



# Waiver of joint and survivor pension

## Part A: Spousal pension for a retirement-date spouse

Use this form to waive the legal right – provided under the terms of the Ontario Pension Benefits Act (PBA) – of your eligible retirement-date spouse to receive a spousal pension (a “joint and survivor” pension), which is payable if you die after your pension start date.

This form does not apply to the Additional Voluntary Contribution (AVC) provision of the OMERS Primary Pension Plan. Instead, your spouse can use OMERS Form 405 - Waiver of AVC spousal survivor benefits.

Both you and your spouse (legal spouse or common-law spouse) must sign this form and submit it by the due date if your spouse wishes to waive the spousal pension. You and your spouse should read this form carefully before signing it, and also review the information page, “Waiver forms for spousal survivor benefits”. It explains the meaning of the underlined terms in this paragraph. If you have any questions, please contact OMERS Client Services.

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).

The PBA defines when a waiver is effective – see the note at the end of this form. (If you submit a waiver, please keep a copy for your records and provide the original to OMERS.)

### SECTION 1 - MEMBER INFORMATION - to be completed by the member or the spouse of the member

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

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

### SECTION 2 - SPOUSE INFORMATION - to be completed by the member or the spouse of the member

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

Section 3 of this form reflects the requirements of the Ontario Pension Benefits Act (R.S.O. 1990, c. P.8, as amended, Form 3).

### SECTION 3 - WAIVER - to be completed by the member, the spouse of the member and a witness

Name of member or former member \_\_\_\_\_ Name of spouse of member or former member \_\_\_\_\_  
I, \_\_\_\_\_ and, \_\_\_\_\_

certify that we are spouses within the meaning of the Pension Benefits Act.

We understand that section 44 of the Pension Benefits Act provides that the pension paid to the member or former member from the OMERS Primary Pension Plan (referred to below as the “pension plan”) must be paid as a joint and survivor pension if we are spouses on the date that the payment of the first installment of the pension is due and if we are not living separate and apart at that time. We also understand that the amount of pension payable to the surviving spouse must not be less than 60% of the pension paid to the member or former member while we are both alive.

We understand that we may waive our right to the joint and survivor pension provided by section 44 of the Pension Benefits Act by signing this waiver.

**We understand that by signing this waiver, the surviving spouse will not be entitled to any joint and survivor pension provided by section 44 of the Pension Benefits Act.**

## SECTION 3 - WAIVER - cont'd

We hereby waive our right to a joint and survivor pension provided by section 44 of the *Pension Benefits Act* by signing this waiver in the presence of a witness.

We understand that we may cancel this waiver at any time before of the commencement of payment of the member's or former member's pension.

Dated this 

Day
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 day of 

Month
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, 

Year
------

Signature of Member or Former Member	Name of Member or Former Member (printed)
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Signature of Witness	Name of Witness (printed)		
Address of Witness	City	Province	Postal Code

Signature of Spouse of Member or Former Member	Name of Spouse of Member or Former Member (printed)
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Signature of Witness	Name of Witness (printed)		
Address of Witness	City	Province	Postal Code

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

**Note:** This waiver is not effective unless it is dated, signed and delivered to OMERS within the 12-month period preceding the commencement of payment of the pension benefit as required by subsection 46(2) of the *Pension Benefits Act*.



# Waiver of spousal pension

## Part B: Spousal pension for a post-retirement-date spouse

Use this form to waive the right of your post-retirement-date spouse to receive a spousal pension that may be payable if you die after your pension start date.

The OMERS Primary Pension Plan provides this benefit, which differs from the legal right of a retirement-date spouse to a joint and survivor pension as provided under the Ontario *Pension Benefits Act* (see Form 151a). Both you and your spouse (legal spouse or common-law spouse) must sign this form if your spouse wishes to waive the spousal pension payable to a post-retirement-date spouse. You and your spouse should read this form carefully before signing it, and also review the information page, "Waiver forms for spousal survivor benefits". It explains the meaning of the underlined terms in this paragraph. If you have any questions, please contact OMERS Client Services.

This form is not effective if it is signed after your death. (If you submit a waiver, please keep a copy for your records and provide the original to OMERS.)

This form does not apply to the Additional Voluntary Contribution (AVC) provision of the OMERS Primary Pension Plan. Instead, your spouse can use OMERS Form 405 - *Waiver of AVC spousal survivor benefits*.

