (3))

4.1 Section 67.3.1 (Transfer of lump sum from a successor pension plan for certain family law purposes).

5. Section 67.4 (division of a pension for certain family law purposes).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 66 (4) of the Act is amended by adding the following paragraph: (See: 2019, c. 14, Sched. 9, s. 27 (3))

5.0.1 Section 67.4.1 (Division of pension from a successor pension plan for certain family law purposes).

5.1 Section 67.8 (transfer of lump sum from variable benefit account for certain family law purposes).

6. Subsection 73 (2) (transfer rights on wind up). 2017, c. 8, Sched. 27, s. 11 (2-5); 2018, c. 17, Sched. 33, s. 7 (3).

1. Application of subs. (4)

(5)  Subsection (4) applies to orders for support enforceable in Ontario whether made before or after the 1st day of January, 1988. R.S.O. 1990, c. P.8, s. 66 (5).

1. Restriction, locked-in retirement account

(6)  The entitlement of a person, in his or her discretion, to withdraw money from a locked-in retirement account as defined in the regulations shall not be considered when determining, for the purposes of any other Act, the income or assets available to the person. 1999, c. 15, s. 11.

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

1999, c. 15, s. 11 - 03/03/2000

[2009, c. 11, s. 47 (1-3)](http://www.ontario.ca/laws/statute/S09011#s47s1) - 01/01/2012

[2015, c. 20, Sched. 34, s. 4 (1-2)](http://www.ontario.ca/laws/statute/S15020#sched34s4s1) - 01/01/2020; [2015, c. 20, Sched. 34, s. 4 (3)](http://www.ontario.ca/laws/statute/S15020#sched34s4s3) - no effect - see [2017, c. 8, Sched. 27, s. 20](http://www.ontario.ca/laws/statute/S17008#sched27s20)

[2017, c. 8, Sched. 27, s. 11 (2)](http://www.ontario.ca/laws/statute/S17008#sched27s11s2) - 17/05/2017; [2017, c. 8, Sched. 27, s. 11 (1, 3-5)](http://www.ontario.ca/laws/statute/S17008#sched27s11s1) - 01/01/2020

[2018, c. 17, Sched. 33, s. 7 (1-3)](http://www.ontario.ca/laws/statute/S18017#sched33s7s1) - 06/12/2018

[2019, c. 14, Sched. 9, s. 27 (1-3)](http://www.ontario.ca/laws/statute/S19014#sched9s27s1) - not in force

1. Commutation or surrender

**67** (1)  Subject to subsection (3), a pension, deferred pension, pension benefit, annuity or prescribed retirement savings arrangement that results from a purchase or transfer under the following provisions to which a person is entitled is not capable of being commuted or surrendered, in whole or in part, during the person’s life:

0.1 Subject to subsection (3), section 39.1 (variable benefits).

0.2 Subsection 39.1.1 (7) (spouse’s right to transfer entitlement).

1. Section 42 (transfer).

2. Section 43 (purchase of pension).

2.1 Section 43.1 (purchase of pension, single employer pension plan).

3. Section 48 (pre-retirement death benefit).

4. Section 67.3 (transfer of a lump sum for certain family law purposes).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 67 (1) of the Act is amended by adding the following paragraph: (See: 2019, c. 14, Sched. 9, s. 28)

4.1 Section 67.3.1 (Transfer of lump sum from a successor pension plan for certain family law purposes).

5. Section 67.4 (division of a pension for certain family law purposes).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 67 (1) of the Act is amended by adding the following paragraph: (See: 2019, c. 14, Sched. 9, s. 28)

5.0.1 Section 67.4.1 (Division of pension from a successor pension plan for certain family law purposes).

5.1 Section 67.8 (transfer of lump sum from variable benefit account for certain family law purposes).

6. Subsection 73 (2) (transfer rights on wind up). 2017, c. 8, Sched. 27, s. 12 (1, 2-4); 2018, c. 17, Sched. 33, s. 8 (1, 2).

1. Void transaction

(2)  A transaction that purports to commute or surrender, in whole or in part, such a pension, deferred pension, pension benefit, annuity or prescribed retirement savings arrangement is void. R.S.O. 1990, c. P.8, s. 67 (2); 1998, c. 34, s. 91 (2).

1. Application of subss. (1, 2)

(3)  Subsections (1) and (2) do not apply to a variation of a pension or deferred pension under section 49 (variation of payment to disabled person) or to a commutation of a benefit under subsection 39.1 (5) (withdrawal from variable benefit account), section 50 (commuted value) or section 50.0.1 (unlocking for non-resident). R.S.O. 1990, c. P.8, s. 67 (3); 2018, c. 17, Sched. 33, s. 8 (3); 2018, c. 17, Sched. 33, s. 8 (4).

1. Same

(4)  Subsections (1) and (2) do not apply to the commutation or surrender, in whole or in part, of a prescribed retirement savings arrangement in such circumstances or in such amounts as may be prescribed, subject to such restrictions as may be prescribed. 1998, c. 34, s. 91 (3).

(5)-(7)  Repealed: 2012, c. 8, Sched. 44, s. 4.

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

1998, c. 34, s. 91 (1-3) - 18/12/1998; 1999, c. 15, s. 12 - 03/03/2000

[2009, c. 11, s. 48](http://www.ontario.ca/laws/statute/S09011#s48) - 01/01/2012

[2012, c. 8, Sched. 44, s. 4](http://www.ontario.ca/laws/statute/S12008#sched44s4) - 01/01/2014

[2015, c. 20, Sched. 34, s. 5](http://www.ontario.ca/laws/statute/S15020#sched34s5) - no effect - see [2017, c. 8, Sched. 27, s. 20](http://www.ontario.ca/laws/statute/S17008#sched27s20)

[2017, c. 8, Sched. 27, s. 12 (1)](http://www.ontario.ca/laws/statute/S17008#sched27s12s1) - 17/05/2017; [2017, c. 8, Sched. 27, s. 12 (2-4)](http://www.ontario.ca/laws/statute/S17008#sched27s12s2) - 01/01/2020

[2018, c. 17, Sched. 33, s. 8 (1, 4)](http://www.ontario.ca/laws/statute/S18017#sched33s8s1) - 01/01/2020; [2018, c. 17, Sched. 33, s. 8 (2, 3)](http://www.ontario.ca/laws/statute/S18017#sched33s8s2) - 06/12/2018

[2019, c. 14, Sched. 9, s. 28](http://www.ontario.ca/laws/statute/S19014#sched9s28) - not in force

Family Law Matters

1. Interpretation

**67.1**  (1)  In this section and in sections 67.2 to 67.9,

“family law valuation date” means, with respect to a member, former member or retired member of a pension plan and his or her spouse,

(a) the spouses’ valuation date under Part I (Family Property) of the Family Law Act, or

(b) for spouses to whom Part I of that Act does not apply, the date on which they separate and there is no reasonable prospect that they will resume cohabitation; (“date d’évaluation en droit de la famille”)

“spouse” has the same meaning as in section 29 of the Family Law Act. (“conjoint”) 2009, c. 11, s. 49; 2010, c. 9, s. 43 (1); 2017, c. 8, Sched. 27, s. 13 (1).

1. Former spouse

(2)  A reference in this section and in sections 67.2 to 67.9 to the spouse of a member, former member or retired member of a pension plan is, where circumstances require, a reference to him or her as the former spouse of the member, former member or retired member. 2010, c. 9, s. 43 (2); 2017, c. 8, Sched. 27, s. 13 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 67.1 of the Act is amended by adding the following subsection: (See: 2019, c. 14, Sched. 9, s. 29)

Changes in membership status after family law valuation date

(3)  For greater certainty, sections 67.2 to 67.5 shall be interpreted so as to take into account any change to an individual’s status as a member, a former member or a retired member of a pension plan that occurs after the family law valuation date and, for that purpose, a reference to an individual in terms of their status in those sections is to be read as a reference to the relevant status of the individual and to the individual’s pension benefits, deferred pension or pension as of the date of any event or action that is relevant to the application of the provision. 2019, c. 14, Sched. 9, s. 29.

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

[2009, c. 11, s. 49](http://www.ontario.ca/laws/statute/S09011#s49) - 01/01/2012

[2010, c. 9, s. 43 (1, 2)](http://www.ontario.ca/laws/statute/S10009#s43s1) - 01/07/2012

[2017, c. 8, Sched. 27, s. 13 (1, 2)](http://www.ontario.ca/laws/statute/S17008#sched27s13s1) - 01/01/2020

[2019, c. 14, Sched. 9, s. 29](http://www.ontario.ca/laws/statute/S19014#sched9s29) - not in force

1. Valuation for family law purposes
2. Preliminary valuation, member, former member or retired member

**67.2**  (1)  The preliminary value of a member’s pension benefits, a former member’s deferred pension or a retired member’s pension under a pension plan, before apportionment for family law purposes, is determined by the administrator in accordance with the regulations and as of the family law valuation date of the member, former member or retired member and his or her spouse. 2010, c. 9, s. 44 (1).

1. Same, spouse

(2)  The preliminary value of the pension of the spouse of a retired member under a pension plan, before apportionment for family law purposes, is determined by the administrator in accordance with the regulations and as of the family law valuation date of the spouse and the retired member. 2010, c. 9, s. 44 (2).

1. Adjustments

(3)  If the pension benefits, pension or deferred pension are provided under a pension plan that provides defined benefits, the preliminary value includes such adjustments as may be prescribed for ancillary benefits and other entitlements. 2009, c. 11, s. 49.

1. Same

(4)  There is no preliminary value attributable to ancillary benefits and other entitlements otherwise than by virtue of subsection (3). 2009, c. 11, s. 49.

1. Imputed value for family law purposes

(5)  The imputed value, for family law purposes, of each spouse’s pension benefits, deferred pension or pension, as the case may be, is that portion of the preliminary value that is attributed by the administrator, in accordance with the regulations,

(a) to the period beginning with the date of the spouses’ marriage and ending on their family law valuation date, for the purposes of an order under Part I (Family Property) of the Family Law Act; or

(b) to the period beginning with the date determined in accordance with the regulations and ending on the spouses’ family law valuation date, for the purposes of a family arbitration award or domestic contract. 2009, c. 11, s. 49.

1. Application for statement of imputed value

(6)  The following persons may apply to the administrator of the pension plan, in accordance with the prescribed requirements, for a statement of the imputed value, for family law purposes, of each spouse’s pension benefits, deferred pension or pension, as the case may be:

1. In the case of spouses to whom Part I of the Family Law Act applies, either spouse.

2. In the case of spouses to whom Part I of the Family Law Act does not apply, the member, former member or retired member. 2009, c. 11, s. 49; 2010, c. 9, s. 44 (3); 2017, c. 34, Sched. 33, s. 24.

1. Application fee

(7)  The application must be accompanied by the applicable fee, if any, imposed by the administrator and the applicable fee must not exceed the prescribed amount. 2009, c. 11, s. 49.

1. Duty to determine imputed value

(8)  Once the application is complete, the administrator shall determine the imputed value, for family law purposes, of each spouse’s pension benefits, deferred pension or pension, as the case may be. 2009, c. 11, s. 49.

1. Duty to provide statement

(9)  The administrator shall give a statement containing the prescribed information to both spouses within the prescribed period. 2009, c. 11, s. 49.

1. Transition

(10)  Neither spouse is eligible to apply under paragraph 1 of subsection (6) for the statement if an order made under Part I of the Family Law Act before the day on which this section comes into force requires one spouse to pay to the other spouse the amount to which the other spouse is entitled under section 5 (equalization of net family properties) of that Act. 2009, c. 11, s. 49.

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

[2009, c. 11, s. 49](http://www.ontario.ca/laws/statute/S09011#s49) - 01/01/2012

[2010, c. 9, s. 44 (1-3)](http://www.ontario.ca/laws/statute/S10009#s44s1) - 01/07/2012

[2017, c. 34, Sched. 33, s. 24](http://www.ontario.ca/laws/statute/S17034#sched33s24) - 08/06/2019

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2019, c. 14, Sched. 9, s. 30)

Valuation for family law purposes, unavailability of benefits etc.

Application of section

**67.2.1** (1)  This section applies if, on or after the family law valuation date of the member, former member or retired member and his or her spouse but before an application for a statement of imputed value under section 67.2 is complete, assets attributable to the member’s pension benefits, the former member’s deferred pension or the retired member’s pension, as the case may be, are transferred out of the plan or otherwise cease to be available as a result of such circumstances as may be prescribed. 2019, c. 14, Sched. 9, s. 30.

Manner of obtaining statement of imputed value

(2)  Section 67.2 applies in the circumstance referred to in subsection (1) with the modifications set out in the Authority rules or the regulations. 2019, c. 14, Sched. 9, s. 30.

Authority’s rules

(3)  For the purposes of this section, the Authority may make rules in respect of the following matters:

1. Prescribing modifications to section 67.2 respecting the manner in which spouses referred to in subsection 67.2 (6) may obtain a statement of imputed value, including prescribing who is responsible for determining the imputed value of the member’s pension benefits, the former member’s deferred pension or the retired member’s pension, as the case may be.

2. Prescribing any matters necessary to implement the modifications referred to in paragraph 1, including prescribing circumstances in which information must be provided to the spouse about the member’s pension benefits, the former member’s deferred pension or the retired member’s pension, as the case may be, and the information that must be provided.

3. Prescribing the manner in which any matter referred to in section 67.2 in respect of which the Authority may make rules applies in the circumstance referred to in subsection (1), including prescribing different Authority rules than those prescribed for the purposes of section 67.2. 2019, c. 14, Sched. 9, s. 30.

Regulations

(4)  The regulations may prescribe the manner in which anything referred to in section 67.2 as being provided for in the regulations applies in the circumstance referred to in subsection (1), including prescribing different requirements than those prescribed for the purposes of section 67.2. 2019, c. 14, Sched. 9, s. 30.

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

[2019, c. 14, Sched. 9, s. 30](http://www.ontario.ca/laws/statute/S19014#sched9s30) - not in force

1. Transfer of a lump sum for certain family law purposes
2. Eligibility

**67.3**  (1)  A spouse of a member, former member or retired member of a pension plan is eligible to apply under this section for an immediate transfer of a lump sum from the plan if all of the following circumstances exist:

1. The spouses are separated and there is no reasonable prospect that they will resume cohabitation.

2. No payment of an instalment of the member’s or former member’s pension was due on or before the family law valuation date.

3. A statement of the imputed value, for family law purposes, of the member’s pension benefits or the former member’s deferred pension has been obtained from the administrator under section 67.2.

4. The transfer is provided for by an order made under Part I (Family Property) of the Family Law Act or is authorized under a family arbitration award or domestic contract.

5. In the order, family arbitration award or domestic contract, the amount to be transferred as a lump sum is expressed,

i. as a specified amount, or

ii. as a proportion of the imputed value, for family law purposes, of the member’s pension benefits or the former member’s deferred pension. 2009, c. 11, s. 49; 2010, c. 9, s. 45.

1. Application for transfer

(2)  The eligible spouse may apply, in accordance with the prescribed requirements, to the administrator of the plan for any of the following:

1. Transfer of a lump sum from the plan to another pension plan registered under the pension benefits legislation in any jurisdiction in Canada or provided by a government in Canada. This option is available only if the administrator of the other plan agrees to accept the transfer.

2. Transfer of a lump sum from the plan to a prescribed retirement savings arrangement.

3. Transfer of a lump sum to another prescribed arrangement.

4. Implementation of the transfer of a lump sum by leaving it in the plan to the credit of the eligible spouse. This option is available in such circumstances as may be prescribed and only if the administrator agrees to it. 2009, c. 11, s. 49; 2010, c. 1, Sched. 23, s. 6; 2017, c. 34, Sched. 33, s. 25.

1. Restrictions on transfers

(3)  The transfer is subject to the restrictions set out in this section and to such other restrictions as may be prescribed. 2009, c. 11, s. 49.

1. Duty to transfer

(4)  Once the application is complete, the administrator shall make the transfer within the prescribed period. 2009, c. 11, s. 49.

1. Transfer to eligible spouse’s estate

(5)  If the lump sum is not transferred under subsection (4) before the death of the eligible spouse, the lump sum is payable instead to the eligible spouse’s estate or as otherwise prescribed. 2009, c. 11, s. 49; 2019, c. 14, Sched. 9, s. 31 (1).

1. Maximum percentage

(6)  The order, family arbitration award or domestic contract is not effective to the extent that it purports to entitle the eligible spouse to the transfer of a lump sum that exceeds 50 per cent of the imputed value, for family law purposes, of the pension benefits or deferred pension, as updated for the purposes of this subsection if the regulations or the Authority rules require the imputed value to be updated. 2009, c. 11, s. 49; 2019, c. 14, Sched. 9, s. 31 (2).

1. Partial transfer directly to spouse

(7)  If the amount that would otherwise be transferred in accordance with the application is greater than the amount prescribed under the Income Tax Act (Canada) for such a transfer, the administrator shall pay the portion that exceeds the prescribed amount as a lump sum to the eligible spouse. 2009, c. 11, s. 49.

1. Duty to adjust pension benefits, etc.

(8)  Upon making the transfer, the administrator shall, in accordance with the regulations, adjust the benefits and entitlements of the member or former member under the pension plan to take into account the transfer. 2009, c. 11, s. 49.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 67.3 (8) of the Act is repealed and the following substituted: (See: 2019, c. 14, Sched. 9, s. 31 (3))

Duty to adjust pension benefits, etc.

(8)  Upon making the transfer, the administrator shall, in accordance with the regulations or the Authority rules, adjust the benefits and entitlements of the member, former member or retired member under the pension plan to take into account the transfer. 2019, c. 14, Sched. 9, s. 31 (3).

1. Discharge of administrator

(9)  In the absence of actual notice to the contrary, the administrator is entitled to rely upon the information provided by the spouse in the application and is discharged upon making the transfer in accordance with the application and this section and making the adjustments required by subsection (8). 2009, c. 11, s. 49.

1. Effect of transfer

(10)  Once the transfer is made in accordance with the application and this Act, the eligible spouse has no further claim against the pension plan in respect of the member or former member. 2009, c. 11, s. 49.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 67.3 (10) of the Act is amended by striking out “member or former member” at the end and substituting “member, former member or retired member”. (See: 2019, c. 14, Sched. 9, s. 31 (4))

1. Orders for support

(11)  This section does not affect any order for support enforceable in Ontario. 2009, c. 11, s. 49.

1. Priorities

(12)  An entitlement to a transfer under this section prevails over any other entitlement under this Act to a payment from the pension plan in respect of the member or former member. 2009, c. 11, s. 49.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 67.3 (12) of the Act is amended by striking out “member or former member” at the end and substituting “member, former member or retired member”. (See: 2019, c. 14, Sched. 9, s. 31 (5))

1. Same

(13)  For the purposes of subsection (12), an entitlement to a transfer under this section arises on application under subsection (2) by an eligible spouse. 2009, c. 11, s. 49.

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

[2009, c. 11, s. 49](http://www.ontario.ca/laws/statute/S09011#s49) - 01/01/2012

[2010, c. 1, Sched. 23, s. 6](http://www.ontario.ca/laws/statute/S10001#sched23s6) - 01/10/2010; [2010, c. 9, s. 45](http://www.ontario.ca/laws/statute/S10009#s45) - 01/07/2012

[2015, c. 9, s. 31 (3)](http://www.ontario.ca/laws/statute/S15009#s31s3) - no effect - see [2016, c. 5, Sched. 23, s. 5](http://www.ontario.ca/laws/statute/S16005#sched23s5) - 19/04/2016

[2017, c. 34, Sched. 33, s. 25](http://www.ontario.ca/laws/statute/S17034#sched33s25) - 08/06/2019

[2019, c. 14, Sched. 9, s. 31 (1, 2)](http://www.ontario.ca/laws/statute/S19014#sched9s31s1) - 10/12/2019; [2019, c. 14, Sched. 9, s. 31 (3-5)](http://www.ontario.ca/laws/statute/S19014#sched9s31s3) - not in force

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2019, c. 14, Sched. 9, s. 32)

Transfer of lump sum from a successor pension plan for certain family law purposes

Application of section

**67.3.1** (1)  This section applies if, on or after the family law valuation date of a member or former member and his or her spouse but before an eligible spouse’s application for a transfer of a lump sum under section 67.3 is complete, assets attributable to the member’s pension benefits or the former member’s deferred pension, as the case may be, are transferred to another pension plan. 2019, c. 14, Sched. 9, s. 32.

Definitions

(2)  In this section,

“original pension plan” means the pension plan whose assets include the assets referred to in subsection (1) on the family law valuation date; (“premier régime de retraite”)

“successor pension plan” means the pension plan into which the assets referred to in subsection (1) have been transferred on or after the family law valuation date or any pension plan into which those assets have subsequently been transferred. (“régime de retraite subséquent”) 2019, c. 14, Sched. 9, s. 32.

Eligibility

(3)  A spouse of a member, former member or retired member of the successor pension plan is eligible, in the situation referred to in subsection (1), to apply for an immediate transfer of a lump sum from the successor pension plan if all of the following circumstances exist:

1. The spouses are separated and there is no reasonable prospect that they will resume cohabitation.

2.No payment of an instalment of the member’s or former member’s pension was due under the original pension plan on or before the family law valuation date.

3. A statement of the imputed value, for family law purposes, of the member’s pension benefits or the former member’s deferred pension under the original pension plan has been obtained under section 67.2 or 67.2.1.

4. The transfer is provided for by an order made under Part I (Family Property) of the Family Law Act or is authorized under a family arbitration award or domestic contract.

5.In the order, family arbitration award or domestic contract, the amount to be transferred as a lump sum is expressed,

i. as a specified amount, or

ii. as a proportion of the imputed value, for family law purposes, of the member’s pension benefits or the former member’s deferred pension under the original pension plan. 2019, c. 14, Sched. 9, s. 32.

Application for transfer

(4)  The eligible spouse may apply, in accordance with the prescribed requirements, to the administrator of the successor pension plan for any of the following:

1. Transfer of a lump sum from the plan to another pension plan registered under the pension benefits legislation in any jurisdiction in Canada or provided by a government in Canada. This option is available only if the administrator of the other plan agrees to accept the transfer.

2. Transfer of a lump sum from the plan to a retirement savings arrangement prescribed for the purposes of paragraph 2 of subsection 67.3 (2).

3. Transfer of a lump sum to another prescribed arrangement.

4. Implementation of the transfer of a lump sum by leaving it in the plan to the credit of the eligible spouse. This option is available in such circumstances as may be prescribed and only if the administrator of the successor pension plan agrees to it. 2019, c. 14, Sched. 9, s. 32.

Restrictions on transfers

(5)  The transfer is subject to the restrictions set out in this section and to such other restrictions as may be prescribed. 2019, c. 14, Sched. 9, s. 32.

Duty to transfer

(6)  Once the application is complete, the administrator of the successor pension plan shall make the transfer within the prescribed period. 2019, c. 14, Sched. 9, s. 32.

Transfer to eligible spouse’s estate

(7)  If the lump sum is not transferred under subsection (6) before the death of the eligible spouse, the lump sum is payable instead to the eligible spouse’s estate or as otherwise prescribed. 2019, c. 14, Sched. 9, s. 32.

Maximum percentage

(8)  The order, family arbitration award or domestic contract is not effective to the extent that it purports to entitle the eligible spouse to the transfer of a lump sum that exceeds 50 per cent of the imputed value, for family law purposes, of the pension benefits or deferred pension under the original pension plan, as updated for the purposes of this subsection if the regulations or the Authority rules require the imputed value to be updated. 2019, c. 14, Sched. 9, s. 32.

Partial transfer directly to spouse

(9)  If the amount that would otherwise be transferred in accordance with the application is greater than the amount prescribed under the Income Tax Act (Canada) for such a transfer, the administrator of the successor pension plan shall pay the portion that exceeds the prescribed amount as a lump sum to the eligible spouse. 2019, c. 14, Sched. 9, s. 32.

Duty to adjust pension benefits, etc.

(10)  Upon making the transfer, the administrator of the successor pension plan shall, in accordance with the regulations or the Authority rules, adjust the benefits and entitlements under the successor pension plan of the member, former member or retired member, to take into account the transfer. 2019, c. 14, Sched. 9, s. 32.

Discharge of administrator of successor pension plan

(11)  In the absence of actual notice to the contrary, the administrator of the successor pension plan is entitled to rely upon the information provided by the spouse in the application and by the administrator of the original pension plan and is discharged upon making the transfer in accordance with the application and this section and making the adjustments required by subsection (10). 2019, c. 14, Sched. 9, s. 32.

Effect of transfer

(12)  Once the transfer is made in accordance with the application and this Act, the eligible spouse has no further claim against the successor pension plan in respect of the member, former member or retired member. 2019, c. 14, Sched. 9, s. 32.

Orders for support

(13)  This section does not affect any order for support enforceable in Ontario. 2019, c. 14, Sched. 9, s. 32.

Priorities

(14)  An entitlement to a transfer under this section prevails over any other entitlement under this Act to a payment from the successor pension plan in respect of the member, former member or retired member. 2019, c. 14, Sched. 9, s. 32.

Same

(15)  For the purposes of subsection (14), an entitlement to a transfer under this section arises on application by an eligible spouse. 2019, c. 14, Sched. 9, s. 32.

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

[2019, c. 14, Sched. 9, s. 32](http://www.ontario.ca/laws/statute/S19014#sched9s32) - not in force

1. Division of a pension for certain family law purposes
2. Eligibility

**67.4**  (1)  A spouse of a retired member of a pension plan is eligible to apply under this section for the division of the retired member’s pension if all of the following circumstances exist:

1. The spouses are separated and there is no reasonable prospect that they will resume cohabitation.

2. Payment of the first instalment of the retired member’s pension was due on or before the family law valuation date.

3. A statement of the imputed value, for family law purposes, of the retired member’s pension has been obtained from the administrator under section 67.2.

4. The division of the pension is provided for by an order made under Part I (Family Property) of the Family Law Act or is authorized under a family arbitration award or domestic contract.

5. In the order, family arbitration award or domestic contract, the amount of each pension instalment to be paid to the spouse is expressed,

i. as a specified amount, or

ii. as a proportion of the instalment otherwise payable to the retired member. 2009, c. 11, s. 49; 2010, c. 9, s. 46 (1-4).

1. Application for division and payment

(2)  The eligible spouse may apply, in accordance with the prescribed requirements, to the administrator of the plan for division of the retired member’s pension and for payment of the eligible spouse’s share to him or her. 2009, c. 11, s. 49; 2010, c. 9, s. 46 (5); 2017, c. 34, Sched. 33, s. 26.

1. Restrictions

(3)  The division and payment of the pension is subject to the restrictions set out in this section and to such other restrictions as may be prescribed. 2009, c. 11, s. 49.

1. Duties of administrator

(4)  Once the application is complete, the administrator shall revalue the retired member’s pension in the prescribed manner and begin the payments to the eligible spouse within the prescribed period. 2009, c. 11, s. 49; 2010, c. 9, s. 46 (6).

1. Maximum percentage

(5)  The order, family arbitration award or domestic contract is not effective to the extent that it purports to entitle the eligible spouse to a share that exceeds 50 per cent of the imputed value, for family law purposes, of the pension, as updated for the purposes of this subsection if the regulations or the Authority rules require the imputed value to be updated. 2009, c. 11, s. 49; 2019, c. 14, Sched. 9, s. 33 (1).

1. Discharge of administrator

(6)  In the absence of actual notice to the contrary, the administrator is entitled to rely upon the information provided by the spouse in the application and is discharged on revaluing the retired member’s pension and making the payments to the eligible spouse in accordance with the application and this section. 2009, c. 11, s. 49; 2010, c. 9, s. 46 (7).

1. Orders for support

(7)  This section does not affect any order for support enforceable in Ontario. 2009, c. 11, s. 49.

1. Waiver of joint and survivor pension

(8)  Despite subsection 46 (2), the eligible spouse may waive his or her entitlement to a joint and survivor pension after payment of the first instalment of the retired member’s pension is due and before the pension is divided in accordance with this section. 2009, c. 11, s. 49; 2010, c. 9, s. 46 (8).

1. No cancellation

(9)  A waiver authorized by subsection (8) cannot be cancelled. 2009, c. 11, s. 49.

1. Special case, combining payments

(10)  The following rules and any additional prescribed rules apply if the eligible spouse is entitled to a joint and survivor pension in respect of the retired member in addition to being entitled to payment of a share of the retired member’s pension in accordance with this section:

1. The eligible spouse may make a written request, in the form approved by the Chief Executive Officer, to the administrator for payment of a single pension from the pension plan instead of payment of a share of the retired member’s pension and payment of a joint and survivor pension.

2. If the pension plan so permits, the administrator may comply with the request.

3. When the eligible spouse begins to receive the single pension, he or she ceases to be entitled to payment of the share of the retired member’s pension and to payment of the joint and survivor pension in respect of the retired member. 2009, c. 11, s. 49; 2010, c. 9, s. 46 (9-11); 2018, c. 8, Sched. 23, s. 23; 2019, c. 14, Sched. 9, s. 33 (2).

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

[2009, c. 11, s. 49](http://www.ontario.ca/laws/statute/S09011#s49) - 01/01/2012

[2010, c. 9, s. 46 (1-11)](http://www.ontario.ca/laws/statute/S10009#s46s1) - 01/07/2012

[2017, c. 34, Sched. 33, s. 26](http://www.ontario.ca/laws/statute/S17034#sched33s26) - 08/06/2019

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

[2019, c. 14, Sched. 9, s. 33 (1, 2)](http://www.ontario.ca/laws/statute/S19014#sched9s33s1) - 10/12/2019

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2019, c. 14, Sched. 9, s. 34)

Division of pension from a successor pension plan for certain family law purposes

Application of section

**67.4.1**(1)  This section applies if, on or after the family law valuation date of a retired member and his or her spouse but before any application for a division of the retired member’s pension under section 67.4 is complete, assets attributable to the retired member’s pension are transferred to another pension plan. 2019, c. 14, Sched. 9, s. 34.

Definitions

(2)  In this section,

“original pension plan” means the pension plan whose assets include the assets referred to in subsection (1) on the family law valuation date; (“premier régime de retraite”)

“successor pension plan” means the pension plan into which the assets referred to in subsection (1) have been transferred on or after the family law valuation date or any pension plan into which those assets have subsequently been transferred. (“régime de retraite subséquent”) 2019, c. 14, Sched. 9, s. 34.

Eligibility

(3)  A spouse of a retired member of a successor pension plan may, in the situation referred to in subsection (1), apply for the division of the retired member’s pension under the successor pension plan if all of the following circumstances exist:

1. The spouses are separated and there is no reasonable prospect that they will resume cohabitation.

2. Payment of the first instalment of the retired member’s pension was due under the original pension plan on or before the family law valuation date.

3. A statement of the imputed value, for family law purposes, of the retired member’s pension under the original pension plan has been obtained under section 67.2 or 67.2.1.

4. The division of the pension is provided for by an order made under Part I (Family Property) of the Family Law Act or is authorized under a family arbitration award or domestic contract.

5. In the order, family arbitration award or domestic contract, the amount of each pension instalment to be paid to the spouse is expressed,

i. as a specified amount, or

ii. as a proportion of the instalment otherwise payable to the retired member under the original pension plan. 2019, c. 14, Sched. 9, s. 34.

Application for division and payment

(4)  The eligible spouse may apply, in accordance with the prescribed requirements, to the administrator of the successor pension plan for division of the retired member’s pension and for payment of the eligible spouse’s share to him or her. 2019, c. 14, Sched. 9, s. 34.

Restrictions

(5)  The division and payment of the pension is subject to the restrictions set out in this section and to such other restrictions as may be prescribed. 2019, c. 14, Sched. 9, s. 34.

Duties of administrator

(6)  Once the application is complete, the administrator of the successor pension plan shall revalue the retired member’s pension in the prescribed manner and begin the payments to the eligible spouse within the prescribed period. 2019, c. 14, Sched. 9, s. 34.

Maximum percentage

(7)  The order, family arbitration award or domestic contract is not effective to the extent that it purports to entitle the eligible spouse to a share that exceeds 50 per cent of the imputed value, for family law purposes, of the pension under the original pension plan, as updated for the purposes of this subsection if the regulations or the Authority rules require the imputed value to be updated. 2019, c. 14, Sched. 9, s. 34.

Discharge of administrator of successor pension plan

(8)  In the absence of actual notice to the contrary, the administrator of the successor pension plan is entitled to rely upon the information provided by the spouse in the application and by the administrator of the original pension plan and is discharged on revaluing the member’s pension and making the payments to the eligible spouse in accordance with the application and this section. 2019, c. 14, Sched. 9, s. 34.

Orders for support

(9)  This section does not affect any order for support enforceable in Ontario. 2019, c. 14, Sched. 9, s. 34.

Waiver of joint and survivor pension

(10)  Despite subsection 46 (2), the eligible spouse may waive his or her entitlement to a joint and survivor pension under the successor pension plan after payment of the first instalment of the retired member’s pension is due and before the pension is divided in accordance with this section. 2019, c. 14, Sched. 9, s. 34.

No cancellation

(11)  A waiver authorized by subsection (10) cannot be cancelled. 2019, c. 14, Sched. 9, s. 34.

Special case, combining payments

(12)  The following rules and any additional prescribed rules apply if the eligible spouse is entitled to a joint and survivor pension under the successor pension plan in respect of the retired member in addition to being entitled to payment of a share of the retired member’s pension in accordance with this section:

1. The eligible spouse may make a written request, in the form approved by the Chief Executive Officer, to the administrator of the successor pension plan for payment of a single pension from the successor pension plan instead of payment of a share of the retired member’s pension and payment of a joint and survivor pension.

2. If the pension plan so permits, the administrator of the successor pension plan may comply with the request.

3. When the eligible spouse begins to receive the single pension, he or she ceases to be entitled to payment of the share of the retired member’s pension and to payment of the joint and survivor pension in respect of the retired member. 2019, c. 14, Sched. 9, s. 34.

