

ONTARIO TEACHERS' PENSION PLAN

SCHEDULE 1 to the *TEACHERS' PENSION ACT*

PART I INTERPRETATION

Definitions

1. (1) In this Schedule,

"active member" means a person employed in education who is making contributions under the plan and includes a person receiving payments under a long term income protection agreement and by whom or on whose behalf contributions are being made in accordance with subsection 21 (1); (Last amended August 4, 2011 – Effective September 1, 2011)

"active member on LTIP" means an active member as described in section 6;

"administrator" means the Ontario Teachers' Pension Plan Board; (Last amended June 28, 1990 - Effective June 28, 1990)

"average salary", of a member, means the average salary determined in accordance with section 15;

"benefit" means an amount payable under the pension plan, including a pension, a commuted value or a lump-sum payment; (Last amended May 5, 2010 – Effective September 1, 2002)

"board of education" has the same meaning as "board" in subsection 1 (1) of the *Education Act*;

"child" has the same meaning as in subsection 1 (1) of the *Family Law Act*;

"consumer price index" means the Consumer Price Index for Canada as published by Statistics Canada under the authority of the *Statistics Act* (Canada); (Last amended September 6, 2017 – Effective June 1, 2017)

"date of disability", of an active member on LTIP, means the date on which the member ceases to be employed in education as a result of the disability;

"dependent child" means a child of a deceased member who was dependent on the member for support at the time of the member's death, and who,

- (a) is less than eighteen years of age, or
- (b) is eighteen or more years of age but less than twenty-five years of age and is in full-time attendance at a school or university, having been in such attendance substantially without interruption since the child reached eighteen years of age or since the member died, whichever occurred later, or
- (c) is disabled, having been disabled without interruption since the member died;

(Last amended May 5, 2010 – Effective January 1, 1992)

"designated organization" means an organization designated under subsection 119 (2);

"designated private school" means a school designated under subsection 119 (1);

"employed in education" means employed as described in section 2, 6, 7, 8 or 9; (Last amended October 10, 1995 - Effective January 1, 1990)

"employer-approved leave" means a leave of absence, with or without pay, to which the member's employer consents; (Last amended July 21, 2014 – Effective September 1, 2014)

"long term income protection agreement" means an agreement to provide long term income protection in the event of a member's long term disability that is entered into by an insurer within the meaning of section 1 of the *Insurance Act* and,

- (a) the Minister of Education;
- (b) a board of education;
- (c) the Ontario Teachers' Federation established under the *Teaching Profession Act*;
- (d) an affiliated body described in the *Teaching Profession Act*; or
- (e) an authority approved by the administrator.

(Last amended August 4, 2011 – Effective September 1, 2011)

"member" means a person who, as a result of his or her employment in education, is entitled to benefits or to a refund of contributions under the pension plan;

"re-employed pensioner" means a member who, after

- (a) ceasing to be employed in education before, on or after September 1, 2012, and
- (b) the beginning of the month in which the member's retirement pension under the plan begins,

is employed by or otherwise engaged, directly or indirectly, to provide services for compensation for an employer who participates in the pension plan; (Last amended June 20, 2012 – Effective September 1, 2012)

"school day" has the same meaning as "school day" in subsection 1 (1) of the *Education Act* as amended from time to time; (Last amended July 21, 2014 – Effective September 1, 2014)

"school year" means the twelve-month period that normally begins on the 1st day of September, however, for a member whose school year commences prior to September 1st, the administrator may determine the days that the member is required to work prior to September 1st to be in the subsequent school year; (Last amended September 8, 2006 – Effective September 1, 2006)

"short absence" means an employer-approved leave of five or fewer consecutive school days; (Last amended July 21, 2014 – Effective September 1, 2014)

"spouse" has the same meaning as in section 1 of the *Pension Benefits Act*; (Last amended September 6, 2017 – Effective January 1, 2017)

"standard interest rate" means the interest rate determined under section 89;

"statutory leave" means any leave of absence within the meaning of the *Employment Standards Act, 2000* as amended from time to time; (Last amended September 8, 2006 – Effective September 4, 2001)

"Year's Maximum Pensionable Earnings", in relation to a year, means the Year's Maximum Pensionable Earnings prescribed under the *Canada Pension Plan*.

Qualification as a teacher

- (2) A person is considered to be qualified as a teacher for the purposes of membership in the pension plan,
- (a) if the person has obtained teacher certification from one of the Ministry of Education or the Ontario College of Teachers; or
 - (b) if a board of education holds a letter of permission granted by the Minister of Education in respect of the person.

(Last amended November 27, 2000 – Effective May 20, 1997)

Employment

- (3) A person is considered to be employed,
- (a) full-time, if the person is required to work throughout each work day of a year or of a session; and
 - (b) part-time, if the person is required to work on a regular but not full-time basis.

Idem

- (4) A person is considered to be employed on an occasional basis as a teacher and not part-time if the person is an occasional teacher within the meaning of section 1 of the *Education Act*.

PART II PARTICIPATION

A. Membership in the Plan

Eligibility for membership

2. (1) Every person is eligible to be an active member of the pension plan who is qualified as a teacher and is employed,
- (a) as a teacher, as determined by the administrator, in a school within the meaning of subsection 1 (1) of the *Education Act*;
 - (b) as a teacher in a school outside Ontario under an approved teacher exchange system;
 - (c) as a teacher by the minister of a ministry of the Government of Ontario;
 - (d) as a teacher in a school or a class operated by the Toronto and Region Conservation Authority; or

(e) by a board of education.

(Last amended June 20, 2012 – Effective January 1, 2012)

Idem

(2) Every person is eligible to be an active member of the pension plan who is qualified as a teacher and is employed in a designated private school or a designated organization. (Last amended December 21, 2007 – Effective September 1, 2008)

Idem

(2a) Every person is eligible to be an active member of the pension plan who is qualified as a teacher and has taken a statutory leave from employment in education which leave began prior to the 1st day of September, 2010. (Last amended December 30, 2009 - Effective September 1, 2010)

Idem

(2b) Every person is eligible to be an active member of the pension plan who is qualified as a teacher and is receiving payments for loss of earnings in respect of employment in education under the *Workplace Safety and Insurance Act, 1997*. (Last amended February 12, 2019 – Effective January 1, 2019)

Exception

(3) No person is eligible to be an active member of the pension plan,

(a) if the person is regularly employed outside Ontario and is performing services in Ontario under an approved teacher exchange system; or

(b) beyond November 30th of the calendar year in which the person attains seventy-one years of age, or beyond such other time as is permitted under the *Income Tax Act (Canada)*.

(Last amended June 20, 2012 – Effective January 1, 2012)

Commencement of membership

3. (1) Every person employed as described in subsection 2 (1) full-time or part-time becomes an active member of the plan on the later of,

(a) the 1st day of January, 1990;

(b) the date the employment contract begins; or

(c) the date on which the person becomes qualified as a teacher.

(Last amended June 20, 2012 – Effective January 1, 2012)

Idem

(2) Subject to subsection 5 (1), every person employed as described in subsection 2 (2) full-time or part-time becomes an active member of the plan on the day that is the latest of,

(a) the 1st day of January, 1990;

(b) the date the employment contract begins; or

(c) the date the designation of the private school or the organization is effective.

