

# ACCESSING PENSION FUNDS



Updated: December, 2007

## **Alberta Locked-in Accounts**

If you work for an industry that is not federally regulated, and you work in Alberta on your last day of employment for a company that set up a pension plan, then the funds that result from that pension plan are subject to the *Employment Pension Plans Act* (the Act).

Alberta public sector plans (the Public Service, Teachers, Management Employees, Local Authorities, Special Forces, Provincial Court Judges and MLA Pension Plans) are not subject to the Act, but they do require that any money transferred from them must be locked-in under the rules of the Act.

Federally regulated industries include banking, telecommunications, airlines, shipping, and other inter-provincial forms of transportation. In addition, federal civil servants, the military and the RCMP follow the federal rules. If you earned your pension while working in one of these industries, then Alberta's legislation does not apply to your locked-in account. Instead, your locked-in funds are regulated by the Government of Canada and are subject to the *Pension Benefits Standards Act, 1985*.

### **What Happens When I Leave my Employer?**

When you resign or retire, you may be given the option to transfer your funds from the pension plan into a Locked-in Retirement Account (LIRA—also sometimes called a locked-in Registered Retirement Savings Plan). The LIRA is an account in your name, held by a financial institution.

The transfer of the money from the pension plan into a LIRA does not change the fact that your pension plan was established to provide you with income for the remainder of your life after retirement. Therefore, in the spirit and intent of the original pension plan, any funds transferred into a LIRA must ultimately be used to provide you with life-long retirement income.

If you have a LIRA and are at least 50 years old, you can start earning a pension, regardless of the early retirement age that was set out in your pension plan. To do so, you must convert all or part of your LIRA into one or both of two options that will provide you with a life-long retirement income: A life annuity or a Life Income Fund (LIF).

## Life Annuities

Only insurance companies offer life annuities. These annuities provide you with a guaranteed level of income for life, in exchange for the amount in your LIRA. Payments from a life annuity are similar to receiving a monthly pension that is paid directly from a pension plan fund. Once you have chosen an annuity, the insurance company is unlikely to allow you to change the terms of it.

The provisions of the annuity, as well as the amounts paid out, depend on the terms of the contract that you sign with the insurance company. However, the Act requires that any annuity purchased using locked-in funds must pay you a retirement income for as long as you live. If you have a [pension partner](#) at the time you start your pension, the standard form of payment to you is a “60% joint and survivor annuity” that pays a certain monthly rate for the whole of your life and continues payments after your death to your pension partner at an amount equal to 60% of the payment when you were both alive. You may choose a form of annuity that gives your pension partner less than 60 percent of your monthly pension for life only if your pension partner agrees to waive (give up) his or her entitlement to the 60 percent joint and survivor annuity.

## Life Income Fund (LIF)

Many financial institutions, including insurance companies, banks, trust companies and credit unions, are permitted to offer Life Income Funds (LIF). A LIF gives you more control over the way the funds are invested, but it is not likely that you will be guaranteed a specific dollar amount of yearly income.

Your LIF must pay out a minimum yearly amount to comply with the rules of the *Income Tax Act*. The maximum amount that may be paid out is based on a factor that is calculated every year. More information on these minimum and maximum amounts can be found in our [Policy Bulletin #11, Life Income Funds](#). Your financial institution can also offer additional information on LIF payment amounts.

You may not purchase a LIF unless your pension partner agrees to waive his or her entitlement to the 60 percent joint and survivor annuity. When you die, your pension partner will receive the remainder of the LIF account. It will be transferred on a non-locked-in basis, but can still be tax-deferred. Therefore, remaining funds can be moved into your pension partner’s Registered Retirement Income Fund (RRIF) or an RRSP if your pension partner is under age 71. Your pension partner can transfer the money to a regular bank account, but taxes will be deducted as required by the *Income Tax Act*.

If you have no pension partner when you die, the account balance goes to the person you name as your beneficiary, or to your estate if you do not name a beneficiary. The funds will be transferred to a regular bank account but reduced by taxes.

If you have a pension partner, but wish to designate a beneficiary other than your pension partner, and your pension partner is in agreement, you may do so if that person completes Part Two of [Form 6 - Pension Partner Waiver on Transfer to a LIF, DC RIA, or Annuity](#). This form is available on our website.