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

[2019, c. 14, Sched. 9, s. 34](http://www.ontario.ca/laws/statute/S19014#sched9s34) - not in force

1. Restriction on other ways of dividing pension benefits, etc.

**67.5**  (1)  An order made under Part I (Family Property) of the Family Law Act, a family arbitration award or a domestic contract is not effective to the extent that it purports to require the administrator of a pension plan to divide the pension benefits, deferred pension or pension, as the case may be, of a member, former member or retired member of the plan otherwise than as provided under section 67.3 or 67.4. 2009, c. 11, s. 49; 2010, c. 9, s. 47 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 67.5 (1) of the Act is amended by striking out “section 67.3 or 67.4” at the end and substituting “sections 67.3 to 67.4.1”. (See: 2019, c. 14, Sched. 9, s. 35)

1. Transition, valuation date

(2)  This section applies whether the family law valuation date for the member, former member or retired member and his or her spouse is before, on or after the date on which this section comes into force. 2009, c. 11, s. 49; 2010, c. 9, s. 47 (2).

1. Transition, previous orders, etc.

(3)  This section does not apply to an order, family arbitration award or domestic contract to which section 67.6 applies. 2009, c. 11, s. 49.

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

[2009, c. 11, s. 49](http://www.ontario.ca/laws/statute/S09011#s49) - 01/01/2012

[2010, c. 9, s. 47 (1, 2)](http://www.ontario.ca/laws/statute/S10009#s47s1) - 01/07/2012

[2019, c. 14, Sched. 9, s. 35](http://www.ontario.ca/laws/statute/S19014#sched9s35) - not in force

1. Other transitional matters

**67.6**  (1)  This section applies to an order under Part I (Family Property) of the Family Law Act, family arbitration award or domestic contract that requires one spouse to pay to the other spouse the amount to which that spouse is entitled under section 5 (equalization of net family properties) of that Act, if the order, award or contract was made before the date on which this section comes into force. 2009, c. 11, s. 49.

1. Amendments

(2)  The application of this section to an order, family arbitration award or domestic contract described in subsection (1) is not affected by an amendment or variation made on or after the date on which this section comes into force to the order, award or contract, if,

(a) the order, award or contract provided, before that date, for the division of a party’s interest in a pension plan; and

(b) the amendment or variation is made in order to facilitate or effect the division of the party’s interest in the pension plan in accordance with the order, award or contract. 2009, c. 11, s. 49.

1. Timing of payment

(3)  The order, family arbitration award or domestic contract is not effective to require payment of a pension benefit before the earlier of,

(a) the date on which payment of the pension benefit commences; or

(b) the normal retirement date of the relevant member or former member. 2009, c. 11, s. 49.

1. Maximum percentage

(4)  The order, family arbitration award or domestic contract is not effective to cause the spouse to become entitled to more than 50 per cent of the pension benefits, calculated in the prescribed manner, accrued by the member, former member or retired member during the period when they were spouses. 2009, c. 11, s. 49; 2010, c. 9, s. 48 (1).

1. Discharge of administrator

(5)  If payment of a pension or a deferred pension is divided between spouses by the order, family arbitration award or domestic contract, the administrator is discharged on making payment in accordance with the order, award or contract. 2009, c. 11, s. 49.

1. Revaluation of joint and survivor pension

(6)  If the order, family arbitration award or domestic contract affects a pension, the administrator of the pension plan shall revalue the pension in the prescribed manner. 2009, c. 11, s. 49.

1. Entitlement to options

(7)  The spouse has the same entitlement, on termination of employment by the member, former member or retired member, to any option available in respect of the spouse’s interest in the pension benefits as the member, former member or retired member has in respect of his or her pension benefits. 2010, c. 9, s. 48 (2).

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

[2009, c. 11, s. 49](http://www.ontario.ca/laws/statute/S09011#s49) - 01/01/2012

[2010, c. 9, s. 48 (1, 2)](http://www.ontario.ca/laws/statute/S10009#s48s1) - 01/07/2012

1. Valuation for family law purposes, variable benefit account

**67.7**(1)  Despite sections 67.2 to 67.6, this section and sections 67.8 and 67.9 apply to the valuation and division of a retired member’s variable benefit account for family law purposes. 2017, c. 8, Sched. 27, s. 14.

1. Preliminary valuation

(2)  The preliminary value of the funds in a retired member’s variable benefit account, before apportionment for family law purposes, is determined by the administrator in accordance with the regulations and as of the family law valuation date of the retired member and the retired member’s spouse. 2017, c. 8, Sched. 27, s. 14.

1. Imputed value for family law purposes

(3)  The imputed value, for family law purposes, of the funds in a retired member’s variable benefit account is that portion of the preliminary value that is attributed by the administrator, in accordance with the regulations,

(a) to the period beginning with the date of the spouses’ marriage and ending on their family law valuation date, for the purpose of an order under Part I (Family Property) of the Family Law Act; or

(b) to the period beginning with the date determined in accordance with the regulations and ending on the spouses’ family law valuation date, for the purposes of a family arbitration award or domestic contract. 2017, c. 8, Sched. 27, s. 14.

1. Application for statement of imputed value

(4)  The following persons may apply to the administrator, in accordance with the prescribed requirements, for a statement of imputed value, for family law purposes, of the funds in the retired member’s variable benefit account:

1. In the case of spouses to whom Part I of the Family Law Act applies, either spouse.

2. In the case of spouses to whom Part I of the Family Law Act does not apply, the retired member. 2017, c. 8, Sched. 27, s. 14; 2017, c. 34, Sched. 33, s. 27.

1. Application fee

(5)  The application must be accompanied by the applicable fee, if any, imposed by the administrator and the applicable fee must not exceed the prescribed amount. 2017, c. 8, Sched. 27, s. 14.

1. Duty to determine imputed value

(6)  Once the application is complete, the administrator shall determine the imputed value, for family law purposes, of the funds in the retired member’s variable benefit account. 2017, c. 8, Sched. 27, s. 14.

1. Duty to provide statement

(7)  The administrator shall give a statement containing the prescribed information to both spouses within the prescribed period. 2017, c. 8, Sched. 27, s. 14.

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

[2017, c. 8, Sched. 27, s. 14](http://www.ontario.ca/laws/statute/S17008#sched27s14) - 01/01/2020; [2017, c. 34, Sched. 33, s. 27](http://www.ontario.ca/laws/statute/S17034#sched33s27) - 01/01/2020

1. Transfer of lump sum from variable benefit account for certain family law purposes
2. Eligibility

**67.8**(1)  A spouse of a retired member is eligible to apply under this section for an immediate transfer of a lump sum from the retired member’s variable benefit account if all of the following circumstances exist:

1. The spouses are separated and there is no reasonable prospect that they will resume cohabitation.

2. A variable benefit account has been established for the retired member on or before the family law valuation date, whether or not payments have begun as of that date.

3. A statement of the imputed value, for family law purposes, of the funds in the retired member’s variable benefit account has been obtained from the administrator under section 67.7.

4. The transfer is provided for by an order made under Part I (Family Property) of the Family Law Act or is authorized under a family arbitration award or domestic contract.

5. In the order, family arbitration award or domestic contract, the amount to be transferred as a lump sum is expressed,

i. as a specified amount, or

ii. as a proportion of the imputed value, for family law purposes, of the funds in the retired member’s variable benefit account. 2017, c. 8, Sched. 27, s. 14.

1. Application for transfer

(2)  The eligible spouse may apply, in accordance with the prescribed requirements, to the administrator of the plan for any of the following:

1. Transfer of a lump sum from the retired member’s variable benefit account to another pension plan registered under the pension benefits legislation in any jurisdiction in Canada or provided by a government in Canada. This option is available only if the administrator of the other plan agrees to accept the transfer.

2. Transfer of a lump sum from the retired member’s variable benefit account to a prescribed retirement savings arrangement.

3. Transfer of a lump sum from the retired member’s variable benefit account to another prescribed arrangement.

4. Implementation of the transfer of a lump sum by leaving it, to the credit of the eligible spouse, in the plan in which the retired member’s variable benefit account was established. This option is available in such circumstances as may be prescribed and only if the administrator agrees to it. 2017, c. 8, Sched. 27, s. 14; 2017, c. 34, Sched. 33, s. 28.

1. Restrictions on transfers

(3)  The transfer is subject to the restrictions set out in this section and to such other restrictions as may be prescribed. 2017, c. 8, Sched. 27, s. 14.

1. Duty to transfer

(4)  Once the application is complete, the administrator shall make the transfer within the prescribed period. 2017, c. 8, Sched. 27, s. 14.

1. Transfer to eligible spouse’s estate

(5)  If the lump sum is not transferred under subsection (4) before the death of the eligible spouse, the lump sum is payable instead to the eligible spouse’s estate or as otherwise permitted by regulation. 2017, c. 8, Sched. 27, s. 14.

1. Maximum percentage

(6)  The order, family arbitration award or domestic contract is not effective to the extent that it purports to entitle the eligible spouse to the transfer of a lump sum that exceeds 50 per cent of the imputed value, for family law purposes, of the funds in the retired member’s variable benefit account, as updated for the purposes of this subsection if the regulations require the imputed value to be updated. 2017, c. 8, Sched. 27, s. 14.

1. Partial transfer directly to spouse

(7)  If the amount that would otherwise be transferred in accordance with the application is greater than the amount prescribed under the Income Tax Act (Canada) for such a transfer, the administrator shall pay the portion that exceeds the prescribed amount as a lump sum to the eligible spouse. 2017, c. 8, Sched. 27, s. 14.

1. Duty to adjust account, etc.

(8)  On making the transfer, the administrator shall, in accordance with the regulations, adjust the funds in the retired member’s variable benefit account in light of the transfer. 2017, c. 8, Sched. 27, s. 14.

1. Discharge of administrator

(9)  In the absence of actual notice to the contrary, the administrator is entitled to rely on the information provided by the eligible spouse in the application and is discharged on making the transfer in accordance with the application and this section and making the adjustments required by subsection (8). 2017, c. 8, Sched. 27, s. 14.

1. Effect of transfer

(10)  Once the transfer is made in accordance with the application and this Act, the eligible spouse has no further claim against the defined contribution provision of the pension plan in respect of the retired member. 2017, c. 8, Sched. 27, s. 14.

1. Orders for support

(11)  This section does not affect any order for support enforceable in Ontario. 2017, c. 8, Sched. 27, s. 14.

1. Priorities

(12)  An entitlement to a transfer under this section prevails over any other entitlement under this Act to a payment from the defined contribution provision of the pension plan in respect of the retired member. 2017, c. 8, Sched. 27, s. 14.

1. Same

(13)  For the purposes of subsection (12), an entitlement to a transfer under this section arises on application under subsection (2) by an eligible spouse. 2017, c. 8, Sched. 27, s. 14.

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

[2017, c. 8, Sched. 27, s. 14](http://www.ontario.ca/laws/statute/S17008#sched27s14) - 01/01/2020; [2017, c. 34, Sched. 33, s. 28](http://www.ontario.ca/laws/statute/S17034#sched33s28) - 01/01/2020

1. Restriction on other ways of dividing funds, etc.

**67.9**An order made under Part I (Family Property) of the Family Law Act, a family arbitration award or a domestic contract is not effective to the extent that it purports to require the administrator of a plan,

(a) to divide the funds in a retired member’s variable benefit account otherwise than as provided under section 67.7; or

(b) to divide variable benefits payments made from the funds in a retired member’s variable benefit account. 2017, c. 8, Sched. 27, s. 14.

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

[2017, c. 8, Sched. 27, s. 14](http://www.ontario.ca/laws/statute/S17008#sched27s14) - 01/01/2020

Winding Up

1. Winding up

**68** (1)  The employer or, in the case of a multi-employer pension plan, the administrator may wind up the pension plan. R.S.O. 1990, c. P.8, s. 68 (1); 2010, c. 9, s. 49 (1).

1. Same, jointly sponsored pension plans

(1.1)  The following rules apply, and subsection (1) does not apply, with respect to jointly sponsored pension plans:

1. If a jointly sponsored pension plan is also a multi-employer pension plan, the administrator may wind up the plan unless the documents that create and support the plan authorize another person or entity to do so. In that case, the authorized person or entity may wind up the plan.

2. If a jointly sponsored pension plan is not a multi-employer pension plan, the administrator or another person or entity may wind up the plan if the documents that create and support the plan authorize the administrator, person or entity to do so. 2005, c. 31, Sched. 18, s. 8; 2010, c. 9, s. 49 (2, 3).

1. Notice

(2)  If the employer or the administrator, as the case may be, intends to wind up the pension plan, the administrator shall give written notice of the intended wind up to,

(a) the Chief Executive Officer;

(b) each member, former member and retired member of the pension plan;

(c) each trade union that represents members of the pension plan or that, on the date of the wind up, represented the members, former members or retired members of the pension plan;

(d) the advisory committee of the pension plan; and

(e) any other person entitled to a payment from the pension fund. 2010, c. 9, s. 49 (4); 2010, c. 24, s. 21 (2); 2018, c. 8, Sched. 23, s. 23.

(3)  Repealed: 2010, c. 24, s. 21 (5).

1. Contents of notice

(4)  The notice of the intended wind up must contain such information as may be prescribed. 2010, c. 24, s. 21 (6, 7).

1. Additional information and documents

(4.1)  The Chief Executive Officer may require the administrator to give specified additional information and documents to the persons entitled to notice of the intended wind up, and to do so within a specified period. 2011, c. 9, Sched. 35, s. 5; 2018, c. 8, Sched. 23, s. 23.

1. Effective date

(5)  The effective date of the wind up shall not be earlier than the date member contributions, if any, cease to be deducted, in the case of contributory pension benefits, or, in any other case, on the date notice is given to members. R.S.O. 1990, c. P.8, s. 68 (5).

1. Order by Chief Executive Officer

(6)  Subject to section 89, the Chief Executive Officer by order may change the effective date of the wind up if the Chief Executive Officer is of the opinion that there are reasonable grounds for the change. R.S.O. 1990, c. P.8, s. 68 (6); 2010, c. 24, s. 21 (8); 2018, c. 8, Sched. 23, s. 23.

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

[2005, c. 31, Sched. 18, s. 8](http://www.ontario.ca/laws/statute/S05031#sched18s8) - 30/04/2006

[2010, c. 9, s. 49 (1-4)](http://www.ontario.ca/laws/statute/S10009#s49s1) - 01/07/2012; [2010, c. 9, s. 49 (5, 6)](http://www.ontario.ca/laws/statute/S10009#s49s5) - no effect - see [2010, c. 24, s. 48 (1)](http://www.ontario.ca/laws/statute/S10024#s48s1) - 1/07/2012; [2010, c. 24, s. 21 (1-3, 6, 8)](http://www.ontario.ca/laws/statute/S10024#s21s1) - 08/12/2010; [2010, c. 24, s. 21 (4, 5, 7)](http://www.ontario.ca/laws/statute/S10024#s21s4) - 01/07/2012

[2011, c. 9, Sched. 35, s. 5](http://www.ontario.ca/laws/statute/S11009#sched35s5) - 12/05/2011

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Winding up order by Chief Executive Officer

**69** (1)  The Chief Executive Officer by order may require the wind up of a pension plan if,

(a) there is a cessation or suspension of employer contributions to the pension fund;

(b) the employer fails to make contributions to the pension fund as required by this Act or the regulations;

(c) the employer is bankrupt within the meaning of the Bankruptcy and Insolvency Act (Canada);

(d) all or substantially all of the members of the pension plan cease to be employed by the employer;

(e) Repealed: 2010, c. 9, s. 50 (2).

(f) all or substantially all of the employer’s business or all or substantially all of the assets of the business are sold, assigned or otherwise disposed of and the person or entity who acquires the business or assets does not provide a pension plan for the members of the employer’s pension plan who become employees of the person or entity;

(g) the liability of the Guarantee Fund is likely to be substantially increased unless the pension plan is wound up;

(h) in the case of a multi-employer pension plan,

(i) there is a significant reduction in the number of members, or

(ii) there is a cessation of contributions under the pension plan or a significant reduction in such contributions; or

(i) any other prescribed event or prescribed circumstance occurs. R.S.O. 1990, c. P.8, s. 69 (1); 2002, c. 18, Sched. H, s. 5 (1); 2010, c. 9, s. 50 (1-4); 2018, c. 8, Sched. 23, s. 23.

1. Effective date

(2)  The order must specify the effective date of the wind up. 2010, c. 9, s. 50 (5).

1. Notice of the order

(3)  The administrator of the pension plan shall give notice of the order to the persons and entities listed in clauses 68 (2) (b) to (e) and shall include in the notice such information about the wind up as the order may specify. 2010, c. 9, s. 50 (5).

1. Duty to file notice

(4)  The administrator shall file with the Chief Executive Officer a copy of the notice given under subsection (3). 2010, c. 9, s. 50 (5); 2018, c. 8, Sched. 23, s. 23.

1. Interpretation

(5)  A reduction or suspension of contributions under section 55.1 (contribution holidays) does not constitute a cessation or suspension of employer contributions for the purposes of clause (1) (a) or subclause (1) (h) (ii). 2010, c. 24, s. 22.

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

[2002, c. 18, Sched. H, s. 5 (1)](http://www.ontario.ca/laws/statute/S02018#schedhs5s1) - 26/11/2002

[2010, c. 9, s. 50 (1-5)](http://www.ontario.ca/laws/statute/S10009#s50s1) - 01/07/2012; [2010, c. 24, s. 22](http://www.ontario.ca/laws/statute/S10024#s22) - 01/05/2018

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Partial wind up not permitted

**69.1**  A pension plan cannot be wound up in part if the effective date of the wind up would fall on or after the date on which this section comes into force. 2010, c. 9, s. 51.

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

[2010, c. 9, s. 51](http://www.ontario.ca/laws/statute/S10009#s51) - 01/07/2012

1. Wind up report

**70** (1)  The administrator of a pension plan that is to be wound up shall file a wind up report that sets out,

(a) the assets and liabilities of the pension plan;

(b) the benefits to be provided under the pension plan to members, former members, retired members and other persons;

(c) the methods of allocating and distributing the assets of the pension plan and determining the priorities for payment of benefits; and

(d) such other information as is prescribed. R.S.O. 1990, c. P.8, s. 70 (1); 2010, c. 9, s. 52 (1, 2).

1. Restriction on payments

(2)  If the administrator has given notice under section 68 or 69 of the intended wind up of the pension plan, no payment shall be made out of the pension fund until the Chief Executive Officer has approved the wind up report. 2010, c. 24, s. 23; 2018, c. 8, Sched. 23, s. 23.

1. Same

(3)  However, subsection (2) does not prevent the continued payment of a pension or other benefit if the payment commenced before the administrator gave notice of the intended wind up and it does not prevent any other payment that is prescribed or that is approved by the Chief Executive Officer. 2010, c. 24, s. 23; 2018, c. 8, Sched. 23, s. 23.

1. Approval

(4)  An administrator shall not make payment out of the pension fund except in accordance with the wind up report approved by the Chief Executive Officer. R.S.O. 1990, c. P.8, s. 70 (4); 2018, c. 8, Sched. 23, s. 23.

1. Refusal to approve

(5)  The Chief Executive Officer may refuse to approve a wind up report that does not meet the requirements of this Act and the regulations or that does not protect the interests of the members, former members, retired members and other persons entitled to benefits under the pension plan. R.S.O. 1990, c. P.8, s. 70 (5); 2010, c. 9, s. 52 (3); 2018, c. 8, Sched. 23, s. 23.

(6)  Repealed: 2010, c. 9, s. 52 (5).

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

[2010, c. 9, s. 52 (1-5)](http://www.ontario.ca/laws/statute/S10009#s52s1) - 01/07/2012; [2010, c. 24, s. 23](http://www.ontario.ca/laws/statute/S10024#s23) - 08/12/2010

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

**71** Repealed: 2010, c. 24, s. 24.

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

1999, c. 15, s. 13 - 03/03/2000

[2010, c. 9, s. 53](http://www.ontario.ca/laws/statute/S10009#s53) - 01/07/2012; [2010, c. 24, s. 24](http://www.ontario.ca/laws/statute/S10024#s24) - 1/01/2017

1. Notice of entitlement upon wind up and election

**72** (1)  Within the prescribed period of time, the administrator of a pension plan that is to be wound up shall give to each person entitled to a pension, deferred pension or other benefit or to a refund in respect of the pension plan a statement setting out the person’s entitlement under the plan, the options available to the person and such other information as may be prescribed. 1999, c. 15, s. 14 (1); 2010, c. 9, s. 54 (1).

1. Additional information

(1.1)  The Chief Executive Officer may require the administrator to give specified additional information and documents to persons to whom notice is to be given under subsection (1), and to do so within a specified period. 2012, c. 8, Sched. 44, s. 5; 2018, c. 8, Sched. 23, s. 23.

1. Election

(2)  If a person to whom notice is given under subsection (1) is required to make an election, the person shall make the election within the prescribed period of time or shall be deemed to have elected to receive immediate payment of a pension benefit, if eligible therefor, or, if not eligible to receive immediate payment of a pension benefit, to receive a pension commencing at the earliest date mentioned in clause 74 (1.3) (b). R.S.O. 1990, c. P.8, s. 72 (2); 1999, c. 15, s. 14 (2); 2010, c. 9, s. 54 (2, 3).

1. Same, certain pension plans

(2.1)  If the notice under subsection (1) is given in respect of a pension plan for which an election under section 74.1 is in effect and if the person to whom the notice is given does not make an election within the prescribed period of time,

(a) he or she is deemed to have elected to receive immediate payment of a pension benefit, if he or she is eligible to receive the immediate payment; and

(b) in any other case, he or she is deemed to have elected to receive a pension beginning at the earliest date on which the person would be entitled to an unreduced pension under the pension plan as of the effective date of the wind up. 2010, c. 9, s. 54 (4).

1. Payment

(3)  Within the prescribed period of time, the administrator shall make payment in accordance with the election or deemed election. 1999, c. 15, s. 14 (3).

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

1999, c. 15, s. 14 (1-3) - 03/03/2000

[2010, c. 9, s. 54 (2)](http://www.ontario.ca/laws/statute/S10009#s54s2) - 18/05/2010; [2010, c. 9, s. 54 (1, 3, 4)](http://www.ontario.ca/laws/statute/S10009#s54s1) - 01/07/2012

[2012, c. 8, Sched. 44, s. 5](http://www.ontario.ca/laws/statute/S12008#sched44s5) - 20/06/2012

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Determination of entitlements

**73** (1)  For the purpose of determining the amounts of pension benefits and any other benefits and entitlements on the winding up of a pension plan,

(a) the employment of each member of the pension plan shall be deemed to have been terminated on the effective date of the wind up;

(b) each member’s pension benefits as of the effective date of the wind up shall be determined as if the member had satisfied all eligibility conditions for a deferred pension; and

(c) provision shall be made for the rights, if any, under section 74. R.S.O. 1990, c. P.8, s. 73 (1); 2010, c. 9, s. 55 (1-3).

1. Transfer rights on wind up

(2)  The following rules apply when a pension plan is wound up:

1. A person who is entitled to a pension benefit on the wind up of the pension plan, other than a person who is receiving a pension, is entitled to the rights under subsection 42 (1) of a member who terminates employment and, for the purpose, subsection 42 (3) does not apply.

2. A person who is receiving, on the wind up of the pension plan, a pension that is a target benefit is entitled to the rights under subsection 42 (1) of a member who terminates employment. 2020, c. 36, Sched. 37, s. 12.

1. Purchase of annuities on partial wind up

(3)  Except as provided under subsection (2), the administrator is not required to purchase life annuities for members, former members, retired members or other persons entitled to benefits under the pension plan in order to distribute the assets of the pension fund in connection with a partial wind up. 2010, c. 9, s. 55 (4).

1. Distribution of assets

(4)  If the administrator does not purchase life annuities in the circumstances described in subsection (3), the administrator shall comply with such requirements as may be prescribed in connection with the distribution of the assets of the pension fund in connection with a partial wind up. 2010, c. 9, s. 55 (4).

1. Repeal

(5)  Subsections (3) and (4) are repealed on a day to be named by proclamation of the Lieutenant Governor. 2010, c. 9, s. 55 (4).

1. Application

(6)  This section applies if the effective date of the wind up is on or after April 1, 1987. 2010, c. 9, s. 55 (5).

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

R.S.O. 1990, c. P.8, s. 73 (5) - see [2010, c. 9, s. 55 (4)](http://www.ontario.ca/laws/statute/S10009#s55s4) - not in force

[2010, c. 9, s. 55 (1-4)](http://www.ontario.ca/laws/statute/S10009#s55s1) - 01/07/2012; [2010, c. 9, s. 55 (5)](http://www.ontario.ca/laws/statute/S10009#s55s5) - 18/05/2010

[2020, c. 36, Sched. 37, s. 12](http://www.ontario.ca/laws/statute/S20036#sched37s12) - 01/01/2025

1. Chief Executive Officer approval to purchase annuities

**73.1**(1)  An administrator appointed by the Chief Executive Officer under this Act for a pension plan shall not purchase life annuities for the purpose of distributing the assets of the pension plan in connection with the wind up of the plan before receiving the Chief Executive Officer’s approval. 2016, c. 37, Sched. 19, s. 3; 2018, c. 8, Sched. 23, s. 23, 24.

1. Same

(2)  Subject to subsection (3), the Chief Executive Officer may defer the giving of approval in respect of the purchase of some or all of the life annuities if the Chief Executive Officer is of the opinion, on reasonable and probable grounds, that the purchase would adversely affect the financial position of the Guarantee Fund. 2016, c. 37, Sched. 19, s. 3; 2018, c. 8, Sched. 23, s. 23.

1. Same

(3)  The Chief Executive Officer shall approve the purchase within the prescribed period after approving the wind up report in respect of the pension plan under section 70. 2016, c. 37, Sched. 19, s. 3; 2018, c. 8, Sched. 23, s. 23.

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

[2016, c. 37, Sched. 19, s. 3](http://www.ontario.ca/laws/statute/S16037#sched19s3) - 01/01/2018

[2018, c. 8, Sched. 23, s. 23, 24](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Grow-in benefits for members
2. Activating events

**74** (1)  This section applies if a person ceases to be a member of a pension plan on the effective date of one of the following activating events:

1. The wind up of a pension plan, if the effective date of the wind up is on or after April 1, 1987.

2. The employer’s termination of the member’s employment, if the effective date of the termination is on or after July 1, 2012. However, this paragraph does not apply if the termination occurs in any of the circumstances described in subsection (1.1).

3. The occurrence of such other events as may be prescribed in such circumstances as may be specified by regulation. 2010, c. 9, s. 56 (1); 2011, c. 9, Sched. 35, s. 6.

1. Same, termination of employment

(1.1)  Termination of employment is not an activating event if the termination is a result of wilful misconduct, disobedience or wilful neglect of duty by the member that is not trivial and has not been condoned by the employer or if the termination occurs in such other circumstances as may be prescribed. 2010, c. 9, s. 56 (1).

1. Exceptions, election by certain pension plans

(1.2)  This section does not apply with respect to a jointly sponsored pension plan or a multi-employer pension plan while an election made under section 74.1 for the plan and its members is in effect. 2010, c. 9, s. 56 (1).

1. Benefit

(1.3)  A member in Ontario of a pension plan whose combination of age plus years of continuous employment or membership in the pension plan equals at least 55 on the effective date of the activating event has the right to receive,

(a) a pension in accordance with the terms of the pension plan, if, under the pension plan, the member is eligible for immediate payment of the pension benefit;

(b) a pension in accordance with the terms of the pension plan, beginning at the earlier of,

(i) the normal retirement date under the pension plan, or

(ii) the date on which the member would be entitled to an unreduced pension under the pension plan if the activating event had not occurred and if the member’s membership continued to that date; or

(c) a reduced pension in the amount payable under the terms of the pension plan beginning on the date on which the member would be entitled to the reduced pension under the pension plan if the activating event had not occurred and if the member’s membership continued to that date. 2010, c. 9, s. 56 (1).

1. Part year

(2)  In determining the combination of age plus employment or membership, one-twelfth credit shall be given for each month of age and for each month of continuous employment or membership on the effective date of the activating event. R.S.O. 1990, c. P.8, s. 74 (2); 2010, c. 9, s. 56 (2).

1. Member for 10 years

(3)  Bridging benefits offered under the pension plan to which a member would be entitled if the activating event had not occurred and if his or her membership were continued shall be included in calculating the pension benefit under subsection (1.3) of a person who has at least 10 years of continuous employment with the employer or has been a member of the pension plan for at least 10 years. 2010, c. 9, s. 56 (3).

1. Prorated bridging benefit

(4)  For the purposes of subsection (3), if the bridging benefit offered under the pension plan is not related to periods of employment or membership in the pension plan, the bridging benefit shall be prorated by the ratio that the member’s actual period of employment bears to the period of employment that the member would have to the earliest date on which the member would be entitled to payment of pension benefits and a full bridging benefit under the pension plan if the activating event had not occurred. R.S.O. 1990, c. P.8, s. 74 (4); 2010, c. 9, s. 56 (4).

1. Notice of termination of employment

(5)  Membership in a pension plan that is wound up includes the period of notice of termination of employment required under Part XV of the Employment Standards Act, 2000. R.S.O. 1990, c. P.8, s. 74 (5); 2004, c. 31, Sched. 31, s. 3; 2010, c. 9, s. 56 (5).

1. Application of subs. (5)

(6)  Subsection (5) does not apply for the purpose of calculating the amount of a pension benefit of a member who is required to make contributions to the pension fund unless the member makes the contributions in respect of the period of notice of termination of employment. R.S.O. 1990, c. P.8, s. 74 (6).

1. Consent of employer

(7)  For the purposes of this section, where the consent of an employer is an eligibility requirement for entitlement to receive an ancillary benefit, the employer shall be deemed to have given the consent. R.S.O. 1990, c. P.8, s. 74 (7).

1. Consent of administrator, jointly sponsored pension plans

(7.1)  For the purposes of this section, where the consent of the administrator of a jointly sponsored pension plan is an eligibility requirement for entitlement to receive an ancillary benefit, the administrator shall be deemed to have given the consent. 2005, c. 31, Sched. 18, s. 9.

1. Use in calculating pension benefit

(8)  A benefit described in clause (1.3) (a), (b) or (c) for which a member has met all eligibility requirements under this section shall be included in calculating the member’s pension benefit or the commuted value of the pension benefit. 2010, c. 9, s. 56 (6).

(9)  Repealed: 2010, c. 9, s. 56 (7).

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

[2004, c. 31, Sched. 31, s. 3](http://www.ontario.ca/laws/statute/S04031#sched31s3) - 16/12/2004

[2005, c. 31, Sched. 18, s. 9](http://www.ontario.ca/laws/statute/S05031#sched18s9) - 01/01/2007

[2010, c. 9, s. 56 (1-7)](http://www.ontario.ca/laws/statute/S10009#s56s1) - 01/07/2012

[2011, c. 9, Sched. 35, s. 6](http://www.ontario.ca/laws/statute/S11009#sched35s6) - 01/07/2012

1. Election re grow-in benefits, certain pension plans
2. Jointly sponsored pension plans

**74.1**  (1)  The employers (or any persons or entities who make contributions on behalf of the employers or who represent the employers) and the members (or the representatives of the members) of a jointly sponsored pension plan may elect, in accordance with this section, to exclude the plan and its members from the operation of section 74. 2010, c. 9, s. 57.

1. Multi-employer pension plans

(2)  The administrator of a multi-employer pension plan may elect, in accordance with this section, to exclude the plan and its members from the operation of section 74. 2010, c. 9, s. 57.

1. Restrictions

(3)  An election may only be made within the prescribed period and the persons or entities making the election must satisfy such requirements as may be prescribed in connection with the election. 2010, c. 9, s. 57.

1. Same

(4)  Only one election may be made in respect of a pension plan. 2010, c. 9, s. 57.

1. Notice of election

(5)  An election to exclude a pension plan and its members from the operation of section 74 takes effect when notice of the election is filed with the Chief Executive Officer or on a later date specified in the notice. 2010, c. 9, s. 57; 2018, c. 8, Sched. 23, s. 23.

1. Rescission

(6)  An election may be rescinded by the persons and entities described in subsection (1) or (2), as the case may be, and the rescission takes effect when notice of the rescission is filed with the Chief Executive Officer or on a later date specified in the notice. 2010, c. 9, s. 57; 2018, c. 8, Sched. 23, s. 23.

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

[2010, c. 9, s. 57](http://www.ontario.ca/laws/statute/S10009#s57) - 01/07/2012

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Liability of employer on wind up

**75** (1)  Where a pension plan is wound up, the employer shall pay into the pension fund,

(a) an amount equal to the total of all payments that, under this Act, the regulations and the pension plan, are due or that have accrued and that have not been paid into the pension fund; and

(b) an amount equal to the amount by which,

(i) the value of the pension benefits under the pension plan that would be guaranteed by the Guarantee Fund under this Act and the regulations if the Chief Executive Officer declares that the Guarantee Fund applies to the pension plan,

(ii) the value of the pension benefits accrued with respect to employment in Ontario vested under the pension plan, and

(iii) the value of benefits accrued with respect to employment in Ontario resulting from the application of subsection 39 (3) (50 per cent rule) and section 74,

exceed the value of the assets of the pension fund allocated as prescribed for payment of pension benefits accrued with respect to employment in Ontario. R.S.O. 1990, c. P.8, s. 75 (1); 1997, c. 28, s. 200; 2010, c. 9, s. 58; 2018, c. 8, Sched. 23, s. 23.

1. Payment

(2)  The employer shall pay the money due under subsection (1) in the prescribed manner and at the prescribed times. R.S.O. 1990, c. P.8, s. 75 (2).

1. Exception, jointly sponsored pension plans

(3)  This section does not apply with respect to jointly sponsored pension plans. 2005, c. 31, Sched. 18, s. 10.

1. Same

(4)  This section does not apply with respect to a single employer pension plan that has transferred assets under section 80.4 to a jointly sponsored pension plan. 2014, c. 7, Sched. 26, s. 7.

1. Prescribed exemptions

(5)  The Lieutenant Governor in Council may make regulations exempting an employer or a successor employer from this section in whole or in part in respect of a pension plan, in accordance with such restrictions as may be prescribed, if the following conditions are met:

1. As a result of an application under the Companies’ Creditors Arrangement Act (Canada), a court made an order on or before December 31, 2015 staying all proceedings taken against the employer.

2. The employer, the successor employer, if any, and the parties specified by regulation have entered into an agreement related to the employer’s liability under this section and the liability of the successor employer, if any, and the Chief Executive Officer has approved the agreement in accordance with subsection (6). 2016, c. 37, Sched. 19, s. 4; 2018, c. 8, Sched. 23, s. 23.