Idem

(3) Every person employed in education on an occasional basis becomes an active member of the plan on the person's first day of employment in a school year. (Last amended February 20, 1997 - Effective January 1, 1997)

(3a) Revoked. (Last amended February 20, 1997 - Effective January 1, 1997)

- Commencement of membership, re-employed pensioner
- (4) Revoked. (Last amended October 23, 2008 – Effective January 1, 2009)
- Idem
- (4a) Revoked. (Last amended October 23, 2008 – Effective January 1, 2009)
- Idem
- (5) Revoked. (Last amended October 23, 2008 – Effective January 1, 2009)
- Idem
- (6) Revoked. (Last amended October 23, 2008 – Effective January 1, 2009)
- Election re occasional employee
4. (1) Revoked. (Last amended February 20, 1997 - Effective January 1, 1997)
- Obligations
- (2) Revoked. (Last amended October 10, 1995 - Effective September 1, 1996)
- Election re designated private schools, etc.
5. (1) A person employed at a designated private school or a designated organization on the date the designation becomes effective may elect not to become an active member of the plan.
- Time for election
- (2) An election under this section is not effective unless delivered in writing to the governing body of the designated private school or designated organization and to the administrator,
- (a) not later than three months after the effective date of designation for the private school or organization, if the person is qualified as a teacher when the designation takes effect; or
- (b) not later than three months after the date the person becomes qualified as a teacher, if the person is not so qualified on the effective date of designation for the private school or organization.
- Not applicable
- (3) This section does not apply to a person who is an active member of the plan or to a person who is receiving a pension under the plan on the date the designation becomes effective. (Last amended September 8, 2006 – Effective September 1, 2002)
- Further election
- (4) This section applies with necessary modifications to a person employed at a designated private school or a designated organization on September 1, 2008, who becomes eligible for active plan membership on that date in accordance with subsection 2 (2). The required election must be delivered by December 1, 2008. (Last amended December 21, 2007 – Effective September 1, 2008)
- Active member on LTIP
6. (1) An active member who begins to receive payments under a long term income protection agreement continues as an active member of the plan until the earlier of:
- (a) the date the member ceases to receive payments under the long term income protection agreement;
- (b) the date the member begins receiving a benefit under the pension plan; or
- (c) the end of the calendar year in which the member attains seventy-one years of age, or such other time as is permitted under the *Income Tax Act* (Canada).
- (Last amended August 4, 2011 – Effective September 1, 2011)

- Idem
- (1a) For the purposes of subsection (1), an active member who has been approved for payments under a long term income protection agreement but is not receiving payments by reason of the application of offset or all-source maximum provisions of the long term income protection agreement shall be deemed to receive payments under a long term income protection agreement. (Last amended August 4, 2011 – Effective September 1, 2001)
- Idem
- (1b) For the purposes of subsection (1) and subject to the limits set forth therein, an active member who receives payment in the form of a lump sum under a long term income protection agreement shall be deemed to receive payments under a long term income protection agreement for the period determined by the administrator. (Last amended August 4, 2011 – Effective September 1, 2011)
- Evidence of medical condition
- (1c) The administrator may at any time require a member described in subsection (1b) to furnish evidence, in such form as the administrator directs, that the member is disabled as defined under Regulation 8500 (1) of the *Income Tax Act* (Canada) throughout the period of active membership on LTIP. The period of active membership on LTIP of a member described in subsection (1b) shall terminate at the end of the month in which the administrator notifies the member that the administrator is not satisfied that the member is disabled. (Last amended August 4, 2011 – Effective September 1, 2011)
- Return to employment
- (1d) If a member described in subsection (1b) becomes employed in education, other than as an active member on LTIP, and the percentage of full-time basis of that employment is equal to or greater than the percentage of full-time basis upon which the member was employed immediately prior to becoming disabled, the member shall be deemed to have ceased to receive payments under a long term income protection agreement on the date that the member commences that period of employment in education. (Last amended August 4, 2011 – Effective September 1, 2011)
- Eligibility
- (2) Revoked. (Last amended April 2, 2001 – Effective September 1, 2001)
- Idem
- (3) Revoked. (Last amended April 2, 2001- Effective September 1, 2001)
- Definition
- (4) Revoked. (Last amended August 4, 2011 – Effective September 1, 2011)
- Active membership, university faculty
7. (1) A member who, during an employer-approved leave, becomes employed on the staff of a faculty of education of an Ontario university on or after the 1st day of January, 1990 is an active member of the plan. (Last amended July 21, 2014 – Effective September 1, 2014)
- Limitation
- (2) A person is eligible for active membership under this section for a maximum of five school years.
- Not applicable
- (3) This section does not apply to a person who is employed on the staff of a faculty of education of an Ontario university that is designated under section 119. (Last amended September 8, 2006 – Effective September 1, 2002)
- Transitional re universities
8. (1) A person who, on the 1st day of January, 1990, is qualified as a teacher and is employed full-time on the staff of a faculty of education of an Ontario university is an active member of the plan as long as the person continues in full-time or part-time employment at such a faculty.

Idem, part-time
employee

- (2) A person who, on the 1st day of January, 1990, is qualified as a teacher and is employed part-time on the staff of a faculty of education of an Ontario university is an active member of the plan as long as the person continues either part-time or full-time employment at such a faculty.

Not applicable

- (3) This section does not apply to a person who is employed on the staff of a faculty of education of an Ontario university that is designated under section 119. (Last amended September 8, 2006 – Effective September 1, 2002)

Transitional re
Ryerson, CAATs

9. (1) This section applies with respect to a person who,
- (a) is qualified as a teacher and is employed by Ryerson University; or
- (b) was deemed, under a predecessor of this Act, to be employed in education by a college of applied arts and technology. (Last amended May 5, 2010 – Effective July 1, 2002)

Idem, full-time employee

- (2) A person who, on the 1st day of January, 1990, has been employed full-time by Ryerson University or a college of applied arts and technology continuously since the 1st day of September, 1984 is an active member of the pension plan as long as the person continues in full-time employment either at Ryerson or at such a college. (Last amended May 5, 2010 – Effective July 1, 2002)

Idem, part-time employee

- (3) A person who, on the 1st day of January, 1990, has been employed part-time by Ryerson University or a college of applied arts and technology continuously since the 1st day of September, 1984 is an active member of the pension plan as long as the person continues in part-time or full-time employment either at Ryerson or at such a college. (Last amended May 5, 2010 – Effective July 1, 2002)

B. Credit for Service

Credited service

10. (1) An active member receives one year of credited service for working a full-time school year. (Last amended June 28, 1990 - Effective June 28, 1990)
- (1a) For the purpose of determining credited service of an active member under this section, for the period to August 31, 2001, the administrator may use one or more standard calendars. (Last amended April 15, 1998 - Effective January 1, 1990)

Idem,
partial year

- (2) An active member receives credited service for part of a year in the proportion that the number of hours or days worked by the member during the school year bears to the number of hours or days in a full-time school year. (Last amended June 28, 1990 - Effective June 28, 1990)

Credited service
during statutory leave

- (2a) Despite subsections (1) and (2) an active member who makes contributions during a statutory leave which began prior to the 1st day of September, 2010 receives credited service for the number of days which the member would have worked during that leave to earn the amount of pensionable salary attributed to the member in calculating the member's contributions during the leave. (Last amended December 30, 2009 - Effective September 1, 2010)

Credited service
during LTIP

- (2b) (a) Despite subsections (1) and (2), an active member who is receiving payments under a long term income protection agreement and in respect of whom required contributions are being made in accordance with subsection 21 (1) shall receive credited service for the period that the member's employer reports the member would have worked if the member had worked throughout the school year. (Last amended August 4, 2011 – Effective September 1, 2011)
- (b) Despite subsections (1) and (2), an active member who receives payment in the form of a lump sum under a long term income protection agreement and in respect of whom required contributions are being made in accordance with subsection 21 (1) shall receive credited service for the period to which the lump sum payment relates, as determined by the administrator in accordance with subsection 6 (1b). (Last amended August 4, 2011 – Effective September 1, 2011)

Credited service
during WSIB

- (2c) Despite subsections (1) and (2), an active member who is receiving payments for loss of earnings under the *Workplace Safety and Insurance Act, 1997* and in respect of whom required contributions are being made, shall receive credited service for the period that the member's employer reports the member would have worked if the member had worked throughout the school year. (Last amended February 12, 2019 – Effective January 1, 2019)