### Who is my Pension Partner?

Your pension partner is:

- the person to whom you are legally married, or:
- The person (including a same-sex partner) with whom you have lived in a marriage-like relationship for at least 3 years, or sooner if there is a child resulting from the relationship (either by birth or adoption) before the date you start your pension.



If you are in a common-law relationship that dissolves, your former partner ceases to be your pension partner on the date that you begin to live separate and apart.

If you are legally married, your spouse ceases to be your pension partner after you have been separated for three years, or after the divorce decree is issued, if sooner.

However, if you obtained the locked-in account as a result of:

- a death benefit from your deceased pension partner, or;
- a split of your former pension partner's benefits upon marriage breakdown,

then your new spouse or common-law spouse is not considered your pension partner for the purposes of the Act.

## Accessing Locked-in Funds

If you have a locked-in account, there are five specific situations that may allow you to unlock funds. These are considerably shortened life, taking non-residency status, small amounts, 50% unlocking, and financial hardship.

The unlocking rules allow you to transfer the locked-in funds into a regular bank account, but if you do so, the unlocked amount will be subject to income taxes. You may also transfer the funds into a Registered Retirement Savings Plan (RRSP) or a Registered Retirement Income Fund (RRIF), on a tax deferred basis.

### Access due to Considerably Shortened Life

If you have a terminal illness or a disability that is expected, in the opinion of your doctor, to shorten your life considerably, then your LIRA or LIF may be unlocked. Your doctor must provide the shortened life opinion in writing. Also, you may not withdraw the funds unless your pension partner consents to giving up his or her entitlement to a joint and survivor pension.



**To access the funds, you must provide your financial institution with:**

- A) a doctor's letter that confirms you are expected to have a considerably shortened life, and,**
- B) if you have a pension partner; a completed copy of [Form 5, Pension Partner Waiver to Permit Commutation due to Shortened Life or Taking Non-residency Status](#), signed by your pension partner.**

You can transfer your funds to a regular bank account, transfer them to an investment account that is not subject to the Act, or receive a series of payments over a shorter period of time. The rule that restricts you from starting a pension at age 50 is removed, as is the requirement to pay out those funds in a set manner.

It is not necessary to apply to Alberta Finance in order to access your funds due to a considerably shortened life. The entire process is transacted by the financial institution that holds your locked-in account. If you require Form 5 and do not have access to a computer, you may obtain one by [calling our office](#). Our contact information is included on page 20.

## **Access due to Becoming a Non-resident of Canada**

If the Canada Revenue Agency (CRA) determines that you are a non-resident of Canada for tax purposes, and confirms this in writing, then you may unlock your LIRA or LIF.

You can apply to obtain non-residency status by completing the federal form [NR-73](#). This form is available on the CRA website, or you may call the Government of Canada's Publications Order Service at 1-800-959-2221.

Once the NR-73 form is completed, you must return it to CRA. If you qualify, CRA will send you a letter confirming that you are a non-resident of Canada for purposes of the *Income Tax Act*.

**In order to unlock your funds due to non-residency, you must provide your financial institution with:**

- A) Canada Revenue Agency's confirmation that you are a non-resident of Canada, and,**
- B) if you have a pension partner, a completed copy of [Form 5](#), *Pension Partner Waiver to Permit Commutation due to Shortened Life or Taking Non-residency Status*, signed by your pension partner.**



Once unlocked, the funds may be transferred into a regular bank account or transferred into an investment account that is not subject to the Act. You do not have to wait until age 50 to access those funds, nor do the funds have to be paid out in a set manner.

You can obtain Form 5 on our website, or by [calling our office](#) using the information on page 20.

Questions regarding non-residency should be directed to the Canada Revenue Agency at 1-800-267-5177.



## Access to Small Amounts

Amounts held in a locked-in contract are considered to be too small to provide a useful pension if the dollar value of that account falls below a set level. Accounts below that level may be unlocked. These levels are as follows:

- **For the year 2008, if the dollar value of any single locked-in account is less than \$8,980, the account can be unlocked. This rule applies to anyone, at any age, on any single locked-in account.**
- **If you are aged 65 or older and the value of any single locked-in account is less than \$17,960, then the account can be unlocked.**

You cannot split an account so that the resulting balance in any new account falls below these thresholds.