1. Chief Executive Officer’s approval of agreement

(6)  The Chief Executive Officer may approve the agreement if,

(a) after consulting with members, former members, retired members and other persons entitled to benefits under the pension plan, the Chief Executive Officer has taken into account their interests; and

(b) the agreement satisfies such conditions or restrictions as may be prescribed. 2016, c. 37, Sched. 19, s. 4; 2018, c. 8, Sched. 23, s. 23, 24.

1. Decision to approve, etc.

(7)  A decision by the Chief Executive Officer under this section to approve or not to approve an agreement is final and is not subject to a hearing or an appeal. 2016, c. 37, Sched. 19, s. 4; 2018, c. 8, Sched. 23, s. 23.

1. Interpretation, “successor employer”

(8)  For the purposes of subsection (5),

“successor employer” means the person who acquires the business of an employer who is required to make contributions under a pension plan, if the person assumes some or all of the employer’s obligations and rights under the pension plan in connection with the acquired business. 2016, c. 37, Sched. 19, s. 4.

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

1997, c. 28, s. 200 - 01/07/1998

[2005, c. 31, Sched. 18, s. 10](http://www.ontario.ca/laws/statute/S05031#sched18s10) - 30/04/2006

[2010, c. 9, s. 58](http://www.ontario.ca/laws/statute/S10009#s58) - 01/07/2012

[2014, c. 7, Sched. 26, s. 7](http://www.ontario.ca/laws/statute/S14007#sched26s7) - 01/11/2015

[2016, c. 37, Sched. 19, s. 4](http://www.ontario.ca/laws/statute/S16037#sched19s4) - 8/12/2016

[2017, c. 34, Sched. 33, s. 29](http://www.ontario.ca/laws/statute/S17034#sched33s29) - no effect - see [2024, c. 12, Sched. 8, s. 9](http://www.ontario.ca/laws/statute/S24012#sched8s9) - 16/05/2024

[2018, c. 8, Sched. 23, s. 23, 24](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Liability on wind-up, jointly sponsored pension plans
2. Employers, etc.

**75.1**  (1)  Where a jointly sponsored pension plan is wound up, the employer or the person or entity required to make contributions under the plan on behalf of the employer shall pay into the pension fund,

(a) an amount equal to the total of all payments that, under this Act, the regulations and the plan, are payable by the employer or by the person or entity on behalf of the employer, that are due or have accrued and that have not been paid into the pension fund; and

(b) any additional amounts that, under the documents that create and support the plan, are payable in the circumstances by the employer or the person or entity on behalf of the employer. 2005, c. 31, Sched. 18, s. 11; 2010, c. 9, s. 59 (1).

1. Same re: transfer of assets

(1.1)  If an employer has transferred assets under section 80.4 from a single employer pension plan to a jointly sponsored pension plan that is subsequently wound up, the employer shall, in prescribed circumstances, pay the prescribed amount into the pension fund of the jointly sponsored pension plan for the benefit of the transferred members and other transferees under section 80.4. 2014, c. 7, Sched. 26, s. 8 (1).

1. Same re: conversion of single employer pension plan

(1.2)  If an employer has converted a single employer pension plan under section 81.0.1 into a jointly sponsored pension plan that is subsequently wound up, the employer shall, in prescribed circumstances, pay the prescribed amount into the pension fund of the jointly sponsored pension plan for the benefit of the members, former members, retired members and other persons entitled to benefits under the plan. 2014, c. 7, Sched. 26, s. 8 (2).

1. Members

(2)  Where a jointly sponsored pension plan is wound up, the members shall pay into the pension fund,

(a) an amount equal to the total of all payments that, under this Act, the regulations and the plan, are payable by the members, that are due or have accrued and that have not been paid into the pension fund; and

(b) any additional amounts that, under the documents that create and support the plan, are payable in the circumstances by the members. 2005, c. 31, Sched. 18, s. 11; 2010, c. 9, s. 59 (2).

1. Payments

(3)  The payments required by this section shall be made in the prescribed manner and at the prescribed times. 2005, c. 31, Sched. 18, s. 11; 2014, c. 7, Sched. 26, s. 8 (3).

1. Same

(4)  Any payments that may be required by subsections (1.1) and (1.2) are in addition to the payments required by subsection (1). 2014, c. 7, Sched. 26, s. 8 (4).

1. Insufficient pension fund

(5)  If the amount paid under subsection (1.1) and the money in the pension fund of the jointly sponsored pension plan, allocated in accordance with the regulations, is not sufficient to pay all the pension benefits and other benefits of the transferred members and other transferees under section 80.4, the pension benefits and other benefits shall be reduced in the prescribed manner on the wind up of the jointly sponsored pension plan. 2014, c. 7, Sched. 26, s. 8 (5).

1. Same

(6)  If the amount paid under subsection (1.2) and the money in the pension fund of the jointly sponsored pension plan, allocated in accordance with the regulations, is not sufficient to pay all the pension benefits and other benefits of the members, former members, retired members and other persons entitled to benefits under the plan, the pension benefits and other benefits shall be reduced in the prescribed manner on the wind up of the plan. 2014, c. 7, Sched. 26, s. 8 (6).

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

[2005, c. 31, Sched. 18, s. 11](http://www.ontario.ca/laws/statute/S05031#sched18s11) - 30/04/2006

[2010, c. 9, s. 59 (1, 2)](http://www.ontario.ca/laws/statute/S10009#s59s1) - 01/07/2012

[2014, c. 7, Sched. 26, s. 8 (1-6)](http://www.ontario.ca/laws/statute/S14007#sched26s8s1) - 01/11/2015

1. Pension fund continues subject to Act and regulations

**76** The pension fund of a pension plan that is wound up continues to be subject to this Act and the regulations until all the assets of the pension fund have been disbursed. R.S.O. 1990, c. P.8, s. 76.

1. Insufficient pension fund

**77** Subject to the application of the Guarantee Fund, where the money in a pension fund is not sufficient to pay all the pension benefits and other benefits on the wind up of the pension plan, the pension benefits and other benefits shall be reduced in the prescribed manner. R.S.O. 1990, c. P.8, s. 77; 2010, c. 9, s. 60.

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

[2010, c. 9, s. 60](http://www.ontario.ca/laws/statute/S10009#s60) - 01/07/2012

Transition – Partial Wind Up

1. Authority for partial wind up

**77.1**  (1)  A pension plan may be wound up in part if the effective date of the partial wind up precedes the date on which this section comes into force. 2010, c. 9, s. 61.

1. Restriction

(2)  A pension plan cannot be wound up in part if the effective date of the partial wind up would fall on or after the date on which this section comes into force. 2010, c. 9, s. 61.

1. Effective date

(3)  The effective date of the partial wind up may be determined after the date on which this section comes into force. 2010, c. 9, s. 61.

1. Same

(4)  The Chief Executive Officer by order may change the effective date of the partial wind up if the Chief Executive Officer is of the opinion that there are reasonable grounds for the change. 2010, c. 9, s. 61; 2018, c. 8, Sched. 23, s. 23.

1. Definition

(5)  In this section and in sections 77.2 to 77.9,

“partial wind up” means the termination of part of a pension plan and the distribution of the assets of the pension fund related to that part of the pension plan. 2010, c. 9, s. 61.

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

R.S.O. 1990, c. P.8, s. 77.10 - see [2010, c. 9, s. 61](http://www.ontario.ca/laws/statute/S10009#s61) - not in force

[2010, c. 9, s. 61](http://www.ontario.ca/laws/statute/S10009#s61) - 01/07/2012

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Partial wind up by employer, administrator

**77.2**  Section 68 applies, with necessary modifications, with respect to a partial wind up of a pension plan. 2010, c. 9, s. 61.

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

R.S.O. 1990, c. P.8, s. 77.10 - see [2010, c. 9, s. 61](http://www.ontario.ca/laws/statute/S10009#s61) - not in force

[2010, c. 9, s. 61](http://www.ontario.ca/laws/statute/S10009#s61) - 01/07/2012

1. Order by Chief Executive Officer for partial wind up

**77.3**  (1)  The Chief Executive Officer by order may require the partial wind up of a pension plan,

(a) if a significant number of members of the pension plan cease to be employed by the employer as a result of the discontinuance of all or part of the business of the employer or as a result of the reorganization of the business of the employer;

(b) if all or a significant portion of the business carried on by the employer at a specific location is discontinued;

(c) if part of the employer’s business or part of the assets of the business are sold, assigned or otherwise disposed of and the person or entity who acquires the business or assets does not provide a pension plan for the members of the employer’s pension plan who become employees of the person or entity;

(d) if the liability of the Guarantee Fund is likely to be substantially increased unless the pension plan is wound up in part;

(e) if any of the circumstances described in clauses 69 (1) (a), (b), (c) or (h) exists; or

(f) if any other prescribed event or prescribed circumstance occurs. 2010, c. 9, s. 61; 2018, c. 8, Sched. 23, s. 23.

1. Date

(2)  The order must specify the effective date of the partial wind up. 2010, c. 9, s. 61.

1. Notice of the order

(3)  The administrator of the pension plan shall give notice of the order to the persons and entities listed in clauses 68 (2) (b) to (e) and shall include in the notice such information about the partial wind up as the order may specify. 2010, c. 9, s. 61.

1. Duty to file notice

(4)  The administrator shall file with the Chief Executive Officer a copy of the notice given under subsection (3). 2010, c. 9, s. 61; 2018, c. 8, Sched. 23, s. 23.

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

R.S.O. 1990, c. P.8, s. 77.10 - see [2010, c. 9, s. 61](http://www.ontario.ca/laws/statute/S10009#s61) - not in force

[2010, c. 9, s. 61](http://www.ontario.ca/laws/statute/S10009#s61) - 01/07/2012

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Wind up report for partial wind up

**77.4**  (1)  Section 70 applies, with necessary modifications, with respect to a partial wind up of a pension plan. 2010, c. 9, s. 61.

1. Rights and benefits

(2)  On a partial wind up, the members, former members, retired members and other persons entitled to benefits under the pension plan shall have rights and benefits that are not less than the rights and benefits they would have on a full wind up of the pension plan on the effective date of the partial wind up. 2010, c. 9, s. 61.

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

R.S.O. 1990, c. P.8, s. 77.10 - see [2010, c. 9, s. 61](http://www.ontario.ca/laws/statute/S10009#s61) - not in force

[2010, c. 9, s. 61](http://www.ontario.ca/laws/statute/S10009#s61) - 01/07/2012

**77.5**Repealed: 2010, c. 24, s. 25.

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

R.S.O. 1990, c. P.8, s. 77.10 - see [2010, c. 9, s. 61](http://www.ontario.ca/laws/statute/S10009#s61) - not in force

[2010, c. 9, s. 61](http://www.ontario.ca/laws/statute/S10009#s61) - 01/07/2012; [2010, c. 24, s. 25](http://www.ontario.ca/laws/statute/S10024#s25) - 1/01/2017

1. Notice of entitlement upon partial wind up

**77.6**  (1)  Within the prescribed period of time, the administrator of a pension plan that is to be wound up in part shall give to each person who is affected by the wind up and who is entitled to a pension, deferred pension or other benefit or to a refund in respect of the pension plan a statement setting out his or her entitlement under the plan, the options available to the person and such other information as may be prescribed. 2010, c. 9, s. 61.

1. Same

(2)  Subsections 72 (2) and (3) apply, with necessary modifications, with respect to the partial wind up of a pension plan. 2010, c. 9, s. 61.

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

R.S.O. 1990, c. P.8, s. 77.10 - see [2010, c. 9, s. 61](http://www.ontario.ca/laws/statute/S10009#s61) - not in force

[2010, c. 9, s. 61](http://www.ontario.ca/laws/statute/S10009#s61) - 01/07/2012

1. Determination of entitlements on partial wind up

**77.7**  (1)  Section 73 applies, with necessary modifications, with respect to members’ entitlements on a partial wind up of a pension plan. 2010, c. 9, s. 61.

1. Purchase of annuities on partial wind up

(2)  Except as provided under subsection 73 (2), the administrator is not required to purchase life annuities for members, former members, retired members or other persons entitled to benefits under the pension plan in order to distribute the assets of the plan in connection with the partial wind up. 2010, c. 9, s. 61.

1. Distribution of assets

(3)  If the administrator does not purchase life annuities in the circumstances described in subsection (2), the administrator shall comply with such requirements as may be prescribed in connection with the distribution of the assets of the pension fund in connection with the partial wind up. 2010, c. 9, s. 61.

1. Grow-in on partial wind up

(4)  Section 74 applies, with necessary modifications, with respect to members’ entitlements on a partial wind up of a pension plan. 2010, c. 9, s. 61.

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

R.S.O. 1990, c. P.8, s. 77.10 - see [2010, c. 9, s. 61](http://www.ontario.ca/laws/statute/S10009#s61) - not in force

[2010, c. 9, s. 61](http://www.ontario.ca/laws/statute/S10009#s61) - 01/07/2012

1. Liability on partial wind up

**77.8**  Sections 75 and 75.1 apply, with necessary modifications, with respect to a partial wind up of a pension plan. 2010, c. 9, s. 61.

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

R.S.O. 1990, c. P.8, s. 77.10 - see [2010, c. 9, s. 61](http://www.ontario.ca/laws/statute/S10009#s61) - not in force

[2010, c. 9, s. 61](http://www.ontario.ca/laws/statute/S10009#s61) - 01/07/2012

1. Administration of partial wind up

**77.9**  Sections 76 and 77 apply, with necessary modifications, with respect to a partial wind up of a pension plan. 2010, c. 9, s. 61.

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

R.S.O. 1990, c. P.8, s. 77.10 - see [2010, c. 9, s. 61](http://www.ontario.ca/laws/statute/S10009#s61) - not in force

[2010, c. 9, s. 61](http://www.ontario.ca/laws/statute/S10009#s61) - 01/07/2012

1. Repeal of transitional provisions

**77.10**  Sections 77.1 to 77.9 are repealed on a day to be named by proclamation of the Lieutenant Governor. 2010, c. 9, s. 61.

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

[2010, c. 9, s. 61](http://www.ontario.ca/laws/statute/S10009#s61) - 01/07/2012

Surplus

1. Entitlement to surplus

**77.11**  (1)  Subject to section 77.11.1, the documents that create and support a pension plan and pension fund govern the entitlement of the employer and other persons to payment of surplus under the pension plan, except as otherwise provided under this Act and subject to the restrictions on payment set out in sections 78 and 79. 2010, c. 24, s. 26 (1); 2020, c. 36, Sched. 37, s. 13 (1).

1. If no provision in a pension plan

(2)  A pension plan that does not provide for the withdrawal of surplus money while the pension plan continues in existence shall be construed to prohibit the withdrawal of surplus money accrued after December 31, 1986. 2010, c. 24, s. 26 (1).

1. Same, on wind up

(3)  If a pension plan does not provide for payment of surplus to the employer on the wind up of the pension plan, the pension plan shall be construed to require that surplus accrued after December 31, 1986 shall be distributed proportionately on the wind up of the pension plan among members, former members, retired members and other persons entitled to payments under the pension plan on the date of the wind up. 2010, c. 24, s. 26 (1, 2).

1. On wind up of successor pension plan

(4)  If a pension plan is a successor pension plan and if it is being wound up in whole or in part, the employer is not entitled to payment of surplus under the pension plan unless the documents that created and supported the original pension plan and pension fund and those that create and support the successor pension plan and pension fund both provide for payment of surplus to the employer on the wind up or partial wind up, as the case may be, of the pension plan. 2010, c. 24, s. 26 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 77.11 (4) of the Act is amended by striking out “if it is being wound up in whole or in part” and substituting “if it is being wound up” and by striking out “on the wind up or partial wind up, as the case may be, of the pension plan” at the end and substituting “on the wind up of the pension plan”. (See: 2020, c. 36, Sched. 37, s. 13 (2))

1. Same

(5)  Subsection (4) does not preclude a written agreement described in subsection (7) from providing for payment of surplus to the employer in the circumstances specified in the agreement. 2010, c. 24, s. 26 (1).

1. Transition

(6)  Subsection (4) does not apply if the effective date of the transfer of assets from the original pension plan to the successor pension plan is earlier than the date on which the Securing Pension Benefits Now and for the Future Act, 2010received Royal Assent. 2010, c. 24, s. 26 (1).

1. Agreement about surplus

(7)  A written agreement among the following persons may provide for payment of surplus to the employer in the circumstances specified in the agreement and as of the date specified in the agreement:

1. If the surplus is to be paid to the employer while the pension plan continues in existence,

i. the employer,

ii. at least two-thirds of the members of the pension plan (and, for this purpose, a trade union that represents members may agree on behalf of those members), and

iii. the number which is considered appropriate in the circumstances by the Chief Executive Officer of former members, retired members and other persons who are entitled to payments under the pension plan as of the specified date for payment of the surplus.

2. If the surplus is to be paid to the employer on the wind up of the pension plan in whole,

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 2 of subsection 77.11 (7) of the Act is amended by striking out “on the wind up of the pension plan in whole” in the portion before subparagraph i and substituting “on the wind up of the pension plan”. (See: 2020, c. 36, Sched. 37, s. 13 (3))

i. the employer,

ii. at least two-thirds of the members of the pension plan (and, for this purpose, a trade union that represents or represented members on the date of the wind up may agree on behalf of those members), and

iii. the number which is considered appropriate in the circumstances by the Chief Executive Officer of former members, retired members and other persons who are entitled to payments under the pension plan as of the date of the wind up.

3. If the surplus is to be paid to the employer on the partial wind up of the pension plan,

i. the employer,

ii. at least two-thirds of the members of the pension plan affected by the partial wind up (and, for this purpose, a trade union that represents or represented affected members on the date of the partial wind up may agree on behalf of those members), and

iii. the number which is considered appropriate in the circumstances by the Chief Executive Officer of former members, retired members and other persons who are affected by the partial wind up and who are entitled to payments under the pension plan as of the date of the partial wind up. 2010, c. 24, s. 26 (1, 5); 2018, c. 8, Sched. 23, s. 23.

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 3 of subsection 77.11 (7) of the Act is repealed. (See: 2020, c. 36, Sched. 37, s. 13 (4))

1. Effect of agreement

(8)  A written agreement prevails over any document that creates and supports the pension plan and pension fund, it prevails over subsections (2), (3) and (4), and it prevails despite any trust that may exist in favour of any person. 2010, c. 24, s. 26 (1).

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

[2010, c. 24, s. 26 (1)](http://www.ontario.ca/laws/statute/S10024#s26s1) - 08/12/2010; [2010, c. 24, s. 26 (2, 5)](http://www.ontario.ca/laws/statute/S10024#s26s2) - 01/07/2012; [2010, c. 24, s. 26 (3, 6, 7)](http://www.ontario.ca/laws/statute/S10024#s26s3) - no effect - see [2020, c. 36, Sched. 37, s. 24](http://www.ontario.ca/laws/statute/S20036#sched37s24) - 08/12/2020; [2010, c. 24, s. 26 (4, 8-10)](http://www.ontario.ca/laws/statute/S10024#s26s4) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](https://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2020

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

[2020, c. 36, Sched. 37, s. 13 (1)](http://www.ontario.ca/laws/statute/S20036#sched37s13s1) - 01/01/2025; [2020, c. 36, Sched. 37, s. 13 (2-4)](http://www.ontario.ca/laws/statute/S20036#sched37s13s2) - not in force

1. Entitlement to surplus — target benefits

**77.11.1**(1)  The documents that create and support a pension plan and pension fund govern the entitlement of persons other than the employer to payment of surplus under a pension plan that provides target benefits, except as otherwise provided under this Act. 2020, c. 36, Sched. 37, s. 14.

1. If no provision in a pension plan

(2)  A pension plan that provides target benefits that does not provide for the withdrawal of surplus money while the pension plan continues in existence shall be construed to prohibit the withdrawal of surplus money. 2020, c. 36, Sched. 37, s. 14.

1. Employer not entitled to surplus

(3)  Despite anything in this Act or in a document that creates and supports a pension plan, no employer is entitled to payment of surplus under a pension plan that provides target benefits. 2020, c. 36, Sched. 37, s. 14.

1. Proportional distribution on wind up

(4)  A pension plan that provides target benefits shall be construed to require that surplus shall be distributed proportionately on the wind up of the pension plan among members, former members, retired members and other persons entitled to payments under the pension plan on the date of the wind up. 2020, c. 36, Sched. 37, s. 14.

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

[2020, c. 36, Sched. 37, s. 14](http://www.ontario.ca/laws/statute/S20036#sched37s14) - 01/01/2025

**77.12**

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

[2010, c. 24, s. 27 (1-3)](http://www.ontario.ca/laws/statute/S10024#s27s1) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](https://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2020

[2018, c. 8, Sched. 23, s. 7](http://www.ontario.ca/laws/statute/S18008#sched23s7) - 08/06/2019

1. Payment out of pension fund to employer

**78** (1)  No money that is surplus may be paid out of a pension fund to the employer without the prior consent of the Chief Executive Officer. R.S.O. 1990, c. P.8, s. 78 (1); 1997, c. 28, s. 200; 2010, c. 24, s. 28 (1); 2018, c. 8, Sched. 23, s. 23.

1. Application for payment

(2)  An employer who applies to the Chief Executive Officer for consent to payment of money that is surplus to the employer out of a pension fund shall transmit notice of the application, containing the prescribed information, to,

(a) each member, former member and retired member of the pension plan to which the pension fund relates;

(b) each trade union that represents members of the pension plan;

(b.1) each trade union that represents the members, former members or retired members of the pension plan on the date of the wind up, if the pension plan is being wound up;

(c) any other individual who is receiving payments out of the pension fund; and

(d) the advisory committee of the pension plan. R.S.O. 1990, c. P.8, s. 78 (2); 1997, c. 28, s. 200; 2010, c. 9, s. 62 (1, 2); 2018, c. 8, Sched. 23, s. 23.

1. Representations

(3)  A person to whom notice has been transmitted under subsection (2) may make written representations to the Chief Executive Officer with respect to the application within thirty days after receiving the notice. R.S.O. 1990, c. P.8, s. 78 (3); 1997, c. 28, s. 200; 2018, c. 8, Sched. 23, s. 23.

(4), (5)  Repealed: 2010, c. 24, s. 28 (2).

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

1997, c. 28, s. 200, 201 - 01/07/1998

[2010, c. 9, s. 62 (1)](http://www.ontario.ca/laws/statute/S10009#s62s1) - 01/07/2012; [2010, c. 9, s. 62 (2, 3)](http://www.ontario.ca/laws/statute/S10009#s62s2) - 18/05/2010; [2010, c. 24, s. 28 (1, 2)](http://www.ontario.ca/laws/statute/S10024#s28s1) - 08/12/2010

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Payment of surplus
2. Continuing pension plan, payment to employer

**79** (1)  Subject to section 89, the Chief Executive Officer shall not consent to payment of surplus to an employer out of a continuing pension plan unless,

(a) the Chief Executive Officer is satisfied, based on reports provided with the employer’s application for payment of the surplus, that the pension plan has a surplus;

(b) the withdrawal of surplus by the employer while the pension plan continues in existence is authorized either as provided in section 77.11 or by a court order declaring that the employer is entitled to the surplus while the plan continues;

(c) where all pension benefits under the pension plan are guaranteed by an insurance company, an amount equal to at least the sum of two years of the normal cost of the pension plan and two years of the provision for adverse deviations in respect of the normal cost of the pension plan, determined in accordance with the regulations, is retained in the pension fund as surplus;

(d) the greater of the following amounts is retained in the pension fund as surplus:

(i) the sum of “A” and “B” where,

“A” is an amount equal to the sum of twice the normal cost of the pension plan and twice the provision for adverse deviations in respect of the normal cost of the pension plan, and

“B” is an amount equal to 5 per cent of the liabilities of the pension plan, determined in accordance with the regulations, and

(ii) an amount equal to 25 per cent of the liabilities of the pension plan, determined in accordance with the regulations; and

(e) Repealed: 2010, c. 24, s. 29 (1).

(f) the applicant and the pension plan comply with all other requirements prescribed under other sections of this Act in respect of the payment of surplus money out of a pension fund. R.S.O. 1990, c. P.8, s. 79 (1); 1997, c. 28, s. 202 (1, 2); 2010, c. 9, s. 63 (1, 2); 2010, c. 24, s. 29 (1); 2017, c. 8, Sched. 27, s. 15; 2017, c. 34, Sched. 33, s. 30; 2018, c. 8, Sched. 23, s. 23.

(2)  Repealed: 2010, c. 24, s. 29 (2).

1. Wind up, payment to employer

(3)  Subject to section 89, the Chief Executive Officer shall not consent to payment of surplus to an employer out of a pension plan that is being wound up in whole unless,

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 79 (3) of the Act is amended by striking out “being wound up in whole” in the portion before clause (a) and substituting “being wound up”. (See: 2020, c. 36, Sched. 37, s. 15 (1))

(a) the Chief Executive Officer is satisfied, based on reports provided with the employer’s application for payment of the surplus, that the pension plan has a surplus;

(b) the payment of surplus to the employer on the wind up of the pension plan is authorized either as provided in section 77.11 or by a court order declaring that the employer is entitled to the surplus when the plan is being wound up;

(c) provision has been made for the payment of all liabilities of the pension plan as calculated for purposes of the termination of the pension plan; and

(d) the applicant and the pension plan comply with all other requirements prescribed under other sections of this Act in respect of the payment of surplus. 2010, c. 24, s. 29 (3); 2017, c. 8, Sched. 27, s. 15; 2018, c. 8, Sched. 23, s. 23.

1. Same, partial wind up

(3.1)  Subject to section 89, the Chief Executive Officer shall not consent to payment of surplus to an employer out of a pension plan that is being wound up in part unless,

(a) all of the criteria described in clauses (3) (a), (c) and (d) are satisfied; and

(b) the payment of surplus to the employer on the partial wind up of the pension plan is authorized either as provided in section 77.11 or by a court order declaring that the employer is entitled to the surplus when the plan is being wound up in part. 2010, c. 24, s. 29 (6); 2017, c. 8, Sched. 27, s. 15; 2018, c. 8, Sched. 23, s. 23.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 79 (3.1) of the Act is repealed. (See: 2020, c. 36, Sched. 37, s. 15 (2))

(3.2)  Repealed: 2010, c. 24, s. 29 (6).

1. Wind up, payment to members, etc.

(4)  If a pension plan is being wound up in whole or in part, payment from surplus may be made to or for the benefit of members, former members, retired members and other persons, other than an employer, who are entitled to payments under the plan as of the date of the wind up or partial wind up. 2010, c. 24, s. 29 (9, 10).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 79 (4) of the Act is amended by striking out “being wound up in whole or in part” and substituting “being wound up” and by striking out “or partial wind up” at the end. (See: 2020, c. 36, Sched. 37, s. 15 (3))

(5)-(8)  Repealed: 1997, c. 28, s. 202 (5).

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

1997, c. 28, s. 202 (1-5) - 01/07/1998

[2010, c. 9, s. 63 (1-3, 9)](http://www.ontario.ca/laws/statute/S10009#s63s1) - 18/05/2010; [2010, c. 9, s. 63 (4, 5, 8, 10)](http://www.ontario.ca/laws/statute/S10009#s63s4) - no effect - see [2010, c. 24, s. 48 (3-5)](http://www.ontario.ca/laws/statute/S10024#s48s3) - 01/07/2012; [2010, c. 9, s. 63 (6, 7)](http://www.ontario.ca/laws/statute/S10009#s63s6) - no effect - see [2010, c. 24, s. 29 (6)](http://www.ontario.ca/laws/statute/S10024#s29s6) - 08/12/2010; [2010, c. 24, s. 29 (1, 10)](http://www.ontario.ca/laws/statute/S10024#s29s1) - 01/07/2012; [2010, c. 24, s. 29 (2, 3, 6, 9)](http://www.ontario.ca/laws/statute/S10024#s29s2) - 08/12/2010; [2010, c. 24, s. 29 (4, 8, 11)](http://www.ontario.ca/laws/statute/S10024#s29s4) - no effect - see [2020, c. 36, Sched. 37, s. 24](http://www.ontario.ca/laws/statute/S20036#sched37s24) - 08/12/2020; [2010, c. 24, s. 29 (5, 7)](http://www.ontario.ca/laws/statute/S10024#s29s5) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](https://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2020

[2017, c. 8, Sched. 27, s. 15](http://www.ontario.ca/laws/statute/S17008#sched27s15) - 17/05/2017; [2017, c. 34, Sched. 33, s. 30 (1, 2)](http://www.ontario.ca/laws/statute/S17034#sched33s30s1) - 01/05/2018

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

[2020, c. 36, Sched. 37, s. 15 (1-3)](http://www.ontario.ca/laws/statute/S20036#sched37s15s1) - not in force

1. Chief Executive Officer’s order re surplus

**79.0.1**  (1)  The Chief Executive Officer may order the administrator of a pension plan to distribute surplus in accordance with a written agreement described in subsection 77.11 (7). 2010, c. 24, s. 30 (1); 2018, c. 8, Sched. 23, s. 23, 24.

1. Same

(2)  The order of the Chief Executive Officer is final. 2010, c. 24, s. 30 (1); 2018, c. 8, Sched. 23, s. 23.

1. Enforcement

(3)  An order under this section, excluding the reasons for the order, may be filed in the Superior Court of Justice and upon being filed it is enforceable as an order of that Court. 2010, c. 24, s. 30 (1).

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

[2010, c. 24, s. 30 (1)](http://www.ontario.ca/laws/statute/S10024#s30s1) - 08/12/2010; [2010, c. 24, s. 30 (2)](http://www.ontario.ca/laws/statute/S10024#s30s2) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](https://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2020

[2018, c. 8, Sched. 23, s. 23, 24](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

Asset Transfers Between Pension Plans

1. Prohibition on asset transfers
2. Transfers re defined benefits

**79.1**  (1)  No person shall transfer assets between pension plans if the transferred assets relate to the provision of defined benefits unless,

(a) the transfer is authorized under section 21, 42, 80, 80.2, 80.4 or 81; or

(b) the transfer satisfies the prescribed requirements and the Chief Executive Officer has consented in advance to the transfer. 2010, c. 9, s. 65 (1); 2014, c. 7, Sched. 26, s. 9 (1); 2018, c. 8, Sched. 23, s. 23; 2019, c. 15, Sched. 29, s. 2 (1).

1. Transfers re defined contributions

(2)  No person shall transfer assets between pension plans if the transferred assets relate to the provision of defined contribution benefits unless,

(a) the transfer is authorized under section 21, 39.1, 42, 80, 80.2, 80.4 or 81; or

(b) the transfer satisfies the prescribed requirements and the Chief Executive Officer has consented to the transfer. 2012, c. 8, Sched. 44, s. 6; 2015, c. 20, Sched. 34, s. 6; 2018, c. 8, Sched. 23, s. 23; 2018, c. 17, Sched. 33, s. 9.

1. Transfers re target benefits

(3)  No person shall transfer assets between pension plans if the transferred assets relate to the provision of target benefits unless,

(a) the transfer is authorized under section 21, 42, 80.2 or 81; or

(b) the transfer satisfies the prescribed requirements and the Chief Executive Officer has consented in advance to the transfer. 2020, c. 36, Sched. 37, s. 16; 2024, c. 12, Sched. 8, s. 3.

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

[2010, c. 9, s. 65 (1)](http://www.ontario.ca/laws/statute/S10009#s65s1) - 01/01/2014; [2010, c. 9, s. 65 (2)](http://www.ontario.ca/laws/statute/S10009#s65s2) - no effect - see [2014, c. 7, Sched. 26, s. 9 (5)](http://www.ontario.ca/laws/statute/S14007#sched26s9s5) - 01/11/2015; [2010, c. 24, s. 31 (1)](http://www.ontario.ca/laws/statute/S10024#s31s1) - no effect - see [2014, c. 7, Sched. 26, s. 9 (6)](http://www.ontario.ca/laws/statute/S14007#sched26s9s6) - 01/11/2015; [2010, c. 24, s. 31 (2)](http://www.ontario.ca/laws/statute/S10024#s31s2) - no effect - see [2020, c. 36, Sched. 37, s. 24](http://www.ontario.ca/laws/statute/S20036#sched37s24) - 08/12/2020

[2012, c. 8, Sched. 44, s. 6](http://www.ontario.ca/laws/statute/S12008#sched44s6) - 20/06/2012

[2014, c. 7, Sched. 26, s. 9 (1)](http://www.ontario.ca/laws/statute/S14007#sched26s9s1) - 01/11/2015; [2014, c. 7, Sched. 26, s. 9 (2-4)](http://www.ontario.ca/laws/statute/S14007#sched26s9s2) - no effect - see [2019, c. 15, Sched. 29, s. 4](http://www.ontario.ca/laws/statute/S19015#sched29s4) - 10/12/2019

[2015, c. 20, Sched. 34, s. 6](http://www.ontario.ca/laws/statute/S15020#sched34s6) - 01/01/2020

[2018, c. 8, Sched. 23, s. 8, 23](http://www.ontario.ca/laws/statute/S18008#sched23s8) - 08/06/2019; [2018, c. 17, Sched. 33, s. 9](http://www.ontario.ca/laws/statute/S18017#sched33s9) - 06/12/2018

[2019, c. 15, Sched. 29, s. 2 (1)](http://www.ontario.ca/laws/statute/S19015#sched29s2s1) - 10/12/2019; [2019, c. 15, Sched. 29, s. 2 (2)](http://www.ontario.ca/laws/statute/S19015#sched29s2s2) - no effect - see [2020, c. 36, Sched. 37, s. 27](http://www.ontario.ca/laws/statute/S20036#sched37s27) - 08/12/2020

[2020, c. 36, Sched. 37, s. 16](http://www.ontario.ca/laws/statute/S20036#sched37s16) - 01/01/2025

[2024, c. 12, Sched. 8, s. 3](http://www.ontario.ca/laws/statute/S24012#sched8s3) - 01/01/2025

1. Requirements, etc., for all asset transfers

**79.2**  (1)  In this section,

“original pension plan” means the pension plan from which assets are transferred, and includes the pension fund for that pension plan; (“premier régime de retraite”)

“successor pension plan” means the pension plan to which assets are transferred, and includes the pension fund for that pension plan. (“régime de retraite subséquent”) 2010, c. 9, s. 66 (1).

1. Application

(2)  This section applies to every transfer of assets between pension plans that is authorized under section 79.1, 80, 80.2 or 81. 2010, c. 9, s. 66; 2014, c. 7, Sched. 26, s. 14; 2016, c. 5, Sched. 22, s. 4.