Idem

- (2d) Despite subsection (2b), for the period of September 1, 2001 to August 31, 2006, where the credited service of an active member as described in subsection 6 (1a) is subject to the certification of a Past Service Pension Adjustment under the *Income Tax Act (Canada)*, an active member shall receive credited service only once the administrator has obtained a certificate from the Minister of National Revenue. (Last amended August 4, 2011 – Effective September 1, 2011)

Credited service
during sick leave

- (2e) Despite subsections (1) and (2), an active member who is receiving sick leave payments, and in respect of whom required contributions are being made, shall receive credited service for the period that the member's employer reports the member would have worked if not for the sick leave. (Last amended December 19, 2012 – Effective September 1, 2012)

Credited service during
unpaid professional
activity days

- (2f) Despite subsections (1) and (2), an active member who is subject to unpaid professional activity days, and in respect of whom required contributions are being made, shall receive credited service for the period that the member's employer reports the member would have worked if not for the unpaid professional activity days. (Last amended April 2, 2013 – Effective September 1, 2012)

Credited service during
a short absence

- (2g) Despite subsections (1) and (2), an active member who is on a short absence, and in respect of whom required contributions are being made, shall receive credited service for the period that the member's employer reports the member would have worked if not for the short absence. (Last amended July 21, 2014 – Effective September 1, 2014)

Idem, more than
full-time school year

- (3) Where an active member works more than a full-time school year he or she is not entitled to credited service for hours or days worked which are in excess of a full-time school year if he or she is entitled to a refund of contributions under s. 28, whether or not the refund is paid. (Last amended June 28, 1990 - Effective June 28, 1990)

Limitation

- (4) Except for periods of lockout or legal strike or the strikes declared illegal by the Ontario Labour Relations Board on May 26, 2015 for the following periods:
- (a) Durham District School Board – April 20, 2015 – May 26, 2015
 - (b) Rainbow District School Board – April 27, 2015 – May 26, 2015
 - (c) Peel District School Board – May 4, 2015 – May 26, 2015,
- a person shall not receive credited service for employment unless contributions in respect of the employment are made by or on behalf of that person. (Last amended September 22, 2015 - Effective April 20, 2015)

Idem

- (5) No person is entitled to receive more than one year of credited service in respect of the person's employment during one school year.

Idem

- (6) Subject to subsection (7), no person is entitled to accumulate more than thirty-five years of credited service under the plan in respect of a period prior to the 1st day of January, 1992. (Last amended February 28, 1992 - Effective January 1, 1992)

Exception

- (7) A member who accumulates thirty-five years of credited service may continue to accumulate credited service until the month in which he or she reaches the age which, when added to the member's credited service equals ninety. (Last amended February 28, 1992 - Effective January 1, 1992)

Idem

- (8) Despite subsection (7) a member may accumulate credited service greater than the limit set out therein with respect to a period after the 31st day of December, 1991. (Last amended June 1, 1995 - Effective June 1, 1995)

Partial year

11. (1) The length of a member's qualifying service determined under this section applies for the purpose of determining the member's entitlement to a benefit but does not apply for the purpose of calculating the amount of the benefit. (Last amended October 10, 1995 - Effective September 1, 1995)

Idem

- (2) If a member accumulates more than ten days but less than or equal to one year of credited service as determined under sections 10, 96, 97 or 97a during one school year, the member's qualifying service shall be considered to equal one year. (Last amended May 5, 2010 - Effective September 1, 2001)

Idem

- (2a) If the administrator is unable to determine in which of two successive school years the credited service of a member described in subsection (2) took place, it shall be deemed to have taken place in the earlier year. (Last amended October 10, 1995 - Effective September 1, 1995)

Idem

- (3) If a member described in subsection (2), or a survivor of a member, receives a pension during the school year, the member shall receive qualifying service only for those months which the member, or survivor of the member, as the case may be, does not receive a pension. (Last amended October 10, 1995 - Effective September 1, 1995)

Idem

- (4) If a member described in subsection (2) becomes employed in education for the first time on or after the 1st day of January, 1990, the member shall receive qualifying service only for that portion of the school year during which the member is an active member. (Last amended October 10, 1995 - Effective September 1, 1995)

Idem

- (5) Revoked. (Last amended October 10, 1995 - Effective September 1, 1995)

Purchases of credit

- (6) Subsection (2) shall include credited service accumulated by a member for a school year under section 94 in respect of periods on or after the 1st day of September, 2010, provided that the member has completed a purchase of the entire eligible absence period in respect of that school year. (Last amended September 6, 2017 – Effective January 1, 2012)

Partial purchases of credit

- (7) If a member referred to in subsection (6) does not complete a purchase of the entire eligible absence period for a school year, the member shall only receive qualifying service in respect of the purchase equal to the member's credited service in respect of the absence. (Last amended December 30, 2009 - Effective September 1, 2010)

Limitation

- (8) A member is not entitled to accumulate more than one year of qualifying service under this section in respect of a school year. (Last amended December 30, 2009 - Effective September 1, 2010)

Idem

- (9) If a member accumulates ten days or less of credited service in respect of a school year, the member shall receive qualifying service for that school year equal to the member's credited service for that school year. (Last amended December 30, 2009 - Effective September 1, 2010)

C. Calculation of Pensionable Salary

Pensionable salary

12. (1) A member's pensionable salary for a school year is the remuneration paid to the member respecting employment in education and excludes,
- (a) remuneration for services other than for employment in education;
 - (b) perquisites related to employment;
 - (c) payments related to accumulated sick leave or other employment benefit credits;
 - (d) payments related to retirement or termination of employment;
 - (e) payments to reimburse the member for expenses incurred during the course of employment;
 - (f) payments related to employment or for loss of earnings under the *Workplace Safety and Insurance Act, 1997* during a period in which the member is already an active member under section 6; (Last amended February 12, 2019 – Effective January 1, 2019)
 - (g) payments related to employment during a period in which the member is already an active member by virtue of receiving payments for loss of earnings under the *Workplace Safety and Insurance Act, 1997*; and (Last amended February 12, 2019 – Effective January 1, 2019)
 - (h) any remuneration paid to the member respecting employment in education that exceeds an annual rate of pay of six times the Year's Maximum Pensionable Earnings in effect each year. (Last amended December 21, 2006 – Effective January 1, 2007)

Idem

- (2) Pensionable salary excludes the amounts described in clauses (1) (a) to (h) whether paid under a contract or gratuitously by an employer. (Last amended December 21, 2006 – Effective January 1, 2007)

Idem

- (3) The pensionable salary of a member who receives board or lodging related to employment in education shall be deemed to be such amount, having regard for the value of the board or lodging, as is determined by the administrator.

Idem

- (4) The pensionable salary of a member who is entitled to a refund under s. 28 (overpayment) shall be reduced by the amount of remuneration for which the contributions could have been refunded, whether or not the refund is paid. (Last amended June 28, 1990 - Effective June 28, 1990)

Pensionable salary
during statutory leave

- (5) The pensionable salary of an active member who makes contributions for a statutory leave which began prior to the 1st day of September, 2010 is the remuneration that the member's employer reports that the member would have earned if the member had not taken a statutory leave. (Last amended December 30, 2009 - Effective September 1, 2010)

Pensionable salary
during WSIB

- (5a) The pensionable salary of an active member who is receiving payments for loss of earnings under the *Workplace Safety and Insurance Act, 1997* is the remuneration that the member's employer reports that the member would have earned if the member had not been receiving such payments under the *Workplace Safety and Insurance Act, 1997*. (Last amended February 12, 2019 – Effective January 1, 2019)

Pensionable salary
during sick leave

- (5b) For the purposes of subsection 10 (2e), the pensionable salary of an active member who is receiving sick leave payments is the remuneration that the member's employer reports that the member would have earned if not for the sick leave. (Last amended December 19, 2012 – Effective September 1, 2012)

Pensionable salary during
unpaid professional
activity days

- (5c) For the purposes of subsection 10 (2f), the pensionable salary of an active member who is subject to unpaid professional activity days is the remuneration that the member's employer reports that the member would have earned if not for the unpaid professional activity days. (Last amended April 2, 2013 – Effective September 1, 2012)