The small amount dollar values are based, respectively, on 20% and 40% of the Year's Maximum Pensionable Earnings (YMPE). The YMPE is a value used in determining the maximum benefit under Canada Pension Plan and is adjusted every year, keeping pace with average wages. As a result, the small amounts limit usually increases yearly.



If your account value is beneath the small amounts threshold, you do not need your pension partner to waive entitlement to a pension, because the amount in the fund is too small to provide a pension.

There are no Government of Alberta forms to be completed in order to unlock an account whose value falls below the small amounts limit, and you do not apply to the Government for the unlocking. The funds can be released directly through the financial institution that holds your locked-in account.

### **What if my account balance is just above the small amounts limit?**

The only way to qualify for small amounts unlocking is to have an account balance below the small amounts limit. If your account balance is over the limit, even by a dollar, then you cannot have your funds unlocked under the small amounts rules. Keep in mind, however, that the small amounts threshold will increase slightly every year.

## **50% Unlocking**

Alberta locked-in account owners aged 50 or older may withdraw up to 50% of the value of a pension plan benefit or locked-in account, one time only, subject to the requirements outlined below.

**You may withdraw the 50% if you are at least 50 and are either:**

- **withdrawing funds from a pension plan due to termination, retirement death or divorce and moving them into a LIF, Annuity or DC RIA;**
- **an owner of a LIRA who is converting the account into a LIF or purchasing an annuity;**

**When may unlocking occur?**

- **If your funds are in a pension plan or LIRA, you may unlock when you are about to transfer money out of the pension plan or LIRA, in to a LIF, life annuity or DC RIA.**



**When is unlocking not permitted?**

Unlocking is not permitted if you are receiving a pension from the plan, or if your pension plan does not allow you to transfer money out of the plan (some plans will not allow transfers after you reach a certain age).

Effective January 1, 2008, you may not unlock 50% from any previously established LIF. If you established a LIF on or after November 1, 2006, the option for 50% unlocking would have been offered when that account was created. If you have a LIF that was established before November 1, 2006, your financial institution would have notified you that there was a deadline of December 31, 2007 to access 50% of that LIF.

**Can I withdraw less than 50% of the account balance?**

You may unlock less than 50% of the account if you wish, however, this is a one-time only opportunity; therefore, if you unlock less than 50%, you are not permitted to unlock again later. For example, if you withdraw only 30% of your account balance, there is no opportunity to unlock another 20% at a later date.



## How do I apply to unlock 50%?

50% unlocking is performed directly through the financial institution that holds the locked-in funds or pension plan. There is no application form required by the Government of Alberta, and you do not apply to the Government for the unlocking.

However, if you have a pension partner, you cannot unlock the funds unless that individual consents to the unlocking by signing a waiver giving up his or her entitlement to a survivor pension. This waiver is found in Part One of [Form 6 — Pension Partner Waiver on Transfer to a LIF, DC RIA or Annuity](#). This form can be found on our website, or if you do not have access to a computer, you may [call our office](#) to obtain a copy.

No waiver is required if you do not have a pension partner, or if you are a surviving pension partner or ex-spouse of a plan member.

## What can I do with the funds I withdraw?

You have the option of taking the funds in cash or transferring them into a regular bank account, in which case taxes would be deducted from the 50% withdrawn. You can also choose to transfer the monies into your own RRSP or RRIF, which would defer the tax deduction. Any combination of these options may be chosen.

In all cases, though, the remaining account balance remains locked-in and must be transferred into a LIF or life annuity. This means that if you want to unlock 50%, you must also begin to draw income from the remaining locked-in account.

**The only exception to this rule** is if you unlock 50% of your account and the remaining balance amounts to less than 20% of the YMPE.



After unlocking, **if the remaining** balance of your account is **less than** the small amount limit (see pg 7), you may unlock the rest of the account. In these cases, you would inevitably be permitted to unlock the remainder of these funds. Thus, it is acceptable to withdraw the balance of the funds without establishing the LIF, because it only creates extra administration for you and your financial institution.