1. Same, transfers to jointly sponsored pension plan

(2.2)  Subsections (3) to (5), (7) to (9) and (14) to (16) apply, with necessary modifications, with respect to a transfer of assets to which section 80.4 applies. 2014, c. 7, Sched. 26, s. 10.

1. Effective date

(3)  The effective date of the transfer of assets is determined in accordance with the regulations. 2010, c. 9, s. 66 (1).

1. Conditions re defined benefits

(4)  If any of the assets to be transferred relate to the provision of defined benefits in the original pension plan, the transferred assets must be used to provide defined benefits in the successor pension plan at the effective date, in accordance with such requirements as may be prescribed. 2010, c. 9, s. 66 (1).

1. Conditions re target benefits

(4.1)  If any of the assets to be transferred relate to the provision of target benefits in the original pension plan, the transferred assets must be used to provide target benefits in the successor pension plan at the effective date, in accordance with such requirements as may be prescribed. 2024, c. 12, Sched. 8, s. 4.

1. Conditions re funding

(5)  Every transfer of assets must satisfy such funding requirements as may be prescribed. 2010, c. 9, s. 66 (1).

1. Same

(6)  If either pension plan has going concern unfunded liabilities or solvency deficiencies determined as of the effective date of the transfer, the transfer of assets must satisfy such additional requirements as may be prescribed. 2010, c. 9, s. 66 (1).

1. Duty of administrator

(7)  The administrator of each pension plan shall comply with such requirements as may be prescribed with respect to the giving of notice of the transfer of assets between the pension plans, including requirements respecting the time within which the notice must be given and the information that must be contained in it. 2020, c. 34, Sched. 18, s. 1.

1. Same

(7.1)  The administrator of each pension plan shall comply with such other requirements as may be prescribed with respect to the transfer of assets between the pension plans. 2020, c. 34, Sched. 18, s. 1.

1. Transfer to prescribed retirement savings arrangement

(8)  If the amount of the assets to be transferred in relation to an individual’s pension benefits and other benefits under the original pension plan is greater than the amount allowed under the Income Tax Act(Canada) for such a transfer, the administrator of the original pension plan shall pay the portion that exceeds that allowed amount into a prescribed retirement savings arrangement on behalf of the individual. 2010, c. 24, s. 32 (3).

1. Exception

(9)  If the amount to be paid under subsection (8) into a prescribed retirement savings arrangement is greater than the amount prescribed under the Income Tax Act (Canada) for such a transfer, the administrator shall pay the portion that exceeds the prescribed amount as a lump sum to the individual. 2010, c. 9, s. 66 (1).

1. Effect of transfer of assets

(10)  When the assets are transferred in accordance with this Act and the regulations, the transferred assets become part of the assets of the pension fund for the successor pension plan and they cease to be identified as assets of the original pension plan. 2010, c. 9, s. 66 (1).

1. Same, status of transferred members, etc.

(11)  When the assets are transferred in accordance with this Act and the regulations,

(a) the employer who is the sponsor of the successor pension plan assumes responsibility for providing pension benefits and other benefits under the original pension plan to the transferred members, former members, retired members and other persons entitled to payments under that plan, and they have no further claim against the original pension plan; or

(b) in the case of a transfer of assets between multi-employer pension plans that areestablished pursuant to a collective agreement or trust agreement,

(i) the successor pension plan shall be amended to provide that the pension benefits and other benefits provided under the original pension plan to the transferred members, former members, retired members and other persons entitled to payments under the original pension plan shall be provided under the successor pension plan, and

(ii) the transferred members, former members, retired members and other persons entitled to payments under the original pension plan have no further claim against the original pension plan. 2015, c. 38, Sched. 17, s. 1.

1. Pension benefits, etc., under successor pension plan

(12)  Subsection (11) does not require the successor pension plan to provide the same pension benefits and other benefits for the transferred members that were provided for them under the original pension plan. 2010, c. 9, s. 66 (1).

1. Claims of transferred members, etc.

(13)  Subsection (12) does not affect any claims of the transferred members, former members, retired members or other persons under the successor pension plan. 2010, c. 9, s. 66 (1).

1. Discharge of administrator

(14)  If the transfer of assets is made with the consent of the transferred member, former member, retired member or other person, the administrator of the original pension plan is discharged on transferring the assets in accordance with this Act and the regulations. 2010, c. 9, s. 66 (1).

1. Order to return assets

(15)  The Chief Executive Officer by order may require the administrator of the successor pension plan to return to the original pension plan, with interest calculated in the prescribed manner, assets transferred in contravention of this Act or the regulations. 2010, c. 9, s. 66 (1); 2018, c. 8, Sched. 23, s. 23.

1. Enforcement

(16)  Subject to section 89, an order under subsection (15), exclusive of the reasons therefor, may be filed in the Superior Court of Justice and is thereupon enforceable as an order of that court. 2010, c. 9, s. 66 (1).

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

[2010, c. 9, s. 66 (1)](http://www.ontario.ca/laws/statute/S10009#s66s1) - 01/01/2014; [2010, c. 9, s. 66 (2)](http://www.ontario.ca/laws/statute/S10009#s66s2) - see [2014, c. 7, Sched. 26, s. 14](http://www.ontario.ca/laws/statute/S14007#sched26s14) - see [2016, c. 5, Sched. 22, s. 4](http://www.ontario.ca/laws/statute/S16005#sched22s4) - 01/07/2017; [2010, c. 24, s. 32 (1)](http://www.ontario.ca/laws/statute/S10024#s32s1) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](https://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2020; [2010, c. 24, s. 32 (2-3)](http://www.ontario.ca/laws/statute/S10024#s32s2) - 01/01/2014

[2014, c. 7, Sched. 26, s. 10](http://www.ontario.ca/laws/statute/S14007#sched26s10) - 01/11/2015; [2014, c. 7, Sched. 26, s. 14](http://www.ontario.ca/laws/statute/S14007#sched26s14) - 24/07/2014

[2015, c. 38, Sched. 17, s. 1](http://www.ontario.ca/fr/lois/loi/S15038#sched17s1) - 01/07/2016

[2016, c. 5, Sched. 22, s. 4](http://www.ontario.ca/laws/statute/S16005#sched22s4) - 19/04/2016

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

[2020, c. 34, Sched. 18, s. 1](http://www.ontario.ca/laws/statute/S20034#sched18s1) - 08/12/2020

[2024, c. 12, Sched. 8, s. 4](http://www.ontario.ca/laws/statute/S24012#sched8s4) - 01/01/2025

1. Transfers upon the sale of a business
2. Definitions

**80** (1)  In this section,

“employers’ agreement” means the agreement described in subsection (6); (“accord des employeurs”)

“original employer” means the employer who sells, assigns or otherwise disposes of all or part of the employer’s business or all or part of the assets of the employer’s business; (“premier employeur”)

“original pension plan” means the original employer’s pension plan; (“premier régime de retraite”)

“sale of the business” means the sale, assignment or other disposal referred to in subsection (2) of all or part of a business or all or part of the assets of the business; (“vente de l’entreprise”)

“successor employer” means the person who acquires the business or the assets of the original employer; (“employeur subséquent”)

“successor pension plan” means the successor employer’s pension plan; (“régime de retraite subséquent”)

“transferred member” means the original employer’s employee who is a member of the original pension plan who becomes the successor employer’s employee and a member of the successor pension plan in connection with the sale of the business. (“participant transféré”) 2010, c. 9, s. 68.

1. Application

(2)  This section applies if an employer who contributes under a pension plan (or on whose behalf another person or entity makes contributions under a pension plan) sells, assigns or otherwise disposes of all or part of the employer’s business or all or part of the assets of the employer’s business to another person or entity. 2010, c. 9, s. 68.

1. Transfer of employment

(3)  If, in conjunction with the sale of the business, an employee of the original employer who is a member of the original pension plan becomes an employee of the successor employer and a member of the successor pension plan, his or her employment is deemed, for the purposes of this Act, not to have been terminated by the change of employer. 2010, c. 9, s. 68.

1. Transferred employees’ entitlements

(4)  If the original employer’s employee who is a member of the original pension plan becomes the successor employer’s employee and a member of the successor pension plan,

(a) he or she continues to be entitled to the benefits provided under the original pension plan in respect of employment in Ontario or in a designated jurisdiction to the effective date of the sale of the business without further accrual;

(b) he or she is entitled to credit in the successor pension plan for the period of his or her membership in the original pension plan, for the purpose of determining eligibility for membership in or entitlement to benefits under the successor pension plan; and

(c) he or she is entitled to credit in the original pension plan for the period of employment with the successor employer for the purpose of determining entitlement to benefits under the original pension plan. 2010, c. 9, s. 68; 2010, c. 1, Sched. 23, s. 7 (4).

1. Exception

(5)  If the successor employer assumes responsibility for the accrued pension benefits of the transferred member under the original pension plan, clause (4) (a) does not apply with respect to him or her and the successor pension plan is deemed to be a continuation of the original pension plan with respect to any benefits or assets transferred. 2010, c. 9, s. 68.

1. Employers’ agreement to transfer assets, etc.

(6)  The original employer and the successor employer may enter into an agreement,

(a) to transfer to the successor employer the responsibility for providing pension benefits and other benefits under the original pension plan for transferred members, former members, retired members and other persons entitled to benefits or for classes of them; and

(b) to transfer assets from the original pension plan to the successor pension plan in connection with this transfer of responsibility. 2010, c. 9, s. 68.

1. Same

(7)  A person or entity required to make contributions on behalf of the original employer or the successor employer, as the case may be, under the employer’s pension plan may enter into the employers’ agreement on behalf of that employer. 2010, c. 9, s. 68.

1. Same

(8)  Clause (6) (a) does not require the successor pension plan to provide the same pension benefits and other benefits for the transferred members that were provided for them under the original pension plan. 2010, c. 9, s. 68.

1. Consent of members, etc.

(9)  If the employers’ agreement provides for the consent of any member, the consent of any former member, the consent of any retired member or the consent of any other person to the transfer of assets in respect of his or her pension benefits and ancillary benefits for which any eligibility requirements have been met,

(a) the agreement must give all members, all former members, all retired members or all other persons, as the case may be, the opportunity to consent to the transfer of assets in respect of their pension benefits and ancillary benefits for which any eligibility requirements have been met; and

(b) their prior consent must be obtained in accordance with such requirements as may be prescribed. 2011, c. 9, Sched. 35, s. 7 (1).

1. Requirement for Chief Executive Officer’s consent

(10)  The Chief Executive Officer’s prior consent is required to authorize the transfer of assets from the original pension plan to the successor pension plan. 2010, c. 9, s. 68; 2018, c. 8, Sched. 23, s. 24.

1. Application for consent

(11)  The administrator of either pension plan or such other person as may be prescribed may apply for the Chief Executive Officer’s consent to the transfer of assets from the original pension plan to the successor pension plan. 2010, c. 9, s. 68; 2018, c. 8, Sched. 23, s. 24.

1. Notice of application

(12)  If the employers’ agreement to transfer assets requires the consent of transferred members, former members, retired members or other persons, the applicant shall ensure that notice of the application for the Chief Executive Officer’s consent is given in accordance with such requirements as may be prescribed. 2010, c. 9, s. 68; 2018, c. 8, Sched. 23, s. 24.

1. Statutory criteria for Chief Executive Officer’s consent

(13)  The Chief Executive Officer shall consent to the transfer of assets in accordance with the application and in accordance with the employers’ agreement if all of the following criteria, and such other criteria as may be prescribed, are satisfied:

1. The original employer and the successor employer must have entered into an agreement to transfer the assets, and the applicant must give the Chief Executive Officer notice of their agreement.

2. If the agreement requires the consent of the transferred members, former members and retired members of the original pension plan, or the consent of other persons entitled to benefits under the original pension plan, their consent must have been given for the transfer, and the applicant must give the Chief Executive Officer notice of their consent.

3. The administrators of the two pension plans must have agreed upon the manner of determining the amount of the assets to be transferred, and the applicant must give the Chief Executive Officer notice of their agreement.

4. If the pension benefits and other benefits to be provided under the successor pension plan for the transferred members are not the same as the pension benefits and other benefits provided for them under the original pension plan, the commuted value of the benefits provided for the transferred members under the successor pension plan must not be less than the commuted value of the benefits provided for them under the original pension plan, as adjusted for any payments made from the original pension plan to a prescribed retirement savings arrangement or directly to the transferred members in connection with the transfer of the assets.

5. The commuted value of the benefits referred to in paragraph 4 is determined as of the effective date of the transfer of the assets.

6. If the original pension plan has a surplus as of the effective date of the transfer of assets, the amount of assets to be transferred must include a portion of the surplus determined in accordance with the regulations. 2010, c. 9, s. 68; 2010, c. 24, s. 33 (2, 3); 2011, c. 9, Sched. 35, s. 7 (2); 2018, c. 8, Sched. 23, s. 23, 24.

1. Notices

(14)  The notices required by subsection (13) must comply with such requirements as may be prescribed. 2010, c. 9, s. 68.

1. Waiver of conditions

(15)  The Chief Executive Officer may waive one or more of the conditions referred to in subsections 79.2 (5) and (6) in the prescribed circumstances. 2010, c. 9, s. 68; 2018, c. 8, Sched. 23, s. 23.

1. Waiver of notice requirements

(16)  The Chief Executive Officer may, if he or she considers it appropriate in the circumstances, waive or vary the application of any provision of the regulations that is made for the purpose of subsection 79.2 (7), or any Authority rule made for the purpose of that subsection. 2020, c. 34, Sched. 18, s. 2.

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

[2004, c. 31, Sched. 31, s. 4](http://www.ontario.ca/laws/statute/S04031#sched31s4) - 16/12/2004

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019#schedcs1s1) - 22/06/2006

[2010, c. 1, Sched. 23, s. 7 (1, 4)](http://www.ontario.ca/laws/statute/S10001#sched23s7s1) - 01/10/2010; [2010, c. 9, s. 68](http://www.ontario.ca/laws/statute/S10009#s68) - 01/01/2014; [2010, c. 24, s. 33 (2, 3)](http://www.ontario.ca/laws/statute/S10024#s33s2) - 01/01/2014; [2010, c. 24, s. 33 (1)](http://www.ontario.ca/laws/statute/S10024#s33s1) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](https://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2020

[2011, c. 9, Sched. 35, s. 7 (1, 2)](http://www.ontario.ca/laws/statute/S11009#sched35s7s1) - 01/01/2014

[2018, c. 8, Sched. 23, s. 23, 24](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

[2020, c. 34, Sched. 18, s. 2](http://www.ontario.ca/laws/statute/S20034#sched18s2) - 08/12/2020

**80.1**  Repealed: 2010, c. 9, s. 68; 2014, c. 7, Sched. 26, s. 11 (3); 2015, c. 20, Sched. 34, s. 7.

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

R.S.O. 1990, c. P.8, s. 80.1 (10) - see [2010, c. 9, s. 68](http://www.ontario.ca/laws/statute/S10009#s68) - see [2014, c. 7, Sched. 26, s. 11 (3)](http://www.ontario.ca/laws/statute/S14007#sched26s11s3) - see [2015, c. 20, Sched. 34, s. 7](http://www.ontario.ca/laws/statute/S15020#sched34s7) - 01/07/2017

[2010, c. 9, s. 68](http://www.ontario.ca/laws/statute/S10009#s68) - no effect - see [2012, c. 8, Sched. 44, s. 7](http://www.ontario.ca/laws/statute/S12008#sched44s7) - 01/01/2014; [2010, c. 24, s. 34 (1, 2)](http://www.ontario.ca/laws/statute/S10024#s34s1) - 01/01/2014

[2011, c. 9, Sched. 35, s. 8 (1-4)](http://www.ontario.ca/laws/statute/S11009#sched35s8s1) - 01/01/2014; [2011, c. 9, Sched. 35, s. 8 (5)](http://www.ontario.ca/laws/statute/S11009#sched35s8s5) - no effect - see [2012, c. 8, Sched. 44, s. 10](http://www.ontario.ca/laws/statute/S12008#sched44s10) - 20/06/2012

[2012, c. 8, Sched. 44, s. 7](http://www.ontario.ca/laws/statute/S12008#sched44s7) - 01/01/2014; [2012, c. 8, Sched. 44, s. 10](http://www.ontario.ca/laws/statute/S12008#sched44s10) - 20/06/2012

[2014, c. 7, Sched. 26, s. 11 (1-3)](http://www.ontario.ca/laws/statute/S14007#sched26s11s1) - 24/07/2014

[2015, c. 20, Sched. 34, s. 7](http://www.ontario.ca/laws/statute/S15020#sched34s7) - 04/06/2015

1. Transfers upon a change of trade unions, MEPPs

**80.2**  (1)  This section applies if a group of members of a multi-employer pension plan (the “original pension plan”) are represented by a trade union and, in accordance with section 62 of the Labour Relations Act, 1995, the trade union ceases to represent the members and they become represented by a different trade union certified as their bargaining agent and become members of a different pension plan (the “successor pension plan”). 2010, c. 9, s. 69.

1. Transfer, election by members

(2)  The administrator of the original pension plan shall transfer to the successor pension plan all the assets and liabilities respecting those members who have elected under section 42 to transfer their entitlement to the successor pension plan and the administrator of the successor pension plan shall accept them as assets and liabilities of the successor pension plan. 2010, c. 9, s. 69.

1. Transfer, other circumstances

(3)  If the members of the original pension plan are not entitled to make an election under section 42, the administrator shall transfer to the successor pension plan all assets and liabilities of the pension plan attributable to such members determined as prescribed and the administrator of the successor pension plan shall accept them as assets and liabilities, determined as prescribed, of the successor pension plan. 2010, c. 9, s. 69.

1. Exception

(4)  This section does not apply where there is a reciprocal transfer agreement respecting the pension plans or in such other circumstances as may be prescribed. 2010, c. 9, s. 69; 2010, c. 24, s. 35.

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

[2010, c. 9, s. 69](http://www.ontario.ca/laws/statute/S10009#s69) - 01/01/2014; [2010, c. 24, s. 35](http://www.ontario.ca/laws/statute/S10024#s35) - 01/01/2014

**80.3**

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

[2010, c. 24, s. 36](http://www.ontario.ca/laws/statute/S10024#s36) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](https://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2020

[2011, c. 9, Sched. 35, s. 9](http://www.ontario.ca/laws/statute/S11009#sched35s9) - no effect - see [2010, c. 24, s. 36](http://www.ontario.ca/laws/statute/S10024#s36) - 31/12/2020

[2018, c. 8, Sched. 23, s. 9](http://www.ontario.ca/laws/statute/S18008#sched23s9) - 08/06/2019

1. Transfers to jointly sponsored pension plan (conversion of single employer pension plan)

**80.4**(1)  Repealed: 2019, c. 4, Sched. 6, s. 1.

1. Proposed conversion and transfer of assets

(2)  This section applies if an employer proposes to convert a single employer pension plan that provides defined benefits into a jointly sponsored pension plan, and proposes to implement the conversion through a transfer of assets and liabilities from the single employer pension plan to another pension plan that is a jointly sponsored pension plan. 2014, c. 7, Sched. 26, s. 12.

1. Requirements re defined contribution benefits

(3)  If the single employer pension plan provides defined contribution benefits as well as defined benefits, the employer of the single employer pension plan may elect to transfer the assets in respect of the defined contribution benefits to the jointly sponsored pension plan and if the employer so elects, the transfer of assets in respect of the defined contribution benefits must comply with the requirements, if any, that are prescribed by the regulations. 2019, c. 15, Sched. 29, s. 3.

1. Notice of proposal

(4)  The administrator shall give the members, former members, retired members and other persons entitled to benefits under the single employer pension plan a notice about the proposed conversion of the pension plan and transfer of assets to the jointly sponsored pension plan, in accordance with such requirements as may be prescribed by regulation, and the notice must contain the following information and such other information as may be prescribed:

1. A statement that the employer and the members of a jointly sponsored pension plan are required to make contributions in respect of any going concern unfunded liability, solvency deficiency or reduced solvency deficiency, as applicable, and that these contributions may be required in respect of benefits that accrued before the date of the transfer of assets.

2. A statement indicating that on the wind up of a jointly sponsored pension plan, the amount or commuted value of a pension benefit, a deferred pension or an ancillary benefit may be reduced.

3. A statement that pension benefits provided by jointly sponsored pension plans are not guaranteed by the Guarantee Fund.

4. If applicable, a statement that the jointly sponsored pension plan and its members are excluded from the operation of section 74 (grow-in benefits for members). 2014, c. 7, Sched. 26, s. 12; 2017, c. 34, Sched. 33, s. 31 (1).

1. Same, to trade union

(5)  The administrator shall give notice of the proposed conversion and transfer of assets to any trade union that represents members of the single employer pension plan, and the notice must be given within the prescribed period and must contain the information specified by the regulations. 2014, c. 7, Sched. 26, s. 12.

1. Requirement re: consent of members, etc.

(6)  The transfer of assets is not authorized unless the members, former members, retired members and other persons entitled to benefits under the single employer pension plan consent to the proposed conversion and transfer of assets, or are deemed in accordance with the regulations to have consented to the conversion and transfer. 2014, c. 7, Sched. 26, s. 12.

1. Same

(7)  The consent of the members, former members, retired members and other persons entitled to benefits under the single employer pension plan to the proposed conversion and transfer of assets must be obtained in accordance with such requirements as may be prescribed by regulation, and the regulations may permit a trade union that represents members of the pension plan to consent on their behalf. 2014, c. 7, Sched. 26, s. 12.

1. Same

(8)  The regulations may authorize the Chief Executive Officer to vary the prescribed requirements for determining whether consent is given or is deemed to have been given by the members of the single employer pension plan, and to vary the prescribed requirements for obtaining their consent. 2014, c. 7, Sched. 26, s. 12; 2018, c. 8, Sched. 23, s. 23.

1. Notice to Chief Executive Officer

(9)  The administrator shall give notice of the proposed conversion and transfer of assets to the Chief Executive Officer and the notice must be given within the prescribed period and must contain the information specified by the regulations. 2014, c. 7, Sched. 26, s. 12; 2018, c. 8, Sched. 23, s. 23.

1. Requirement re: consent of Chief Executive Officer

(10)  The transfer of assets is not authorized unless the Chief Executive Officer consents to it in advance. 2014, c. 7, Sched. 26, s. 12; 2018, c. 8, Sched. 23, s. 23.

1. Application for Chief Executive Officer’s consent

(11)  The employer may apply for the Chief Executive Officer’s consent to the transfer of assets from the single employer pension plan to the jointly sponsored pension plan. 2014, c. 7, Sched. 26, s. 12; 2018, c. 8, Sched. 23, s. 24.

1. Same

(11.1)  An employer may apply for the Chief Executive Officer’s consent under subsection (11) before the jointly sponsored pension plan is registered under this Act. However, if the application for registration of the jointly sponsored pension plan is not received by the Chief Executive Officer within 90 days after the application for consent is made, the application for consent is deemed not to have been made. 2019, c. 14, Sched. 9, s. 36.

1. Notice of application

(12)  The administrator shall ensure that notice of the application for the Chief Executive Officer’s consent is given to members, former members, retired members and other persons entitled to benefits under the single employer pension plan, and to any trade union that represents members of the plan, in accordance with such requirements as may be prescribed. 2014, c. 7, Sched. 26, s. 12; 2018, c. 8, Sched. 23, s. 24.

1. Waiver or variation of certain provisions of the regulations

(12.1)  The Chief Executive Officer may, if he or she considers it appropriate in the circumstances, waive or vary the application of,

(a) any provision of the regulations that is made for the purposes of subsection (4), (5), (9) or (12) or any Authority rule made for the purpose of any of those subsections; or

(b) in the case of a transfer of assets to a pension plan that is registered as a jointly sponsored pension plan within nine months after the date on which an application under subsection (11) is made in respect of the transfer to the plan,

(i) any provision or Authority rule described in clause (a),

(ii) any provision of the regulations that is made for the purposes of subsection (3), (13) or (17), and

(iii) any provision of the regulations that is made for the purposes of subsections 79.2 (3) to (7.1). 2019, c. 14, Sched. 9, s. 36; 2020, c. 34, Sched. 18, s. 3.

1. Statutory criteria for Chief Executive Officer’s consent

(13)  The Chief Executive Officer shall consent to the transfer of assets in accordance with the application if all of the following criteria, and such other criteria as may be prescribed, are satisfied:

1. Notice of the application for the Chief Executive Officer’s consent has been given in accordance with this section to the members, former members, retired members and other persons entitled to benefits under the single employer pension plan and to any trade union that represents members of the plan.

2. The employer of the single employer pension plan and the sponsors of the jointly sponsored pension plan have entered into an agreement with respect to the proposed transfer of assets.

3. Notice of the proposed conversion of the pension plan and transfer of assets has been given in accordance with this section to the members, former members, retired members and other persons entitled to benefits under the plan, to any trade union that represents members of the plan and to the Chief Executive Officer.

4. Consent to the proposed conversion and transfer of assets has been given or is deemed to have been given, in accordance with this section, by the members, former members, retired members and other persons entitled to benefits under the plan.

5. As of the effective date of the transfer, the employer is a participating employer under the jointly sponsored pension plan.

6. As of the effective date of the transfer, the transferred members and other transferees cease to be entitled to benefits under the single employer pension plan and they are entitled to benefits under the jointly sponsored pension plan.

7. As of the effective date of the transfer, the commuted value of the pension benefits provided under the jointly sponsored pension plan for the transferred members is not less than the commuted value of their pension benefits under the single employer pension plan, as adjusted for any payments made from the single employer pension plan to a prescribed retirement savings arrangement or made directly to the transferred members in connection with the transfer of assets.

8. As of the effective date of the transfer, the pension benefits provided under the jointly sponsored pension plan for the other transferees are, at a minimum, the same as the pension benefits provided for them under the single employer pension plan.

9. As of the effective date of the transfer, every transferred member is entitled to credit in the jointly sponsored pension plan for the period of his or her membership in the single employer pension plan for the purpose of determining eligibility for membership in, or entitlement to benefits under, the jointly sponsored pension plan. 2014, c. 7, Sched. 26, s. 12; 2017, c. 8, Sched. 27, s. 16 (1); 2018, c. 8, Sched. 23, s. 23, 24.

1. Transfer to prescribed retirement savings arrangement

(13.1)  If the commuted value of a transferred member’s pension benefits provided under the jointly sponsored pension plan is less than the commuted value of the member’s pension benefits under the single employer pension plan, the administrator of the single employer pension plan shall pay the portion that exceeds the commuted value under the jointly sponsored pension plan into a prescribed retirement savings arrangement on the transferred member’s behalf. 2017, c. 8, Sched. 27, s. 16 (2).

1. Same, excess

(13.2)  If the amount to be paid under subsection (13.1) into a prescribed retirement savings arrangement is greater than the amount prescribed under the Income Tax Act (Canada) for such a transfer, the administrator shall pay the portion that exceeds the prescribed amount as a lump sum to the transferred member. 2017, c. 8, Sched. 27, s. 16 (2).

1. Amount of assets to be transferred

(14)  The regulations may authorize the Chief Executive Officer, in prescribed circumstances, to vary the amount of assets otherwise required to be transferred from the single employer pension plan to the jointly sponsored pension plan. 2014, c. 7, Sched. 26, s. 12; 2018, c. 8, Sched. 23, s. 23.

1. Surplus

(15)  If any assets remain in the single employer pension plan after the transfer of assets under this section, the amount of the remaining assets, excluding any assets that relate to defined contribution benefits, is deemed to be surplus under the single employer pension plan. 2014, c. 7, Sched. 26, s. 12.

1. Exclusion from grow-in benefits

(16)  If the jointly sponsored pension plan and its members are excluded from the operation of section 74 (grow-in benefits for members) on the effective date of the transfer of assets, the transferred members are excluded from the operation of section 74 as of that date. 2014, c. 7, Sched. 26, s. 12.

1. Cancellation, etc., of special payments

(17)  If, before the effective date of the transfer of assets, the employer is required to make special payments under the single employer pension plan in respect of a going concern unfunded liability, solvency deficiency or reduced solvency deficiency, the regulations may specify circumstances in which the requirement to make special payments on or after the effective date of the transfer of assets is cancelled or the amount of the special payments is reduced, and the regulations may impose conditions relating to the cancellation or reduction. 2014, c. 7, Sched. 26, s. 12; 2017, c. 34, Sched. 33, s. 31 (2).

1. Withdrawal as participating employer

(18)  If, after the transfer of assets, the employer withdraws as a participating employer in the jointly sponsored pension plan, the employer shall, in the prescribed circumstances, pay the prescribed amount into the pension fund of the jointly sponsored pension plan for the benefit of the transferred members and other transferees. 2014, c. 7, Sched. 26, s. 12.

1. Conflict

(19)  This section prevails over any document that creates and supports the single employer pension plan or the jointly sponsored pension plan and over any collective agreement and it prevails despite any trust that may exist in favour of any person. 2014, c. 7, Sched. 26, s. 12.

1. Crown immunity

(20)  The following rules apply with respect to the transfer of assets from the single employer pension plan to the jointly sponsored pension plan, if the transfer complies with this Act and the regulations:

1. Any reduction in the amount or the commuted value of a pension benefit, an ancillary benefit, a pension or a deferred pension that results from the transfer of assets is deemed not to constitute an expropriation.

2. No amount on account of damages, compensation or costs is owing or payable to any person and no remedy is available to any person against the Crown in connection with the transfer of assets.

3. No action, claim or demand that is directly or indirectly related to the transfer of assets may be brought or maintained against the Crown. 2014, c. 7, Sched. 26, s. 12; 2020, c. 36, Sched. 37, s. 17.

1. Expenses incurred by trade union

(21)  If a trade union that represents members of the single employer pension plan is entitled to vote on the conversion and transfer of assets on behalf of the members, the trade union is entitled to be reimbursed from the pension fund its reasonable fees and expenses, of the type that are prescribed, relating to the vote. 2014, c. 7, Sched. 26, s. 12.

1. Order to return contributions

(22)  If the transfer of assets does not comply with this Act or the regulations, the Chief Executive Officer may, by order, require the administrator of the jointly sponsored pension plan to pay to a transferred member from the pension fund the amount by which the transferred member’s contributions, made on or after the effective date of the transfer of assets, exceed the amount that would have been payable by him or her if the transfer had not been implemented, with interest calculated in the prescribed manner. 2014, c. 7, Sched. 26, s. 12; 2018, c. 8, Sched. 23, s. 23.

1. Enforcement

(23)  Subject to section 89, an order under subsection (22), exclusive of the reasons therefor, may be filed in the Superior Court of Justice and is thereupon enforceable as an order of that court. 2014, c. 7, Sched. 26, s. 12.

1. Definitions

(24)  In this section,

“other transferees” means the individuals who are former members, retired members and other persons entitled to benefits under the single employer pension plan immediately before the effective date of the transfer of assets described in this section to the jointly sponsored pension plan; (“autres personnes transférées”)

“transferred members” means the individuals who are members of the single employer pension plan immediately before the effective date of the transfer of assets described in this section to the jointly sponsored pension plan. (“participants transférés”) 2014, c. 7, Sched. 26, s. 12.

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

[2014, c. 7, Sched. 26, s. 12](http://www.ontario.ca/laws/statute/S14007#sched26s12) - 01/11/2015

[2017, c. 8, Sched. 27, s. 16 (1, 2)](http://www.ontario.ca/laws/statute/S17008#sched27s16s1) - 17/05/2017; [2017, c. 34, Sched. 33, s. 31 (1, 2)](http://www.ontario.ca/laws/statute/S17034#sched33s31s1) - 01/05/2018

[2018, c. 8, Sched. 23, s. 23, 24](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019; [2018, c. 17, Sched. 33, s. 10](http://www.ontario.ca/laws/statute/S18017#sched33s10) - 06/12/2018

[2019, c. 4, Sched. 6, s. 1](http://www.ontario.ca/laws/statute/S19004#sched6s1) - 03/04/2019; [2019, c. 14, Sched. 9, s. 36](http://www.ontario.ca/laws/statute/S19014#sched9s36) - 10/12/2019; [2019, c. 15, Sched. 29, s. 3](http://www.ontario.ca/laws/statute/S19015#sched29s3) - 10/12/2019

[2020, c. 34, Sched. 18, s. 3 (1, 2)](http://www.ontario.ca/laws/statute/S20034#sched18s3s1) - 08/12/2020; [2020, c. 36, Sched. 37, s. 17 (1, 2)](http://www.ontario.ca/laws/statute/S20036#sched37s17s1) - 08/12/2020

1. Adoption of successor pension plan
2. Application

**81** (0.1)  This section applies with respect to pension plans in either of the following circumstances:

1. A pension plan is established by an employer to be a successor to an existing pension plan and the employer ceases to make contributions to the original pension plan.

2. A multi-employer pension plan established pursuant to a collective agreement or trust agreement is amended to be a successor to an existing multi-employer pension plan established pursuant to a collective agreement or trust agreement and the participating employers cease to make contributions to the original multi-employer pension plan. 2020, c. 34, Sched. 18, s. 4 (1).

1. Same

(1)  Where a pension plan is established by an employer to be a successor to an existing pension plan and the employer ceases to make contributions to the original pension plan, the original pension plan shall be deemed not to be wound up and the successor pension plan shall be deemed to be a continuation of the original pension plan. R.S.O. 1990, c. P.8, s. 81 (1); 2010, c. 9, s. 70 (1).

1. Same, multi-employer pension plans

(1.1)  Where a multi-employer pension plan established pursuant to a collective agreement or trust agreement is amended to be a successor to an existing multi-employer pension plan established pursuant to a collective agreement or trust agreement and the participating employers cease to make contributions to the original multi-employer pension plan, the original pension plan shall be deemed not to be wound up and the successor pension plan shall be deemed to be a continuation of the original pension plan. 2015, c. 38, Sched. 17, s. 2 (1).

1. Continuation of benefits

(2)  The benefits under the original pension plan in respect of employment and membership before the establishment of the successor pension plan are deemed to be benefits under the successor pension plan. 2010, c. 9, s. 70 (2); 2015, c. 38, Sched. 17, s. 2 (2).

1. Same

(2.1)  Subsection (2) does not require the successor pension plan to provide the same pension benefits and other benefits for the transferred members that were provided for them under the original pension plan. 2010, c. 9, s. 70 (2).