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 INFORMATION - to be completed by the member or the spouse of the member

OMERS Membership 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
Home Number		Mobile Number		Email		

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

### SECTION 2 - SPOUSE INFORMATION - to be completed by the member or the spouse of the member

<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
Home Number		Mobile Number		Email		
Date of Birth (m/d/y)						

### SECTION 3 - WAIVER - to be completed by the member, the spouse of the member and a witness

Name of member  
I, \_\_\_\_\_ (referred to below as the "member"),

Name of spouse of member  
and, \_\_\_\_\_ (referred to below as the "spouse"),

certify that we are spouses within the meaning of the **OMERS Primary Pension Plan** (referred to below as the "pension plan").

We understand that the pension plan provides that 66 2/3% of the member's lifetime pension (excluding bridge benefit) must continue to be paid upon the member's death as a survivor pension to the member's *eligible spouse at the date of the member's death* (i.e., the "post-retirement-date spouse"), if the member dies after the pension has started, and provided that there is no other person (other than the spouse named on this form) who was the member's *eligible spouse on the date the pension started* (i.e., the "retirement-date spouse").

We understand that we may waive our right to spousal survivor benefits payable to the post-retirement-date spouse that are provided for under the terms of the pension plan by signing this waiver.

OMERS Membership Number
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**SECTION 3 - WAIVER - cont'd**

**We understand that by signing this waiver, the surviving spouse will not be entitled to spousal survivor benefits provided for under the terms of the pension plan.**

We hereby waive our right to spousal survivor benefits by signing this waiver in the presence of a witness.

We understand that we may cancel this waiver at any time before the death of the member.

Dated this  day of ,

Signature of Member	Name of Member (printed)
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Signature of Witness	Name of Witness (printed)		
Address of Witness	City	Province	Postal Code

Signature of Spouse	Name of Spouse (printed)
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Signature of Witness	Name of Witness (printed)		
Address of Witness	City	Province	Postal Code

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

**Important!**

**Read this information page before signing the Form 150, Form 151a or Form 151b.**

Terms shown in **bold italic** type are defined at the end of this document. Where this document uses you or your, it assumes you are a member of the OMERS Primary Pension Plan ("OMERS Plan" or "Plan").

Forms 150, 151a and 151b do not apply to the Additional Voluntary Contribution (AVC) provision of the OMERS Plan. Instead, use OMERS Form 405 - *Waiver of AVC spousal survivor benefits*.

For information about making a claim for survivor benefits, the calculation and/or timing of benefit payments, or other questions, please visit [www.omers.com](http://www.omers.com) or contact OMERS Client Services.

**INTRODUCTION: OMERS SURVIVOR BENEFITS**

If an OMERS Plan member dies, a benefit (a pension or lump sum) may be payable to one or more people or to the member's estate according to the *order of entitlement* (see below). The people may include the member's eligible spouse (**legal spouse** or **common-law spouse**) and/or **eligible dependent child** or children, or the member's designated beneficiary(ies). These people and the member's estate are called the member's "survivors" and the benefits they may be eligible for are "survivor benefits".

The OMERS Plan and applicable legislation will determine which of your survivors may receive a survivor benefit in the event of your death either before or after your pension has started, and how much that benefit will be. The Ontario *Pension Benefits Act* (PBA) establishes minimum standards for benefits to a surviving eligible spouse, and the OMERS Plan complies with and sometime exceeds these standards.

**OMERS "order of entitlement"**

The OMERS Plan defines an *order of entitlement* that complies with the PBA, so that survivor benefits are paid in this order of priority:

1. To the person who qualifies as your eligible spouse at your date of death, or on your **pension start date**, as applicable.
2. To your eligible dependent child(ren).
3. To your living designated beneficiary(ies).
4. To your estate.

Note: In most cases, benefits payable to an eligible dependent child are paid to whoever is the guardian of property for the child.

Depending on who is eligible to receive a benefit, the benefit *type* and *amount* may vary. For example, an eligible spouse would be eligible for a monthly pension; the estate can receive a lump sum only. Certain benefits are the result of a calculation of a "residual" amount, which may be zero.

**How waiver forms work**

Your eligible spouse may waive all rights to receive OMERS Plan spousal survivor benefits by submitting a waiver form to OMERS. Your children, beneficiaries and estate may *not* waive survivor benefits.

If a valid waiver form is submitted to OMERS, then the next person(s) in the order of entitlement may become eligible for a survivor benefit.

Whoever has signed a waiver may cancel it within the stated deadlines by delivering a written and signed notice of cancellation to OMERS.

**OMERS three waiver forms (150, 151a, 151b)**

These forms waive different benefits that may be payable to a spouse in different situations.