Pensionable salary during
a short absence

- (5d) For the purposes of subsection 10 (2g), the pensionable salary of an active member who is on a short absence is the remuneration that the member's employer reports that the member would have earned if not for the short absence. (Last amended July 21, 2014 – Effective September 1, 2014)

Pensionable salary

- (6) Revoked. (Last amended June 29, 1994 - Effective January 1, 1992)

Deferred salary
leave plans

- 12a.** (1) This section applies to a member who participates in a deferred salary leave plan entered into in writing between the member and his or her employer. (Last amended April 2, 2001- Effective September 1, 2001)

Deemed pensionable
salary

- (2) Despite subsection 12 (1) the pensionable salary of a member referred to in subsection (1) is the amount that the member's employer advises the administrator would have been paid to the member but for the member's participation in a deferred salary leave plan. (Last amended June 29, 1994 - Effective January 1, 1992)

Coming into force

- (3) Revoked. (Last amended April 2, 2001- Effective September 1, 2001)

Pensionable salary re
active member on LTIP

13. (1) The pensionable salary of an active member on LTIP is the remuneration that the member's employer reports the member would have earned if the member had worked throughout the school year in which the member began receiving LTIP benefits. (Last amended April 2, 2001- Effective September 1, 2001)

Idem

- (2) Revoked. (Last amended April 2, 2001- Effective September 1, 2001)

Idem

- (3) Despite subsection (1), for the period of September 1, 2001 to August 31, 2011, the pensionable salary of an active member as described in subsection 6 (1a) shall be the greater of:

- (a) the pensionable salary determined in accordance with subsection (1) and increased in accordance with subsections 15 (4) to (4c); and
(b) the pensionable salary determined in accordance with subsection 12 (5a).

(Last amended August 4, 2011 – Effective September 1, 2011)

Pensionable salary re
purchases of credit prior
to September 1, 2010

14. (1) The pensionable salary of a member who purchases credited service under section 94 or 96 for an absence is the amount of remuneration that, in the opinion of the member's employer, the member would have earned had he or she not taken the absence. (Last amended September 6, 2017 - Effective January 1, 2012)

Idem re pensionable
salary for purchases
on or after
September 1, 2010

- (1a) Despite subsection (1), the pensionable salary for a purchase of credited service under section 94 or 96, where the member has not completed payment prior to the 1st day of September, 2010 for the entire eligible absence period, is an amount based upon the annual pensionable salary that, in the opinion of the administrator, the member earned prior to the start of the absence as adjusted in accordance with this section. (Last amended September 6, 2017 - Effective January 1, 2012)

Adjusted pensionable
salary

- (1b) For the purposes of subsection (1a), a member's pensionable salary for an absence is adjusted after the school year in which the member began the absence by multiplying the pensionable salary for that year by the accumulated adjustment ratio determined in the manner set out in subsection (1d). (Last amended June 20, 2012 – Effective September 1, 2010)

Exception

- (1c) Despite subsection (1b), where an absence begins on the first day of the member's school year, the pensionable salary is adjusted in the manner set out in subsection (1b) beginning with the school year in which the member began the absence. (Last amended December 30, 2009 - Effective September 1, 2010)

Accumulated
adjustment ratio

- (1d) A member's accumulated adjustment ratio for purposes of subsection (1b) is the product of the basic ratio for each school year beginning with the school year following the school year in which the member began the absence and ending with the school year for which the accumulated adjustment ratio is being determined. (Last amended December 30, 2009 - Effective September 1, 2010)

- Exception
- (1e) Despite subsection (1d), where an absence begins on the first day of the member's school year, the member's accumulated adjustment ratio for purposes of subsection (1b) is the product of the basic ratio for each school year beginning with the school year in which the member began the absence and ending with the school year for which the accumulated adjustment ratio is being determined. (Last amended December 30, 2009 - Effective September 1, 2010)
- Basic ratio
- (1f) The basic ratio for a school year referred to in subsections (1d) and (1e) is a factor provided by the Minister. (Last amended December 30, 2009 - Effective September 1, 2010)
- Alternative basic ratio
- (1g) In the event that the basic ratio described in subsection (1f) is not provided by the Minister before the date that the cost for the purchase of credited service is calculated, the basic ratio for a school year referred to in subsections (1d) and (1e) is the ratio expressed to three decimal places that the average for the consumer price index over the last twelve months of the twenty-four month period ending with the 31st day of July in the preceding school year bears to the average for the consumer price index over the first twelve months of that period. (Last amended December 30, 2009 - Effective September 1, 2010)
- Idem
- (1h) Revoked. (Last amended September 6, 2017 - Effective June 1, 2017)
- Transition
- (1i) Revoked. (Last amended October 19, 2012 - Effective September 1, 2010)
- Grandfathering the portion of an absence previously considered complete
- (1j) Despite subsection (1a), where, in the opinion of the administrator, payment was considered to be complete as of the 1st day of September, 2010 for a portion of the entire eligible absence period, the pensionable salary for that portion of the absence is determined in accordance with subsection 14(1). (Last amended October 19, 2012 - Effective September 1, 2010)
- Idem re pensionable salary for the remaining portion of an employer approved leave
- (1k) Despite subsection (1a), where, in the opinion of the administrator, payment was considered to be complete as of the 1st day of September, 2010 for a portion of the entire eligible absence period, the pensionable salary for any remaining subsequent portion of the entire eligible absence period that is an employer-approved leave is determined in accordance with subsection (1j), and adjusted, with necessary modifications, in accordance with subsections (1b) to (1h). (Last amended October 19, 2012 - Effective September 1, 2010)
- Idem
- (2) The pensionable salary of a member who purchases credited service under section 103 is the amount of the member's remuneration for employment during the applicable period.
- (3) The pensionable salary described in subsection 14(2) shall not be used in the calculation of the average salary of the member. (Last amended June 29, 1994-Effective January 1, 1992)
- Average salary
- 15.** (1) The average salary of a member,
- (a) with more than five years' qualifying service is the average of the member's annual pensionable salary for the five school years during which it was highest; and
- (b) with five years' or less qualifying service is the average of the member's annual pensionable salary. (Last amended October 10, 1995 - Effective September 1, 1995)

Employee working less
than full school year

- (2) For the purpose of determining the average salary of a member employed more than ten days but less than a full-time school year or an active member on LTIP whose LTIP payments are based upon a less than full-time salary, the annual pensionable salary of the member is calculated using the formula,

$$(A/B) \times C$$

in which,

"A" is the amount of the member's pensionable salary for the school year,

"B" is the lesser of,

- (a) the number of days of credited service accumulated by the member during the school year, and
- (b) the number of days in a full-time school year, and

"C" is the number of days in a full-time school year except,

- (a) in the first year of the member's employment in education when it is the number of days between the first day worked by the member and the end of the school year, or
- (b) in the final year of active membership when it is the number of days in a full-time school year between the beginning of the school year and the date the member's pension or the pension of a survivor of the member begins. (Last amended February 20, 1997 - Effective January 1, 1997)

Employee working less
than full final school year

- (2a) For the purpose of determining the average salary of a member employed more than ten days but less than a full-time school year during his or her final year of active membership, the pensionable salary of the member as determined under subsection (2) for that final year shall be increased by an amount calculated using the formula,

$$A \times B/C$$

in which,

"A" is the member's pensionable salary for the school year in which it was sixth highest,

"B" is the number of days in a full-time school year between the date the member's pension or the pension of a survivor of the member begins and the end of the school year, and

"C" is the number of days in a full-time school year. (Last amended February 20, 1997 - Effective January 1, 1997)

Purchases of credit

- (2b) Subsections (2) and (2a) shall apply, with necessary modifications, to credited service accumulated by a member for a school year under section 94 in respect of periods on or after the 1st day of September, 2010, provided that the member has completed a purchase of the entire eligible absence period in respect of that school year. (Last amended September 6, 2017 – Effective January 1, 2012)

