



# Statutory declaration of common-law relationship

Complete this entire form to support your application for OMERS survivor benefits as an eligible common-law spouse, in the event of the death of an OMERS Plan member. Supporting documents will also be required (see Notes on page 3).

**Note:** Section 4 is to be signed in front of a Commissioner of Oaths. Section 5 is for the Commissioner of Oaths to complete and sign.

To help us serve you better, submit your documents quickly and securely using your myOMERS account. Go to My Communications, start a new conversation, attach your files, and submit.

Any personal information provided on this form may be used to update your 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 INFORMATION - to be completed by the applicant

OMERS Membership Number*				Date of Death (m/d/y)	
<input type="radio"/> Mr. <input type="radio"/> Other:	<input type="radio"/> Mrs.	<input type="radio"/> Ms.	First Name	Middle Name	Last Name

\*The membership number appears on the Pension Report and any personalized statement from OMERS.

## SECTION 2 - APPLICANT'S INFORMATION - to be completed by the applicant

<input type="radio"/> Mr. <input type="radio"/> Other:	<input type="radio"/> Mrs.	<input type="radio"/> Ms.	First Name	Middle Name	Last Name		
Apt/Unit	Address			City	Province	Postal Code	
Date of Birth (m/d/y)	Home Number	Mobile Number	Email				

## SECTION 3 - COMMON-LAW RELATIONSHIP INFORMATION - to be completed by the applicant

### Common-law spouse

OMERS considers a common-law spouse to be a person who is not married to the member but is living together in a conjugal (marriage-like) relationship:

- continuously for a period of not less than three years up to the date of retirement or the date of death (see Notes on page 3); or
- in a relationship of some permanence that is less than three years, if they are the parents of a child as set out in section 4 of the *Children's Law Reform Act*.

We began living in together in a spousal relationship on:  Date (m/d/y) Our spousal relationship ended on:  Date (m/d/y) or continued until the member's death ☐

We lived in the same residence as common-law spouses ☐ Yes ☐ No

If you were not living together with the member continuously between the dates provided above, provide the start and end date(s) of the separation and the reason(s) for the separation.

From (m/d/y)	To (m/d/y)	Reason
From (m/d/y)	To (m/d/y)	Reason

Were you and the member parents of a natural or adoptive child? ☐ Yes - provide each child's name and date of birth. Attach a separate sheet if necessary. ☐ No

Child's Name	Date of Birth (m/d/y)
Child's Name	Date of Birth (m/d/y)

## SECTION 3 - COMMON-LAW RELATIONSHIP INFORMATION - to be completed by the applicant (cont'd)

Did the member ever have a spouse other than you?

☐ Yes

☐ No

☐ Don't know

Name of the member's other spouse

Status of the member's relationship with this spouse (i.e., separated, divorced, widowed) - provide documentation, (e.g., separation agreement, divorce decree, death certificate)

Year of separation or widowhood

## SECTION 4 - APPLICANT'S DECLARATION - to be completed by the applicant in the presence of a Commissioner of Oaths\*

Please read carefully before signing this declaration. **This declaration must be signed in front of a Commissioner of Oaths.\***

I, \_\_\_\_\_ of \_\_\_\_\_ in the Province of \_\_\_\_\_

Name

Name of City

\_\_\_\_\_,  
Name of Province

SOLEMNLY DECLARE that the information on this form is accurate and complete, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath by virtue of the *Canada Evidence Act* or the *Ontario Evidence Act*. I understand that OMERS reserves the right to request that I provide additional information to prove my common-law spouse status.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date (m/d/y)

**Important!** Please note the Commissioner of Oaths must see you sign this declaration and must also sign and date Section 5 on the same date.

## SECTION 5 - TO BE COMPLETED BY THE COMMISSIONER OF OATHS\*

Declared before me at \_\_\_\_\_ in the province or territory of \_\_\_\_\_

Name of City, Town or Village

Province or Territory

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

Day

Month

Year

\_\_\_\_\_  
Name of Commissioner of Oaths

\_\_\_\_\_  
Signature of Commissioner of Oaths

Municipal Official: please provide the office you currently hold and the municipality:

\_\_\_\_\_  
Office

\_\_\_\_\_  
Municipality

Lawyer or judge: please provide your Law Society number:

\_\_\_\_\_  
Law Society Number

Please affix seal/stamp here  
if applicable

\*In Ontario, a Commissioner of Oaths may be:

- a lawyer entitled to practice law in Ontario;
- a judge or justice of the peace;
- a Notary Public;
- certain municipal officials (such as a City Clerk);
- a person appointed as a Commissioner by the Attorney General.

