

COMMENTS AND INSTRUCTIONS

This form must be completed by the spouse or common-law partner when, as a result of non-residency:

- a member wishes to receive his or her pension as a lump sum withdrawal; or
- a member-owner of a Locked-in Retirement Account (LIRA) or a Life Income Fund (LIF) wishes to receive the balance of his or her account as a lump sum withdrawal.

Prior to completing this form, the spouse or common-law partner should consider obtaining independent legal advice concerning his or her individual rights and the effect of this waiver as well as qualified financial advice about the financial consequences.

This form must be:

- completed in its entirety;
- signed by the spouse or common-law partner, and witnessed while the member is not present;
- filed with the administrator;
- used for benefits earned under pension plans subject to *The Pension Benefits Act* of Manitoba and regulation.

For further information please contact the administrator.

Definitions

Administrator

Means in relation to a pension plan, the person or body of persons responsible for administering the plan, and in relation to a LIRA or LIF the financial institution responsible for administering the plan or fund.

Member

Means an employee or former employee who is accruing or entitled to a pension under a pension plan, but is not yet retired and receiving a pension under the plan.

Member-owner

Means the individual identified in the LIRA or LIF contract as the annuitant and who as a former member of a pension plan transferred a pension benefit credit directly or indirectly to that LIRA or LIF.

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.

Non-resident

Means not resident in Canada for the purpose of the *Income Tax Act* (Canada).



FORM 3
CONSENT TO WITHDRAWAL FOR NON-RESIDENCY STATUS
Pension Benefits Act, Section 21.3, Pension Benefits Regulation, Division 5 of Part 10

I, _____, am the spouse or common-law partner
(as described below) of _____.
(name of member or member-owner)

The member or member-owner earned benefits under a pension plan subject to *The Pension Benefits Act* of Manitoba (Act) and was employed in Manitoba on the day he or she ceased to be an active member of the plan.

I understand that under the Act

- the member or member-owner may withdraw as a lump sum his or her pension funds due to non-residency in Canada for the purposes of *the Income Tax Act* (Canada);
- the member-owner cannot withdraw as a lump sum his or her LIRA or LIF account without my written consent;
- if I sign this consent the funds will no longer be available to me
 - as a survivor or death benefit on the member-owner's death; and
 - as a spouse, former spouse or common-law partner should the funds be required to be divided under the credit splitting provisions under the Act.

I certify that

- I have read this consent and understand it;
- I have read one of the following:
 - the member's termination of active member statement from the administrator; or
 - the member-owner's account balance statement from the administrator

and know the amount of benefit I am giving up;

- I am aware of the consequences of consenting to the withdrawal, and despite the consequences, I consent to the withdrawal;
- I am not living separate and apart from the spouse or common-law partner by reason of a breakdown of our relationship;
- the member or member-owner is not present while I am signing this form;
- I am signing this consent of my own free will without duress, coercion or compulsion of any kind; and

- I realize that:
 - this form only gives a general description of the legal rights I have under the Act and the regulation, and
 - if wish to understand exactly what my legal rights are, I must read the Act and the regulation and seek legal advice.

I hereby consent to the lump sum withdrawal due to non-residency in Canada by signing this form in the presence of a witness.

I sign this form at

_____ (city/town) _____ (province/territory/state) _____ (country)

this _____ day of _____, _____

_____ (signature of spouse or common-law partner)

I, _____, of _____ (print name of witness)

_____ (print address of witness)

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

_____ (signature of witness)

Reference

The Pension Benefits Act, Section 21.3
Pension Benefits Regulation, Division 5 of Part 10