## **Financial Hardship Unlocking (FHU)**

If you are facing a situation of financial hardship, you may [apply to the Superintendent of Pensions](#), no more than twice in a twelve-month period, for a release of some or all of the funds in your LIRA or LIF.



### **There are a number of situations of financial hardship:**

1. You or your pension partner risk eviction from your principal residence due to overdue rent, or you have received notice that if payment is not made, the Sheriff will seize your property to reimburse your landlord for rent arrears.
2. You or your pension partner risk foreclosure of a mortgage on your principal residence due to a debt secured against that residence.
3. You or your pension partner require first and last month's rent (or security deposit) on a principal residence.
4. You, your pension partner or dependant face medical expenses that are not covered by any insurance, and a physician certifies that the treatment, medication or medical aid is reasonable to treat the illness or disability.
5. You require alterations to your primary residence to adapt to your disability, or your pension partner's or your dependant's disability.
6. Your estimated income for the next 12 months is less than two thirds of the Year's Maximum Pensionable Earnings (YMPE). (For the year 2007, your expected income is less than \$29,133.)
7. Canada Revenue Agency (CRA) has started legal proceedings against you to pay overdue personal income taxes.
8. You find yourself in a situation of financial difficulty that does not fall under the above categories, but that the Superintendent considers would reasonably qualify as financial hardship.
- 8a. You are a registered debtor under the Maintenance Enforcement Act of Alberta and child maintenance payments are in arrears.

**You do not have to provide information about your other assets or prove you have no other assets to qualify for a financial hardship withdrawal, however, certain documents, specific to each circumstance outlined on the previous page, must be included with the [application form](#). These are (corresponding to the same number on the previous page):**

1. A copy of the eviction notice / distress for rent document. If you live in Alberta, written confirmation from the Homelessness and Eviction Prevention Fund, denying your request for funding through that program.
2. A copy of the foreclosure notice.
3. A copy of the lease/tenancy agreement, including the monthly rental cost (and/or the security deposit) of the rental unit, and a letter from the Homelessness and Eviction Prevention Fund, confirming that your request for funding through that program was denied.
4. A copy of the invoice or estimate for medical treatment or medication, and a physician's written opinion that the treatment is reasonable for the patient.
5. A copy of the cost estimate to alter the primary residence; a copy of a physician's opinion that the you, your pension partner or dependant has a disability; and a written confirmation that the alterations are not covered by public health care, private insurance or other Government programs.
6. Completion of the Statement of Expected Income section of the application.
7. A copy of the Writ of Seizure or Requirement to Pay (RTP), issued by Canada Revenue Agency with respect to your personal income tax arrears.
8. Your written explanation detailing the specific hardship and the costs that you face, including copies of invoices, statements, or other documents as proof of the financial hardship.
- 8a. A copy of the Maintenance Enforcement Order or statement of arrears from the Alberta Maintenance Enforcement Program.

Along with your completed application, you must also include a copy of the most recent statement of your locked-in account. There is no charge to make an application.



If your application is successful, you will receive written consent from the Superintendent of Pensions to a release of funds from your LIRA or LIF due to financial hardship. This consent must be presented to your financial institution holding your locked-in funds in order to have the monies released.