Restriction

- (3) Revoked.
- (a) Revoked.
- (b) Revoked. (Last amended October 10, 1995 - Effective September 1, 1995)

Inflation adjusted pensionable salary

- (4) For the purposes of this section, the pensionable salary for an active member on LTIP is increased after the school year in which the member began receiving LTIP benefits by multiplying the pensionable salary for that year, as determined under section 13, by the accumulated adjustment ratio determined in the manner set out in subsection (4a). (Last amended April 2, 2001 – Effective September 1, 2001)

Idem

- (4a) A member's accumulated adjustment ratio for purposes of subsection (4) is the product by multiplication of the basic ratio for each school year beginning with the school year following the school year in which the member began receiving LTIP benefits and ending with the school year for which the accumulated adjustment ratio is being determined. (Last amended April 2, 2001 – Effective September 1, 2001)

Idem

- (4b) The basic ratio for a school year referred to in subsection (4a) is the ratio expressed to three decimal places that the average for the consumer price index over the last twelve months of the twenty-four month period ending with the 30th day of September in that school year bears to the average for the consumer price index over the first twelve months of that period. (Last amended April 2, 2001 – Effective September 1, 2001)

Idem

- (4c) Revoked. (Last amended September 6, 2017 – Effective June 1, 2017)

Idem

- (4d) Subsections (4) to (4c) do not apply for the period of September 1, 2001 to August 31, 2011 in respect of a member who is an active member as described in subsection 6 (1a) and whose pensionable salary is determined in accordance with subsection 12 (5a). (Last amended August 4, 2011 – Effective September 1, 2011)

D. Transitional

Transitional re membership

- 16.** (1) Every person who has credit in the Teachers' Superannuation Fund on the 31st day of December, 1989 and who is not entitled to an allowance under a predecessor of this Act becomes an active member of the pension plan upon completing one day of employment in education on or after the 1st day of January, 1990.

Idem, active member
on LTIP

- (2) Every person who was making contributions or on whose behalf contributions were being made on the 31st day of December, 1989 under an agreement referred to in section 4 of the *Teachers' Superannuation Act, 1983* or under a predecessor of that section is considered to be an active member on LTIP.

Transitional re
credited service

17. Every active member shall be considered to have accumulated credited or qualifying service under the pension plan in an amount equal to the credited or qualifying service that he or she had accumulated under a predecessor of this Act. (Last amended October 10, 1995 - Effective September 1, 1995)

Re-employed
pensioners

18. A re-employed pensioner making contributions under the pension plan or a predecessor of this Act on or after the 1st day of September, 1989 up to the 1st day of January, 1990 is entitled to a refund of contributions, if any, made in respect of the first ninety-five days or less of employment during that period.

PART III CONTRIBUTIONS

A. Member Contributions

Amount of member's
contributions

19. (1) Every active member who is required to contribute to the *Canada Pension Plan* or to the *Quebec Pension Plan* shall contribute for a year, for salary paid after 2011,
- (a) 10.4 per cent of that portion of the member's pensionable salary up to and including the amount of the Year's Maximum Pensionable Earnings as prescribed under the *Canada Pension Plan*; and
- (b) 12 per cent of that portion of the member's pensionable salary that exceeds the amount of the Year's Maximum Pensionable Earnings. (Last amended August 4, 2011 – Effective January 1, 2012)

Idem

- (2) Every active member who is not required to contribute to the *Canada Pension Plan* or to the *Quebec Pension Plan* shall contribute 12 per cent of the member's pensionable salary for the year, for salary paid after 2011. (Last amended August 4, 2011 – Effective January 1, 2012)

Maximum amount of
contributions, R.S.C.
1952, C. 148

- (2a) Revoked. (Last amended February 12, 2019 – Effective January 1, 2019)

Deemed required to contribute to CPP

- (2b) An active member who at any time after the end of the month in which he or she attains the age of 65 years and before the end of the month in which he or she attains the age of 70 years receives a Canada Pension Plan retirement pension shall contribute for salary paid after 2011 the contributions set out in paragraphs (1) (a) and (b) if an election under paragraph 12 (1) (c) of the *Canada Pension Plan* is not in effect at the time of the salary payment. (Last amended June 20, 2012 – Effective January 1, 2012)

Pensionable salary

- (3) Revoked. (Last amended October 23, 1991 - Effective October 23, 1991)

Additional contributions

- (4) In addition to the contributions required under subsection (1) or (2), every active member shall contribute 2.0 per cent of the member's pensionable salary for the year, for salary paid during the year 2007. (Last amended December 21, 2006 – Effective January 1, 2007)

Idem

- (5) In addition to the contributions required under subsection (1) or (2), every active member shall contribute 2.3 per cent of the member's pensionable salary for the year, for salary paid during the year 2008. (Last amended December 21, 2006 – Effective January 1, 2007)

Idem

- (6) In addition to the contributions required under subsection (1) or (2), every active member shall contribute 2.1 per cent of the member's pensionable salary for the year, for salary paid after 2008 but before 2012. (Last amended August 4, 2011 – Effective January 1, 2012)

Idem

- (7) In addition to the contributions required under subsection (1), (2) or (2b), every active member shall contribute 0.4 per cent of the member's pensionable salary for the year, for salary paid during the year 2012. (Last amended June 20, 2012 – Effective January 1, 2012)

Idem

- (8) In addition to the contributions required under subsection (1), (2) or (2b), every active member shall contribute 0.75 per cent of the member's pensionable salary for the year, for salary paid during the year 2013. (Last amended June 20, 2012 – Effective January 1, 2012)

Idem

- (9) In addition to the contributions required under subsection (1), (2) or (2b), every active member shall contribute 1.1 per cent of the member's pensionable salary for the year, for salary paid after 2013 but before 2018. (Last amended September 6, 2017 – Effective January 1, 2018)

Contributions by members working more than full-time

- 19a.** An active member who is employed on a full-time basis to work a full-time school year is not required to make a contribution for any employment during that school year in excess of a full-time school year. (Last amended June 28, 1990 - Effective June 28, 1990)

Member contributions during statutory leaves

- 19b.** An active member shall, during a statutory leave which began prior to the 1st day of September, 2010, contribute the applicable amount set out in section 19 unless the member has notified the employer in writing that she or he elects not to participate in the pension plan during the statutory leave. (Last amended December 30, 2009 - Effective September 1, 2010)

Member contributions during statutory leaves on or after September 1, 2010

- 19c.** A member shall, during a statutory leave which begins on or after the 1st day of September, 2010, contribute the applicable amount set out in section 94 unless the member has notified the employer in writing that she or he elects not to participate in the pension plan during the statutory leave. (Last amended December 30, 2009 - Effective September 1, 2010)

Collection of member contributions

- 20.** (1) The employer of an active member shall deduct the amount the member is required to contribute under section 19 from the salary paid to the member.

Transfer of amount deducted

- (2) An employer shall deliver to the administrator or deposit to the account of the pension fund on or before the last day of each month in which a member's salary is paid the amount deducted for the member's contribution.

Interest payable

- (3) An employer shall pay interest on amounts in arrears from the date the payment is due to the day before it is made, calculated at the standard interest rate. (Last amended September 8, 2006 - Effective January 1, 2003)

Idem

- (3a) Revoked. (Last amended September 6, 2017 – Effective June 1, 2017)

Report to administrator

- (4) An employer shall make such reports to the administrator as the administrator requires in respect of member contributions.

