

### 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 above) 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*