



# Beneficiary Designation

For the OMERS Primary Pension Plan (OMERS Plan) and Retirement Compensation Arrangement (RCA) for the OMERS Plan

Use this form to designate or change your beneficiary for the OMERS Plan, including the Additional Voluntary Contributions (AVC) provision and the RCA. This designation applies to all OMERS Plan and RCA memberships and revokes any previous OMERS Plan and RCA beneficiary designation(s).

Your designated beneficiary will only receive a survivor benefit they are entitled to, in accordance with OMERS order of entitlement.

If a member or retired member dies, a survivor benefit may be payable, in order of entitlement, to:

1. the member's eligible spouse;
2. the member's eligible dependent child(ren);
3. the member's designated beneficiary; or
4. the member's estate.

For more information on entitlements of designated beneficiaries, see *Notes and Definitions* at the end of this form.

**Additional Refunds:** In addition to OMERS Plan survivor benefits, the following refunds may be payable to the designated beneficiary or estate: 50% rule Refund, residual refund, and special refund. For details, consult the *Member Handbook* on [omers.com](http://omers.com).

Only the member can designate or change a beneficiary. A survivor or person with power of attorney or guardianship for property for the member cannot designate or change a beneficiary.

You must sign in Section 4 to authorize your OMERS Plan and RCA designated beneficiary(ies).

Mail/fax the completed and signed form to the address below. If you fax it, do not mail the original.

Any personal information provided on this form may be used to update your membership profile.

Providing OMERS with your personal information is considered consent for its use and disclosure for the purposes set out in our Privacy Statement, as amended from time to time. You can find out more about our collection, use, disclosure and retention of personal information by reviewing our Privacy Statement at [www.omers.com](http://www.omers.com).

## SECTION 1 - MEMBER'S CURRENT INFORMATION (MANDATORY)

OMERS Membership Number* or Social Insurance Number				Date of Birth (m/d/y)	
<input type="radio"/> Mr. <input type="radio"/> Mrs. <input type="radio"/> Ms. <input type="radio"/> Other:	First Name		Middle Name	Last Name	
Apt/Unit	Address		City	Province	Postal Code
Country			Home Number		Mobile Number
Email			Employer Name (if available)		

\*Your membership number appears on your Pension Report or any personalized statement from OMERS.

## SECTION 2 - SPOUSAL INFORMATION (OPTIONAL)

Complete for all current and former spouses:

Full name of spouse or former spouse	Type of spousal relationship (e.g., married or common-law)	Date of marriage or start of common-law relationship (m/d/y)	Date of separation, if applicable (m/d/y)	Date of birth, if known (m/d/y)

**Note:** Your spousal information, as of the date you sign this form, is being collected to help OMERS administer the OMERS Plan and RCA. However, spousal information you provide is not determinative of who is an eligible spouse for the purposes of survivor benefits under the OMERS Plan and RCA. OMERS will need to make an independent eligible spouse determination at the relevant time.

**SECTION 3 - BENEFICIARY DESIGNATION (MANDATORY)**

This designation applies to all OMERS Plan and RCA memberships, including benefits from the Additional Voluntary Contributions (AVC) provision, and revokes any previous OMERS Plan and RCA beneficiary designation(s).

Beneficiary(ies) (First, Middle and Last Name/ Estate/Organization)	Date of Birth (m/d/y)	Relationship to You	Address	% of Benefit

**Important Notes:** **Total: 100%**

- If you designate your estate or an organization as beneficiary, leave "date of birth" and "relationship to you" blank in the corresponding line.
- If you designate your estate as beneficiary, write "estate", do not include the name of an individual (e.g., do not include the name of your executor).
- If a beneficiary designated above predeceases you, any benefit payable will be shared equally among the surviving designated beneficiaries.
- If you wish to designate more than five beneficiaries, attach a separate sheet with the additional names.
- When a member dies, and there is no eligible spouse or children to receive survivor benefits, the beneficiary on file with OMERS may be entitled to a residual refund. The residual refund is equal to the member's contributions with interest minus any pension payment to them and/or to their survivors. After five years of retirement, most pension payments have exceeded the member's contributions with interest, and there is no amount left for a refund.

**Trustee for Minor Beneficiary - OPTIONAL**

If you designate a minor (i.e., an individual who is under 18 years of age) as beneficiary, you may also appoint an individual or organization as trustee to receive any benefit allocated above to a minor. Where such an appointment is made and becomes operative, the designated beneficiary for all purposes is the named trustee in trust for the named minor and for the purposes of Section 53 of the *Succession Law Reform Act* (Ontario), payment to the named trustee shall be payment to the designated beneficiary. Any payments made to the named trustee shall discharge OMERS to the extent of such payment.

If a trustee is not appointed and a benefit is allocated to a person who is a minor as at the date of payment, OMERS will pay such payment in the manner required by applicable law including the *Children's Law Reform Act* (Ontario).