OMERS Term	Meaning	Waiver Form	Description
Pre-retirement spouse	If you die before your <b>pension start date</b> , your <b>pre-retirement spouse</b> is the person who qualifies as your eligible spouse on the date of your pre-retirement death.	Form 150	page 5
Retirement-date spouse	If you die <b>after</b> your pension has started, your <b>retirement-date spouse</b> is the person who qualified as your eligible spouse on your <b>pension start date</b> .	Form 151a	page 6
Post-retirement-date spouse	If you die <b>after</b> your pension has started, your <b>post-retirement-date spouse</b> is the person who qualifies as your eligible spouse on your date of death, provided that there is not a <b>different</b> person still alive who meets the definition of <b>retirement-date spouse</b> .	Form 151b	page 7

**FORM 150 - WAIVER OF PRE-RETIREMENT DEATH BENEFIT (FSCO FORM 4)**

Form 150 is used to waive the right to the survivor benefits that are payable to your **pre-retirement spouse** if you die before your **pension start date**. This form requires only your spouse to sign it, and it must be witnessed. The content of Section 3 of Form 150 is required by the PBA.

The waiver must be completed and delivered to OMERS. If your spouse submits a valid Form 150 and you die before your pension start date, the next person(s) in the OMERS order of entitlement may become eligible for a survivor benefit from the OMERS Plan. Your spouse can cancel the waiver by delivering a written and signed notice to OMERS before your death and before your pension start date.

**Who is an "eligible spouse" for the purpose of a Form 150?**

If a valid Form 150 has *not* been submitted, your **eligible spouse** is the person who is your **legal spouse** or **common-law spouse** and who is not **living separate and apart** from you on the date of your pre-retirement death.

**What survivor benefits is my spouse waiving by submitting a Form 150?**

Submitting a valid Form 150 means that your spouse is waiving entitlement to survivor benefits. If there is no waiver form signed and you die **before** your pension start date, your eligible spouse may choose to receive survivor benefits in one of the following two forms.

**1. Lifetime spousal pension**

The lifetime pension payable to your eligible spouse equals 66 2/3% of the lifetime pension (excluding the bridge benefit) that you earned in the OMERS Plan to your date of death.

**Plus concurrent children's benefit:** A further 10% of your earned pension is payable for each **eligible dependent child**. The combined spousal pension and children's benefit cannot exceed 100% of your lifetime pension.

**2. One-time cash refund or transfer**

Your eligible spouse may choose to receive a one-time **cash refund** (less tax) instead of the entire benefit described in #1. The option is available to your spouse to transfer this refund on a tax-deferred basis, to a registered retirement savings plan (RRSP), a registered pension plan (RPP), or a registered retirement income fund (RRIF).

**If my spouse submits a Form 150 and I die before my pension start date, who is next in line for survivor benefits?**

If your spouse has submitted a valid Form 150 waiving their entitlement to survivor benefits, the following is the order of entitlement for survivor benefits from the OMERS Plan.

**1. Your eligible dependent children, if any**

A children's pension is payable to your eligible dependent child(ren). It equals 66 2/3% of your lifetime pension (excluding the bridge benefit) earned to your date of death and is divided equally among your eligible children. As each child ceases to be eligible (the earlier of their death or the date they no longer meet the definition of **eligible dependent child**), the pension is shared equally among the remaining eligible children.

**2. Your living designated beneficiary(ies), if any**

If there are no eligible dependent children, a **cash refund** (less tax) is divided among your living designated beneficiaries according to the percentages you specified on your beneficiary designation form.

**3. Your estate**

If there is no eligible spouse or children and no living beneficiaries on the date of your pre-retirement death, or if you designated "estate" on your beneficiary form, the refund described above for a beneficiary is payable to your estate.

**Note:** If you die before your pension start date, your designated living beneficiary(ies) (or, if none, your estate) may also receive a **special refund** and/or a **50% Rule refund**, if any.

**What if I name my spouse on my beneficiary designation form and my spouse has signed a Form 150?**

A Form 150 waives the survivor benefits payable to an *eligible spouse*, but it does not apply to benefits payable to a *beneficiary*. So, if your spouse is also named on your beneficiary designation form, your spouse may still receive benefits payable to a beneficiary upon your death. If you want to change your beneficiary designation, use OMERS *Form 206 - Beneficiary information*, available on [www.omers.com](http://www.omers.com).

**FORM 151A - WAIVER OF JOINT AND SURVIVOR PENSION (FSCO FORM 3) - PART A: SPOUSAL PENSION FOR A RETIREMENT-DATE SPOUSE**

Form 151a is used to waive the right to the survivor benefits that are payable to your *retirement-date spouse* if you die *after your pension start date*. (The surviving spouse pension is called a "joint and survivor" pension on the waiver form.) The content of Section 3 on the Form 151a is required by the PBA.