1. Application of subs. (2)

(3)  Subsection (2) applies whether or not the assets and liabilities of the original pension plan are consolidated with those of the successor pension plan. R.S.O. 1990, c. P.8, s. 81 (3); 2010, c. 9, s. 70 (3).

1. Requirement for Chief Executive Officer’s consent

(4)  The Chief Executive Officer’s prior consent is required to authorize the transfer of assets from the original pension plan to the successor pension plan. 2010, c. 9, s. 70 (4); 2018, c. 8, Sched. 23, s. 24.

1. Application

(5)  The administrator of either pension plan or such other persons as may be prescribed may apply for the Chief Executive Officer’s consent to the transfer of assets from the original pension plan to the successor pension plan. 2010, c. 9, s. 70 (4); 2018, c. 8, Sched. 23, s. 24.

1. Statutory criteria for Chief Executive Officer’s consent

(6)  The Chief Executive Officer shall consent to the transfer of assets in accordance with the application if all of the following criteria, and such other criteria as may be prescribed, are satisfied:

1. The administrators of the two pension plans must have agreed upon the manner of determining the amount of assets to be transferred, and the applicant must give the Chief Executive Officer notice of their agreement.

2. If the pension benefits and other benefits to be provided under the successor pension plan for the transferred members are not the same as the pension benefits and other benefits provided for them under the original pension plan, the commuted value of the benefits provided for the transferred members under the successor pension plan must not be less than the commuted value of the benefits provided for them under the original pension plan, as adjusted for any payments made from the original pension plan to a prescribed retirement savings arrangement or directly to the transferred members in connection with the transfer of the assets.

3. The commuted value of the benefits referred to in paragraph 2 is determined as of the effective date of the transfer of the assets.

4. If the original pension plan has a surplus as of the effective date of the transfer of assets, the amount of assets to be transferred must include a portion of the surplus determined in accordance with the regulations. 2010, c. 9, s. 70 (4); 2010, c. 24, s. 37; 2018, c. 8, Sched. 23, s. 23, 24.

1. Waiver of conditions

(7)  The Chief Executive Officer may waive one or more of the conditions referred to in subsections 79.2 (5) and (6) in the prescribed circumstances. 2010, c. 9, s. 70 (4); 2018, c. 8, Sched. 23, s. 23.

1. Waiver of notice requirements

(8)  The Chief Executive Officer may, if he or she considers it appropriate in the circumstances, waive or vary the application of any provision of the regulations that is made for the purpose of subsection 79.2 (7), or any Authority rule made for the purpose of that subsection. 2020, c. 34, Sched. 18, s. 4 (2).

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

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019#schedcs1s1) - 22/06/2006

[2010, c. 9, s. 70 (1-5)](http://www.ontario.ca/laws/statute/S10009#s70s1) - 01/01/2014; [2010, c. 24, s. 37 (1, 2)](http://www.ontario.ca/laws/statute/S10024#s37s1) - 01/01/2014

[2015, c. 38, Sched. 17, s. 2 (1, 2)](http://www.ontario.ca/laws/statute/S15038#sched17s2s1) - 01/07/2016

[2018, c. 8, Sched. 23, s. 23, 24](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

[2020, c. 34, Sched. 18, s. 4 (1, 2)](http://www.ontario.ca/laws/statute/S20034#sched18s4s1) - 08/12/2020

Conversion of Single Employer Pension Plans

1. Conversion by amending the pension plan

**81.0.1**(1)  This section applies with respect to single employer pension plans that are public sector pension plans and with respect to prescribed pension plans or classes of pension plans. 2014, c. 7, Sched. 26, s. 13.

1. Proposed conversion

(2)  This section applies if an employer proposes to convert a single employer pension plan that provides defined benefits into a jointly sponsored pension plan, and proposes to implement the conversion by amending the pension plan. 2014, c. 7, Sched. 26, s. 13.

1. Restriction re: filing of amendments

(3)  Amendments to the pension plan to convert it into a jointly sponsored pension plan cannot be filed under section 12 until the requirements of this section are satisfied. 2014, c. 7, Sched. 26, s. 13.

1. Requirements re: defined contribution benefits

(4)  If the single employer pension plan provides defined contribution benefits as well as defined benefits, the conversion of the pension plan is not authorized unless the employer complies with such requirements relating to the defined contribution benefits as may be prescribed. 2014, c. 7, Sched. 26, s. 13.

1. Notice of proposed conversion

(5)  The administrator shall give notice of the proposed conversion to the members, former members, retired members and other persons entitled to benefits under the plan, in accordance with such requirements as may be prescribed by regulation, and the notice must contain the following information and such other information as may be prescribed:

1. A statement that the employer and the members of a jointly sponsored pension plan are required to make contributions in respect of any going concern unfunded liability, solvency deficiency or reduced solvency deficiency, as applicable, and that these contributions may be required in respect of benefits that accrued before the date of the conversion.

2. A statement indicating that on the wind up of a jointly sponsored pension plan, the amount or commuted value of a pension benefit, a deferred pension or an ancillary benefit may be reduced.

3. A statement that pension benefits provided by jointly sponsored pension plans are not guaranteed by the Guarantee Fund. 2014, c. 7, Sched. 26, s. 13; 2017, c. 34, Sched. 33, s. 32 (1).

1. Same, for trade union

(6)  The administrator shall give notice of the proposed conversion to any trade union that represents members of the pension plan, and the notice must be given within the prescribed period and must contain the information specified by the regulations. 2014, c. 7, Sched. 26, s. 13.

1. Requirement re: consent of members, etc.

(7)  The conversion of the pension plan is not authorized unless the members, former members, retired members and other persons entitled to benefits under the plan consent to the conversion, or are deemed in accordance with the regulations to have consented to the conversion. 2014, c. 7, Sched. 26, s. 13.

1. Same

(8)  The consent of the members, former members, retired members and other persons entitled to benefits under the pension plan to the proposed conversion of the plan must be obtained in accordance with such requirements as may be prescribed by regulation, and the regulations may permit a trade union that represents members of the pension plan to consent on their behalf. 2014, c. 7, Sched. 26, s. 13.

1. Same

(9)  The regulations may authorize the Chief Executive Officer to vary the prescribed requirements for determining whether consent is given or is deemed to have been given by the members of the pension plan, and to vary the prescribed requirements for obtaining their consent. 2014, c. 7, Sched. 26, s. 13; 2018, c. 8, Sched. 23, s. 23.

1. Notice to Chief Executive Officer

(10)  The administrator shall give notice of the proposed conversion to the Chief Executive Officer and the notice must be given within the prescribed period and must contain the information specified by the regulations. 2014, c. 7, Sched. 26, s. 13; 2018, c. 8, Sched. 23, s. 23.

1. Requirement re: consent of Chief Executive Officer

(11)  The conversion of the pension plan is not authorized unless the Chief Executive Officer consents to it in advance. 2014, c. 7, Sched. 26, s. 13; 2018, c. 8, Sched. 23, s. 23.

1. Application for consent

(12)  The employer may apply for the Chief Executive Officer’s consent to the proposed conversion of the pension plan. 2014, c. 7, Sched. 26, s. 13; 2018, c. 8, Sched. 23, s. 24.

1. Notice of application

(13)  The administrator shall ensure that notice of the application for the Chief Executive Officer’s consent is given to members, former members, retired members and other persons entitled to benefits under the plan, and to any trade union that represents members of the plan, in accordance with such requirements as may be prescribed. 2014, c. 7, Sched. 26, s. 13; 2018, c. 8, Sched. 23, s. 24.

1. Waiver or variation of certain provisions of the regulations

(13.1)  The Chief Executive Officer may, if he or she considers it appropriate in the circumstances, waive or vary the application of any provision of the regulations that is made for the purposes of subsection (5), (6), (10) or (13) or any Authority rule made for the purpose of any of those subsections. 2019, c. 14, Sched. 9, s. 37; 2020, c. 34, Sched. 18, s. 5.

1. Statutory criteria for Chief Executive Officer’s consent

(14)  The Chief Executive Officer shall consent to the conversion of the pension plan in accordance with the application if all of the following criteria and such other criteria as may be prescribed are satisfied:

1. Notice of the application for the Chief Executive Officer’s consent has been given in accordance with this section to the members, former members, retired members and other persons entitled to benefits under the plan, and to any trade union that represents members of the plan.

2. Notice of the proposed conversion has been given in accordance with this section to the members, former members, retired members and other persons entitled to benefits under the plan, to any trade union that represents members of the plan and to the Chief Executive Officer.

3. Consent to the proposed conversion has been given or is deemed to have been given, in accordance with this section, by the members, former members, retired members and other persons entitled to benefits under the plan.

4. The effective date of the conversion has been determined in accordance with the regulations.

5. As of the effective date of the conversion, the commuted value of the pension benefits provided for the members is not less than the commuted value of their pension benefits under the single employer pension plan.

6. As of the effective date of the conversion, the pension benefits provided for former members, retired members and other persons entitled to benefits under the plan are, at a minimum, the same as their pension benefits under the single employer pension plan.

7. If the plan has a going concern unfunded liability, solvency deficiency or reduced solvency deficiency as of the effective date of the conversion, the employer is required to make contributions in accordance with the regulations to liquidate the liability or deficiency. 2014, c. 7, Sched. 26, s. 13; 2017, c. 34, Sched. 33, s. 32 (2); 2018, c. 8, Sched. 23, s. 23, 24.

1. Conflict

(15)  This section prevails over any document that creates and supports the pension plan and over any collective agreement and it prevails despite any trust that may exist in favour of any person. 2014, c. 7, Sched. 26, s. 13.

1. Crown immunity

(16)  The following rules apply with respect to the conversion of the pension plan, if the conversion complies with this Act and the regulations:

1. Any reduction in the amount or the commuted value of a pension benefit, an ancillary benefit, a pension or a deferred pension that results from the conversion is deemed not to constitute an expropriation.

2. No amount on account of damages, compensation or costs is owing or payable to any person and no remedy is available to any person against the Crown in connection with the conversion.

3. No action, claim or demand that is directly or indirectly related to the conversion may be brought or maintained against the Crown. 2014, c. 7, Sched. 26, s. 13.

1. Expenses incurred by trade union

(17)  If a trade union that represents members of the pension plan is entitled to vote on the conversion on behalf of the members, the trade union is entitled to be reimbursed from the pension fund its reasonable fees and expenses, of the type that are prescribed, relating to the vote. 2014, c. 7, Sched. 26, s. 13.

1. Order to return contributions

(18)  If the conversion of the pension plan does not comply with this Act or the regulations, the Chief Executive Officer may, by order, require the administrator to pay to a member of the pension plan from the pension fund the amount by which the member’s contributions, made on or after the effective date of the conversion, exceed the amount that would have been payable by him or her if the conversion had not been implemented, with interest calculated in the prescribed manner. 2014, c. 7, Sched. 26, s. 13; 2018, c. 8, Sched. 23, s. 23.

1. Enforcement

(19)  Subject to section 89, an order under subsection (18), exclusive of the reasons therefor, may be filed in the Superior Court of Justice and is thereupon enforceable as an order of that court. 2014, c. 7, Sched. 26, s. 13.

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

[2014, c. 7, Sched. 26, s. 13](http://www.ontario.ca/laws/statute/S14007#sched26s13) - 01/11/2015

[2017, c. 34, Sched. 33, s. 32 (1, 2)](http://www.ontario.ca/laws/statute/S17034#sched33s32s1) - 01/05/2018

[2018, c. 8, Sched. 23, s. 23, 24](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

[2019, c. 14, Sched. 9, s. 37](http://www.ontario.ca/laws/statute/S19014#sched9s37) - 10/12/2019

[2020, c. 34, Sched. 18, s. 5](http://www.ontario.ca/laws/statute/S20034#sched18s5) - 08/12/2020

Conversion to Target Benefits

1. Conversion by amending the pension plan

**81.0.2**(1)  This section applies if some or all of the benefits provided by a multi-employer pension plan are proposed to be converted to target benefits, and the proposal is to implement the conversion by amending the pension plan. 2017, c. 34, Sched. 33, s. 33.

1. Criteria

(2)  Benefits may only be proposed to be converted if all of the following criteria are satisfied:

1. The benefits proposed to be converted are not determined on an individual account basis.

1.1 The pension plan is a multi-employer pension plan established pursuant to a collective agreement or a trust agreement.

1.2 The benefits proposed to be converted are determined in part with reference to the value of the assets of the pension fund, except as provided by the regulations. The benefits must satisfy this criterion both before and after the payments of the pension begin.

2. Either of the following circumstances exists:

i. The obligation of an employer to contribute to the pension fund in respect of the benefits proposed to be converted is limited to a fixed amount set out in one or more collective agreements and the pension plan satisfies such conditions as may be prescribed.

ii. The obligation of an employer to contribute to the pension fund in respect of the benefits proposed to be converted is limited to a fixed amount set out in one or more documents, other than a collective agreement, that create and support the plan and the pension plan satisfies such conditions as may be prescribed.

3. The administrator is authorized under the pension plan to reduce the benefits proposed to be converted after they have accrued, both while the plan is ongoing and upon wind up.

4. The reduction referred to in paragraph 3 is not prohibited by the terms of any applicable collective agreement.

5. The reduction referred to in paragraph 3 is not prohibited by any applicable pension legislation of a designated jurisdiction, except as provided by the regulations.

6. The benefits proposed to be converted satisfy such other criteria as may be prescribed.

7. The pension plan satisfies such other criteria as may be prescribed. 2017, c. 34, Sched. 33, s. 33; 2020, c. 36, Sched. 37, s. 18 (1, 3); 2024, c. 12, Sched. 8, s. 5 (1, 2).

1. Time limit for application to convert to target benefits

(2.1)  Benefits shall not be converted to target benefits unless the administrator’s application for consent under subsection (12) is made before the fifth anniversary of the day on which subsection 18 (4) of Schedule 37 to the Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020 comes into force. 2020, c. 36, Sched. 37, s. 18 (4).

1. Same

(2.2)  Despite subsection (2.1), in the case of a designated multi-jurisdictional pension plan that was registered in a designated jurisdiction immediately before it was registered in Ontario, benefits shall not be converted to target benefits unless the administrator’s application for consent under subsection (12) is made before the fifth anniversary of the day on which the plan was most recently registered in Ontario. 2024, c. 12, Sched. 8, s. 5 (3).

1. Restriction re: filing of amendments

(3)  Amendments to the pension plan to convert benefits to target benefits shall not be filed under section 12 until the requirements of this section are satisfied. 2017, c. 34, Sched. 33, s. 33.

1. Requirement re: proposed conversion

(4)  A proposal to convert defined benefits provided by a pension plan to target benefits must propose to convert all defined benefits provided by the plan that satisfy the criteria set out in subsection (2). 2017, c. 34, Sched. 33, s. 33.

1. Requirement if not all defined benefits qualify

(5)  If not all of the defined benefits that a pension plan provides satisfy the criteria set out in subsection (2), the defined benefits that satisfy the criteria shall not be converted under this section except in accordance with the prescribed requirements. 2017, c. 34, Sched. 33, s. 33.

(6)-(8)  Repealed: 2024, c. 12, Sched. 8, s. 5 (4).

1. Requirement re consultation

(9)  The administrator shall consult in good faith about the proposed conversion, in accordance with such requirements as may be prescribed, with,

(a) any trade union that represents members of the pension plan; and

(b) any other association that, to the knowledge of the administrator, represents members, former members or retired members of the pension plan in negotiating in respect of plan terms. 2024, c. 12, Sched. 8, s. 5 (5).

(10)  Repealed: 2024, c. 12, Sched. 8, s. 5 (6).

1. Requirement for Chief Executive Officer’s consent

(11)  The proposed conversion is not authorized unless the Chief Executive Officer consents to it in advance. 2017, c. 34, Sched. 33, s. 33; 2018, c. 8, Sched. 23, s. 10.

1. Application for consent

(12)  The administrator may, in accordance with such requirements as may be prescribed, apply for the Chief Executive Officer’s consent to the proposed conversion and the application must contain the information specified by the regulations. 2017, c. 34, Sched. 33, s. 33; 2018, c. 8, Sched. 23, s. 10.

(13)  Repealed: 2024, c. 12, Sched. 8, s. 5 (6).

1. Statutory criteria for Chief Executive Officer’s consent

(14)  The Chief Executive Officer shall consent to the proposed conversion in accordance with the application if all of the following criteria, and such other criteria as may be prescribed, are satisfied:

1., 2. Repealed: 2024, c. 12, Sched. 8, s. 5 (7).

3. The criteria set out in subsection (2) are satisfied.

4. The administrator has consulted with trade unions and associations in accordance with subsection (9).

5. Repealed: 2024, c. 12, Sched. 8, s. 5 (9).

2017, c. 34, Sched. 33, s. 33; 2018, c. 8, Sched. 23, s. 10; 2024, c. 12, Sched. 8, s. 5 (7-9).

1. Effective date

(14.1)  The effective date of the conversion must satisfy such requirements as may be prescribed. 2024, c. 12, Sched. 8, s. 5 (10).

1. Cancellation, etc. of special payments

(15)  If, before the effective date of the conversion, the pension plan has a solvency deficiency or reduced solvency deficiency in respect of the benefits converted, the regulations may specify circumstances in which any requirement to make special payments on or after the effective date of the conversion in respect of that solvency deficiency or reduced solvency deficiency is cancelled or the amount of the special payments is reduced, and the regulations may impose conditions relating to the cancellation or reduction. 2017, c. 34, Sched. 33, s. 33.

1. Conflict

(16)  This section prevails over any document that creates and supports the pension plan and over any collective agreement and it prevails despite any trust that may exist in favour of any person. 2017, c. 34, Sched. 33, s. 33.

1. Crown immunity

(17)  No cause of action arises against the Crown, or any of the Crown’s ministers, agents, appointees and employees, as a direct or indirect result of,

(a) the enactment of this section; or

(b) the making of any regulations under this section. 2017, c. 34, Sched. 33, s. 33.

1. Same

(18)  Without limiting the generality of subsection (17), that subsection applies to an action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages, including compensation or damages for a reduction in the amount or the commuted value of a pension benefit, an ancillary benefit, a pension or a deferred pension, or any other remedy or relief. 2017, c. 34, Sched. 33, s. 33.

1. Proceedings barred

(19)  No proceeding, including but not limited to any proceeding in contract, restitution, tort, trust, fiduciary obligation or otherwise, that is directly or indirectly based on or related to anything referred to in clause (17) (a) or (b) may be brought or maintained against the Crown or any of the Crown’s ministers, agents, appointees and employees. 2017, c. 34, Sched. 33, s. 33.

1. Not an expropriation

(20)  Any reduction in the amount or the commuted value of a pension benefit, an ancillary benefit, a pension or a deferred pension that results from the conversion is deemed not to constitute an expropriation. 2017, c. 34, Sched. 33, s. 33.

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

[2017, c. 34, Sched. 33, s. 33](http://www.ontario.ca/laws/statute/S17034#sched33s33) - 01/01/2025

[2018, c. 8, Sched. 23, s. 10](http://www.ontario.ca/laws/statute/S18008#sched23s10) - 08/06/2019

[2020, c. 36, Sched. 37, s. 18 (1, 3, 4)](http://www.ontario.ca/laws/statute/S20036#sched37s18s1) - 01/01/2025; [2020, c. 36, Sched. 37, s. 18 (2)](http://www.ontario.ca/laws/statute/S20036#sched37s18s2) - no effect - see [2024, c. 12, Sched. 8, s. 8](http://www.ontario.ca/laws/statute/S24012#sched8s8) - 16/05/2024

[2024, c. 12, Sched. 8, s. 5 (1-10)](http://www.ontario.ca/laws/statute/S24012#sched8s5s1) - 01/01/2025

**81.1**

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

[2010, c. 9, s. 71](http://www.ontario.ca/laws/statute/S10009#s71) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](https://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2020

[2018, c. 8, Sched. 23, s. 11](http://www.ontario.ca/laws/statute/S18008#sched23s11) - 08/06/2019

Pension Benefits Guarantee Fund

1. Guarantee Fund continued

**82** (1)  The Pension Benefits Guarantee Fund is continued under the name Pension Benefits Guarantee Fund in English and Fonds de garantie des prestations de retraite in French. R.S.O. 1990, c. P.8, s. 82 (1).

1. Administration

(2)  The Chief Executive Officer is responsible for the administration of the Guarantee Fund including the investment of the assets of the Guarantee Fund. R.S.O. 1990, c. P.8, s. 82 (2); 1997, c. 28, s. 203; 2018, c. 8, Sched. 23, s. 23.

1. Expenses

(3)  The Chief Executive Officer may charge to the Guarantee Fund the reasonable expenses incurred by the Chief Executive Officer in the administration of the Guarantee Fund. R.S.O. 1990, c. P.8, s. 82 (3); 1997, c. 28, s. 203; 2018, c. 8, Sched. 23, s. 23.

1. Funding of the Guarantee Fund

(3.1)  Subject to subsection 102.1 (10), the Guarantee Fund is to be funded by all employers required to make contributions under pension plans that provide defined benefits that are not exempt from the application of the Guarantee Fund by this Act or the regulations. 2009, c. 18, Sched. 24, s. 1 (1); 2017, c. 8, Sched. 27, s. 17.

1. Same

(3.2)  The amounts to be paid under subsection (3.1) by employers to the Guarantee Fund shall be determined in accordance with the prescribed rules. 2009, c. 18, Sched. 24, s. 1 (1).

1. Loans to Guarantee Fund

(4)  If at any time the amount standing to the credit of the Guarantee Fund is insufficient for the purpose of paying claims, the Lieutenant Governor in Council may authorize the Minister of Finance to make loans out of the Consolidated Revenue Fund to the Guarantee Fund on such terms and conditions as the Lieutenant Governor in Council directs. R.S.O. 1990, c. P.8, s. 82 (4); 2004, c. 31, Sched. 31, s. 5.

1. Grant to Guarantee Fund

(5)  If at any time the amount standing to the credit of the Guarantee Fund is insufficient for the purpose of paying claims, the Lieutenant Governor in Council may authorize the Minister of Finance to make a grant, on such terms and conditions as the Lieutenant Governor in Council directs, to the Guarantee Fund out of money appropriated for that purpose by the Legislature. 2009, c. 18, Sched. 24, s. 1 (3); 2010, c. 1, Sched. 23, s. 8.

1. Loans and grants discretionary

(6)  Nothing in this Act or the regulations requires the Lieutenant Governor in Council to authorize the Minister of Finance to make either a loan or a grant to the Guarantee Fund. 2009, c. 18, Sched. 24, s. 1 (3).

1. Liability of Guarantee Fund limited

(7)  The total liability of the Guarantee Fund to guarantee pension benefits at any particular time is limited to the assets of the Guarantee Fund at that time, calculated after including any loan or grant that may have been made to the Guarantee Fund under subsection (4) or (5). 2009, c. 18, Sched. 24, s. 1 (3).

1. Not public money

(8)  The assets of the Guarantee Fund are not public money within the meaning of the Financial Administration Act and do not form part of the Consolidated Revenue Fund. 2019, c. 7, Sched. 48, s. 4.

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

1997, c. 28, s. 203 - 01/07/1998

[2004, c. 31, Sched. 31, s. 5](http://www.ontario.ca/laws/statute/S04031#sched31s5) - 16/12/2004

[2009, c. 18, Sched. 24, s. 1 (1, 3)](http://www.ontario.ca/laws/statute/S09018#sched24s1s1) - 05/06/2009; [2009, c. 18, Sched. 24, s. 1 (2)](http://www.ontario.ca/laws/statute/S09018#sched24s1s2) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](https://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2019

[2010, c. 1, Sched. 23, s. 8](http://www.ontario.ca/laws/statute/S10001#sched23s8) - 25/03/2010

[2017, c. 8, Sched. 27, s. 17](http://www.ontario.ca/laws/statute/S17008#sched27s17) - 29/06/2017

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

[2019, c. 7, Sched. 48, s. 4](http://www.ontario.ca/laws/statute/S19007#sched48s4) - 29/05/2019

1. Guarantee Fund declaration

**83** (1)  Subject to section 89 (notices and hearings), the Chief Executive Officer shall by order declare, in the circumstances mentioned in subsection (2), that the Guarantee Fund applies to a pension plan. 1997, c. 28, s. 204 (1); 2018, c. 8, Sched. 23, s. 23.

1. Conditions precedent

(2)  The Chief Executive Officer shall make the declaration if,

(a) the pension plan is registered under this Act or is registered in a designated jurisdiction to provide for the reciprocal application of this Act;

(b) the pension plan provides defined benefits that are not exempt from the application of the Guarantee Fund by this Act or the regulations;

(c) the pension plan is wound up in whole or in part; and

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 83 (2) (c) of the Act is amended by striking out “in whole or in part”. (See: 2020, c. 36, Sched. 37, s. 19)

(d) the Chief Executive Officer is of the opinion, upon reasonable and probable grounds, that the funding requirements of this Act and the regulations cannot be satisfied. R.S.O. 1990, c. P.8, s. 83 (2); 1997, c. 28, s. 204 (2); 2010, c. 1, Sched. 23, s. 9; 2010, c. 9, s. 72 (2); 2018, c. 8, Sched. 23, s. 23.

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

1997, c. 28, s. 204 (1, 2) - 01/07/1998

[2010, c. 1, Sched. 23, s. 9](http://www.ontario.ca/laws/statute/S10001#sched23s9) - 01/10/2010; [2010, c. 9, s. 72 (2)](http://www.ontario.ca/laws/statute/S10009#s72s2) - 18/05/2010; [2010, c. 9, s. 72 (1)](http://www.ontario.ca/laws/statute/S10009#s72s1) - no effect - see [2020, c. 36, Sched. 37, s. 25](http://www.ontario.ca/laws/statute/S20036#sched37s25) - 08/12/2020

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

[2020, c. 36, Sched. 37, s. 19](http://www.ontario.ca/laws/statute/S20036#sched37s19) - not in force

1. Guaranteed benefits

**84** (1)  If the Chief Executive Officer by order declares that the Guarantee Fund applies to a pension plan, the following are guaranteed by the Guarantee Fund, subject to the limitations and qualifications as are set out in this Act or are prescribed:

1. Any pension in respect of employment in Ontario.

2. Any deferred pension in respect of employment in Ontario to which a former member is entitled, if,

i. the former member’s employment or membership was terminated before January 1, 1988,

ii. the date of the wind up of the pension plan is before May 19, 2017, and

iii. the former member was at least 45 years of age and had at least 10 years of continuous employment with the employer, or was a member of the pension plan for a continuous period of at least 10 years, at the date of termination of employment.

2.1 If a former member’s employment or membership was terminated before January 1, 1988 and if the date of the wind up of the pension plan is on or after May 19, 2017, a deferred pension in respect of employment in Ontario to which the former member is entitled.

3. If a member or former member’s employment or membership was terminated on or after January 1, 1988 and if the date of the wind up of the pension plan is before May 19, 2017, a percentage of any defined benefits in respect of employment in Ontario to which the member or former member is entitled under section 36 or 37 (deferred pension), or both, equal to 20 per cent if the combination of his or her age plus years of employment or membership in the pension plan equals 50, plus an additional two-thirds of 1 per cent for each additional one-twelfth credit of age and employment or membership to a maximum of 100 per cent.

3.1 If a member or former member’s employment or membership was terminated on or after January 1, 1988 and if the date of the wind up of the pension plan is on or after May 19, 2017, a deferred pension in respect of employment in Ontario to which the member or former member is entitled under section 36 or 37 (deferred pension), or both.

4. All additional voluntary contributions, and the interest thereon, made by members, former members or retired members while employed in Ontario.

5. The minimum value of all required contributions made to the pension plan by a member, former member or retired member in respect of employment in Ontario plus interest.

6. That part of a pension or deferred pension guaranteed under this subsection to which a former spouse of a member, former member or retired member is entitled under an order under the Family Law Act, a family arbitration award or a domestic contract.

7. Any pension to which a survivor of a former member or retired member is entitled under subsection 48 (1) (death before commencement of payment). R.S.O. 1990, c. P.8, s. 84 (1); 1997, c. 28, s. 205; 1999, c. 6, s. 53 (20); 2005, c. 5, s. 56 (26); 2010, c. 9, s. 73 (1-5); 2018, c. 8, Sched. 23, s. 12, 23, 26; 2020, c. 36, Sched. 37, s. 20.

1. Bridging benefits

(2)  For the purpose of this section, if a member, former member or retired member has at least ten years of continuous employment with the employer, a deferred pension or a pension benefit includes bridging benefits. R.S.O. 1990, c. P.8, s. 84 (2); 2010, c. 9, s. 73 (6).

1. Part year

(3)  In determining the combination of age and membership or employment for subsection (1), one-twelfth credit shall be given for each full month of age and for each full month of continuous employment or membership as of the date of termination of employment. R.S.O. 1990, c. P.8, s. 84 (3).

1. Application

(3.1)  This section applies if the effective date of the wind up of the pension plan is on or after April 1, 1987. 2010, c. 9, s. 73 (7).

(4)  Repealed: 2010, c. 9, s. 73 (8).

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

1997, c. 28, s. 205 - 01/07/1998; 1999, c. 60, s. 53 (20) - 01/03/2000

[2005, c. 5, s. 56 (26)](http://www.ontario.ca/laws/statute/S05005#s56s26) - 13/06/2005

[2010, c. 9, s. 73 (1-6, 8)](http://www.ontario.ca/laws/statute/S10009#s73s1) - 01/07/2012; [2010, c. 9, s. 73 (7)](http://www.ontario.ca/laws/statute/S10009#s73s7) - 18/05/2010

[2017, c. 34, Sched. 33, s. 34](http://www.ontario.ca/laws/statute/S17034#sched33s34) - no effect - see [2018, c. 8, Sched. 23, s. 26](http://www.ontario.ca/laws/statute/S18008#sched23s26) - 08/05/2018

[2018, c. 8, Sched. 23, s. 12](http://www.ontario.ca/laws/statute/S18008#sched23s12) - 19/05/2017; [2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019; [2018, c. 8, Sched. 23, s. 26](http://www.ontario.ca/laws/statute/S18008#sched23s26) - 08/05/2018

[2020, c. 36, Sched. 37, s. 20](http://www.ontario.ca/laws/statute/S20036#sched37s20) - 08/12/2020

1. Payments not guaranteed

**85** The following are not guaranteed by the Guarantee Fund:

1. The payment of a pension or pension benefit under a pension plan that has been established or maintained for less than five years at the date of the wind up, if the date of the wind up is on or after the date on which the Securing Pension Benefits Now and for the Future Act, 2010 received Royal Assent.

1.1 The payment of a pension or pension benefit under a pension plan that has been established or maintained for less than three years at the date of the wind up, if the date of the wind up is before the date on which the Securing Pension Benefits Now and for the Future Act, 2010 received Royal Assent.

2. Any increase to a pension or pension benefit or increase to the value of a pension or pension benefit that became effective within five years before the date of the wind up, if the date of the wind up is on or after the date on which the Securing Pension Benefits Now and for the Future Act, 2010received Royal Assent.

2.1 Any increase to a pension or pension benefit or increase to the value of a pension or pension benefit that became effective within three years before the date of the wind up, if the date of the wind up is before the date on which the Securing Pension Benefits Now and for the Future Act, 2010received Royal Assent.

3. The amount of any pension or pension benefit, including any bridging supplement,

i. in excess of $1,000 per month or such greater amount as is prescribed, if the date of the wind up is before May 19, 2017, or

ii. in excess of $1,500 per month or such greater amount as is prescribed, if the date of the wind up is on or after May 19, 2017.

4. Pension benefits provided under a multi-employer pension plan.

4.1 Pension benefits provided under a designated multi-jurisdictional pension plan in respect of employment outside Ontario or in respect of included employment as defined in subsection 2 (1) of the Pension Benefits Standards Act, 1985 (Canada).

5. Pension benefits provided under a pension plan that provides defined benefits, if the obligation of the employer to contribute to the pension fund is limited to a fixed amount set out in a collective agreement.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 85 of the Act is amended by adding the following paragraph: (See: 2020, c. 36, Sched. 37, s. 21 (2))

5.2 Optional benefits.

6. Pension benefits provided by prescribed pension plans or prescribed classes of pension plans. R.S.O. 1990, c. P.8, s. 85; 2010, c. 1, Sched. 23, s. 10; 2010, c. 24, s. 38 (1); 2018, c. 8, Sched. 23, s. 13, 26.

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

[2010, c. 1, Sched. 23, s. 10](http://www.ontario.ca/laws/statute/S10001#sched23s10) - 01/10/2010; [2010, c. 24, s. 38 (1)](http://www.ontario.ca/laws/statute/S10024#s38s1) - 01/01/2012; [2010, c. 24, s. 38 (2, 3)](http://www.ontario.ca/laws/statute/S10024#s38s2) - no effect - see [2020, c. 36, Sched. 37, s. 24](http://www.ontario.ca/laws/statute/S20036#sched37s24) - 08/12/2020

[2017, c. 34, Sched. 33, s. 35](http://www.ontario.ca/laws/statute/S17034#sched33s35) - no effect - see [2018, c. 8, Sched. 23, s. 26](http://www.ontario.ca/laws/statute/S18008#sched23s26) - 08/05/2018

[2018, c. 8, Sched. 23, s. 13](http://www.ontario.ca/laws/statute/S18008#sched23s13) - 19/05/2017; [2018, c. 8, Sched. 23, s. 26](http://www.ontario.ca/laws/statute/S18008#sched23s26) - 08/05/2018

[2020, c. 36, Sched. 37, s. 21 (1)](http://www.ontario.ca/laws/statute/S20036#sched37s21s1) - no effect - see [2024, c. 12, Sched. 8, s. 8](http://www.ontario.ca/laws/statute/S24012#sched8s8) - 16/05/2024; [2020, c. 36, Sched. 37, s. 21 (2)](http://www.ontario.ca/laws/statute/S20036#sched37s21s2) - not in force

1. Lien for payment out of Guarantee Fund

**86** (1)  Where money is paid out of the Guarantee Fund as a result of the wind up, in whole or in part, of a pension plan, the Chief Executive Officer has a lien and charge on the assets of the employer or employers who provided the pension plan. R.S.O. 1990, c. P.8, s. 86 (1); 1997, c. 28, s. 206; 2018, c. 8, Sched. 23, s. 23.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 86 (1) of the Act is amended by striking out “in whole or in part”. (See: 2020, c. 36, Sched. 37, s. 22)

1. Amount of lien

(2)  The lien and charge is in an amount equal to the amount of the payment out of the Guarantee Fund plus interest thereon calculated at the rate and in the manner prescribed by the regulations. R.S.O. 1990, c. P.8, s. 86 (2).