## Summary of Unlocking Provisions and Procedures

Provision	Procedure	Required Forms
<p><b>Considerably Shortened Life</b></p>	<p>Completed through the financial institution. There is No need to apply to the Government of Alberta.</p> <p>All forms are to be returned to the Financial Institution handling the unlocking.</p>	<p><b>Form 5</b>—<i>Pension Partner Waiver to Permit Commutation Due to Shortened Life or Taking Non-Residency Status</i> (if you have a pension partner)</p> <p><b>Physician’s letter</b> that states you are expected to have a considerably Shortened life.</p>
<p><b>Taking Non-residency Status</b></p>	<p>Completed through the financial institution. There is No need to apply to the Government of Alberta, and forms are returned to the Financial Institution.</p> <p>Non-residency status is granted by the Canada Revenue Agency (CRA). CRA will require a completed <b>Form NR-73</b> in order to grant non-residency status.</p>	<p><b>Form 5</b>—<i>Pension Partner Waiver to Permit Commutation Due to Shortened Life or Taking Non-Residency Status</i> (if you have a pension partner)</p> <p><b>Letter from Canada Revenue Agency</b> that confirms you are a non-resident of Canada for purposes of the <i>Income Tax Act</i>.</p>
<p><b>Access to Small Amounts</b></p>	<p>Completed through the financial institution. There is No need to apply to the Government of Alberta.</p> <p>All forms are to be returned to the Financial Institution handling the unlocking.</p>	<p><b>None.</b></p>
<p><b>50% Unlocking</b></p>	<p>Completed through the financial institution. There is No need to apply to the Government of Alberta. All forms are to be returned to the Financial Institution handling the unlocking.</p>	<p><b>Form 6</b>—<i>Pension Partner Waiver of Transfer to a LIF, DC RIA or Annuity</i>. (if you have a pension partner)</p> <p>Only <b>Part One</b> of the form needs to be completed.</p>
<p><b>Financial Hardship</b></p>	<p>Application must be made to the Superintendent of Pensions.</p>	<p><b>Form 51</b>—<i>Access to Alberta Locked-in Funds due to Financial Hardship</i>, and supporting documentation as outlined in the application form must be supplied to the Superintendent of Pensions.</p>

## Beware of Unlocking Schemes and Scams

From time to time, the Superintendent of Pensions learns of situations where individuals or companies advertise ways to get around locking-in rules, often on a “tax free” basis.

While there are many variations to every scam, often the general premise to these "unlocking" schemes or scams is that the account holder invests the funds in their locked-in account into a particular company . Once the transfer is complete, this same company offers to give the account owner most of the funds so transferred, while keeping a portion of the money as their fee. (Other variations include loaning the account owner the funds from their own locked-in account and charging interest on that loan).

According to the organizer of the scheme or scam, the money is still “invested” in the locked-in account and, as such, remains tax-deferred.

However, the reality is much different. There are numerous pitfalls to these arrangements which can include:

- Extraordinarily large fees paid by the account owner - as much as 30% of the account balance (or more) that they never recoup,
- Possibility that the company “takes the money and runs”. Not only does the individual receive no funds from the account, but their entire retirement savings are lost,
- Despite the claims of tax-free payment, the Canada Revenue Agency (CRA) can assess a tax bill on the value of the entire locked-in account holder because money was paid as cash. This tax is payable by the account holder regardless of whether the owner ever received any cash from the deal. The tax bill can include penalties if CRA determines that the tax bill is in arrears.

The only ways to unlock money held in a locked-in account are explained in this document. Dealing with any persons or organizations who claim they can unlock funds in some other manner may lead to significant losses for the locked-in account holder.

Locked-in account holders are **strongly advised** that if an offer sounds too good to be true, then it probably is, and may in fact be illegal.

## Frequently Asked Questions

**Q. I am under the age of 50 and cannot “turn on” my pension. I do not qualify for any of the unlocking provisions mentioned in this brochure. Is there any other way for me to unlock my money? Is there an individual to whom I can appeal so that I may have special exemption to the rules?**

*A. No, there is not. Money earned in a pension plan was intended to provide you with life-long retirement income. The Employment Pension Plans Act (the Act) requires that it be used for that purpose. No one has the authority to make an exception in your case.*

**Q. What happens to the money in my locked-in account when I die?**

*A. When you die, money in any type of locked-in account will be distributed to your pension partner, if you have one. If you do not have a pension partner, then the funds are distributed to the person you have named as your designated beneficiary. If you have not named a beneficiary Or the named beneficiary is dead, the funds will be distributed to your estate.*

**Q. I am the pension partner of a deceased locked-in account owner. How Can the funds be paid to me?**

*A. If the money is in a LIRA, the funds may be transferred:*

- *to a deferred or immediate life annuity in your name that begins payment no earlier than age 50;*
- *to a LIRA in your name; or*
- *to a LIF in your name, provided you are at least age 50.*

*If the money was in a LIF, the balance of the account will be paid to you as a lump sum amount, less applicable taxes, or may be transferred to your RRSP or RRIF on a tax deferred basis.*



**Q. I was named as the designated beneficiary of a locked-in account owner. How can the funds in the account be paid to me?**

A. *The money in the locked-in account will be paid as a lump sum, less applicable taxes, and there will be no further locking-in restrictions.*