Member contributions not to be collected

- (5) An employer shall not deduct from the salary paid to an active member employed on a full-time basis for a full-time school year an amount greater than the contributions payable under section 19 by an employee who works a full-time school year unless the member directs the employer to do so. (Last amended June 28, 1990 - Effective June 28, 1990)

Idem

- (6) An employer who is provided with evidence that an active member is employed on a full-time basis for a full-time school year by another employer shall not make any deduction from the salary paid to that member for contributions under section 19 unless the member directs the employer to do so. (Last amended June 28, 1990 - Effective June 28, 1990)

Status of contributions

- (7) A contribution which an active member directs his or her employer to deduct under subsection (5) or (6) is considered to be a required contribution for the purpose of sections 25 and 26. (Last amended June 28, 1990 - Effective June 28, 1990)

Underpayment of contributions

- 20a.** (1) A member who has for any year contributed an amount less than that calculated under section 19 shall, upon being notified of the amount of the undercontribution, pay as a lump sum an amount equal to the undercontribution. (Last amended February 28, 1992 - Effective January 1, 1992)

Interest

- (2) A member referred to in subsection (1) shall pay interest calculated at the standard rate on the amount of the undercontribution from the day the member is notified to the day before the undercontribution is paid. (Last amended February 28, 1992 - Effective January 1, 1992)

Contributions re active members on LTIP

- 21.** (1) The amount of the required contribution for an active member on LTIP is,
- (a) 6.9 per cent of the pensionable salary of a member who becomes disabled before the 1st day of January, 1991, and
 - (b) 8.9 per cent of the pensionable salary of a member who becomes disabled after the 31st day of December, 1990,

except that payment of the required contribution is waived for a member who becomes disabled after the 31st day of August, 2001. (Last amended April 2, 2001 – Effective September 1, 2001)

- Inflation adjusted pensionable salary
- (2) Revoked. (Last amended April 2, 2001 – Effective September 1, 2001)
- Idem
- (2a) Revoked. (Last amended April 2, 2001 – Effective September 1, 2001)
- Idem
- (2b) Revoked. (Last amended April 2, 2001 – Effective September 1, 2001)
- Idem S.C. 1970 - 1971 - 1972 c. 15
- (2c) Revoked. (Last amended April 2, 2001 – Effective September 1, 2001)
- (2d) Revoked. (Last amended February 12, 2019 – Effective January 1, 2019)
- Restriction re election
- (3) Revoked. (Last amended October 23, 1991 - Effective October 23, 1991)
- Notice of status
- (4) An active member on LTIP shall give notice on the first day of each school year to his or her employer or former employer that the member continues to be an active member on LTIP.
- Minister's payments re active member on LTIP
- 22.** The contributions required under subsection 21 (1) from an active member on LTIP who is receiving benefits under a long term income protection plan established under the *Public Service of Ontario Act, 2006* shall be paid on behalf of the member by the Minister. (Last amended September 6, 2017 – Effective August 20, 2007)
- Collection re active member on LTIP
- 23.** (1) The required contribution for an active member on LTIP shall be paid to the person who was his or her employer on the date of disability.
- Idem
- (2) Payments under subsection (1) must be made on or before the fifteenth day of the month following the month in which each payment under the long term income protection agreement is made to the member.
- Increased contributions
- (3) Revoked. (Last amended April 2, 2001 – Effective September 1, 2001)
- Transfer of contribution
- (4) An employer to whom a payment in respect of an active member on LTIP is to be made under this section shall, whether or not the payment is made, deliver to the administrator on or before the last day of each month in which the member's LTIP payment is required the amount of the member's required contribution. (Last amended April 2, 2001 – Effective September 1, 2001)
- Idem
- (5) Revoked. (Last amended April 2, 2001 – Effective September 1, 2001)
- Interest payable
- (6) Interest is payable on payments in arrears made to the employer or by the employer from the date the payment is due to the day before it is made, calculated at the standard interest rate. (Last amended September 6, 2017 - Effective June 1, 2017)
- Cause of action
- (7) An employer may maintain an action for the recovery of an amount paid to the administrator under subsection (4) if the employer has not received the corresponding payment of required contributions for an active member on LTIP.

Collection re member
on statutory leave

- 23a.** (1) An active member who has taken a statutory leave which began prior to the 1st day of September, 2010 and has not notified his or her employer in writing that she or he elects not to participate in the pension plan during the leave, shall pay the member's contribution to the member's employer on or before the normal pay day of the employer. (Last amended December 30, 2009 - Effective September 1, 2010)
- (2) An employer to whom a payment in respect of an active member referred to in subsection (1) is to be made shall, whether or not the payment is made, deliver to the administrator on or before the last day of each month of the member's statutory leave the amount of the member's required contribution. (Last amended October 23, 1991 - Effective October 23, 1991)
- (3) Interest is payable on payments due from the employer which are in arrears from the date the payment is due to the day before it is made, calculated at the standard interest rate. (Last amended May 5, 2010 – Effective January 1, 2003)
- (3a) Revoked. (Last amended September 6, 2017 - Effective June 1, 2017)
- (4) An employer may maintain an action for the recovery of an amount paid to the administrator together with interest thereon at the standard interest rate under this section if the employer has not received the corresponding payment of required contributions from the active member who has taken a statutory leave. (Last amended October 23, 1991 - Effective October 23, 1991)

Maximum contributions
– *Income Tax*
Regulations (Canada)

- 23b.** (1) A member's contributions calculated under sections 19 or 21 for a period after the 31st day of December, 1991 shall not exceed the lesser of the maximum contribution permitted under the *Income Tax Regulations* (Canada) and the maximum contribution determined by the actuary. (Last amended February 12, 2019 – Effective January 1, 2019)
- (2) Despite subsection (1), when a waiver described in subsection 8503(5) of the *Income Tax Regulations* (Canada)
- (a) is in effect, or
- (b) has been applied for and notice of refusal to issue the waiver has not been received,
- a member's contributions calculated under sections 19 or 21 shall not exceed the maximum contribution determined by the actuary. (Last amended February 12, 2019 – Effective January 1, 2019)

B. Employer Contributions

Liability for
contributions

- 24.** (1) Employer contributions in respect of an active member employed as described in subsection 2 (1) shall be paid by the Minister.

Idem

- (2) Subsection (1) does not apply with respect to any contribution in relation to which the member is required under this pension plan to make the contribution that would otherwise be made by the Minister.

Idem

- (3) Employer contributions in respect of an active member employed as described in subsection 2 (2) or section 7, 8 or 9 shall be paid by the employer of the member.

Idem

- (4) Employer contributions in respect of an active member on LTIP shall be paid by the person making the employer contributions in respect of the member immediately before the date of disability.
- (5) No employer contribution, other than an eligible contribution under the *Income Tax Act* (Canada), shall be made to the plan. (Last amended June 29, 1994 - Effective January 1, 1992)

Contributions by the
Minister

25. (1) The Minister shall contribute in each year an amount equal to the required contributions made during the year before the preceding year by or on behalf of those members for whom the Minister is required to make employer contributions.

Idem, active
members on LTIP

- (2) In addition to the amount required under subsection (1), the Minister shall contribute in each year, in respect of the year before the preceding year, 4 per cent of the pensionable salaries of active members on LTIP who become disabled before the 1st day of January, 1991. (Last amended June 3, 2009 – Effective January 1, 2010)

Idem

- (2a) In addition to the amounts required under subsections (1) and (2), the Minister shall contribute in each year, in respect of the year before the preceding year:
- (a) an amount equal to the required contributions that would have been made by or on behalf of active members on LTIP who became disabled after the 31st day of August, 2001, but for the waiver in subsection 21(1); and
- (b) an amount equal to the required contributions that would have been made by or on behalf of active members on LTIP to increase the member's pensionable salary under section 15, if contributions were required on such increase in pensionable salary. (Last amended June 3, 2009 – Effective January 1, 2010)

Additional
contributions

- (2b) In respect of the year 2008, the Minister shall contribute, in addition to the amounts required under this section, an amount equal to 0.8 per cent of the pensionable salaries of active members in respect of whom required contributions were made during that year in accordance with section 19 and for whom the Minister is required to make employer contributions. (Last amended December 21, 2006 – Effective January 1, 2007)