1. Real property

(3)  The lien and charge does not affect assets that are real property until a notice of the lien and charge that includes a description of the real property is registered in the proper land registry office, and the Chief Executive Officer may so register notice of the lien and charge. R.S.O. 1990, c. P.8, s. 86 (3); 1997, c. 28, s. 206; 2018, c. 8, Sched. 23, s. 23.

1. Subrogation

(4)  The Chief Executive Officer is subrogated to the rights of the administrator of a pension plan in respect of which the Chief Executive Officer authorizes payment from the Guarantee Fund in satisfaction of a pension, deferred pension, pension benefit or contribution guaranteed under section 84 (guaranteed benefits). R.S.O. 1990, c. P.8, s. 86 (4); 1997, c. 28, s. 206; 2018, c. 8, Sched. 23, s. 23.

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

1997, c. 28, s. 206 - 01/07/1998

[2010, c. 9, s. 74](http://www.ontario.ca/laws/statute/S10009#s74) - no effect - see [2020, c. 36, Sched. 37, s. 25](http://www.ontario.ca/laws/statute/S20036#sched37s25) - 08/12/2020

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

[2020, c. 36, Sched. 37, s. 22](http://www.ontario.ca/laws/statute/S20036#sched37s22) - not in force

1. Review of Guarantee Fund provisions

**86.1**(1)  The Minister shall periodically conduct a review of the provisions of this Act and the regulations related to the Guarantee Fund. 2018, c. 8, Sched. 23, s. 14.

1. Period for review

(2)  The first review shall be completed within three years after the day this section comes into force. 2018, c. 8, Sched. 23, s. 14.

1. Subsequent reviews

(3)  Each subsequent review shall be completed within five years after the day the previous review was completed. 2018, c. 8, Sched. 23, s. 14.

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

[2018, c. 8, Sched. 23, s. 14](http://www.ontario.ca/laws/statute/S18008#sched23s14) - 08/05/2018

Chief Executive Officer’s Orders

1. Chief Executive Officer’s orders
2. Order re administration in contravention of Act

**87.**  (1)  Subject to section 89, the Chief Executive Officer may make an order requiring an administrator or any other person to take or refrain from taking any action in respect of a pension plan or a pension fund if the Chief Executive Officer is of the opinion, upon reasonable and probable grounds,

(a) that the pension plan or pension fund is not being administered in accordance with this Act, the regulations, the Authority rules or the pension plan;

(b) that the pension plan does not comply with this Act, the regulations and the Authority rules; or

(c) that the administrator of the pension plan, the employer or the other person is contravening a requirement of this Act, the regulations or the Authority rules. 2010, c. 9, s. 75; 2017, c. 34, Sched. 33, s. 36; 2018, c. 8, Sched. 23, s. 23, 24.

1. Same

(2)  An order under subsection (1) may specify one or more deadlines or periods for complying with the order. 2010, c. 9, s. 75.

1. Same

(3)  An order under subsection (1) is not effective unless the reasons for the order are set out in it. 2010, c. 9, s. 75.

1. Order re preparation of report

(4)  Subject to section 89, the Chief Executive Officer may make an order requiring an administrator to take an action specified in subsection (5) if the Chief Executive Officer is of the opinion,

(a) that the assumptions or methods used in the preparation of a report required under this Act or the regulations in respect of a pension plan are not consistent with accepted actuarial practice;

(b) that the assumptions or methods used in the preparation of a report required under this Act or the regulations in respect of a pension plan are inappropriate in the circumstances for the pension plan, whether or not those assumptions or methods are otherwise consistent with accepted actuarial practice; or

(c) that a report submitted in respect of a pension plan does not meet the requirements and qualifications of this Act, the regulations or the pension plan. 2010, c. 9, s. 75; 2010, c. 24, s. 39 (1); 2018, c. 8, Sched. 23, s. 23.

1. Same

(5)  An order under subsection (4) may include, but is not limited to, requiring the preparation of a new report and specifying the assumptions or methods or both to be used in the preparation of the new report. 2010, c. 9, s. 75.

1. Same

(5.1)  An order under subsection (4) may specify one or more deadlines or periods for complying with the order. 2010, c. 24, s. 39 (2).

1. Special order re preparation of report

(6)  In such circumstances as may be prescribed, the Chief Executive Officer may make an order requiring an administrator, an employer or any other person to prepare and file a new report or another prescribed type of report in respect of a pension plan if the Chief Executive Officer is of the opinion that there are reasonable and probable grounds to believe,

(a) that there is a substantial risk to the security of the benefits payable under the pension plan to members, former members, retired members or other persons entitled to payments under the pension plan; or

(b) that there has been a significant change in the circumstances of the pension plan. 2010, c. 9, s. 75; 2018, c. 8, Sched. 23, s. 23.

1. Same

(7)  An order under subsection (6) may,

(a) specify the assumptions or methods or both to be used in the preparation of the report;

(b) require an employer or other person to give the administrator any information necessary to prepare the report;

(c) require the administrator, employer or other person to pay all or part of the cost of preparing the report; and

(d) specify one or more deadlines or periods for complying with the order. 2010, c. 9, s. 75.

(8)  Repealed: 2010, c. 24, s. 39 (3).

1. Notice of special order

(9)  The Chief Executive Officer shall serve a copy of the order under subsection (6), together with written reasons, upon the administrator, the employer and every other person who is required to comply with it. 2010, c. 9, s. 75; 2018, c. 8, Sched. 23, s. 23.

1. Effective date of order

(10)  The order under subsection (6) takes effect on the later of,

(a) the latest date on which a person is served under subsection (9) with a copy of the order; and

(b) the date specified in the order. 2010, c. 24, s. 39 (4).

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

[2010, c. 9, s. 75](http://www.ontario.ca/laws/statute/S10009#s75) - 01/07/2017; [2010, c. 24, s. 39 (1-4)](http://www.ontario.ca/laws/statute/S10024#s39s1) - 01/07/2017

[2017, c. 34, Sched. 33, s. 36 (1-3)](http://www.ontario.ca/laws/statute/S17034#sched33s36s1) - 08/06/2019

[2018, c. 8, Sched. 23, s. 23, 24](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019; [CTS 04 SE 18 - 3](https://www.ontario.ca/laws/consolidated-statutes-change-notices)

1. Tribunal hearing re special orders

**88** (1)  A person who is required to comply with an order made under subsection 87 (6) is entitled to a hearing by the Tribunal about the order if the person delivers a written request to the Tribunal within 30 days after a copy of the order is served on the person. 2010, c. 24, s. 40.

1. Effect of request

(2)  The request for a hearing by the Tribunal does not stay the order, but the Tribunal may grant a stay until it disposes of the request. 2010, c. 24, s. 40.

1. Hearing

(3)  Upon receiving the request made in accordance with subsection (1), the Tribunal shall appoint a time for and hold the hearing. 2010, c. 24, s. 40.

1. Parties

(4)  The parties to the hearing are the person who requests the hearing, the Chief Executive Officer and such other persons as the Tribunal specifies. 2010, c. 24, s. 40; 2018, c. 8, Sched. 23, s. 23.

1. Power of Tribunal

(5)  At or after the hearing, the Tribunal by order may confirm, vary or revoke the order or substitute another order. 2010, c. 24, s. 40.

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

1997, c. 28, s. 207 (1, 2) - 01/07/1998; 1999, c. 15, s. 15 - 03/03/2000

[2010, c. 9, s. 75](http://www.ontario.ca/laws/statute/S10009#s75) - 01/07/2017; [2010, c. 24, s. 40](http://www.ontario.ca/laws/statute/S10024#s40) - 01/07/2017

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

Notices of, and Appeals From, Intended Decisions and Orders

1. Notices and hearings
2. Notice of intention re registration

**89** (1)  If the Chief Executive Officer intends to refuse to register a pension plan, an amendment to a pension plan or part of an amendment to a pension plan or to revoke such a registration, the Chief Executive Officer shall serve notice of the intended decision, together with written reasons for it, on the applicant or administrator of the plan. 2010, c. 24, s. 42 (1); 2018, c. 8, Sched. 23, s. 23.

1. Notice of intention re various orders

(2)  If the Chief Executive Officer intends to make or refuse to make any of the following orders, the Chief Executive Officer shall serve notice of the intended decision, together with written reasons for it, on the administrator of the pension plan and on any other person to whom the intended order is to be directed:

1. An order under subsection 42 (9) or 43 (5) (repayment of money).

1.1 An order under subsection 68 (6) (effective date of a wind up).

2. An order under subsection 79.2 (15) (return of transferred assets).

3. An order under section 83 (application of the Guarantee Fund).

4. An order under subsection 87 (1) (administration of pension plan).

5. An order under subsection 87 (4) (preparation of a report). 2010, c. 9, s. 77; 2010, c. 24, s. 42 (2, 3); 2018, c. 8, Sched. 23, s. 23.

1. Notice of intention re membership

(3)  If the Chief Executive Officer intends to make or refuse to make an order requiring an administrator to accept an employee as a member of a class of employees for whom a pension plan is established or maintained, the Chief Executive Officer shall serve notice of the intended decision, together with written reasons for it, on the administrator of the pension plan and the Chief Executive Officer shall serve, or require the administrator to serve, a copy of the notice and written reasons on the employee. 2010, c. 24, s. 42 (4); 2018, c. 8, Sched. 23, s. 23.

1. Notice re reimbursement of overpayment, etc.

(3.0.1)  If the Chief Executive Officer intends to consent or refuse to consent under subsection 62.1 (5) to a payment from the pension fund to the employer, the Chief Executive Officer shall serve notice of the intended decision, together with written reasons for it, on the applicant and the Chief Executive Officer may require the applicant to transmit a copy of the notice and written reasons to such other persons or classes of persons or both as the Chief Executive Officer specifies in the notice to the applicant. 2010, c. 24, s. 42 (5); 2018, c. 8, Sched. 23, s. 23.

1. Notice re payment of surplus

(3.1)  If an application is filed in accordance with subsection 78 (2) for the payment of surplus to the employer and the Chief Executive Officer intends to consent or refuse to consent under subsection 78 (1), the Chief Executive Officer shall serve notice of the intended decision, together with written reasons for it, on the applicant and on any person who made written representations to the Chief Executive Officer in accordance with subsection 78 (3). 2010, c. 24, s. 42 (6); 2018, c. 8, Sched. 23, s. 23.

(3.2)  Repealed: 2010, c. 24, s. 42 (7).

1. Notice re terms and conditions of approval or consent

(4)  If the Chief Executive Officer intends to refuse to give an approval or consent or intends to attach terms and conditions to an approval or consent under this Act or the regulations, other than a consent referred to in subsection (3.0.1) or (3.1), the Chief Executive Officer shall serve notice of the intended decision, together with written reasons for it, on the applicant for the approval or consent. 2010, c. 24, s. 42 (8); 2018, c. 8, Sched. 23, s. 23.

1. Notice re wind up order

(5)  If the Chief Executive Officer intends to make an order requiring the wind up of a pension plan or declaring a pension plan wound up, the Chief Executive Officer shall serve notice of the intended decision, together with written reasons for it, on the administrator and the employer, and the Chief Executive Officer may require the administrator to transmit a copy of the notice and written reasons to such other persons or classes of persons or both as the Chief Executive Officer specifies in the notice to the administrator. 2010, c. 24, s. 42 (9); 2018, c. 8, Sched. 23, s. 23.

1. Notice requiring hearing

(6)  A notice under subsection (1), (2), (3), (3.0.1), (3.1), (4) or (5) shall state that the person on whom the notice is served is entitled to a hearing by the Tribunal if the person delivers to the Tribunal, within thirty days after service of the notice under that subsection, notice in writing requiring a hearing, and the person may so require such a hearing. R.S.O. 1990, c. P.8, s. 89 (6); 1997, c. 28, s. 208 (6); 2010, c. 24, s. 42 (10).

1. Power of Chief Executive Officer

(7)  Where the person on whom the notice is served does not require a hearing in accordance with subsection (6), the Chief Executive Officer may make the intended decision indicated in the notice. R.S.O. 1990, c. P.8, s. 89 (7); 2010, c. 24, s. 42 (11); 2018, c. 8, Sched. 23, s. 23.

1. Hearing

(8)  Where the person requires a hearing by the Tribunal in accordance with subsection (6), the Tribunal shall appoint a time for and hold the hearing. R.S.O. 1990, c. P.8, s. 89 (8); 1997, c. 28, s. 208 (7).

1. Power of Tribunal

(9)  At or after the hearing, the Tribunal by order may direct the Chief Executive Officer to make or refrain from making the intended decision indicated in the notice and to take such action as the Tribunal considers the Chief Executive Officer ought to take in accordance with this Act, the regulations and the Authority rules, and for such purposes, the Tribunal may substitute its opinion for that of the Chief Executive Officer. R.S.O. 1990, c. P.8, s. 89 (9); 1997, c. 28, s. 208 (7); 2010, c. 24, s. 42 (12); 2017, c. 34, Sched. 33, s. 37; 2018, c. 8, Sched. 23, s. 23.

(10)  Repealed: 1997, c. 28, s. 208 (8).

1. Parties

(11)  The Chief Executive Officer, the person who requires a hearing and such other persons as the Tribunal specifies are parties to the proceeding before the Tribunal under this section. R.S.O. 1990, c. P.8, s. 89 (11); 1997, c. 28, s. 208 (9); 2018, c. 8, Sched. 23, s. 23.

(12), (13) Repealed: 1997, c. 28, s. 208 (10).

1. Release of documentary evidence

(14)  Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to the person within a reasonable time after the matter in issue has been finally determined. R.S.O. 1990, c. P.8, s. 89 (14).

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

1997, c. 28, s. 208 (1-10) - 01/07/1998

[2010, c. 9, s. 77 (1)](http://www.ontario.ca/laws/statute/S10009#s77s1) - 18/05/2010; [2010, c. 9, s. 77 (2)](http://www.ontario.ca/laws/statute/S10009#s77s2) - 01/01/2014; [2010, c. 9, s. 77 (3)](http://www.ontario.ca/laws/statute/S10009#s77s3) - 01/07/2017; [2010, c. 24, s. 42 (1-12)](http://www.ontario.ca/laws/statute/S10024#s42s1) - 08/12/2010

[2015, c. 20, Sched. 34, s. 8](http://www.ontario.ca/laws/statute/S15020#sched34s8) - no effect - see [2017, c. 8, Sched. 27, s. 20](http://www.ontario.ca/laws/statute/S17008#sched27s20)

[2017, c. 34, Sched. 33, s. 37](http://www.ontario.ca/laws/statute/S17034#sched33s37) - 08/06/2019

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019; [CTS 04 SE 18 - 3](https://www.ontario.ca/laws/consolidated-statutes-change-notices)

**90** Repealed: 1997, c. 28, s. 209.

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

1997, c. 28, s. 209 - 01/07/1998

1. Appeal to court

**91** (1)  A party to a proceeding before the Tribunal under section 88 or 89 may appeal to the Divisional Court from the decision or order of the Tribunal. 1997, c. 28, s. 210 (1); 2010, c. 9, s. 78.

1. Certified copy of record

(2)  Upon the request of a party desiring to appeal to the Divisional Court and upon payment of the fee established by the Minister, the Tribunal shall furnish the party with a certified copy of the record of the proceeding, including the documents received in evidence and the decision or order appealed from. R.S.O. 1990, c. P.8, s. 91 (2); 1997, c. 28, s. 210 (2).

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

1997, c. 28, s. 210 (1, 2) - 01/07/1998

[2010, c. 9, s. 78](http://www.ontario.ca/laws/statute/S10009#s78) - 01/07/2017

**92** Repealed: 1997, c. 28, s. 211.

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

1997, c. 28, s. 211 - 01/07/1998

Financial Services Regulatory Authority of Ontario

**93** Repealed: 2010, c. 1, Sched. 23, s. 11.

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

1999, c. 15, s. 16 - 03/03/2000

[2006, c. 21, Sched. F, s. 136 (1)](http://www.ontario.ca/laws/statute/S06021#schedfs136s1) - 25/07/2007; [2006, c. 33, Sched. Z.1, s. 1](http://www.ontario.ca/laws/statute/S06033#schedzs3s2) - 20/12/2006

[2010, c. 1, Sched. 23, s. 11](http://www.ontario.ca/laws/statute/S10001#sched23s11) - 01/10/2010

**94** Repealed: 1997, c. 28, s. 213 (1).

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

1997, c. 28, s. 213 (1) - 01/07/1998

1. Reciprocal agreements

**95** (1)  The Authority may, subject to the approval of the Lieutenant Governor in Council,

(a) enter into agreements with the authorized representatives of another province or the Government of Canada to provide for the reciprocal application and enforcement of pension benefits legislation, the reciprocal registration, audit and inspection of pension plans and for the establishment of a Canadian association of pension supervisory authorities;

(b) authorize a Canadian association of pension supervisory authorities to carry out such duties on behalf of the Authority as the Authority may require; and

(c) delegate to a pension supervisory authority or the government of a designated jurisdiction such functions and powers under this Act as the Authority may determine and the Authority may accept similar delegations of functions and powers from a pension supervisory authority or the government of a designated jurisdiction. R.S.O. 1990, c. P.8, s. 95 (1); 2010, c. 1, Sched. 23, s. 12 (1, 2); 2018, c. 8, Sched. 23, s. 16.

1. Same

(2)  Without limiting the generality of subsection (1), an agreement may provide for,

(a) the delegation of any powers and duties of the Chief Executive Officer under this Act and the regulations to a pension supervisory authority or the government of a designated jurisdiction;

(b) the delegation to the Chief Executive Officer of any powers and duties of a pension supervisory authority or of the government of a designated jurisdiction under pension benefits legislation. 1999, c. 15, s. 17; 2010, c. 1, Sched. 23, s. 12 (3-5); 2018, c. 8, Sched. 23, s. 23.

1. Delegation to the Chief Executive Officer

(3)  The Chief Executive Officer may accept a delegation described in clause (2) (b). 1999, c. 15, s. 17; 2018, c. 8, Sched. 23, s. 23.

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

1999, c. 15, s. 17 - 03/03/2000

[2010, c. 1, Sched. 23, s. 12 (1-5)](http://www.ontario.ca/laws/statute/S10001#sched23s12s1) - 01/10/2010

[2018, c. 8, Sched. 23, s. 16, 23](http://www.ontario.ca/laws/statute/S18008#sched23s16) - 08/06/2019

**96** Repealed: 1997, c. 28, s. 213 (1).

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

1997, c. 28, s. 213 (1) - 01/07/1998

1. Research

**97** (1)  It is a function of the Chief Executive Officer to conduct surveys and research programs and to compile statistical information related to pensions and pension plans. R.S.O. 1990, c. P.8, s. 97 (1); 1997, c. 28, s. 214; 2018, c. 8, Sched. 23, s. 23.

1. Provision of information

(2)  The Chief Executive Officer may request an employer or an administrator or a member of a pension plan to provide information necessary to compile the statistical information and such persons shall comply with the request within a reasonable period of time. R.S.O. 1990, c. P.8, s. 97 (2); 1997, c. 28, s. 214; 2018, c. 8, Sched. 23, s. 23.

1. Confidentiality

(3)  The Chief Executive Officer shall use the information only for the purpose of compiling the statistical information. R.S.O. 1990, c. P.8, s. 97 (3); 1997, c. 28, s. 214; 2018, c. 8, Sched. 23, s. 23.

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

1997, c. 28, s. 214 - 01/07/1998

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Order to provide information to the Chief Executive Officer

**98** (1)  The Chief Executive Officer may, by order, require an employer, an administrator or any other person to give such information as the order specifies to the Chief Executive Officer or a person designated by the Chief Executive Officer for the purpose of enabling the Chief Executive Officer or designate to ascertain whether this Act and the regulations are being complied with. 2010, c. 24, s. 43; 2018, c. 8, Sched. 23, s. 23.

1. Contents

(2)  Without limiting the generality of subsection (1), the order may require the administrator to secure an appraisal of any or all of the assets of the pension fund by one or more independent valuators and provide the appraisal to the Chief Executive Officer or designate or it may authorize the Chief Executive Officer to obtain an appraisal at the administrator’s expense. 2010, c. 24, s. 43; 2018, c. 8, Sched. 23, s. 23.

1. Same

(3)  The order may specify the form in which information is to be provided and the time within which it is to be provided to the Chief Executive Officer or designate. 2010, c. 24, s. 43; 2018, c. 8, Sched. 23, s. 23.

1. Same

(4)  The order has no effect unless the reasons for the order are set out in it. 2010, c. 24, s. 43.

1. Enforcement

(5)  An order under this section, excluding the reasons for the order, may be filed in the Superior Court of Justice and upon being filed it is enforceable as an order of that court. 2010, c. 24, s. 43.

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

1997, c. 28, s. 215 - 01/07/1998

[2010, c. 24, s. 43](http://www.ontario.ca/laws/statute/S10024#s43) - 08/12/2010

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2018, c. 8, Sched. 23, s. 17)

Duty to notify re disclosable event

**98.1**(1)  A prescribed person or entity shall, as soon as reasonably practicable after a disclosable event has occurred, give notice of the disclosable event to the Chief Executive Officer. 2018, c. 8, Sched. 23, s. 17; 2018, c. 8, Sched. 23, s. 23.

Duty to notify in advance

(2)  In prescribed circumstances, the regulations may require a prescribed person or entity to give notice to the Chief Executive Officer of a disclosable event in advance of the disclosable event occurring. 2018, c. 8, Sched. 23, s. 17; 2018, c. 8, Sched. 23, s. 23.

Same

(3)  If subsection (2) applies, the notice must be given before the beginning of a prescribed period ending with the date of the disclosable event in question. 2018, c. 8, Sched. 23, s. 17.

Requirements re notice

(4)  A notice required under this section must be in writing and must contain such information as may be prescribed. 2018, c. 8, Sched. 23, s. 17.

Definition

(5)  In this section,

“disclosable event” means a prescribed event that relates to a pension plan or an employer. 2018, c. 8, Sched. 23, s. 17.

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

[2018, c. 8, Sched. 23, s. 17](http://www.ontario.ca/laws/statute/S18008#sched23s17) - not in force; [2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23)- 08/06/2019

1. Request for information, target benefits

**98.2**(1)  In the case of a pension plan that provides target benefits, if the Chief Executive Officer requests, the administrator of the plan or other prescribed person shall provide the Chief Executive Officer with any information that the Chief Executive Officer specifies for the purpose of ascertaining whether the provision for adverse deviations, as set out in a report filed with the Chief Executive Officer, complies with the requirements of this Act and the regulations. 2024, c. 12, Sched. 8, s. 6.

1. Same

(2)  The Chief Executive Officer may specify the time within which the information is to be provided. 2024, c. 12, Sched. 8, s. 6.

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

[2024, c. 12, Sched. 8, s. 6](http://www.ontario.ca/laws/statute/S24012#sched8s6) - 01/01/2025

**99** Repealed: 2024, c. 2, Sched. 17, s. 3.

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

1997, c. 28, s. 216 - 01/07/1998

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

[2024, c. 2, Sched. 17, s. 3](http://www.ontario.ca/laws/statute/S24002#sched17s3) - 06/03/2024

Agreements with Designated Jurisdictions

1. Agreements with designated jurisdictions

**100** (1)  With the approval of the Lieutenant Governor in Council, the Minister may enter into one or more agreements on behalf of the Crown with a representative of a designated jurisdiction concerning the pension benefits legislation that governs designated multi-jurisdictional pension plans in Ontario and in the designated jurisdiction. 2010, c. 1, Sched. 23, s. 13.

1. Contents

(2)  An agreement may provide for the application of this Act and the regulations to designated multi-jurisdictional pension plans, the application of the pension benefits legislation of a designated jurisdiction to those plans, the application of the agreement itself to those plans and the supervision and regulation of those plans. 2010, c. 1, Sched. 23, s. 13.

1. Same, changes in legal requirements

(3)  Without limiting the generality of subsection (2), an agreement may provide for any of the following matters in relation to a designated multi-jurisdictional pension plan:

1. It may establish a mechanism for determining whether the Chief Executive Officer, or a person who has supervisory or regulatory powers under the pension benefits legislation of another designated jurisdiction, has the principal regulatory jurisdiction for the pension plan.

2. It may provide that this Act and the regulations, or any portion thereof, does not apply with respect to the pension plan in specified circumstances.

3. It may establish additional requirements that apply with respect to the pension plan in specified circumstances.

4. It may provide that a requirement of this Act or a regulation is deemed to be satisfied in respect of the pension plan if a corresponding requirement of the principal regulatory jurisdiction is satisfied or in such other circumstances as may be specified. 2010, c. 1, Sched. 23, s. 13; 2018, c. 8, Sched. 23, s. 23.

1. Same

(4)  For greater certainty, an agreement may provide for the following matters:

Final location

1. If, under a designated multi-jurisdictional pension plan, a member or former member has service in Ontario and in a designated jurisdiction, the agreement may establish requirements for determining the amount of the pension benefits, deferred pension, pension or ancillary benefits or any other amount payable under the pension plan in relation to the member or former member that differ from the requirements that would otherwise apply in the absence of the agreement. The requirements established by the agreement may result in an increase or a decrease in the amount to which the person would otherwise be entitled.

Additional contributions

2. It may require an employer, or a person or entity required to make contributions to the pension plan on the employer’s behalf, to make contributions in addition to those required under this Act and the regulations and may specify the times and manner in which the contributions are to be made.

Allocation of assets

3. It may provide for the allocation of the assets of the pension plan between jurisdictions at the times and in the manner specified. 2010, c. 1, Sched. 23, s. 13.

1. Same, administrative matters

(5)  Without limiting the generality of subsection (2), an agreement may provide for the following matters:

1. Matters respecting the administration and enforcement of this Act and the regulations and of the pension benefits legislation of the designated jurisdiction.

2. The reciprocal application and enforcement of pension benefits legislation and the reciprocal registration, audit and inspection of the designated multi-jurisdictional pension plans.

3. The delegation of any powers or duties of the Chief Executive Officer under this Act and the regulations to a person who has supervisory or regulatory powers under the pension benefits legislation of the designated jurisdiction.

4. The delegation to the Chief Executive Officer of any powers or duties of a person who has supervisory or regulatory powers under the pension benefits legislation of the designated jurisdiction.

5. The reciprocal exchange of information between the Chief Executive Officer and a person who has supervisory or regulatory powers under the pension benefits legislation of the designated jurisdiction if the information is necessary for the purposes of,

i. complying with, implementing or enforcing the agreement, or

ii. the administration and enforcement of this Act and the regulations and the pension benefits legislation of the designated jurisdiction. 2010, c. 1, Sched. 23, s. 13; 2018, c. 8, Sched. 23, s. 23.

1. Delegation of powers and duties

(5.1)  If an agreement provides for the delegation to the Chief Executive Officer of any powers or duties of a person who has supervisory or regulatory powers under the pension benefits legislation of another jurisdiction, the Chief Executive Officer is authorized to exercise those powers and perform those duties. 2018, c. 8, Sched. 23, s. 18.

1. Delegation by Chief Executive Officer

(5.2)  The Chief Executive Officer may, subject to the conditions that the Chief Executive Officer considers appropriate, delegate in writing to an officer or other employee of the Authority the exercise of any power or the performance of any duty conferred on or assigned to the Chief Executive Officer under the agreement. 2018, c. 8, Sched. 23, s. 18.

1. Effect of delegation

(5.3)  An act done or a decision made under a delegation given under subsection (5.2) is as valid and effective as if it had been done or made by the Chief Executive Officer. 2018, c. 8, Sched. 23, s. 18.

1. Transfer of Commission, Superintendent powers, duties and functions

(5.4)  The following rules apply with respect to references in agreements made under this section:

1. A reference to the Commission shall be deemed to be a reference to the Authority.

2. A reference to the Superintendent shall be deemed to be a reference to the Chief Executive Officer. 2018, c. 8, Sched. 23, s. 18.

(5.5)-(8)  Repealed: 2018, c. 17, Sched. 33, s. 11 (2).

1. Application, rules re publication, etc.

(9)  Subsections (10) and (11) apply to each agreement and amendment to an agreement entered into on or after January 1, 2019. 2018, c. 17, Sched. 33, s. 11 (3).

1. Publication of agreement, amendments

(10)  The Minister shall publish in The Ontario Gazette,

(a) each agreement, including a notice of the date on which the agreement will come into effect in Ontario;

(b) each amendment to an agreement, including a notice of the date on which the amendment will come into effect in Ontario; and

(c) a notice of the date on which the Government of Ontario’s withdrawal from an agreement will become effective or of the date on which the termination of an agreement will become effective, whichever comes first. 2018, c. 17, Sched. 33, s. 11 (3).

1. Availability of agreement, amendments

(11)  In addition, the Minister shall ensure that each agreement and amendment to an agreement are available to the public on the Authority’s website or another Government of Ontario website. 2018, c. 17, Sched. 33, s. 11 (3, 4).

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

1997, c. 28, s. 217 - 01/07/1998

[2010, c. 1, Sched. 23, s. 13](http://www.ontario.ca/laws/statute/S10001#sched23s13) - 01/10/2010

[2018, c. 8, Sched. 23, s. 18, 23](http://www.ontario.ca/laws/statute/S18008#sched23s18) - 08/06/2019; [2018, c. 17, Sched. 33, s. 11 (1, 3)](http://www.ontario.ca/laws/statute/S18017#sched33s11s1) - 06/12/2018; [2018, c. 17, Sched. 33, s. 11 (2)](http://www.ontario.ca/laws/statute/S18017#sched33s11s2) – 01/07/2023; [2018, c. 17, Sched. 33, s. 11 (4)](http://www.ontario.ca/laws/statute/S18017#sched33s11s4)- 08/06/2019

1. Status of agreement

**101** (1)  An agreement under section 100 is enforceable with respect to a designated multi-jurisdictional pension plan as if the agreement formed part of this Act and, in case of a conflict between the agreement and this Act or the regulations, the agreement prevails. 2010, c. 1, Sched. 23, s. 13.

1. Exception

(2)  Sections 84 and 85 prevail over an agreement under section 100. 2010, c. 1, Sched. 23, s. 13.

1. Restriction

(3)  An agreement under section 100 is not enforceable until it is published in The Ontario Gazette. 2010, c. 1, Sched. 23, s. 13.

1. Status of agreement

(4)  An agreement under section 100 is not a regulation within the meaning of Part III (Regulations) of the Legislation Act, 2006. 2010, c. 1, Sched. 23, s. 13.

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

1997, c. 28, s. 217 - 01/07/1998

[2010, c. 1, Sched. 23, s. 13](http://www.ontario.ca/laws/statute/S10001#sched23s13) - 01/10/2010

Exemptions and Special Arrangements

1. Special exemption, certain individual pension plans and designated plans

**101.1**(1)  An employer of a pension plan that is an individual pension plan or a designated plan for the purposes of the Income Tax Act (Canada), and for which a certificate of registration has been issued under section 16 of this Act, may elect to be exempt from the application of this Act, the regulations and the Authority rules, except as necessary to give effect to this section, if the following conditions are satisfied at the time the election is filed:

1. Every member of the pension plan, if any, is connected with the employer within the meaning of subsection 8500 (3) of the Income Tax Regulations (Canada).

2. Every former member of the pension plan, if any, and every retired member of the pension plan, if any, was connected with the employer within the meaning of subsection 8500 (3) of the Income Tax Regulations (Canada) immediately before becoming a former member or retired member, as the case may be.

3. The following persons have consented to the exemption in accordance with subsection (3):

i. Every member, former member and retired member of the pension plan.

ii. Every person who, on the day they give the consent, is not a member, former member or retired member of the pension plan but is a spouse of a member, former member or retired member of the pension plan who is not living separate and apart from the member, former member or retired member on that day.

iii. Any other person entitled to pension benefits under the pension plan. 2020, c. 34, Sched. 18, s. 6.

1. Election

(2)  The election referred to in subsection (1) must be filed with the Chief Executive Officer and must contain the following information:

1. The name of the individual pension plan or designated plan and its provincial registration number.

2. A statement from the administrator of the pension plan certifying that, as of the date on which the election is filed, the requirements set out in paragraphs 1 and 2 of subsection (1), as applicable, are satisfied.

3. A statement from the administrator of the pension plan certifying that consent to the exemption has been obtained from every person referred to in paragraph 3 of subsection (1).

4. A copy of every consent obtained from the persons referred to in paragraph 3 of subsection (1).

5. A copy of every declaration obtained from the members, former members and retired members of the pension plan.

6. The date on which the exemption is effective, which must be at least 14 days after the date on which the election is filed, but no later than 60 days after that date.

7. A statement from the employer acknowledging that, after the election is filed, no person may become a member of the pension plan unless the person is connected with the employer within the meaning of subsection 8500 (3) of the Income Tax Regulations (Canada) on the date on which they become a member. 2020, c. 34, Sched. 18, s. 6.

1. Consent

(3)  For the purposes of paragraph 3 of subsection (1), the consent of every person referred to in paragraph 3 of subsection (1) to the exemption of a pension plan must be signed by the person and must include both of the following:

1. A statement that the person consents to the exemption.

2. A statement that the person acknowledges that as a result of the exemption, this Act, the regulations and the Authority rules would not apply to any benefits or entitlements accrued under the pension plan, whether the benefits or entitlements accrued before or after the effective date of the exemption. 2020, c. 34, Sched. 18, s. 6.

1. Declaration

(4)  For the purposes of paragraph 5 of subsection (2), every member, former member and retired member of the pension plan must sign a declaration attesting to one of the following facts:

1. That they have a spouse and the spouse has consented to the exemption in accordance with subsection (3).

2. That they were living separate and apart from their spouse on the date on which they consented to the exemption in accordance with subsection (3).

3. That they did not have a spouse on the date on which they consented to the exemption in accordance with subsection (3). 2020, c. 34, Sched. 18, s. 6.