**Q. Can I split up my locked-in account into two or more contracts?**

A. *Yes, as long as the resulting balances in all the accounts are above the small amounts threshold.*

**Q. I am over the age of 50 and am interested in starting a LIF or Life Annuity. Where can I obtain more information on these products?**

A. *Further information concerning these pension products is available from the Employment Pensions website:*

<http://www.finance.alberta.ca/publications/pensions/policy.html>

*You may also telephone our office at (780) 427-8322. If you are calling within Alberta, you can be connected without charge by calling 310-0000 and then dialing 427-8322.*

*You can also contact most financial institutions including chartered banks, trust companies, insurance companies, credit unions, or brokers who act as agents selling such products for these institutions, to provide you with more information.*

**Q. I worked for a federally regulated industry when I earned my pension. Whom can I contact for information about my locked-in account?**

A. *For information on federally regulated locked-in accounts, you can call the Office of the Superintendent of Financial Institutions, toll free, at 1-800-385-8647, or you can browse their website at:*

[http://www.osfi-bsif.gc.ca/osfi/index\\_e.aspx?ArticleID=216](http://www.osfi-bsif.gc.ca/osfi/index_e.aspx?ArticleID=216)

## **Shortened Life**

### **Q. I have a physical disability. Can I unlock my funds for this reason?**

- A. *It depends on whether or not your doctor would consider that your illness or disability would shorten your life considerably. A physician must make that assessment and be willing to sign a letter stating that your life expectancy is considerably shortened.*

*If your doctor is not willing to do that, you may be able to access some of your funds due to financial hardship, depending on your situation.*

*Note that mental disabilities do not qualify an applicant for unlocking due to considerably shortened life, but depending on the circumstances, may qualify an applicant for financial hardship unlocking.*

### **Q. What must my life expectancy be in order to qualify for unlocking due to a considerably shortened life expectancy?**

- A. *There are no specific recommendations for what qualifies as a considerably shortened life expectancy because this varies a great deal, based upon your age and condition. It is up to your doctor to make this assessment using his or her best professional judgment.*

### **Q. I have money in a locked-in account and my pension partner is terminally ill. Can I use the shortened life expectancy provision to unlock these funds to help my partner?**

- A. *No. The money held in the locked-in contract was earned as your benefit as a member in a pension plan. As such, the special access provision of the Act relating to terminal illness apply only to you.*

*You may, however, be able to access some of those funds due to situations of financial hardship if the funds in the locked-in account would be used for medical expenses or if the illness resulted in a loss of family income and unmanageable debt.*

## **Non-Residency**

### **Q. I am leaving Canada shortly. When do I qualify as a non-resident of Canada for purposes of the *Income Tax Act*?**

- A. *The Alberta Superintendent of Pensions does not determine your residency status. Only Canada Revenue Agency (CRA) can determine if you are considered a non-resident of Canada. Questions regarding non-residency should be directed to CRA at 1-800-267-5177.*

## Financial Hardship Unlocking (FHU)

### **Q. Is my pension partner's consent needed before I can withdraw funds due to Financial Hardship?**

A. *If the funds in the locked-in account were transferred from your own pension plan, then you cannot withdraw the funds without the consent of your pension partner. The application form contains a section for your pension partner to complete to indicate his or her agreement to the withdrawal of the locked-in funds.*

*If your former pension partner was a member of a pension plan and you obtained the locked-in account as a result of a pension split due to marriage breakdown, or as a death benefit when your pension partner passed away, then no pension partner agreement is required.*



### **Q. How long will it take to learn whether or not I can receive funds from my account due to financial hardship?**

A. *The number of applications received by our office will affect review time, but generally, complete applications made under reasons 1-7 are reviewed within 5 business days. Applications made under Reason 8—Other Situation of Financial Hardship will be reviewed on a monthly basis only.*

*You can help speed up the process by ensuring that all required documents are submitted with your form, and that the application form has been completed.*

### **Q. Why does it take longer to receive a decision when I apply under Reason 8, Other Situation of Financial Hardship?**

A. *When your situation of hardship does not meet any of the specific situations that the Superintendent has identified as being financial hardship, your application is sent to the Locked-in Account Advisory Committee (LAAC) for review. LAAC is a 3-person panel of impartial citizens that meets monthly.*

*LAAC will review a summary of the application and will make recommendations to the Superintendent of Pensions to determine whether you may receive funds from your locked-in account. Your identity is not provided to LAAC; they are only made aware of your circumstances.*

**Q. What if my funds are still in the pension plan? Can I still apply to access funds due to financial hardship?**

A. No, you cannot. Your funds must have been transferred out of the registered pension plan into a LIRA or LIF in your name.