To submit a valid Form 151a, you and your spouse must sign the form, have it witnessed and deliver it to OMERS *within the 12-month period before your pension start date*. If you and your spouse submit a valid Form 151a, the next person(s) in the order of entitlement may become eligible for a benefit from the OMERS Plan upon your post-retirement death.

**Who is an "eligible spouse" for the purpose of the Form 151a?**

Submitting a valid Form 151a means that your spouse is waiving entitlement to survivor benefits. If there is no valid waiver form on file with OMERS, and you die *after* your pension has started, survivor benefits are payable to the person who qualifies as your "retirement-date spouse". This is the person who was your **legal spouse** or **common-law spouse** on your pension start date and who was not **living separate and apart** from you on that date.

**Important:** If you have an eligible spouse on your pension start date, i.e., a *retirement-date spouse*, that spouse will continue to be eligible for spousal survivor benefits, even if the two of you separate or divorce after you retire and you enter into a new spousal relationship. This is a requirement of the PBA.

**What survivor benefits is my spouse waiving by submitting a Form 151a?**

If you die after your **pension start date**, your *retirement-date spouse* (if any) will receive the following spousal survivor benefits, provided that your spouse has not signed a Form 151a in the 12-month period before your pension start date.

- A lifetime spousal pension, payable from the first of the month following your death, that is equal to 66 2/3%\*\* of the lifetime pension (excluding bridge benefit) that you earned in the OMERS Plan to your date of death.
- **Plus concurrent children's benefit:** A further 10% of your earned pension is payable for each **eligible dependent child**. The combined spousal pension and children's benefit cannot exceed 100% of your lifetime pension.

**\*\*Note:** The Form 151a states that the pension "must not be less than 60%". This is the minimum requirement under the PBA. The OMERS Plan 66 2/3% pension exceeds this minimum standard.

**If my spouse submits a Form 151a and I die after my pension start date, who is next in line for survivor benefits?**

If you and your spouse have submitted a valid Form 151a waiving your spouse's entitlement to survivor benefits, the following is the order of entitlement for survivor benefits from the OMERS Plan.

**1. Your eligible dependent children, if any**

A children's pension is payable to your eligible dependent child(ren). It equals 66 2/3% of your lifetime pension (excluding the bridge benefit) earned to your date of death and is divided equally among your eligible children. As each child ceases to be eligible (the earlier of their death or the date they no longer meet the definition of **eligible dependent child**), the pension is shared equally among the remaining eligible children.

**2. Your living designated beneficiary(ies), if any**

If there are no eligible dependent children, a **residual refund** is divided among your living designated beneficiaries according to the percentages you specified on your beneficiary designation form.

**3. Your estate**

If there is no eligible spouse or children and no living beneficiaries on the date of your post-retirement death, or if you designated "estate" on your beneficiary form, the residual refund described above for a beneficiary is payable to your estate.

**What if I name my spouse on my beneficiary designation form and my spouse has signed a Form 151a?**

A Form 151a waives the survivor benefits payable to an *eligible spouse*, but it does not apply to benefits payable to a *beneficiary*. So, if your spouse is also named on your beneficiary designation form, your spouse may still receive benefits payable to a beneficiary upon your death. If you want to change your beneficiary designation, use OMERS Form 206 - *Beneficiary information*, available on [www.omers.com](http://www.omers.com).

**FORM 151B - WAIVER OF SPOUSAL PENSION - PART B: SPOUSAL PENSION FOR A POST-RETIREMENT-DATE SPOUSE**

Determining the eligible surviving spouse of a deceased retired member is complex because a new spousal relationship may have started after retirement.

Form 151b is used to waive the right to the survivor benefits that are payable to a *post-retirement-date spouse* (see the table on page 3 for a definition). This provision in the OMERS Plan exceeds the minimum requirements under the PBA for spousal survivor benefits. If you and your spouse submit a valid Form 151b, the next person(s) in the order of entitlement may become eligible for a benefit from the OMERS Plan upon your post-retirement death.

**Who is an "eligible spouse" for the purpose of the Form 151b?**

Unless a valid Form 151b has been submitted, if you die after your *pension start date*, survivor benefits are payable to the person who is your *eligible post-retirement-date spouse*. This is the person who qualifies as your *legal spouse* or *common-law spouse* on your date of death, provided there is not another living person who meets the definition of *retirement-date-spouse*.

**What survivor benefits is my spouse waiving by submitting a Form 151b?**

If you die *after* your pension start date and you do not have a *retirement-date spouse*, your *post-retirement-date spouse* will receive the following spousal survivor benefits, if a Form 151b has not been submitted.