1. Exemption

(5)  The following apply if an employer of a pension plan files an election under this section and the requirements set out in subsections (1), (2), (3) and (4) have been met:

1. Except as necessary to give effect to this section, this Act, the regulations and the Authority rules do not apply as of the effective date of the exemption set out in the election in respect of any matter relating to the pension plan, including in respect of any benefits or entitlements accrued under the pension plan, whether the matter arose or the benefits orentitlements accrued before or after the effective date.

2. The powers and duties conferred on or assigned to the Chief Executive Officer, the Authority, the Tribunal or any other person, body or court on or to whom powers and duties related to the enforcement of this Act, the regulations or the Authority rules are conferred or assigned, do not apply in respect of any matter relating to the pension plan as of the effective date of the exemption set out in the election, including in respect of any benefits or entitlements accrued under the pension plan, whether the matter arose or the benefits or entitlements accrued before or after the effective date. However, those powers and duties do apply in respect of the restriction set out in subsection (6). 2020, c. 34, Sched. 18, s. 6.

1. Restriction re new members

(6)  After an election referred to in subsection (1) is filed in respect of a pension plan, no person may become a member of the pension plan unless the person is connected with the employer within the meaning of subsection 8500 (3) of the Income Tax Regulations (Canada) on the date on which they become a member. 2020, c. 34, Sched. 18, s. 6.

1. Exemption not cancelled

(7)  An exemption under this section continues to apply with respect to a pension plan even if a member, former member or retired member who was connected with the employer within the meaning of subsection 8500 (3) of the Income Tax Regulations (Canada) ceases to be connected with the employer after the date on which the election is filed. 2020, c. 34, Sched. 18, s. 6.

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

[2020, c. 34, Sched. 18, s. 6](http://www.ontario.ca/laws/statute/S20034#sched18s6) - 08/12/2020

1. Special exemption, certain new individual pension plans and designated plans

**101.2**(1)  This section applies with respect to a pension plan that is an individual pension plan or a designated plan for the purposes of the Income Tax Act (Canada) that is established after the day section 6 of Schedule 18 to the Better for People, Smarter for Business Act, 2020 comes into force and all the members of which are, as of the date on which the pension plan is established, connected with the employer within the meaning of subsection 8500 (3) of the Income Tax Regulations (Canada). 2020, c. 34, Sched. 18, s. 6.

1. Exemption

(2)  The pension plan is exempt from the application of this Act, the regulations and the Authority rules, except as necessary to give effect to this section, as of the date on which the pension plan is established. 2020, c. 34, Sched. 18, s. 6.

1. Same

(3)  The powers and duties conferred on or assigned to the Chief Executive Officer, the Authority, the Tribunal or any other person, body or court on or to whom powers and duties related to the enforcement of this Act, the regulations or the Authority rules are conferred or assigned, do not apply in respect of any matter relating to the pension plan. However, those powers and duties do apply in respect of the restriction set out in subsection (5). 2020, c. 34, Sched. 18, s. 6.

1. No registration

(4)  For greater certainty, the administrator of the pension plan shall not apply to the Chief Executive Officer for registration of the pension plan under this Act. 2020, c. 34, Sched. 18, s. 6.

1. Restriction re new members

(5)  After the date on which the exemption becomes effective, no person may become a member of the pension plan unless the person is connected with the employer within the meaning of subsection 8500 (3) of the Income Tax Regulations (Canada) on the date on which they become a member. 2020, c. 34, Sched. 18, s. 6.

1. Exemption not cancelled

(6)  An exemption under this section continues to apply with respect to a pension plan even if a member, former member or retired member who was connected with the employer within the meaning of subsection 8500 (3) of the Income Tax Regulations (Canada) ceases to be connected with the employer after the date on which the exemption became effective. 2020, c. 34, Sched. 18, s. 6.

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

[2020, c. 34, Sched. 18, s. 6](http://www.ontario.ca/laws/statute/S20034#sched18s6) - 08/12/2020

1. Special exemption, revocation of registration under Income Tax Act (Canada)

**101.3**(1)  If a pension plan’s registration under the Income Tax Act (Canada) was revoked on or before the day section 6 of Schedule 18 to the Better for People, Smarter for Business Act, 2020 comes into force and, immediately before the day on which the notice of revocation under subsection 147.1 (13) of the Income Act (Canada) was dated, the pension plan was an individual pension plan or a designated plan for the purposes of that Act, the pension plan is exempt from the application of this Act, the regulations and the Authority rules as of the day section 6 of Schedule 18 to the Better for People, Smarter for Business Act, 2020 comes into force. 2020, c. 34, Sched. 18, s. 6.

1. Same

(2)  If a pension plan’s registration under the Income Tax Act (Canada) is revoked after the day section 6 of Schedule 18 to the Better for People, Smarter for Business Act, 2020 comes into force and, immediately before the day on which the notice of revocation under subsection 147.1 (13) of the Income Act (Canada) was dated, the pension plan was an individual pension plan or a designated plan for the purposes of that Act, the pension plan is exempt from the application of this Act, the regulations and the Authority rules as of the day on which the notice of revocation is dated. 2020, c. 34, Sched. 18, s. 6.

1. Effect of exemption

(3)  If a pension plan is exempt from the application of this Act, the regulations and the Authority rules under subsection (1) or (2),

(a) the exemption applies in respect of any matter relating to the pension plan as of the date on which the exemption became effective, including in respect of any benefits or entitlements accrued under the pension plan, whether the matter arose or the benefits orentitlements accrued before or after that date; and

(b) the powers and duties conferred on or assigned to the Chief Executive Officer, the Authority, the Tribunal or any other person, body or court on or to whom powers and duties related to the enforcement of this Act, the regulations or the Authority rules are conferred or assigned, do not apply in respect of any matter relating to the pension plan as of the date on which the exemption became effective, including in respect of any benefits or entitlements accrued under the pension plan, whether the matter arose or the benefits or entitlements accrued before or after that date. 2020, c. 34, Sched. 18, s. 6.

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

[2020, c. 34, Sched. 18, s. 6](http://www.ontario.ca/laws/statute/S20034#sched18s6) - 08/12/2020

1. Arrangements re windup of Nortel pension plans

**102** (1)  This section applies with respect to the following pension plans:

1. The pension plan known as the Nortel Networks Limited Managerial and Non-Negotiated Pension Plan, registered under this Act as number 0342048.

2. The pension plan known as the Nortel Networks Negotiated Pension Plan, registered under this Act as number 0587766. 2011, c. 9, Sched. 35, s. 10.

1. Transfer re pension

(2)  A person who is receiving a pension from a Nortel pension plan as of the date of the wind up of the plan is entitled, despite subsection 73 (2), to require the administrator to transfer an amount equal to the commuted value of the person’s pension into a life income fund that satisfies the prescribed requirements. 2012, c. 8, Sched. 44, s. 8.

1. Restriction

(2.1)  However, the person’s entitlement to the transfer is subject to such conditions and restrictions as may be prescribed. 2012, c. 8, Sched. 44, s. 8.

1. Direction

(3)  The person may exercise his or her entitlement by delivering a direction to the administrator within the prescribed period, and the direction must be in a form approved by the Chief Executive Officer and must contain the prescribed information. 2011, c. 9, Sched. 35, s. 10; 2018, c. 8, Sched. 23, s. 23.

1. Compliance

(4)  The administrator shall comply with the direction within the prescribed period of time after it is delivered. 2011, c. 9, Sched. 35, s. 10.

1. Discharge of administrator

(5)  The administrator is discharged on making the payment in accordance with the direction of the person if the payment complies with this Act and the regulations. 2011, c. 9, Sched. 35, s. 10.

1. Life income fund

(6)  In this section,

“life income fund” has the meaning assigned in the regulations. 2011, c. 9, Sched. 35, s. 10.

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

1997, c. 28, s. 217 - 01/07/1998

[2011, c. 9, Sched. 35, s. 10](http://www.ontario.ca/laws/statute/S11009#sched35s10) - 12/05/2011

[2012, c. 8, Sched. 44, s. 8](http://www.ontario.ca/laws/statute/S12008#sched44s8) - 20/06/2012

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Special rules, Stelco Inc. pension plans

**102.1**(1)  This section applies with respect to the following pension plans:

1. The pension plan known as the Stelco Inc. Retirement Plan for USW Local 8782 Members at Lake Erie Works, registered under this Act as number 0698761.

2. The pension plan known as the Stelco Inc. Retirement Plan for Salaried Employees at Lake Erie Works, registered under this Act as number 0698753.

3. The pension plan known as the Stelco Inc. Retirement Plan for USW Local 1005 Members at Hamilton Works, registered under this Act as number 0354878.

4. The pension plan known as the Stelco Inc. Retirement Plan for Salaried Employees at Hamilton Works, registered under this Act as number 0338509.

5. The pension plan known as the Stelco Inc. Retirement Plan for Employees at the Pickle Line Department of Lake Erie Works, registered under this Act as number 1206457. 2017, c. 8, Sched. 27, s. 18.

1. Prescribed exemptions, section 55

(2)  If the conditions set out in subsection (3) are met, the Lieutenant Governor in Council may make regulations,

(a) exempting a pension plan to which this section applies from subsection 55 (1);

(b) exempting Stelco Inc. or a successor employer from subsection 55 (2) in respect of a pension plan to which this section applies. 2017, c. 8, Sched. 27, s. 18.

1. Conditions

(3)  The conditions referred to in subsection (2) are the following:

1. Stelco Inc., the successor employer, if any, and the parties specified by regulation must have entered into an agreement related to,

i. the application of subsection 55 (1) to the pension plan,

ii. Stelco Inc.’s liability under subsection 55 (2), and

iii. the liability of the successor employer, if any, under subsection 55 (2).

2. The Chief Executive Officer must have approved the agreement in accordance with subsection (4). 2017, c. 8, Sched. 27, s. 18; 2018, c. 8, Sched. 23, s. 23.

1. Chief Executive Officer’s approval of agreement

(4)  The Chief Executive Officer may approve an agreement under this section if,

(a) after consulting with members, former members, retired members and other persons entitled to benefits under the pension plan, the Chief Executive Officer has taken into account their interests; and

(b) the agreement satisfies such conditions or restrictions as may be prescribed. 2017, c. 8, Sched. 27, s. 18; 2018, c. 8, Sched. 23, s. 23, 24.

1. Decision to approve, etc.

(5)  A decision by the Chief Executive Officer under subsection (4) to approve or not to approve an agreement is final and is not subject to a hearing or an appeal. 2017, c. 8, Sched. 27, s. 18; 2018, c. 8, Sched. 23, s. 23.

1. Prescribed exemptions, section 57

(6)  The Lieutenant Governor in Council may make regulations exempting Stelco Inc. or a successor employer from subsection 57 (3), (4), (5) or (6), if,

(a) Stelco Inc., the successor employer, if any, and the parties specified by regulation have entered into an agreement related to the application of those provisions in respect of the contributions to the pension plan by Stelco Inc. or by the successor employer; and

(b) the Chief Executive Officer has approved the agreement in accordance with subsection (4). 2017, c. 8, Sched. 27, s. 18; 2018, c. 8, Sched. 23, s. 23.

1. Non-application, five-year requirement for guaranteed payments

(7)  Paragraph 1 of section 85 does not apply with respect to a successor pension plan within the meaning of this section. 2017, c. 8, Sched. 27, s. 18.

1. Regulations deeming two plans to be single plan

(8)  For the purpose of the application of the limitation described in paragraph 3 of section 85 on amounts guaranteed by the Guarantee Fund, the Lieutenant Governor in Council may make regulations deeming a pension plan to which this section applies and its successor pension plan to be one pension plan. 2017, c. 8, Sched. 27, s. 18.

1. Same, allocation of amounts from Guarantee Fund

(9)  If a pension plan and its successor pension plan are deemed by a regulation made under subsection (8) to be one pension plan for the purpose of the application of the limitation described in paragraph 3 of section 85 on amounts guaranteed by the Guarantee Fund, the Lieutenant Governor in Council may make regulations respecting the allocation of amounts to be paid from the Guarantee Fund between the two pension plans. 2017, c. 8, Sched. 27, s. 18.

1. Prescribed exemption, requirement to contribute to Guarantee Fund

(10)  If a pension plan and its successor pension plan are deemed by a regulation made under subsection (8) to be one pension plan, the Lieutenant Governor in Council may make regulations providing that Stelco Inc. or the successor employer, if any, is exempt from making contributions to the Guarantee Fund in relation to either the pension plan or the successor pension plan but not both. 2017, c. 8, Sched. 27, s. 18.

1. Restrictions, etc.

(11)  A regulation under this section may be subject to prescribed limitations, conditions or restrictions. 2017, c. 8, Sched. 27, s. 18.

1. Interpretation

(12)  For the purposes of this section,

“successor employer” means a person who acquires the business of Stelco Inc., if the person assumes some or all of Stelco Inc.’s obligations and rights under a pension plan to which this section applies in connection with the acquired business; (“employeur subséquent”)

“successor pension plan” means a pension plan that is established by Stelco Inc. or a successor employer, if any, to be a successor pension plan, as described in section 81, to a pension plan to which this section applies. (“régime de retraite subséquent”) 2017, c. 8, Sched. 27, s. 18.

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

[2017, c. 8, Sched. 27, s. 18](http://www.ontario.ca/laws/statute/S17008#sched27s18) - 29/06/2017

[2018, c. 8, Sched. 23, s. 23, 24](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

[CTS 07 DE 18 - 1](https://www.ontario.ca/laws/consolidated-statutes-change-notices)

1. Special rules, Essar Steel Algoma Inc. pension plans

**102.2**(1)  This section applies with respect to the following pension plans:

1. The pension plan known as The Essar Steel Algoma Inc. Pension Plan for Salaried Employees, registered under this Act as number 1079896.

2. The pension plan known as The Essar Steel Algoma Inc. Pension Plan for Hourly Employees, registered under this Act as number 1079904. 2017, c. 34, Sched. 33, s. 38.

1. Prescribed exemptions, s. 57

(2)  The Lieutenant Governor in Council may make regulations exempting Essar Steel Algoma Inc. or a successor employer from subsection 57 (3), (4), (5) or (6), if

(a) Essar Steel Algoma Inc., the successor employer, if any, and the parties specified by regulation have entered into an agreement related to the application of those provisions in respect of the contributions to the pension plan by Essar Steel Algoma Inc. or by the successor employer; and

(b) the Chief Executive Officer has approved the agreement in accordance with subsection (3). 2017, c. 34, Sched. 33, s. 38; 2018, c. 8, Sched. 23, s. 19.

1. Chief Executive Officer’s approval of agreement

(3)  The Chief Executive Officer may approve an agreement under this section if,

(a) after consulting with members, former members, retired members and other persons entitled to benefits under the pension plan, the Chief Executive Officer has taken into account their interests; and

(b) the agreement satisfies such conditions or restrictions as may be prescribed. 2017, c. 34, Sched. 33, s. 38; 2018, c. 8, Sched. 23, s. 19.

1. Decision to approve, etc.

(4)  A decision by the Chief Executive Officer under subsection (3) to approve or not to approve an agreement is final and is not subject to a hearing or an appeal. 2017, c. 34, Sched. 33, s. 38; 2018, c. 8, Sched. 23, s. 19.

1. Restrictions, etc.

(5)  A regulation under this section may be subject to prescribed limitations, conditions or restrictions. 2017, c. 34, Sched. 33, s. 38.

1. Interpretation

(6)  For purposes of this section,

“successor employer” means a person who acquires the business of Essar Steel Algoma Inc., if the person assumes some or all of Essar Steel Algoma Inc.’s obligations and rights under a pension plan to which this section applies in connection with the acquired business. 2017, c. 34, Sched. 33, s. 38.

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

[2017, c. 34, Sched. 33, s. 38](http://www.ontario.ca/laws/statute/S17034#sched33s38) - 23/10/2018

[2018, c. 8, Sched. 23, s. 19](http://www.ontario.ca/laws/statute/S18008#sched23s19) - 08/06/2019

1. Special rules, The Essar Steel Algoma Inc. Wrap Pension Plan

**102.3**(1)  This section applies with respect to The Essar Steel Algoma Inc. Wrap Pension Plan, registered under this Act as number 1079888. 2018, c. 17, Sched. 33, s. 12.

1. Prescribed exemptions, s. 55

(2)  If the conditions set out in subsection (3) are met, the Lieutenant Governor in Council may make regulations exempting the pension plan to which this section applies from subsection 55 (1). 2018, c. 17, Sched. 33, s. 12.

1. Conditions

(3)  The conditions referred to in subsection (2) are the following:

1. Essar Steel Algoma Inc., Algoma Steel Inc. and the parties specified by regulation must have entered into an agreement related to the application of subsection 55 (1) to the pension plan.

2. The Chief Executive Officer must have approved the agreement in accordance with subsection (4). 2018, c. 8, Sched. 23, s. 23; 2018, c. 17, Sched. 33, s. 12.

1. Chief Executive Officer’s approval of agreement

(4)  The Chief Executive Officer may approve an agreement under this section if,

(a) after consulting with former members, retired members and other persons entitled to benefits under the pension plan, the Chief Executive Officer has taken into account their interests; and

(b) the agreement satisfies such conditions or restrictions as may be prescribed. 2018, c. 17, Sched. 33, s. 12; 2018, c. 8, Sched. 23, s. 23, 24.

1. Decision to approve, etc.

(5)  A decision by the Chief Executive Officer under subsection (4) to approve or not approve an agreement is final and is not subject to a hearing or an appeal. 2018, c. 8, Sched. 23, s. 23; 2018, c. 17, Sched. 33, s. 12.

1. Prescribed exemptions, s. 57

(6)  The Lieutenant Governor in Council may make regulations exempting Essar Steel Algoma Inc. or Algoma Steel Inc. from subsection 57 (3) or (4), if,

(a) Essar Steel Algoma Inc., Algoma Steel Inc. and the parties specified by regulation have entered into an agreement related to the application of those provisions in respect of the contributions to the pension planby Essar Steel Algoma Inc. or by Algoma Steel Inc.; and

(b) the Chief Executive Officer has approved the agreement in accordance with subsection (4). 2018, c. 8, Sched. 23, s. 23; 2018, c. 17, Sched. 33, s. 12.

1. Restrictions

(7)  A regulation under this section may be subject to prescribed limitations, conditions or restrictions. 2018, c. 17, Sched. 33, s. 12.

1. Regulations, deemed employer

(8)  The Lieutenant Governor in Council may make regulations deeming Algoma Steel Inc.to be the employer for the purposes of this Act and the regulations in relation to the former members, retired members and other persons entitled to benefits under the pension plan to which this section applies. 2018, c. 17, Sched. 33, s. 12.

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

[2018, c. 8, Sched. 23, s. 23, 24](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019; [2018, c. 17, Sched. 33, s. 12](http://www.ontario.ca/laws/statute/S18017#sched33s12) - 06/12/2018

1. Special rules, Canadian Press Enterprises Inc.

**102.4**(1)  Defined benefits provided under The Pension Plan of Canadian Press Enterprises Inc., registered under this Act as number 0237537, are deemed not to have been guaranteed by the Guarantee Fund during the period that began on January 1, 1980 and ended on June 30, 2019. 2020, c. 36, Sched. 37, s. 23.

1. Same

(2)  Defined benefits provided under the Canadian Press Enterprises Inc. Pension Plan for Employees Represented by the Canadian Media Guild, registered under this Act as number 1031848, are deemed not to have been guaranteed by the Guarantee Fund during the period that began on January 1, 1996 and ended on June 30, 2019. 2020, c. 36, Sched. 37, s. 23.

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

[2020, c. 36, Sched. 37, s. 23](http://www.ontario.ca/laws/statute/S20036#sched37s23) - 08/12/2020

General

1. Pension agency

**103** The Lieutenant Governor in Council may establish or designate an agency for the purposes, among others, of receiving, holding and disbursing pension benefits under this Act. R.S.O. 1990, c. P.8, s. 103.

1. Transitional

**104** Every pension plan that was registered and that continued to be qualified for registration under the Pension Benefits Act, being chapter 373 of the Revised Statutes of Ontario, 1980, immediately before the 1st day of January, 1988 is deemed to be registered. R.S.O. 1990, c. P.8, s. 104.

1. Extension of time
2. Procedural time limits

**105** (1)  Upon application by an affected person, the Chief Executive Officer may extend the following time limits, before or after they have expired, if the Chief Executive Officer is satisfied that there are reasonable grounds for doing so:

1. A procedural time limit related to the powers and duties of the Chief Executive Officer under this Act or the regulations. 2010, c. 24, s. 44; 2018, c. 8, Sched. 23, s. 23.

1. Filing deadlines

(2)  Upon application by an affected person, the Chief Executive Officer may extend the following time limits subject to the limits indicated, before or after they have expired, if the Chief Executive Officer is satisfied that there are reasonable grounds for doing so:

1. A time limit related to the filing of such documents as may be prescribed that, under this Act or the regulations, must be filed. The time limit may be extended for a maximum of 60 days and, if the Chief Executive Officer is satisfied that extraordinary grounds exist and that no person will be unduly prejudiced, for further periods. 2010, c. 24, s. 44; 2018, c. 8, Sched. 23, s. 23.

1. Conditions

(3)  When extending a time limit under this section, the Chief Executive Officer may impose such conditions as he or she considers appropriate in the circumstances. 2010, c. 24, s. 44; 2018, c. 8, Sched. 23, s. 23.

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

1997, c. 28, s. 218 - 01/07/1998

[2010, c. 24, s. 44](http://www.ontario.ca/laws/statute/S10024#s44) - 01/01/2014

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Examinations, investigations and inquiries
2. Interpretation, persons

**106** (1)  The persons referred to in subsections (3) to (5) and (8) to (10) are the following:

1. The Chief Executive Officer.

2. A person designated by the Chief Executive Officer, and the designate does not have to be a person who is employed in the Authority. R.S.O. 1990, c. P.8, s. 106 (1); 1997, c. 28, s. 219; 2010, c. 24, s. 45; 2018, c. 8, Sched. 23, s. 20.

1. Interpretation, purposes

(2)  The purposes mentioned in subsections (3) to (5) and (10) are the following:

1. The administration of this Act and the regulations.

2. The administration of the Guarantee Fund.

3. The enforcement of any section of this Act or the regulations.

4. The exercise of a power or the carrying out of a duty under this Act or the regulations.

5. The carrying out of an order made under this Act. R.S.O. 1990, c. P.8, s. 106 (2).

1. Entry

(3)  For a purpose mentioned in subsection (2), a person mentioned in subsection (1) may enter and have access to, through and over any business premises, where the person has reasonable grounds to believe books, papers, documents or things are kept that relate to a pension plan or pension fund. R.S.O. 1990, c. P.8, s. 106 (3).

1. Examinations

(4)  A person mentioned in subsection (1) may make examinations, investigations and inquiries and may require the production of any book, paper, document or thing related to a pension plan or pension fund. R.S.O. 1990, c. P.8, s. 106 (4).

1. Copies or extracts

(5)  A person mentioned in subsection (1) may make, take and remove or require the making, taking and removal of copies or extracts related to an examination, investigation or inquiry for a purpose mentioned in subsection (2). R.S.O. 1990, c. P.8, s. 106 (5).

1. Reasonable times

(6)  The authority under subsections (3) to (5) shall be exercised only at reasonable times. R.S.O. 1990, c. P.8, s. 106 (6).

1. Private residence

(7)  Subsection (3) is not authority to enter a private residence without the consent of the occupier. R.S.O. 1990, c. P.8, s. 106 (7).

1. Removal of books, etc., for copying

(8)  A person mentioned in subsection (1) who is making an examination, investigation or inquiry may, upon giving a receipt therefor, remove any books, papers, documents or things relating to the subject-matter of the examination, investigation or inquiry for the purpose of making copies of the books, papers, documents or things, but the copying shall be carried out with reasonable dispatch and the books, papers, documents or things shall be returned forthwith after the copying is completed. R.S.O. 1990, c. P.8, s. 106 (8).

1. Copies

(9)  A copy of any written or recorded material found in an examination, investigation or inquiry and purporting to be certified by a person mentioned in subsection (1) is admissible in evidence in any action, proceeding or prosecution for all purposes for which the original would have been admissible. R.S.O. 1990, c. P.8, s. 106 (9).

1. Application for warrant

(10)  If an occupier of a premises,

(a) denies entry or access to, through or over the premises to a person mentioned in subsection (1);

(b) instructs a person mentioned in subsection (1) to leave the premises;

(c) obstructs a person mentioned in subsection (1) who is acting for a purpose mentioned in subsection (2);

(d) refuses to comply with a request for the production of any thing the production of which is requested for the purpose of an examination, investigation or inquiry or for a purpose mentioned in subsection (2),

a person mentioned in subsection (1) may apply to a justice of the peace for an inspection order under section 108. R.S.O. 1990, c. P.8, s. 106 (10); 2016, c. 5, Sched. 22, s. 3 (1).

1. Identification

(11)  A person exercising a power under this section shall provide identification at the time of entry. R.S.O. 1990, c. P.8, s. 106 (11).

1. Opinion, report, etc.

(12)  The Chief Executive Officer may require a person exercising a power under this section to prepare an opinion, report or professional attestation about the results of any examination, investigation or inquiry made by the person under this section. 1999, c. 15, s. 18; 2016, c. 5, Sched. 22, s. 3 (2); 2018, c. 8, Sched. 23, s. 23.

1. Cost of examination, etc.

(13)  The Chief Executive Officer may order any person to pay all or part of the cost of an examination, investigation or inquiry under this section and to pay all or part of the cost of any opinion, report or professional attestation prepared following such an examination, investigation or inquiry (whether or not the opinion, report or attestation was required by the Chief Executive Officer), if the Chief Executive Officer considers it to be reasonable and fair in the circumstances to do so. 1999, c. 15, s. 18; 2018, c. 8, Sched. 23, s. 23.

1. Same

(14)  Without limiting the generality of subsection (13), an administrator or employer may be required to make a payment under that subsection. 1999, c. 15, s. 18.

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

1997, c. 28, s. 219 - 01/07/1998; 1999, c. 15, s. 18 - 03/03/2000

[2010, c. 24, s. 45](http://www.ontario.ca/laws/statute/S10024#s45) - 08/12/2010

[2016, c. 5, Sched. 22, s. 3 (1, 2)](http://www.ontario.ca/laws/statute/S16005#sched22s3s1) - 19/04/2016

[2018, c. 8, Sched. 23, s. 20, 23](http://www.ontario.ca/laws/statute/S18008#sched23s20) - 08/06/2019

1. Payment for reports

**106.1**  The Chief Executive Officer may order an administrator, an employer or any other person to pay all or part of the cost of preparing any report required by this Act or the regulations, if the Chief Executive Officer considers it to be reasonable and fair in the circumstances to do so. 1999, c. 15, s. 19; 2018, c. 8, Sched. 23, s. 23.

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

1999, c. 15, s. 19 - 03/03/2000

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Obstruction

**107** (1)  No person shall hinder or obstruct a person mentioned in subsection 106 (1) who is lawfully carrying out a duty under this Act.

1. Private residence

(2)  A refusal of consent to enter a private residence is not and shall not be deemed to be hindering or obstructing within the meaning of subsection (1). R.S.O. 1990, c. P.8, s. 107.

1. Order by justice of the peace

**108** (1)  Where a justice of the peace is satisfied on evidence upon oath or affirmation,

(a) that there is reasonable and probable ground for believing that it is necessary,

(i) to enter and have access to, through and over any premises,

(ii) to make examinations, investigations or inquiries, and

(iii) to make, take and remove photographs, samples, copies or extracts related to an examination, investigation or inquiry,

or to do any of such things, for a purpose mentioned in subsection 106 (2); and

(b) that a person mentioned in subsection 106 (1),

(i) has been denied entry to the premises,

(ii) has reasonable grounds to believe that entry to the premises will be denied,

(iii) has been instructed to leave the premises,

(iv) has been obstructed, or

(v) has been refused production of any thing related to an examination, investigation or inquiry,

by the occupier of the premises,

the justice of the peace may issue an inspection order authorizing a person mentioned in subsection 106 (1) to act as mentioned in clause (a) in respect of the premises specified in the inspection order, by force if necessary, together with such police officer or officers as the person calls upon for assistance.

1. Execution of order

(2)  An inspection order issued under this section shall be executed between 6 a.m. and 9 p.m. standard time unless the justice of the peace otherwise authorizes in the order.

1. Expiry of order

(3)  An inspection order issued under this section shall state the date on which it expires, which shall be a date not later than fifteen days after the inspection order is issued.

1. Application without notice

(4)  A justice of the peace may receive and consider an application for an inspection order under this section without notice to and in the absence of the owner or the occupier of the premises. R.S.O. 1990, c. P.8, s. 108.

1. Administrative Penalties
2. Definition

**108.1**(1)  For the purposes of sections 108.2 to 108.4,

“requirement established under this Act” means,

(a) a requirement imposed by a provision of this Act that is prescribed for the purpose of section 108.2 or 108.3 or by a provision of a regulation that is prescribed for the purpose of either of those sections,

(b) a requirement imposed by order, or

(c) an obligation assumed by way of undertaking. 2016, c. 37, Sched. 19, s. 5.

1. Purposes

(2)  An administrative penalty may be imposed under section 108.2 or 108.3 for either of the following purposes:

1. To promote compliance with the requirements established under this Act.

2. To prevent a person from deriving, directly or indirectly, any economic benefit as a result of contravening or failing to comply with a requirement established under this Act. 2016, c. 37, Sched. 19, s. 5.

1. Same

(3)  An administrative penalty may be imposed alone or in conjunction with any other regulatory measure provided by this Act. 2016, c. 37, Sched. 19, s. 5.

1. No payment from pension fund

(4)  No person shall pay an administrative penalty imposed under section 108.2 or 108.3 out of a pension fund. 2016, c. 37, Sched. 19, s. 5.

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

[2016, c. 37, Sched. 19, s. 5](http://www.ontario.ca/laws/statute/S16037#sched19s5) - 01/01/2018

1. General administrative penalties

**108.2**(1)  If the Chief Executive Officer is satisfied that a person is contravening or not complying with or has contravened or failed to comply with any of the following, the Chief Executive Officer may, by order, impose an administrative penalty on the person in accordance with this section and the regulations:

1. A provision of this Act or the regulations as may be prescribed.

2. A requirement or obligation described in clause (b) or (c) of the definition of “requirement established under this Act” in subsection 108.1 (1). 2016, c. 37, Sched. 19, s. 5; 2018, c. 8, Sched. 23, s. 23.

1. Notice of intended decision to impose a penalty

(2)  If the Chief Executive Officer intends to impose an administrative penalty under this section, the Chief Executive Officer shall give written notice of the intended decision to the person, including the details of the contravention or failure to comply, the amount of the penalty and the payment requirements; the Chief Executive Officer shall also inform the person that the person may request a hearing by the Tribunal about the intended decision and shall advise the person about the process for requesting a hearing. 2016, c. 37, Sched. 19, s. 5; 2018, c. 8, Sched. 23, s. 23.

1. Combined notices of intended decision

(3)  A notice of the intended decision to impose an administrative penalty under this section may be combined with a notice of the intended decision authorized by any other section. 2016, c. 37, Sched. 19, s. 5.

1. Limitation

(4)  The Chief Executive Officer shall not give notice of the intended decision more than five years after the date when the contravention or failure to comply occurred or is alleged to have occurred. 2016, c. 37, Sched. 19, s. 5; 2018, c. 8, Sched. 23, s. 23.

1. Hearing requested

(5)  If the person requests a hearing in writing within 15 days after the notice under subsection (2) is given, the Tribunal shall hold a hearing. 2016, c. 37, Sched. 19, s. 5.

1. Order

(6)  Subject to the regulations, the Tribunal may, by order, direct the Chief Executive Officer to make the intended decision indicated in the notice, with or without changes, or substitute its opinion for that of the Chief Executive Officer. 2016, c. 37, Sched. 19, s. 5; 2018, c. 8, Sched. 23, s. 23.

1. Hearing not requested

(7)  If the person does not request a hearing or does not make the request in accordance with subsection (5), the Chief Executive Officer may make the intended decision indicated in the notice. 2016, c. 37, Sched. 19, s. 5; 2018, c. 8, Sched. 23, s. 23.

1. Effect of paying penalty

(8)  If the person pays the administrative penalty in accordance with the terms of the order or, if the order is varied, in accordance with the terms of the varied order, the person cannot be charged with an offence under this Act in respect of the same contravention or failure to comply. 2016, c. 37, Sched. 19, s. 5.

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

[2016, c. 37, Sched. 19, s. 5](http://www.ontario.ca/laws/statute/S16037#sched19s5) - 01/01/2018

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Summary administrative penalties

**108.3**(1)  If the Chief Executive Officer is satisfied that a person is contravening or not complying with or has contravened or failed to comply with a provision of this Act or the regulations as may be prescribed, the Chief Executive Officer may, by order, impose an administrative penalty on the person in accordance with this section and the regulations. 2016, c. 37, Sched. 19, s. 5; 2018, c. 8, Sched. 23, s. 23.

1. Same

(2)  Before imposing a penalty, the Chief Executive Officer shall give the person a reasonable opportunity to make written submissions. 2016, c. 37, Sched. 19, s. 5; 2018, c. 8, Sched. 23, s. 23.

1. Limitation

(3)  The Chief Executive Officer shall not make an order under this section more than five years after the date when the contravention or failure to comply occurred or is alleged to have occurred. 2016, c. 37, Sched. 19, s. 5; 2018, c. 8, Sched. 23, s. 23.

1. Appeal

(4)  The person may appeal the Chief Executive Officer’s order to the Tribunal in writing within 15 days after the order in subsection (1) is given to the person. 2016, c. 37, Sched. 19, s. 5; 2018, c. 8, Sched. 23, s. 24.

1. Same

(5)  An appeal commenced in accordance with subsection (4) operates as a stay of the order until the matter is finally disposed of. 2016, c. 37, Sched. 19, s. 5.

1. Same

(6)  The Tribunal may confirm, revoke or vary the order within the limits, if any, established by the regulations. 2016, c. 37, Sched. 19, s. 5.

1. Effect of paying penalty

(7)  If the person pays the administrative penalty in accordance with the terms of the order or, if the order is varied, in accordance with the terms of the varied order, the person cannot be charged with an offence under this Act in respect of the same contravention or failure to comply. 2016, c. 37, Sched. 19, s. 5.