*If you are still working for the employer that established the pension plan, you cannot access those funds until you terminate employment. If you no longer work for the employer who provided you with the pension plan, then you must transfer your funds from the group pension plan into a LIRA or LIF before you apply to the FHU program.*

**Q. I am over 50 and have not used my 50% unlocking option. Can I apply to the Financial Hardship Unlocking Program?**

A. Yes. It is your choice as to which option you wish to use. For some Albertans, drawing income from a LIF as part of the requirements of the 50% unlocking provision will negatively affect benefits they may be receiving from other assistance programs. For others, starting to draw income from the LIF at an early age will deplete their retirement savings more than is necessary. In these cases, a one time withdrawal due to financial hardship may be a better option.

*You may use both the 50% unlocking provision and the financial hardship provision to access needed funds. However, whether or not you have taken advantage of the 50% unlocking opportunity may, in some cases, affect the Superintendent's decision on your financial hardship application.*



**Q. Where can I obtain a copy of the financial hardship application form?**

A. Copies are available online at:  
[http://www.finance.alberta.ca/publications/pensions/pdf/form\\_51.pdf](http://www.finance.alberta.ca/publications/pensions/pdf/form_51.pdf)

*Form 51, Access to Alberta Locked-in Funds due to Financial Hardship is the last form in the chart.*

*If you do not have a computer, you may call (780) 415-9225. If you are calling within Alberta, you can be connected free of charge by calling the RITE line at 310-0000 and then dialing 415-9225.*

**Q. I am applying to the Financial Hardship Unlocking (FHU) Program because I want to access my locked-in account to put a down payment on a house. Will my application be approved?**

*A. The Superintendent of Pensions does not, by precedent, release funds specifically for the purpose of purchasing a home. However, effective August 10, 2006, the Employment Pension Plans Act was amended to allow non-arm's length mortgages as permitted investments for locked-in accounts. The rules under the federal Income Tax Act apply. Questions concerning this investment option should be directed to the financial institution holding your locked-in account.*

**Q. If I live in Alberta, why do I have to apply to the Homelessness and Eviction Prevention (HEP) Fund before I can make a financial hardship withdrawal due to eviction or for first and last month's rent?**

*A. Alberta Employment, Immigration and Industry has established the Homelessness and Eviction Prevention (HEP) Fund to provide short term assistance to Alberta residents who are facing eviction or having difficulty obtaining rental accommodation due to a lack of funds. As the Financial Hardship Unlocking (FHU) program is a program of last resort, the Superintendent of Pensions expects that if there are other means of accessing funds to assist you, they must be exhausted before receiving funds through the FHU program. **You may contact the Homelessness and Eviction Prevention fund toll free, at (866) 644-5135.** If you are denied by HEP, you may submit written confirmation of this denial and your file will be reviewed by our office.*

## **Contact Us**

General Information:

[www.finance.alberta.ca](http://www.finance.alberta.ca)  
(780) 427-8322, or  
310-0000 (toll free), then dial 427-8322  
[employment.pensions@gov.ab.ca](mailto:employment.pensions@gov.ab.ca)

Employment Pensions  
402, 9515—107 Street  
Edmonton, AB T5K 2C3

Financial Hardship Information:

[www.finance.alberta.ca](http://www.finance.alberta.ca)  
(780) 415-9225, or  
310-0000 (toll free), then dial 415-9225  
[fhu@gov.ab.ca](mailto:fhu@gov.ab.ca)

Financial Hardship Unlocking  
PO Box 982  
Edmonton, AB T5J 2L8

All forms are available at:

<http://www.finance.alberta.ca/publications/pensions/forms.html>

All Policy Bulletins are available at:

<http://www.finance.alberta.ca/publications/pensions/policy.html>