

# PENSION AND BENEFIT ENTITLEMENTS UPON MARRIAGE BREAKDOWN

THE 2017 LEGAL GUIDE

Learn how to confidently handle the complexities of dividing these key assets, in light of current developments. An expert faculty will discuss:

- Dealing with a pension file – from beginning to end
- Spousal entitlements to extended health benefits, disability and life insurance
- Statutory limits, requirements and critical case law
- Cross country landscape – interaction between the PBSA and provincial property laws
- Dividing retirement plan assets on marriage breakdown – settlement and tax liability
- How to argue for the best interpretation of reports in your client’s favour
- Significant issues to consider before choosing an if-and-when agreement

Register today at:

[osgoodepd.ca/PBE](http://osgoodepd.ca/PBE)

Program Chair:

**Douglas Rienzo,**  
Osler, Hoskin & Harcourt LLP

Program Details:

DATE AND TIME

**January 30, 2017**

**9:00 a.m. to 4:00 p.m. EST**

**In Person or Webcast**

LOCATION

**Osgoode Professional  
Development**

1 Dundas St. West, 26th Floor  
Toronto, ON

ONLINE REPLAY

**March 3, 2017**

# Tap into the insight of family law, pensions and actuarial experts

This intensive program was designed to address both the needs of the experienced practitioner who must update their knowledge of pension and benefits division, and those professionals who are newer to this area and seeking a solid foundation. OsgoodePD's expert faculty will provide a comprehensive overview of the legal and regulatory framework for pension and benefit division, together with a high level discussion of critical new case law and current emerging trends.

## What You Will Learn

- The current state of the law on Pension and Benefit division
- Summary of provincial requirements
- Proper pension division and working with FSCO forms
- Tax implications
- Spousal entitlement to employee related benefits and RRSPs
- Dealing effectively with problems arising when drafting separation agreements and pension clauses
- Common traps and pitfalls for practitioners – and how to avoid professional liability claims

“Very good and very useful...all speakers were excellent and very well prepared.”

- Jonathan Marin, Osler Hoskin & Harcourt LLP

## Who Should Attend?

- Family Lawyers
- Pension Lawyers
- Pension Administrators
- Financial Advisors

## Agenda

8:30

**Registration and Continental Breakfast**

9:00

**Welcome and Introduction by the Chair**

*Douglas Rienzo, Osler, Hoskin & Harcourt LLP*

9:10

**Pension and Benefit Splitting Upon the Breakdown of the Spousal Relationship: Where the Law Stands Here and Now**

*Douglas Rienzo, Osler, Hoskin & Harcourt LLP*

- The legal framework under the *Family Law Act* and *Pension Benefits Act*
- Regulatory reform – changes to understand
- Who is considered a “spouse” and what is “property”?
- Understanding defined contribution (DC) and defined benefit (DB) pensions
- Dividing the Pension
- Death Benefits and Survivor Benefits

10:10

**Pension Benefit Entitlements on Marriage Breakdown: The Cross Country Legal Landscape**

*Diana Woodhead, Principal, Mercer (Canada) Limited*

- Summary of provincial legal requirements
  - high level review
  - recent legal developments
- Dealing with federally regulated plans
  - interaction between federal *PBSA* and provincial property laws

10:55

**Refreshment Break**

11:10

### Pension Division at Source: Getting It Right the First Time

*Mariette Matos, Bennett Jones LLP*

- Key steps in seeking pension division at source
  - Understanding applicable plan terms and legal requirements
  - How to obtain information about the spouse's entitlement
  - Application process
  - Drafting the Order/Agreement
- Practical Considerations
- Potential Challenges under the new Ontario rules

11:45

### Luncheon and Keynote Address

*Mariana MacIntosh, Senior Legal Counsel, Ontario Teachers' Pension Plan*

12:45

### Spousal Entitlement To Employee-Related Benefits and RRSPs

*Georgina Carson, MacDonald and Partners LLP*

- Entitlement to employee-related benefits
  - Extended health benefits
  - Disability insurance
  - Life insurance
  - Supplemental pension benefits
- Entitlement to RRSPs
- Spousal rights to share in severance/termination packages

1:15

### Working With the FSCO Forms

*Scott A. Lamb, Counsel, Legal Services Branch, Financial Services Commission of Ontario*

This session will provide both a refresher and update on the forms, the determination of pension asset values and related elections and payments.

Scott Lamb will lead a valuable discussion on the most common issues with the use of the forms. You'll gain a thorough understanding of the forms and the practical and policy considerations underlying them. You will also have the opportunity to have your questions answered by experts.

2:15

### Refreshment Break

2:30

### Understanding Pension & Benefit Tax Issues & Implications

*James Pierlot, Pierlot Pension Law*

- Overview and tax treatment of retirement plans: RPPs, RRSPs, RRIFs, DPSPs
- Dividing retirement plan assets on marriage breakdown – settlement and tax liability
- Discounting pre-retirement settlements for future average tax rates
- Supplementary pensions – considerations and pitfalls

3:00

### Putting It All Together: Applying Your Knowledge To Real-World Fact Situations

*Yvonne Bernstein, Litigation Director & Counsel, Lawyers' Professional Indemnity Company (LAWPRO)*

*Daniel S. Melamed, Torkin Manes LLP*

*Natasha D. Monkman, Hicks Morley Hamilton Stewart Storie LLP*

This is your opportunity to apply your experience and the knowledge gleaned from the day's sessions to realistic fact situations that raise challenging issues of pension and benefit entitlements upon marriage breakdown – issues that you're likely to encounter in your day-to-day work. Areas covered will include:

- Issue identification and problem diagnosis

- Dealing effectively with problems arising when drafting separation agreements, pension clauses, and if-and-when agreements
- Professional and liability issues – protecting yourself, your client and/or your organization
- Dealing with a pension file – beginning to end

4:00

### Program ends

“...All presentations were outstanding.”

**Monika Curyk**, Barrister & Solicitor

“Speakers and topics presented [were] interesting and concise... [A] very productive day.”

**Charles Brophy**, Brophy Financial Planning

“Very good summary of the new Rules and Things to consider.”

**Sharon A. Carew**, PricewaterhouseCoopers LLP

“All of the presenters were thorough and provided helpful information. The papers will be kept for future reference.”

**Clive Algie**, Algie Katz & Respicio

# Faculty Includes

## Chair

### Douglas Rienzo

Osler, Hoskin & Harcourt LLP

## Keynote Speaker

### Mariana MacIntosh

Senior Legal Counsel, Ontario  
Teachers' Pension Plan

## Faculty

### Yvonne Bernstein

Litigation Director & Counsel  
Lawyers' Professional  
Indemnity Company  
(LAWPRO)

### Natasha D. Monkman

Hicks Morley Hamilton  
Stewart Storie LLP

### James Pierlot

Pierlot Pension Law

### Georgina Carson

MacDonald & Partners LLP

### Diana Woodhead

Principal, Mercer LLC

### Scott A. Lamb

Counsel, Legal Services  
Branch Financial Services  
Commission of Ontario

### Mariette P.H. Matos

Bennett Jones LLP

### Daniel S. Melamed

Torkin Manes LLP

# Registration Details

## Fee per Delegate

**\$695 + HST**

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit [www.osgoodepd.ca/groupbooking](http://www.osgoodepd.ca/groupbooking) for details. Please inquire about financial assistance.

## Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

## Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund (less \$75 administration fee) is available if a cancellation request is received in writing 14 days prior to the program date. No other refund is available.



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