Idem

- (2c) In respect of the year 2008, the Minister shall contribute, in addition to the amounts required under this section, an amount equal to 0.8 per cent of the pensionable salaries of members who purchase credit under the pension plan in respect of that year and for whom the Minister is required to make employer contributions. (Last amended December 21, 2007 – Effective January 1, 2007)

Idem

(2d) In addition to the amounts required under this section, the Minister shall contribute in each year a proportional amount of the difference, as calculated by the administrator, between the inflation adjustments that were included in pensions, commuted values and lump sum payments (other than reciprocal transfers) that were paid in the year before the preceding year and the inflation adjustments that would have been included in such benefits but for the combined application of subsections 80(3a) and (3b). The Minister's proportional amount shall be based on the pensionable salaries of active members for whom the Minister is required to make employer contributions, in respect of the year before the preceding year, as a percentage of the pensionable salaries of all active members for that year. (Last amended September 17, 2013 - Effective January 1, 2014)

Idem

(2e) For greater certainty, if inflation adjustments have ever been made in accordance with subsection 80(3d), the Minister's contributions pursuant to subsection 25(2d) shall be determined as if inflation adjustments had never been made in accordance with subsection 80(3d). (Last amended September 17, 2013 - Effective January 1, 2014)

Due date

(3) The Minister's contribution is due on the first business day following the 1st day of January in each year and not as required under the *Pension Benefits Act*. (Last amended June 28, 1990 - Effective June 28, 1990)

Interest payable

(4) Interest on the Minister's contribution is payable for the period beginning on the 1st day of June of the year that was two years before the date on which a payment is due and ending on the day before the payment is made, calculated at the standard interest rate in effect on that 1st day of June.

(4a) Despite subsections (3) and (4), \$500,000,000 of the Minister's contribution due on January 4, 1993 shall be made on April 1, 1993 with interest at the rate of 11.25% per annum applied from January 4, 1993 to March 31, 1993. (Last amended May 29, 1992 - Effective May 29, 1992)

Idem, transitional

(5) Interest payable in respect of a period before the 1st day of January, 1990 shall be calculated,

(a) up to that date, in accordance with the *Teachers' Superannuation Act, 1983*;

(b) on and after that date, at the standard interest rate in effect on the 1st day of January, 1990.

Delivery

(6) The Minister shall deliver contributions to the administrator or deposit them to the account of the pension fund.

Order of Lieutenant
Governor in Council

(7) To reduce the time between the date of payment mentioned in subsection (3) and the payment of contributions by or on behalf of those members for whom the Minister is required to make employer contributions, the Lieutenant Governor in Council may, despite subsections (1) and (4), by order require the Minister to make payments for such number of months in the preceding year as are specified in the order in respect of contributions in those months by or on behalf of those members for whom the Minister is required to make employer contributions.

Idem

(8) An order made under subsection (7) shall revise the period of time mentioned in subsection (1) in respect of which contributions by the Minister are computed so that it reflects the additional contributions required to be made by the Minister.

Idem

(9) An order under subsection (7) shall adjust the date from which interest is to be calculated under subsection (4) to reflect the reduced time between the last month in which contributions are made by or on behalf of those members for whom the Minister is required to make employer contributions and the month when the Minister pays an amount equal to those contributions.

Contributions by
employers

26. (1) An employer shall contribute in each month an amount equal to the required contributions made during the month by or on behalf of those members for whom the employer is required to make employer contributions.

Idem, active
members on LTIP

- (1a) In addition to the amount required under subsection (1), an employer shall contribute:
- (a) an amount equal to the required contributions that would have been made by or on behalf of active members on LTIP who became disabled after the 31st day of August, 2001, but for the waiver in subsection 21(1); and
 - (b) an amount equal to the required contributions that would have been made by or on behalf of active members on LTIP to increase the member's pensionable salary under section 15, if contributions were required on such increase in pensionable salary. (Last amended April 2, 2001 – Effective September 1, 2001)

Additional
contributions

- (1b) In respect of the year 2008, an employer shall contribute, in addition to the amounts required under this section, an amount equal to 0.8 per cent of the pensionable salaries of active members in respect of whom required contributions are made during that year in accordance with section 19 and for whom the employer is required to make employer contributions. (Last amended December 21, 2006 – Effective January 1, 2007)

Idem

- (1c) In respect of the year 2008, an employer shall contribute, in addition to the amounts required under this section, an amount equal to 0.8 per cent of the pensionable salaries of members who purchase credit under the pension plan in respect of that year and for whom the employer is required to make employer contributions. (Last amended December 21, 2007 – Effective January 1, 2007)

Idem

- (1d) In addition to the amounts required under this section, an employer shall contribute in each year a proportional amount of the difference, as calculated by the administrator, between the inflation adjustments that were included in pensions, commuted values and lump sum payments (other than reciprocal transfers) that were paid in the year before the preceding year and the inflation adjustments that would have been included in such benefits but for the combined application of subsections 80(3a) and (3b). The employer's proportional amount shall be based on the pensionable salaries of active members for whom the employer was required to make employer contributions, in respect of the year before the preceding year, as a percentage of the pensionable salaries of all active members for that year. (Last amended September 17, 2013 – Effective January 1, 2014)

Idem

- (1e) For greater certainty, if inflation adjustments have ever been made in accordance with subsection 80(3d), an employer's contributions pursuant to subsection 26(1d) shall be determined as if inflation adjustments had never been made in accordance with subsection 80(3d). (Last amended September 17, 2013 - Effective January 1, 2014)

Due date

- (2) An employer's contribution is due on the last day of the month.

Idem

- (2a) Notwithstanding subsection (2), an employer's contribution under subsection (1d) is due on the first business day following the 1st day of January in each year. (Last amended June 3, 2009 – Effective January 1, 2010)

Interest payable

- (3) Interest on an employer's contribution is payable from the date the payment is due to the day before it is made, calculated at the standard interest rate. (Last amended September 8, 2006 - Effective January 1, 2003)

Idem

- (3a) Revoked. (Last amended September 6, 2017 - Effective June 1, 2017)

Idem

- (3b) Notwithstanding subsection (3), interest on an employer's contribution under subsection (1d) is payable from June 1st of the year before the preceding year to the day before the payment is made, calculated at the standard interest rate in effect on that June 1st. (Last amended June 3, 2009 - Effective January 1, 2010)

Delivery

- (4) An employer shall deliver contributions to the administrator or deposit them to the account of the pension fund.

C. Refund of Overpayments

Refund error

27. The administrator shall refund contributions or other payments made in error or not permitted under the pension plan, together with interest, if the administrator received the contributions or other payments.

Overpayment of contributions

28. (1) This section applies to an active member who,
- (a) accrues more than a full-time school year during the school year, and
 - (b) has made contributions greater than those required under section 19 of a member working a full-time school year.

(Last amended September 6, 2017 - Effective August 1, 2016)

Idem

- (2) An active member described in subsection (1) is entitled to a refund of contributions calculated in accordance with subsection (4). (Last amended June 28, 1990 - Effective June 28, 1990)

Refund to employer

- (3) Despite section 78 of the *Pension Benefits Act*, a person who has made employer contributions in respect of a member described in subsection (1) is entitled to a refund of employer contributions equal to the amount of the refund to which the member is entitled. (Last amended June 28, 1990 - Effective June 28, 1990)

Amount of refund

- (4) The refund of contributions is calculated using the formula,

$$(A + B + C \dots) \times N$$

in which, "A", "B", "C" ... is the series in which each variable is the amount of salary paid to the member at each different rate of salary earned by the member during the school year beginning with the lowest rate of salary and ending with the highest provided that the number of days for which salary is accumulated by the addition of variables does not exceed the number of days in excess of a full-time school year for which the member makes contributions, and

"N" is the per cent referred to in clause 19 (1) (b), plus any additional per cent of salary that was paid by the member in accordance with section 19 in respect of the salary being refunded, expressed as a decimal fraction.