- A lifetime spousal pension, payable from the first of the month following your death, that is equal to 66 2/3% of the lifetime pension (excluding bridge benefit) that you earned in the OMERS Plan to your date of death.
- *Plus concurrent children's benefit*: A further 10% of your earned pension is payable for each *eligible dependent child*. The combined spousal pension and children's benefit cannot exceed 100% of your lifetime pension.

**If my spouse submits a Form 151b and I die after my pension start date, who is next in line for survivor benefits?**

If you and your spouse have submitted a valid Form 151b waiving your spouse's entitlement to survivor benefits, the following is the order of entitlement for survivor benefits from the OMERS Plan.

1. *Your eligible dependent children, if any*  
A children's pension is payable to your eligible dependent child(ren). It equals 66 2/3% of your lifetime pension (excluding the bridge benefit) earned to your date of death and is divided equally among your eligible children. As each child ceases to be eligible (the earlier of their death or the date they no longer meet the definition of *eligible dependent child*), the pension is shared equally among the remaining eligible children.
2. *Your living designated beneficiary(ies), if any*  
If there are no eligible dependent children, a *residual refund* is divided among your living designated beneficiaries according to the percentages you specified on your beneficiary designation form.
3. *Your estate*  
If there is no eligible spouse or children and no living beneficiaries on the date of your post-retirement death, or if you designated "estate" on your beneficiary form, the residual refund described above for a beneficiary is payable to your estate.

**What if I name my spouse on my beneficiary designation form and my spouse has signed a Form 151b?**

A Form 151b waives the survivor benefits payable to an *eligible post-retirement-date spouse*, but it does not apply to benefits payable to a *beneficiary*, so, if your spouse is *also* named on your beneficiary designation form, your spouse may still receive benefits payable to a beneficiary upon your death. If you want to change your beneficiary designation, use OMERS Form 206 - *Beneficiary information*, available on [www.omers.com](http://www.omers.com).

**Important information about benefit amounts:** Survivor benefits payable to a spouse and survivor benefits payable to other survivors are calculated differently. If a spouse submits a waiver, the result may be that no benefits are payable to anyone, depending on the value of the benefits already paid out to the retired member.

## DEFINITIONS

### 50% RULE REFUND

If a member's contributions plus interest from January 1, 1987 to the date of termination are greater than 50% of the commuted value of the post-1986 pension, the member is entitled to a refund of the difference. This is called a 50% Rule Refund.

### CASH REFUND

A one-time cash refund, as described at #2 on page 4, is equal to the sum of the member's contributions made prior to January 1, 1987, with interest to the date of the member's death; plus the commuted value of the member's pension earned on or after January 1, 1987.

### 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 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*.

### LEGAL SPOUSE

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

### ELIGIBLE DEPENDENT CHILD

OMERS considers an eligible dependent child to be:

- a natural child; or
- a legally adopted child; or
- a person whom a member has demonstrated a settled intention to treat as a child of his or her family (except under an arrangement where the child is placed for valuable consideration in a foster home by a person having lawful custody).

At the time of the member's death, the eligible child must be dependent on the member for support and also must be:

- 18 years or younger in the year of the member's death; or
- under age 25\* and a full-time student; or
- totally disabled (as defined in the OMERS Plan).

*\*If the member died before January 1, 2005, the eligibility period ends at age 21.*

### 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. The determination may require the assistance of a lawyer. In general, physical separation is usually, but not always, an indication that two persons are living separate and apart. However, physical separation is not always conclusive. There must also be a mutual or a unilateral intention for two persons to live separate and apart and end the marriage or common-law relationship. For example, a physical separation between two spouses caused by one of them living in a nursing home will not necessarily result in a determination that the spouses are living separate and apart, provided that both spouses intended the marriage or common-law relationship to continue despite the physical barrier.

### PENSION START DATE

This refers to the date the first installment of the pension is *due* according to the terms of the OMERS Plan.

### RESIDUAL REFUND

The total of your OMERS contributions with interest as at the date of retirement, less the amount of any benefits already paid to you and/or to your survivors. If the pension benefits already paid exceed the contributions plus interest, the residual refund will be zero.

### SPECIAL REFUND

When the commuted value of the member's OMERS Plan pension earned after 1986 is greater than the amount needed to fund the survivor benefit for the member's eligible dependent child(ren), the difference is paid as an OMERS Plan special refund. It is paid to the living beneficiary(ies) named by the member on the OMERS Plan beneficiary designation form, or if none, to the member's estate.