**Please read the *Notes and Definitions* section on page 3 for 'In-Trust Designations'.**

I hereby appoint the person below as trustee to receive any benefit allocated to any person named above who is a minor as at the date of payment, and to hold such benefit in trust for such minor until he or she attains the age of 18 years, and to thereafter distribute all amounts so held to such person:

Name of trustee (please print)	Relationship to you
Address	

**SECTION 4 - DECLARATION (MANDATORY)**

I hereby revoke any previous OMERS Plan and RCA beneficiary designation(s) made by me, and understand that, in the event of my death and upon determination that a benefit is payable, the person(s), organization(s), or my estate (as I have listed above), will become entitled to receive benefits payable to a designated beneficiary in accordance with the terms of the OMERS Plan, the RCA and applicable law.

Member's Signature \_\_\_\_\_ Date (m/d/y) \_\_\_\_\_

This document is based on current OMERS Plan provisions, which may change over time. If there is any discrepancy between the information in this document and the provisions of the OMERS Plan and RCA, the provisions of the OMERS Plan and RCA will prevail.

## NOTES AND DEFINITIONS

### SURVIVOR BENEFITS - ORDER OF ENTITLEMENT

If a member or retired member dies, a survivor benefit may be payable, in order of entitlement, to:

1. the member's eligible spouse;
2. the member's eligible dependent child(ren);
3. the member's designated beneficiary; or
4. the member's estate.

### DESIGNATED BENEFICIARY

If there is no eligible spouse or dependent child(ren), the member's designated beneficiary may be entitled to a survivor benefit.

A member can designate more than one beneficiary. Benefits are evenly split between surviving beneficiaries, unless otherwise specified. If a beneficiary predeceases the member, OMERS will divide the deceased beneficiary's share equally among the remaining designated beneficiaries.

### ELIGIBLE SPOUSE

The surviving spouse of a deceased member may be eligible for a benefit if they were either the legal spouse or the common-law spouse of the member.

### PRE-RETIREMENT-DEATH SPOUSE

OMERS considers the legal or common-law spouse of a deceased member to be the eligible spouse for the purpose of pre-retirement survivor benefits if:

- the member and the spouse **were not living separate and apart** at the date of the member's pre-retirement death; and
- the spouse did not waive rights to the survivor benefits.

### RETIREMENT-DATE SPOUSE

For retired members who have started their pension on or after January 1, 1988,

OMERS considers the surviving legal or common-law spouse **at the date of retirement** ("retirement-date spouse") to be the eligible spouse if:

- the retirement-date spouse was **not living separate and apart** from the retired member on the **date of retirement**; and
- the retirement-date spouse has not waived rights to spousal survivor benefits from the Plan by submitting the appropriate waiver form within the **12-month period before the pension start date**.

If there is a separation or divorce after the member retires, the retirement-date spouse would still qualify as the eligible spouse for spousal survivor benefits if the conditions described in the two bullets above are still true.

### POST-RETIREMENT-DATE SPOUSE

If the retired member entered into a spousal relationship after retirement, OMERS considers the surviving legal or common-law spouse **at the date of death** (the "post-retirement-date spouse") to be the eligible spouse if:

- there was no eligible retirement-date spouse as defined above;
- the post-retirement-date spouse and the retired member were **not living separate and apart** at the date of the member's death; and,
- the post-retirement-date spouse has not waived rights to spousal survivor benefits from the Plan using the appropriate waiver form.

### LEGAL SPOUSE

OMERS considers a legal spouse to be a person who is legally married to the member.

### COMMON-LAW SPOUSE

OMERS considers a common-law spouse to be a person who is living together with the member in a conjugal relationship:

- continuously for a period of not less than three years; or
- 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*.

### LIVING SEPARATE AND APART

Whether two persons are "living separate and apart" is often complicated to assess. It is a question of both fact and law and must be determined on a case-by-case basis.

### ELIGIBLE DEPENDENT CHILD

An eligible dependent child is:

- a natural child of the member;
- a legally adopted child of the member;
- a child in the legal custody of the member (excluding foster care arrangements); or
- a person whom the member has demonstrated a settled intention to treat as a child of his or her family (excluding foster care arrangements)

who, at the time of the member's death, was dependent on the member for support and:

- will not become 19 in the calendar year of the member's death; or
- is under age 25 and is a student in continuous full-time attendance at an educational institution; or
- is totally disabled, as described below.

### Totally disabled child

OMERS considers a totally disabled child to be someone whose physical or mental infirmity:

- occurred before age 21 (or before age 25 if the child was in continuous full-time attendance at an educational institution);
- whose condition prevents self-support or doing any work for compensation or profit continuously until the member's death (except a rehabilitation or workshop program approved by OMERS); and
- did not become disabled from a wilfully self-inflicted injury, committing (or attempting to commit) an offence under the *Criminal Code*, or working in an unlawful occupation.

### IN-TRUST DESIGNATIONS

On this form we have included the option to designate a survivor benefit payable to a beneficiary "in trust" for minor children, where permitted by law. Such trust will terminate at age 18.

Until the minor child reaches age 18, no amounts in trust can be used to support the minor child (i.e., no encroachment will be permitted). If you wish to create a trust with different terms (e.g., a different age, encroachment rights), we will accept formal trust documents for this purpose. We recommend that you obtain independent legal advice for this purpose and contact OMERS in order to confirm our ability to administer the proposed terms.