OMERS

Death benefit – survivor status confirmation

Use this form to confirm that the deceased OMERS member does not have a surviving eligible spouse (legal or common-law) and/or surviving eligible dependent children.

Any personal information provided on this form may be used to update the 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.

SECTION 1 DECEASED MEMBER'S INFORMATION

☐ Pre-retirement death ☐ Post-retirement death

OMERS Membership/Reference Number*		Date of Death (m/d/y)
First Name	Middle Name	Last Name

**Your membership/reference number appears on any personalized statement from OMERS.*

SECTION 2 ORDER OF ENTITLEMENT

When a member dies, OMERS provides benefits in the following order of entitlement:

- An eligible spouse is first in line for survivor benefits.
- If there is no eligible spouse, a benefit would be paid to any eligible dependent children.
- If there is no eligible spouse or children, the beneficiary on file with OMERS may be entitled to a refund.
- If there is no beneficiary on file with OMERS, any refund would be paid to the member's estate.

Please see definitions for these terms on page 2 of this form.

Note: A deceased member's legal will directs the settlement of the estate, not the OMERS entitlement.

For pre-retirement death
By signing below, you confirm that to the best of your knowledge there was no eligible spouse and/or any eligible dependent children at the date of the member's death.

For post-retirement death
By signing below, you confirm that to the best of your knowledge there was no eligible spouse at the date of the member's retirement, and no eligible spouse and/or eligible dependent children at the date of the member's death.

First Name	Middle Name	Last Name

Apt/Unit	Address	City	Province	Postal Code

Home Number	Mobile Number	Email
Relationship to Deceased Member		

Your Signature _____ Date (m/d/y) _____ Witness Signature _____ Date (m/d/y) _____

F154 - Oct 2023

OMERS

Survivor Benefit Definitions

ELIGIBLE SPOUSE

The definition of an eligible spouse is set out in the applicable legislation and includes a legal spouse or common-law spouse.

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 natural or adoptive parents of a child, both as defined in the *Family Law Act* (Ontario).

SAME-SEX SPOUSE

OMERS considers a same-sex spouse to be eligible if the common-law or legal spouse criteria are met.

PRE-RETIREMENT-DATE SPOUSE

If the member has a legal or common-law spouse on the date of his or her death (before retirement) and the spouses are not living separate and apart, that person is the "pre-retirement-date spouse" and eligible for spousal survivor benefits, provided he or she has not waived rights to survivor benefits.

RETIREMENT-DATE SPOUSE

If the member has a legal or common-law spouse on the date that his or her first pension payment is due and the spouses are not living separate and apart, that person is the "retirement-date spouse" and eligible for spousal survivor benefits, provided he or she has not waived rights to survivor benefits.

Important: If the member predeceases the retirement-date spouse after the pension has commenced, that spouse is the only person who can qualify to receive spousal survivor benefits from the OMERS Plan, as required by the *Pension Benefits Act*. This applies even if the member and the retirement-date spouse are separated or divorced (even if the member was remarried or in a new common-law relationship at the date of death).

POST-RETIREMENT-DATE SPOUSE

If the member enters into a spousal relationship after retirement, and there is no person who qualifies as the retirement-date spouse, OMERS considers the surviving legal or common-law spouse at the member's date of death to be the eligible spouse for the purpose of spousal survivor benefits.

Note: If the member and the spouse are living separate and apart at the member's date of death, the spouse will *not qualify* to receive spousal survivor benefits.

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.

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 described below.

TOTALLY DISABLED CHILD

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

- occurred before age 21 or occurred before age 25 while a full-time student; and
- whose condition prevents self-support or doing any work for compensation or profit (except for an OMERS-approved rehabilitation or workshop program); 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.

BENEFICIARY

If there is no eligible spouse or children, the member's designated beneficiary on file may be entitled to a benefit.

The OMERS member has the sole right to name a beneficiary. An executor, estate trustee, power of attorney for property, or survivor cannot change a member's designated beneficiary.

ESTATE

If there is no eligible spouse or child, and no designated beneficiary on file, the benefit may be paid to the member's estate.