## Supporting documents

OMERS requires that you submit supporting documents with your statutory declaration that help to prove the common-law relationship continued for at least three consecutive years (or you were in a relationship of some permanence that is less than three years, if you and the member were parents of a child as set out in section 4 of the *Children's Law Reform Act*) at the date of death or retirement.

**Residency documents (include at least one from each year requested; more are preferred). The list below shows some standard examples of what we may accept as supporting documentation of joint residency.**

- Household bills (hydro, water, gas, cable, etc.) in both names, or in each name for the same address
- Bank statement from an active joint account
- Joint lease, mortgage, home purchase or ownership agreement for the shared residence
- Property tax statement in both names
- Insurance policies in both names, or in each name for the same address (life, home, car)
- Investment statements in both names, or in each name for the same address (RRSP, TFSA)

**General documents (include at least one from each year requested; or covering the whole period). The list below shows some standard examples of what we may accept as supporting documentation of your spousal relationship.**

- Affidavits and letters from family, friends, and professional advisers (lawyer, doctor, etc.) confirming the common-law relationship and the applicable dates
- The member's last will and testament naming you as spouse
- Income tax returns naming each other as spouses
- Newspaper/social announcements naming you and the member as spouses
- Cemetery/funeral home invoice paid by you
- Published death notice naming you and the member as spouses
- Health benefits statement for spousal claims or naming you as spouse (e.g., employer benefits)

**Important!** In the event of a dispute about entitlement, the supporting documents you provide may be shared with all parties to the dispute. By providing the supporting documents, you consent to the collection, use, and disclosure of these documents for the purpose of OMERS dispute resolution process. You also confirm that you have the consent of any individual to whom the documents relate for such sharing. OMERS will consider the following factors when making a spousal determination. Keep this in mind when submitting your supporting documentation.

- Shelter, (e.g., did you live together)?
- Economic support, (e.g., what were your financial arrangements)?
- Services, (e.g., how did you interact with respect to preparing meals, washing clothes, shopping, household maintenance, etc.)?
- Social, (e.g., did you participate together or separately in social activities/family events)?
- Societal, (e.g., what was the attitude of the community towards you as a couple)?
- Children, (e.g., what was the attitude and conduct relating to children)?
- Sexual and personal behaviour, (e.g., what were your feelings towards each other? did you have sexual relations? did you eat meals together? did you assist each other in difficult times? did you buy gifts for one another?, etc.)

**If the member's death occurred before retirement\*:** If a member dies before retirement, the member's "eligible spouse" is the member's spouse at the date of death, as long as the member and the spouse were not living separate and apart\*\* on the date of death, and the spouse did not waive their rights to survivor benefits. Provide supporting documentation that you were living as common-law spouses for each of the three consecutive years up to the member's date of death\*\*\*.

**If the member's death occurred after retirement\*:** If a member dies after retirement, the member's "eligible spouse" is the member's spouse at the date of retirement, as long as the member and the spouse were not living separate and apart\*\* at the date of retirement and the spouse did not waive their rights to survivor benefits within the 12-month period before the pension start date using the appropriate waiver form. Even if there is a separation or divorce after the member retires, this spouse would still be the "eligible spouse".

If a member has no "eligible spouse" as of their retirement date but has a spouse on the date of death, that spouse is the "eligible spouse", as long as the member and that spouse were not living separate and apart\*\* at the date of death and the spouse did not waive their rights to survivor benefits.

Provide supporting documentation that you were living as common-law spouses for each of the three consecutive years up to the member's date of retirement or, if there was no spouse at the member's date of retirement, provide supporting documentation that you were living as common-law spouses for each of the three consecutive years up to the member's date of death\*\*\*. If the member had a spouse other than you at their date of retirement, contact OMERS.

\* **"Retirement"** is the pension start date (i.e., the date that the member's first pension payment is due).

\*\* Living separate and apart means that your spousal relationship has ended. You could be considered to have lived separate and apart despite living under the same roof.

\*\*\* Or less than three years if in a relationship of some permanence, and if you and the member were parents of a child as set out in section 4 of the *Children's Law Reform Act*.