

Department of Labour  
and Immigration  
Manitoba Pension Commission

**SPOUSE'S/COMMON-LAW PARTNER'S  
DECLARATION TO GIVE UP MINIMUM  
66<sup>2</sup>/<sub>3</sub>% JOINT AND SURVIVOR PENSION  
FROM RPPs, LIRAs, LIFs AND LRIFs**

I, \_\_\_\_\_, am the "spouse"/"common-law partner" (as described below) of  
\_\_\_\_\_  
(name of retiring member/owner)

The retiring member/owner earned benefits under a pension plan regulated by the *Pension Benefits Act of Manitoba* ("the Act").

The Act defines "spouse" and "common-law partner" as follows:

"spouse" where used in relation to another spouse means the person who is married to that other spouse, and "spouses" mean two persons who are married to each other;

**"common-law partner"** of a member or former member means

- (a) a person who, with the member or former member, registered a common-law relationship under section 13.1 of *The Vital Statistics Act*, or
- (b) a person who, not being married to the member or former member, cohabited with him or her in a conjugal relationship
  - (i) for a period of at least three years, if either of them is married, or
  - (ii) for a period of at least one year, if neither of them is married;

"common-law relationship" means the relationship between two persons who are common-law partners of each other.

I understand that the Act requires that every pension plan shall provide that the pension payable to a member who is married or in a common-law relationship at the time the pension payments begin shall be a joint pension payable during the lives of the member and the spouse or partner of the member which joint pension may decrease by not more than 1/3 on the death of either the member or the spouse or partner.

However, I understand that if I choose to sign this waiver form and it is filed with the plan administrator/financial institution, I give up my rights to the minimum 66<sup>2</sup>/<sub>3</sub>% joint and survivor pension. I further understand that signing this waiver means that the retiring member/owner may choose a pension that gives me a lower survivor benefit than the 66<sup>2</sup>/<sub>3</sub>% joint and survivor pension.

I certify that:

- a) I have read this form and understand it,
- b) I have read and reviewed the retiring member's retirement statement or a statement from the financial institution showing the balance in the owner's account and know the amount of the benefit I am giving up,

- c) I am signing this form of my own free will,
- d) The retiring member/owner is not present while I am signing this form, and
- e) I realize that
  - i. this form only gives a general description of the legal rights I have under the Act and the regulations under the Act, and
  - ii. if I wish to understand exactly what my legal rights are, I must read the Act and the regulations under the Act and seek legal advice.

To give up my rights mentioned above, I sign this waiver form at \_\_\_\_\_  
 \_\_\_\_\_ (city/town) \_\_\_\_\_ (province)

this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_ (signature of retiring member/owner) \_\_\_\_\_ (signature of spouse/common-law partner)

I, \_\_\_\_\_, of \_\_\_\_\_  
 \_\_\_\_\_ (print name of witness)

\_\_\_\_\_  
 \_\_\_\_\_ (print address of witness)

do witness the signature of the spouse/common-law partner who signed this form before me outside of the presence of the member/owner.

\_\_\_\_\_  
 \_\_\_\_\_ (signature of witness)

## COMMENTS AND INSTRUCTIONS

This form must be completed where the member of a pension plan or the owner of a LIRA (Locked-In Retirement Account) wishes to,

- elect a form of pension or purchase a life annuity, that provides the spouse with less than the  $66\frac{2}{3}\%$  joint and survivor pension required by the Act,
- transfer funds to a LIF or an LRIF from a pension plan or a LIRA, or
- elect a form of pension, or purchase a life annuity, that co-ordinates payments with a pension payable under the Canada Pension Plan.

This form must be,

- completed in its entirety,
- signed by the spouse/common-law partner, retiring member and witnessed not more than 15 days after receipt of the retirement statement required in section 23(8) of the Regulations.
- signed outside of the immediate presence of the retiring member/owner, and
- filed with the plan administrator or financial institution.

For further information please contact the plan administrator or financial institution.

**Prior to completing this form, each party should consider obtaining independent legal advice concerning their individual rights and the effect of this waiver.**