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

[2016, c. 37, Sched. 19, s. 5](http://www.ontario.ca/laws/statute/S16037#sched19s5) - 01/01/2018

[2018, c. 8, Sched. 23, s. 23, 24](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Maximum administrative penalties

**108.4**An administrative penalty imposed under section 108.2 or 108.3 shall not exceed the following amounts:

1. For a contravention or failure to comply by a person, other than an individual, $25,000 or such lesser amount as may be prescribed for a prescribed requirement established under this Act.

2. For a contravention or failure to comply by an individual, $10,000 or such lesser amount as may be prescribed for a prescribed requirement established under this Act. 2016, c. 37, Sched. 19, s. 5.

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

[2016, c. 37, Sched. 19, s. 5](http://www.ontario.ca/laws/statute/S16037#sched19s5) - 01/01/2018

1. Enforcement of administrative penalties

**108.5**(1)  If a person fails to pay an administrative penalty imposed under section 108.2 or 108.3 in accordance with the terms of the order imposing the penalty, the Chief Executive Officer may file the order with the Superior Court of Justice and the order may be enforced as if it were an order of the court. 2016, c. 37, Sched. 19, s. 5; 2018, c. 8, Sched. 23, s. 23.

1. Same

(2)  For the purposes of section 129 of the Courts of Justice Act, the date on which the order is filed with the court is deemed to be the date of the order. 2016, c. 37, Sched. 19, s. 5.

1. Same

(3)  An administrative penalty that is not paid in accordance with the terms of the order imposing the penalty is a debt due to the Crown and is also enforceable as such. 2016, c. 37, Sched. 19, s. 5.

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

[2016, c. 37, Sched. 19, s. 5](http://www.ontario.ca/laws/statute/S16037#sched19s5) - 01/01/2018

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Offence

**109** (1)  Every person who contravenes this Act, the regulations or the Authority rules is guilty of an offence. R.S.O. 1990, c. P.8, s. 109 (1); 2017, c. 34, Sched. 33, s. 39.

1. Idem

(2)  Every person who contravenes an order made under this Act is guilty of an offence. R.S.O. 1990, c. P.8, s. 109 (2).

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

[2017, c. 34, Sched. 33, s. 39](http://www.ontario.ca/laws/statute/S17034#sched33s39) - 08/06/2019

[CTS 04 SE 18 - 3](https://www.ontario.ca/laws/consolidated-statutes-change-notices)

1. Penalty

**110** (1)  Every person who is guilty of an offence under this Act is liable on conviction to a fine of not more than $100,000 for the first conviction and not more than $200,000 for each subsequent conviction. 1997, c. 28, s. 220 (1).

1. Persons re corporation

(2)  Every director, officer, official or agent of a corporation and every person acting in a similar capacity or performing similar functions in an unincorporated association is guilty of an offence if the person,

(a) causes, authorizes, permits, acquiesces or participates in the commission of an offence referred to in section 109 by the corporation or unincorporated association; or

(b) fails to take all reasonable care in the circumstances to prevent the corporation or unincorporated association from committing an offence referred to in section 109. 1997, c. 28, s. 220 (1).

1. Penalty

(3)  A person who is guilty of an offence described in subsection (2) is liable on a first conviction to a fine of not more than $100,000, and on each subsequent conviction to a fine of not more than $200,000, whether or not the corporation or unincorporated association has been prosecuted for or convicted of an offence arising from the same facts or circumstances. 1997, c. 28, s. 220 (1).

1. Order for payment

(4)  Where a person is convicted of an offence related to the failure to submit or make payment to a pension fund or to an insurance company, the court that convicts the person may, in addition to any fine imposed, assess the amount not submitted or not paid and order the person to pay the amount to the pension fund or to the insurance company. R.S.O. 1990, c. P.8, s. 110 (4).

1. Enforcement

(5)  An order for payment under subsection (4), exclusive of the reasons therefor, may be filed in the Superior Court of Justice and is thereupon enforceable as an order of that court. R.S.O. 1990, c. P.8, s. 110 (5); 2006, c. 19, Sched. C, s. 1 (1).

1. Time limit

(6)  No prosecution for an offence under this Act shall be commenced after five years after the date when the offence occurred or is alleged to have occurred. 1997, c. 28, s. 220 (2).

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

1997, c. 28, s. 220 (1, 2) - 01/01/1998

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019#schedcs1s1) - 22/06/2006

1. Power to restrain

**111** Where a provision of this Act or the regulations or an order, approval or consent of the Chief Executive Officer under this Act is contravened, in addition to any other remedy and to any penalty imposed by law, the contravention may be restrained by action at the instance of the administrator of the pension plan affected by the contravention. 1997, c. 28, s. 221; 2018, c. 8, Sched. 23, s. 23.

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

1997, c. 28, s. 221 - 01/07/1998

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Giving, serving or delivering a document

**112** (1)  Any notice, order or other document that is required to be given to, served on or delivered to a person under this Act, the regulations or the Authority rules is sufficiently given, served or delivered if it is,

(a) delivered directly to the person;

(b) sent by regular mail to the person’s last known address;

(c) sent by email to the person’s last known email address; or

(d) sent to the person in another electronic form. 2019, c. 14, Sched. 9, s. 38.

1. Deemed receipt

(2)  Subject to subsection (3),

(a) a notice, order or other document sent under clause (1) (b) is deemed to have been received on the fifth business day after the day it was mailed; and

(b) a notice, order or other document sent under clause (1) (c) or (d) is deemed to have been received on the first business day after the day it was sent. 2019, c. 14, Sched. 9, s. 38.

1. Failure to receive document

(3)  Subsection (2) does not apply if the person establishes that the person, acting in good faith, did not receive the notice, order or document or received it on a later date because of a reason beyond the person’s control, including absence, accident, disability or illness. 2019, c. 14, Sched. 9, s. 38.

1. Consent to accept electronic document required

(4)  A notice, order or other document is not sufficiently given, served or delivered under clause (1) (c) or (d) unless the person,

(a) consents to accept it electronically; or

(b) is deemed to consent to accept it electronically under subsection 30.1 (6). 2019, c. 14, Sched. 9, s. 38.

1. Implied consent

(5)  Consent for the purposes of clause (4) (a) may be inferred from the person’s conduct if there are reasonable grounds to believe that the consent is genuine and is relevant to the notice, order or other document. 2019, c. 14, Sched. 9, s. 38.

1. Clarification

(6)  For greater certainty, clauses (1) (c) and (d) are subject to subsection 30.1 (2). 2019, c. 14, Sched. 9, s. 38.

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

[2004, c. 31, Sched. 31, s. 6](http://www.ontario.ca/laws/statute/S04031#sched31s6) - 16/12/2004

[2011, c. 9, Sched. 35, s. 11](http://www.ontario.ca/laws/statute/S11009#sched35s11) - 12/05/2011

[2017, c. 34, Sched. 33, s. 40](http://www.ontario.ca/laws/statute/S17034#sched33s40) - 08/06/2019

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019; [CTS 04 SE 18 - 3](https://www.ontario.ca/laws/consolidated-statutes-change-notices)

[2019, c. 14, Sched. 9, s. 38](http://www.ontario.ca/laws/statute/S19014#sched9s38) - 10/12/2019

1. Other means of giving or delivering a document

**112.1**(1)  The Chief Executive Officer may authorize a person to give or deliver a notice, document or reasonable notice of the contents of the notice or document by public advertisement or other means authorized by the Chief Executive Officer. 2019, c. 14, Sched. 9, s. 38.

1. Condition

(2)  Subsection (1) only applies where the Chief Executive Officer is of the opinion that it is not reasonable to give or deliver the notice or document to all or any of the recipients individually. 2019, c. 14, Sched. 9, s. 38.

1. Deemed receipt

(3)  The notice, document or the reasonable notice of the contents is deemed to have been received on the date on which the public advertisement is published or the date on which the other means referred to in subsection (1) are used. 2019, c. 14, Sched. 9, s. 38.

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

[2019, c. 14, Sched. 9, s. 38](http://www.ontario.ca/laws/statute/S19014#sched9s38) - 10/12/2019

1. Time for actions by administrator

**113** An administrator of a pension plan who is required to take an action under this Act, the regulations or the Authority rules shall take the action within the prescribed period of time. R.S.O. 1990, c. P.8, s. 113; 2017, c. 34, Sched. 33, s. 41.

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

[2017, c. 34, Sched. 33, s. 41](http://www.ontario.ca/laws/statute/S17034#sched33s41) - 08/06/2019

[CTS 04 SE 18 - 3](https://www.ontario.ca/laws/consolidated-statutes-change-notices)

**113.1** Repealed: 2018, c. 8, Sched. 23, s. 21.

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

1997, c. 28, s. 223 - 01/01/1998

[2015, c. 20, Sched. 34, s. 9](http://www.ontario.ca/laws/statute/S15020#sched34s9) - no effect - see [2018, c. 8, Sched. 23, s. 25](http://www.ontario.ca/laws/statute/S18008#sched23s25) - 08/05/2018

[2018, c. 8, Sched. 23, s. 21](http://www.ontario.ca/laws/statute/S18008#sched23s21) - 08/06/2019; [2018, c. 8, Sched. 23, s. 25](http://www.ontario.ca/laws/statute/S18008#sched23s25) - 08/05/2018

1. Forms

**113.2** (1)  The Chief Executive Officer may approve forms for any purpose of this Act and require their use. 1997, c. 28, s. 223; 2018, c. 8, Sched. 23, s. 23.

1. Content

(2)  Any person required to use forms approved by the Chief Executive Officer shall provide the information specified in them. 2002, c. 18, Sched. H, s. 5 (2); 2018, c. 8, Sched. 23, s. 23.

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

1997, c. 28, s. 223 - 01/01/1998

[2002, c. 18, Sched. H, s. 5 (2)](http://www.ontario.ca/laws/statute/S02018#schedhs5s2) - 26/11/2002

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019

1. Conflict

**114** In the event of a conflict between this Act and any other Act, except the Financial Services Regulatory Authority of Ontario Act, 2016*,* this Act prevails unless the other Act states that it is to prevail over this Act. R.S.O. 1990, c. P.8, s. 114; 1997, c. 28, s. 222; 2018, c. 8, Sched. 23, s. 22; 2020, c. 36, Sched. 14, s. 12 (2).

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

1997, c. 28, s. 222 - 01/07/1998

[2018, c. 8, Sched. 23, s. 22](http://www.ontario.ca/laws/statute/S18008#sched23s22) - 08/06/2019

[2020, c. 36, Sched. 14, s. 12 (2)](http://www.ontario.ca/laws/statute/S20036#sched14s12s2) - 08/12/2020

1. Regulations

**115** (1)  The Lieutenant Governor in Council may make regulations,

(a) prescribing any matter that, under this Act, is permitted or required to be prescribed or to be otherwise done by regulation or in accordance with the regulations;

(a.1) respecting any matter in respect of which the Authority may make Authority rules under section 115.1, with necessary modifications;

(b) prescribing the times for filing or the last dates for filing of documents that are required to be filed under this Act;

(c) prescribing reports that shall be submitted to the Chief Executive Officer, the contents and the method of preparation of the reports and the persons or classes of persons by whom the reports must be prepared;

(d) prescribing pension benefits that are not guaranteed by the Guarantee Fund;

(d.1) respecting the timing and manner of allocating amounts from the Guarantee Fund and of paying those amounts to pension plans, including providing that the Chief Executive Officer may determine the timing and manner of allocating and paying those amounts;

(e) governing the payment of amounts by employers to the Guarantee Fund under subsection 82 (3.2), including rules,

(i) relating to assessments of amounts required to be paid,

(ii) determining due dates for required payments,

(iii) imposing interest or penalties on late payment or non-payment of amounts required to be paid and describing the method for determining the rate of interest or the amount of a penalty,

(iv) determining the amount of any overpayment made by an employer and the circumstances in which the overpayment is to be refunded or applied in whole or in part against the amount of a future assessment;

(f) prescribing procedures that shall govern the appointments of members of pension committees;

(g) prescribing procedures that shall govern the establishment of advisory committees and the appointments of members of advisory committees;

(h) prescribing requirements and restrictions that apply with respect to actuarial methods and assumptions that may be used in the preparation of reports required under this Act or the regulations;

(i) prescribing the methods of calculating the values of assets and liabilities of pension funds;

(j) prescribing criteria that must be complied with before any surplus may be paid out of a pension fund;

(k) prescribing the rate or the method of determining the rate at which an employer shall pay money due from the employer under this Act on the winding up of a pension plan, and prescribing the manner of payment and to whom the payments shall be made;

(l) regulating or prohibiting the investment of money from pension funds and prescribing investments or classes of investments in which such money may be invested;

(m) prescribing requirements for retirement savings contracts and life annuity contracts between members, former members and retired members of pension plans and trustees to whom administrators may make payment when required in accordance with this Act, requiring such trustees to file specimens of such contracts before such payments may be made, and authorizing the Chief Executive Officer to refuse to file a specimen contract that does not meet the requirements;

(n) prescribing the rate of interest and the method of calculating interest payable under this Act or the regulations, if such rate or method is not specified in the requirement for payment of the interest;

(o) Repealed: 1997, c. 28, s. 224 (2).

(p) prescribing the time within which any document specified in the regulations that this Act requires to be given, transmitted, filed or served shall be given, transmitted, filed or served;

(q) prescribing requirements that shall be complied with in the administration of a pension plan;

(r) prescribing records that shall be kept by the administrator of a pension plan and the period of time for which such records shall be retained by the administrator;

(s) requiring the audit of pension plans or classes of pension plans and pension funds and classes of pension funds and prescribing the persons or classes of persons who may perform the audits and the manner of performing the audits;

(t) prescribing the manner of determining the portion of a pension benefit, pension, deferred pension or ancillary benefit that is attributable to employment before the 1st day of January, 1988 or that is attributable to employment on or after the 1st day of January, 1988;

(u) prohibiting or regulating the reduction of bridging benefits or the variation of pension benefits by reference to benefits payable under the Canada Pension Plan, the Quebec Pension Plan or the Old Age Security Act (Canada);

(v) governing the wind up of pension plans or classes of pension plans and prescribing priorities or the method of determining priorities on wind up, including priorities in allocation of assets;

(w) governing the receiving, holding and disbursing of pension benefits by any agency established or designated under this Act;

(x) exempting pension plans, pension funds, employees, administrators or other persons from the application of this Act or the regulations or from any section of this Act or the regulations;

(y) governing the fees that may be imposed by an administrator under section 67.2 or 67.7;

(z) prescribing, for the purposes of the definition of “designated jurisdiction” in subsection 1 (1), any jurisdiction in Canada, including Canada itself, as a jurisdiction in which there is in force legislation substantially similar to this Act;

(z.1) Repealed: 2018, c. 17, Sched. 33, s. 13.

(z.2) providing for any matter that the Lieutenant Governor in Council considers necessary or advisable for the implementation of an agreement under section 100;

(z.3) governing the administrative penalties that may be imposed under section 108.2 or 108.3. R.S.O. 1990, c. P.8, s. 115 (1); 1997, c. 28, s. 224; 2007, c. 7, Sched. 31, s. 3 (1); 2009, c. 11, s. 50; 2009, c. 18, Sched. 24, s. 2 (1); 2010, c. 1, Sched. 23, s. 14 (1, 2); 2010, c. 9, s. 79 (1); 2010, c. 24, s. 46 (1); 2016, c. 37, Sched. 19, s. 6 (1, 2); 2017, c. 8, Sched. 27, s. 19; 2017, c. 34, Sched. 33, s. 42 (1); 2018, c. 8, Sched. 23, s. 23; 2018, c. 17, Sched. 33, s. 13.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 115 (1) of the Act is amended by adding the following clause: (See: 2019, c. 14, Sched. 9, s. 39 (1))

(z.4) providing for any transitional matters that the Lieutenant Governor in Council considers necessary or advisable to facilitate the implementation of the amendments to this Act made by sections 27 to 36 of Schedule 9 to the Better for People, Smarter for Business Act, 2019, including limiting the availability of a statement of imputed value under section 67.2.1, a lump sum transfer under section 67.3.1 or a division of a pension under section 67.4.1 in specified circumstances.

1. Administrative penalties

(1.1)  Without limiting the generality of clause (1) (z.3), a regulation governing administrative penalties may,

(a) prescribe criteria the Chief Executive Officer is required or permitted to consider when imposing a penalty under section 108.2 or 108.3;

(b) prescribe the amount of a penalty, or the method for calculating the amount of a penalty, and prescribe different penalties or ranges of penalties for different types of contraventions or failures to comply and for different classes of persons;

(c) authorize the Chief Executive Officer to determine the amount of a penalty, if the amount of the penalty or the method for calculating the amount of the penalty is not prescribed, and prescribe criteria the Chief Executive Officer is required or permitted to consider when determining this;

(d) authorize a penalty to be imposed for each day or part of a day on which a contravention or failure to comply continues;

(e) authorize higher penalties (not to exceed the maximum penalty established under section 108.4 or prescribed for the purposes of that section) for a second or subsequent contravention or failure to comply by a person;

(f) govern the manner of paying the penalties;

(g) require that a penalty be paid before a specified deadline or before a deadline specified by the Chief Executive Officer;

(h) authorize the imposition of late payment fees respecting penalties that are not paid before the deadline, including graduated late payment fees;

(i) establish a maximum cumulative penalty payable in respect of a contravention or failure to comply or in respect of contraventions or failures to comply during a specified period. 2016, c. 37, Sched. 19, s. 6 (3); 2018, c. 8, Sched. 23, s. 23.

1. Regulations re transfer of Commission, Superintendent powers, duties and functions

(1.2)  The Lieutenant Governor in Council may make regulations,

(a) providing for the transfer of powers conferred on, duties assigned to and functions of the Superintendent under this Act to the Authority or to the Chief Executive Officer;

(b) providing for the transfer of powers conferred on, duties assigned to and functions of the Commission under this Act to the Authority or to the Chief Executive Officer;

(c) deeming references in this Act or the regulations to the Superintendent or the Commission to be references to the Authority or the Chief Executive Officer;

(d) governing transitional matters that may arise due to the transfers described in clauses (a) and (b) or the deeming of references described in clause (c). 2017, c. 34, Sched. 33, s. 42 (2).

1. Same

(1.3)  A regulation made under subsection (1.2) is subject to such conditions, limitations and restrictions as may be prescribed. 2017, c. 34, Sched. 33, s. 42 (2).

1. Conflicts

(1.4)  If there is a conflict between a regulation made under subsection (1.2) and any Act or any other regulation, the regulation made under subsection (1.2) prevails, unless the Act or other regulation specifies that it prevails. 2017, c. 34, Sched. 33, s. 42 (2).

1. Scope of regulations

(2)  A regulation may be general or particular in its application and may be limited as to time or place or both. R.S.O. 1990, c. P.8, s. 115 (2).

1. Adoption of codes in regulations

(3)  A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, formula, standard or procedure, and may require compliance with a code, formula, standard or procedure so adopted. R.S.O. 1990, c. P.8, s. 115 (3).

1. Amendments to adopted codes, etc.

(3.1)  The power to adopt by reference and require compliance with a code, formula, standard or procedure in subsection (3) includes the power to adopt a code, formula, standard or procedure as it may be amended from time to time after the regulation is made. 2019, c. 14, Sched. 9, s. 39 (2).

1. Terms, conditions, qualifications, requirements

(4)  Any provision of a regulation may be subject to such terms, conditions, qualifications or requirements as are specified in the regulation. R.S.O. 1990, c. P.8, s. 115 (4).

1. Classes of multi-employer pension plans

(5)  Without limiting the generality of subsection (2), a regulation may establish one or more classes of multi-employer pension plans. 2007, c. 7, Sched. 31, s. 3 (2).

1. Public sector pension plans

(5.1)  Different requirements may be prescribed for public sector pension plans than are prescribed for other classes of pension plans. 2010, c. 24, s. 46 (2).

1. Authority to make retroactive regulations re funding defined benefit plans

(6)  A regulation relating to the funding of a pension plan that provides defined benefits, including any regulation prescribing anything referred to in section 55 as being prescribed and any regulation prescribing matters referred to in clause 115 (1) (c) or (i), may come into force on a day earlier than the day the regulation is filed and apply to a period that commences on or after December 31, 2009. 2009, c. 18, Sched. 24, s. 2 (2); 2010, c. 1, Sched. 23, s. 14 (3); 2010, c. 9, s. 79 (2).

(7)  Repealed: 2013, c. 2, Sched. 11, s. 1 (1).

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

R.S.O. 1990, c. P.8, s. 115 (6) - 01/01/2007; R.S. O. 1990, c. P.8, s. 115 (7) - no effect - see [2013, c. 2, Sched. 11, s. 1 (1)](http://www.ontario.ca/laws/statute/S13002#sched11s1s1) - 21/06/2013; 1997, c. 28, s. 224 (1, 2) - 01/07/1998

[2005, c. 31, Sched. 18, s. 12](http://www.ontario.ca/laws/statute/S05031#sched18s12) - 31/12/2004

[2007, c. 7, Sched. 31, s. 3 (1, 2)](http://www.ontario.ca/laws/statute/S07007#sched31s3s1) - 17/05/2007

[2009, c. 18, Sched. 24, s. 2 (1, 2)](http://www.ontario.ca/laws/statute/S09018#sched24s2s1) - 05/06/2009; [2009, c. 11, s. 50](http://www.ontario.ca/laws/statute/S09011#s50) - 01/01/2012

[2010, c. 1, Sched. 23, s. 14 (1, 2)](http://www.ontario.ca/laws/statute/S10001#sched23s14s1) - 01/10/2010; [2010, c. 1, Sched. 23, s. 14 (3, 4)](http://www.ontario.ca/laws/statute/S10001#sched23s14s3) - 18/05/2010; [2010, c. 9, s. 79 (2)](http://www.ontario.ca/laws/statute/S10009#s79s2) - 18/05/2010; [2010, c. 9, s. 79 (1)](http://www.ontario.ca/laws/statute/S10009#s79s1) - 01/07/2012; [2010, c. 24, s. 46 (1, 2)](http://www.ontario.ca/laws/statute/S10024#s46s1) - 08/12/2010

[2011, c. 9, Sched. 35, s. 12](http://www.ontario.ca/laws/statute/S11009#sched35s12) - 12/05/2011

[2012, c. 8, Sched. 44, s. 9](http://www.ontario.ca/laws/statute/S12008#sched44s9) - 20/06/2012

[2013, c. 2, Sched. 11, s. 1 (2)](http://www.ontario.ca/laws/statute/S13002#sched11s1s2) - no effect - see [2013, c. 2, Sched. 11, s. 1 (1)](http://www.ontario.ca/laws/statute/S13002#sched11s1s1) - 21/06/2013; [2013, c. 2, Sched. 11, s. 1 (1)](http://www.ontario.ca/laws/statute/S13002#sched11s1s1) - 21/06/2013

[2016, c. 37, Sched. 19, s. 6 (1-3)](http://www.ontario.ca/laws/statute/S16037#sched19s6s1) - 01/01/2018

[2017, c. 8, Sched. 27, s. 19](http://www.ontario.ca/laws/statute/S17008#sched27s19) - 01/01/2020; [2017, c. 34, Sched. 33, s. 42 (1, 2)](http://www.ontario.ca/laws/statute/S17034#sched33s42s1) - 08/06/2019

[2018, c. 8, Sched. 23, s. 23](http://www.ontario.ca/laws/statute/S18008#sched23s23) - 08/06/2019; [CTS 04 SE 18 - 3](https://www.ontario.ca/laws/consolidated-statutes-change-notices); [2018, c. 17, Sched. 33, s. 13](http://www.ontario.ca/laws/statute/S18017#sched33s13) – 01/07/2023

[2019, c. 14, Sched. 9, s. 39 (1)](http://www.ontario.ca/laws/statute/S19014#sched9s39s1) - not in force; [2019, c. 14, Sched. 9, s. 39 (2)](http://www.ontario.ca/laws/statute/S19014#sched9s39s2) - 10/12/2019

1. Authority rules

**115.1**(1)  The Authority may make rules in respect of the following matters:

1. Prescribing, for the purposes of subsection 9 (1), the period of time within which the administrator must apply for registration of a pension plan.

2. Prescribing the period of time for filing of an annual information return under subsection 20 (1).

3. Prescribing, for the purposes of subsection 20 (2), the time for filing of additional reports, subject to subsection (2).

4. Prescribing, for the purposes of subsection 20 (2), the information that must be contained in additional reports, subject to subsection (2).

5. Prescribing, for the purposes of clause 25 (1) (c), any other information that must be provided by the administrator of a pension plan.

6. Prescribing the period of time for the purposes of subsection 25 (2).

7. Prescribing the period of time for the purposes of subsection 26 (3).

8. Prescribing the period of time and information for the purposes of subsection 27 (1).

9. Prescribing the period of time and information for the purposes of subsection 27 (2).

10. Prescribing the period of time and information for the purposes of subsection 28 (1).

11. Prescribing records for the purposes of subsection 29 (1).

12. Prescribing, for the purposes of clause 29 (1) (c.1), the circumstances in which and the purposes for which the administrator must make records available.

12.0.1 Prescribing information for the purposes of subsection 30.1 (2).

12.0.2 Prescribing conditions, requirements, limitations or prohibitions for the purposes of clause 30.1 (2) (b).

12.0.3 Prescribing information for the purposes of clause 30.1 (3) (d).

12.0.4 Repealed: 2023, c. 9, Sched. 27, s. 2.

12.0.5 Prescribing conditions, requirements, limitations or prohibitions for the purposes of subsection 30.1 (7).

12.1 Prescribing, for the purposes of paragraph 1 of subsection 39.1 (2.2), the period of time within which a form must be dated, signed and delivered to the administrator.

12.2 Prescribing, for the purposes of subsection 39.1 (7), the rules governing the delivery of a direction.

12.3 Prescribing, for the purposes of subsection 39.1 (8), the period of time within which the administrator must comply with a direction.

12.4 Prescribing, for the purposes of subsection 39.1.1 (7), the period of time within which a direction must be delivered.

12.5 Prescribing, for the purposes of subsection 39.1.1 (10), the period of time within which an election must be delivered.

12.6 Prescribing the period of time and information for the purposes of subsection 39.1.1 (10.1).

13. Prescribing, for the purposes of clause 42 (6) (b), requirements that a contract to purchase a deferred life annuity must meet.

13.1 Prescribing notice requirements for the purposes of subsection 43.1 (3).

13.2 Prescribing requirements for the purposes of paragraph 5 of subsection 43.1 (4).

13.3 Prescribing notice requirements for the purposes of subsection 43.1 (7).

14. Prescribing, for the purposes of subsection 49 (2), conditions that must be satisfied for a pension plan to be deemed to permit variation in the terms of payment.

15. Governing applications for a statement of imputed value under subsection 67.2 (6).

16. Prescribing, for the purposes of subsection 67.2 (7), the maximum amount of an application fee that an administrator may impose.

17. Prescribing the period of time and information for the purposes of subsection 67.2 (9).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 115.1 (1) of the Act is amended by adding the following paragraphs: (See: 2019, c. 14, Sched. 9, s. 40 (2))

17.1 Prescribing circumstances for the purposes of subsection 67.2.1 (1).

17.2 Prescribing matters referred to in subsection 67.2.1 (3).

18. Governing applications for a transfer under subsection 67.3 (2).

18.1 Prescribing circumstances for the purposes of paragraph 4 of subsection 67.3 (2).

19. Prescribing, for the purposes of subsection 67.3 (4), the period of time within which the administrator must make a transfer.

19.1 Prescribing an alternative manner for paying a lump sum for the purposes of subsection 67.3 (5).

19.2 Governing updating the imputed value of the pension benefits or deferred pension for the purposes of subsection 67.3 (6).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 115.1 (1) of the Act is amended by adding the following paragraph: (See: 2019, c. 14, Sched. 9, s. 40 (4))

19.3 Governing the manner in which benefits and entitlements under a pension plan are adjusted for the purposes of subsection 67.3 (8).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 115.1 (1) of the Act is amended by adding the following paragraphs: (See: 2019, c. 14, Sched. 9, s. 40 (5))

19.4 Governing applications for a transfer under subsection 67.3.1 (4).

19.5 Prescribing circumstances for the purposes of paragraph 4 of subsection 67.3.1 (4).

19.6 Prescribing, for the purposes of subsection 67.3.1 (6), the period of time within which the administrator must make a transfer.

19.7 Prescribing an alternative manner for paying a lump sum for the purposes of subsection 67.3.1 (7).

19.8 Governing updating the imputed value of the pension benefits or deferred pension for the purposes of subsection 67.3.1 (8).

19.9 Governing the manner in which benefits and entitlements under a pension plan are adjusted for the purposes of subsection 67.3.1 (10).

20. Governing applications for a division and payment under subsection 67.4 (2).

21. Prescribing, for the purposes of subsection 67.4 (4),

i. the manner in which the administrator shall revalue the retired member’s pension, including for the purposes of determining the amount of a single pension to be paid to a spouse under subsection 67.4 (10) but not including any actuarial methods or assumptions to be used in revaluing the pension, and

ii. the period of time within which the administrator must begin payments.

21.1 Governing updating the imputed value of a pension for the purposes of subsection 67.4 (5).

21.2 Prescribing additional rules for the purposes of subsection 67.4 (10). 2017, c. 34, Sched. 33, s. 43 (1, 3); 2019, c. 14, Sched. 9, s. 40 (1, 3, 6, 7).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 115.1 (1) of the Act is amended by adding the following paragraphs: (See: 2019, c. 14, Sched. 9, s. 40 (8))

21.3 Governing applications for a division and payment under subsection 67.4.1 (4).

21.4 Prescribing, for the purposes of subsection 67.4.1 (6),

i. the manner in which the administrator shall revalue the retired member’s pension, including for the purposes of determining the amount of a single pension to be paid to a spouse under subsection 67.4.1 (12) but not including any actuarial methods or assumptions to be used in revaluing the pension, and

ii. the period of time within which the administrator must begin payments.

21.5 Governing updating the imputed value of a pension for the purposes of subsection 67.4.1 (7).

21.6 Prescribing additional rules for the purposes of subsection 67.4.1 (12).

22. Governing applications for a statement of imputed value under subsection 67.7 (4).

23. Prescribing, for the purposes of subsection 67.7 (5), the maximum amount of an application fee that an administrator may impose.

24. Prescribing, for the purposes of subsection 67.7 (7), the information that must be contained in a statement of imputed value and the period of time within which it must be given.

25. Governing applications for a transfer under subsection 67.8 (2).

26. Prescribing, for the purposes of subsection 67.8 (4), the period of time within which a transfer must be made.

27. Prescribing notice requirements for the purposes of subsection 79.2 (7).

28. Prescribing notice requirements for the purposes of subsection 80.4 (4).

29. Prescribing notice requirements for the purposes of subsection 80.4 (5).

30. Prescribing notice requirements for the purposes of subsection 80.4 (9).

31. Prescribing notice requirements for the purposes of subsection 80.4 (12).

32. Prescribing notice requirements for the purposes of subsection 81.0.1 (5).

33. Prescribing notice requirements for the purposes of subsection 81.0.1 (6).

34. Prescribing notice requirements for the purposes of subsection 81.0.1 (10).

35. Prescribing notice requirements for the purposes of subsection 81.0.1 (13). R.S.O. 1990, c. P.8, s. 115.1 (1); 2017, c. 34, Sched. 33, s. 43 (2, 4); 2020, c. 34, Sched. 18, s. 7; 2023, c. 9, Sched. 27, s. 2.

1. Limit

(2)  An Authority rule made under paragraph 3 or 4 of subsection (1) may not be made with respect to valuation reports. 2017, c. 34, Sched. 33, s. 43 (1).

1. Legislation Act, 2006

(3)  Part III (Regulations) of the Legislation Act, 2006 does not apply to the Authority rules. 2017, c. 34, Sched. 33, s. 43 (1).

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

[2017, c. 34, Sched. 33, s. 43 (1, 3)](http://www.ontario.ca/laws/statute/S17034#sched33s43s1) - 08/06/2019; [2017, c. 34, Sched. 33, s. 43 (2, 4)](http://www.ontario.ca/laws/statute/S17034#sched33s43s2) - 01/01/2020

[CTS 04 SE 18 - 3](https://www.ontario.ca/laws/consolidated-statutes-change-notices)

[2019, c. 14, Sched. 9, s. 40 (1, 3, 6, 7)](http://www.ontario.ca/laws/statute/S19014#sched9s40s1) - 10/12/2019; [2019, c. 14, Sched. 9, s. 40 (2, 4, 5, 8)](http://www.ontario.ca/laws/statute/S19014#sched9s40s2) - not in force

[2020, c. 34, Sched. 18, s. 7](http://www.ontario.ca/laws/statute/S20034#sched18s7) - 08/12/2020

[2023, c. 9, Sched. 27, s. 2](http://www.ontario.ca/laws/statute/S23009#sched27s2) - 08/06/2023

1. Conflict: regulations, Authority rules

**115.2**If there is a conflict or an inconsistency between a regulation made by the Lieutenant Governor in Council under this Act and an Authority rule, the regulation prevails, but in all other respects an Authority rule has the same force and effect as a regulation. 2017, c. 34, Sched. 33, s. 43 (1).

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

[2017, c. 34, Sched. 33, s. 43 (1)](http://www.ontario.ca/laws/statute/S17034#sched33s43s1) - 08/06/2019

[CTS 04 SE 18 - 3](https://www.ontario.ca/laws/consolidated-statutes-change-notices)

1. Minister’s request for records and information
2. Information re pension plan or pension fund

**115.3** (1)  The Authority shall promptly give the Minister such records and information related to a pension plan or pension fund, or both, as the Minister requests, including any record or information relating to the pension plan or pension fund that is required to be filed with, or provided to, the Chief Executive Officer by the administrator of the pension plan under this Act. 2019, c. 7, Sched. 48, s. 5.

1. Information re Guarantee Fund

(2)  The Chief Executive Officer shall promptly give the Minister such records and information related to the Guarantee Fund as the Minister requests. 2019, c. 7, Sched. 48, s. 5.

1. No notice to individual

(3)  Any collection by the Minister of personal informationunder subsection (1) is exempt from the application of subsection 39 (2) of the Freedom of Information and Protection of Privacy Act. 2019, c. 7, Sched. 48, s. 5.

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

[2019, c. 7, Sched. 48, s. 5](http://www.ontario.ca/laws/statute/S19007#sched48s5) - 08/06/2019

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

[2010, c. 24, s. 47](http://www.ontario.ca/laws/statute/S10024#s47) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](https://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2020

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