



**Form 2.01**

[Subclause 29.2(3)(b)(i)]

**SPOUSE'S CONSENT TO TRANSFER TO A VARIABLE BENEFIT ACCOUNT**

I, \_\_\_\_\_  
*(print or type full name of spouse)*

certify that I am the spouse (within the meaning of clause 2(1)(ff) of *The Pension Benefits Act, 1992*) of

\_\_\_\_\_  
*(print or type full name of member or former member)*

(hereinafter called "the member") who is a member or former member of a registered pension plan that is subject to the provisions of *The Pension Benefits Act, 1992*.

1. I understand that the member wants to transfer money to a variable benefit account (hereinafter called "the account") in accordance with section 29.2 of *The Pension Benefits Regulations, 1993*, and that my written consent is required to enable the member to make the transfer.
2. I declare that, by signing this consent and filing it with the administrator of the plan:
  - (a) I am authorizing the member to manage the money in the account, subject to the minimum annual withdrawal payment required by the *Income Tax Act (Canada)*; and
  - (b) I understand that there is no maximum withdrawal restriction imposed under the account and I am authorizing the member to withdraw part or all of the balance of the money in the account at any time.
3. I certify that this consent is being signed freely and voluntarily without any compulsion on the part of the member and outside the immediate presence of the member.

In witness whereof, I sign this consent at \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_ in the presence of

\_\_\_\_\_  
*(print or type name of witness)*

of \_\_\_\_\_  
*(address of witness)*

\_\_\_\_\_  
*(Signature of witness)*

\_\_\_\_\_  
*(Spouse's signature)*

**COMMENTS AND INSTRUCTIONS**  
**FORM 2.01**  
**SPOUSE'S CONSENT TO TRANSFER TO A VARIABLE BENEFIT ACCOUNT**

This consent must be completed by the spouse of a member or former member (hereinafter called "the member") of a pension plan that is subject to the provisions of *The Pension Benefits Act, 1992* (the *Act*), where the member or former member wishes to transfer part or all of his or her pension benefit entitlement to a variable benefit account offered by the plan.

A variable benefit account has no limit on the amount of annual income that may be withdrawn. The member could withdraw the entire balance in the variable benefit account leaving the spouse with no survivor benefit payable on the death of the member. Prior to signing this consent form, the spouse should seek the advice of a lawyer and a qualified financial advisor.

Under *The Pension Benefits Act, 1992*, a spouse is the spouse of a member or former member at the day on which the pension is payable to the member or former member. "Spouse" means:

- (a) a person who is married to a member or former member; or
- (b) if a member or former member is not married, a person with whom the member or former member is cohabiting as spouses at the relevant time and who has been cohabiting continuously with the member or former member as his or her spouse for at least one year prior to the relevant time.

This consent must be completed and signed by the spouse if the member has locked-in assets in:

- a registered pension plan;
- a locked-in retirement account contract;
- a life income fund contract; or
- a locked-in retirement income fund contract

and the member wishes to transfer part or all of his or her locked-in assets to a variable benefit account. Where a member elects a partial transfer of assets, this consent applies only to the amount that is transferred. A new consent is required for any subsequent transfer of assets to the member's variable benefit account.

The consent must be:

- completed in its entirety;
- signed by the spouse, in the presence of a witness, outside of the immediate presence of the member and
- filed with the administrator of the plan.

***We strongly urge the spouse to seek independent legal advice before signing this consent.***