(Last amended September 6, 2017 – Effective August 1, 2016)

- (4a) Revoked. (Last amended September 6, 2017 – Effective August 1, 2016)

Interest payable

- (5) Interest is payable on a refund of contributions from the last day of the school year until the day before it is paid. (Last amended February 28, 1992 - Effective January 1, 1992)

Lump sum

- (6) A refund of contributions shall be paid as a lump sum. (Last amended June 28, 1990 - Effective June 28, 1990)

Refund, re-employed pensioners

29. Despite subsection 63 (4) of the *Pension Benefits Act*, a person described in subsection 46 (3) of the *Teachers' Superannuation Act, 1983* who became re-employed in education for less than twenty days between the 1st day of September, 1986 and the 31st day of August, 1989 is entitled to the refund described in that section.

PART IV PAYMENTS UPON TERMINATION OF MEMBERSHIP

A. Vesting

Vesting of benefits

30. (1) Revoked. (Last amended June 19, 2012 - Effective July 1, 2012)

Idem

- (2) Revoked. (Last amended June 19, 2012 - Effective July 1, 2012)

Payment of deferred
pension

- (3) A member who terminates membership in the pension plan on or after July 1, 2012 is entitled to a deferred pension calculated and paid in accordance with Part V. (Last amended June 19, 2012 – Effective July 1, 2012)

Payment of benefits
upon death of member

- (3a) Benefits payable in respect of a member who terminates membership in the pension plan as a result of the member's death on or after July 1, 2012, and before the commencement of payment of the deferred pension to which the member was entitled on the date of death, shall be calculated and paid in accordance with Part VII. (Last amended December 13, 2012 – Effective July 1, 2012)

Limit

- (4) No person is entitled to more than one deferred pension in respect of the same period of employment.

Entitlement on
termination of
membership

- 31.** (1) Revoked. (Last amended June 19, 2012 - Effective July 1, 2012)

Idem

- (2) Revoked. (Last amended June 19, 2012 - Effective July 1, 2012)

Limitation

- (3) Revoked. (Last amended June 19, 2012 - Effective July 1, 2012)

Idem, transitional

- (4) Revoked. (Last amended June 19, 2012 - Effective July 1, 2012)

Rights of former
members

- 32.** Revoked. (Last amended June 19, 2012 - Effective July 1, 2012)

B. Refunds and Transfers

Refund re post-1986
contributions

- 33.** Revoked. (Last amended June 19, 2012 - Effective July 1, 2012)

Refund re pre-1987
contributions

- 34.** (1) Revoked. (Last amended June 19, 2012 - Effective July 1, 2012)

Refund at or after
sixty-five years of age

- (2) Revoked. (Last amended June 19, 2012 - Effective July 1, 2012)

Refund re pre-1987
deferred pension

- 35.** (1) Revoked. (Last amended June 19, 2012 - Effective July 1, 2012)

Before reaching
forty-five years of age

- (2) Revoked. (Last amended June 19, 2012 - Effective July 1, 2012)

On or after forty-five
years of age

- (3) Revoked. (Last amended June 19, 2012 - Effective July 1, 2012)

Reduction in deferred
pension

- (4) Revoked. (Last amended June 19, 2012 - Effective July 1, 2012)

50 per cent rule

36. (1) A member entitled to a deferred pension relating to employment after the 31st day of December, 1986 is entitled to a refund, paid in a lump sum, upon ceasing to be employed in education, of the amount by which the member's required contributions plus interest for the period after that date exceeds one half of the commuted value of the deferred pension for that period. (Last amended June 19, 2012 – Effective July 1, 2012)

Exclusion

- (2) Subsection (1) does not apply with respect to a member's contributions and credited service for which no corresponding employer contribution is required under section 25 or 26. (Last amended June 1, 1995 - Effective June 1, 1995)
- (3) A member who receives a refund under subsection (1), who elects to receive a deferred pension and who subsequently becomes re-employed in education or completes a purchase of credited service, must repay the refund together with interest thereon before the pension commences. (Last amended September 8, 2006 - Effective September 1, 2001)
- (4) Revoked. (Last amended September 8, 2006 - Effective September 1, 2002)
- (5) Revoked. (Last amended September 8, 2006 - Effective September 1, 2002)
- (6) Revoked. (Last amended September 8, 2006 - Effective September 1, 2002)
- (7) The member or survivor benefit, as the case may be, shall be actuarially reduced to reflect the unpaid portion of the repayment not completed under subsection (3) with interest thereon to the commencement date of the benefit. The actuarial reduction will be offset by any lump sum payment that would otherwise be payable to the member. (Last amended September 8, 2006 – Effective September 1, 2002)

Transfer re deferred
pension

37. (1) A member entitled to a deferred pension who ceases to be employed in education is entitled to a transfer of the commuted value of the deferred pension, paid in a lump sum, to another retirement savings arrangement in accordance with section 42 of the *Pension Benefits Act* and to a refund or transfer of excess contributions, calculated under section 36, subject to the limitations of the *Income Tax Act* (Canada). (Last amended June 19, 2012 – Effective July 1, 2012)
- (2) A member who is entitled to an immediate payment of a pension on the date of termination of membership is not entitled to a refund or transfer under this section. (Last amended February 12, 2019 – Effective January 1, 2019)
- (3) A member who is entitled to a transfer under this section shall deliver a completed termination options application, including all supporting documentation, to the administrator within six months of the member's termination of membership in the plan. (Last amended September 8, 2006 – Effective January 1, 1995)
- (4) A termination options application completed after the deadline specified in subsection (3) shall be considered a new notification of intention to terminate membership in the plan and the member's entitlement to a transfer under this section shall be determined as of the new termination of membership date. (Last amended September 8, 2006 – Effective January 1, 1995)

Application for refund,
etc.

38. (1) Revoked. (Last amended June 19, 2012 – Effective July 1, 2012)

Payment of refund

(2) Revoked. (Last amended June 19, 2012 – Effective July 1, 2012)

PART V RETIREMENT PENSIONS

A. Entitlement to Pension

One pension only

39. (1) No member is entitled to more than one retirement pension under the pension plan in respect of the same period of credited service.

Idem

(2) A member receiving a disability pension under the pension plan is not eligible to receive a retirement pension.

Retirement

(3) No member is entitled to begin to receive a retirement pension or a disability pension while the member is employed in education until the end of the calendar year in which the member attains seventy-one years of age, or until such other time as is required under the *Income Tax Act* (Canada). (Last amended June 20, 2012 – Effective January 1, 2012)

Normal retirement
date

40. The normal retirement date of a member is the first day of the month following the date on which the member reaches sixty-five years of age.

Entitlement to pension
(2 year rule)

41. (1) Revoked. (Last amended June 19, 2012 – Effective July 1, 2012)

Commencement

(2) Revoked. (Last amended June 19, 2012 – Effective July 1, 2012)

Amount of pension
(2 year rule)

(3) Revoked. (Last amended June 19, 2012 – Effective July 1, 2012)

Maximum pension
payable, R.S.C. 1952,
c. 148

(3a) Revoked. (Last amended June 19, 2012 – Effective July 1, 2012)

Payment, pre-1987
service

(4) Revoked. (Last amended June 19, 2012 – Effective July 1, 2012)

Limitation on pensions
less than \$2,400

(5) Revoked. (Last amended June 19, 2012 – Effective July 1, 2012)

Entitlement to pension
(10 year rule),
transitional

42. (1) Revoked. (Last amended June 19, 2012 – Effective July 1, 2012)

- Commencement
- (2) Revoked. (Last amended June 19, 2012 – Effective July 1, 2012)
- Amount of pension
(10 year rule)
- (3) Revoked. (Last amended June 19, 2012 – Effective July 1, 2012)
- Maximum pension
payable, R.S.C. 1952,
c. 148
- (3a) Revoked. (Last amended June 19, 2012 – Effective July 1, 2012)
- Entitlement to pension
(immediate vesting)
- 42a.** (1) A member who terminates membership in the pension plan on or after July 1, 2012 is entitled to receive a retirement pension for the member's lifetime calculated under subsection (3). (Last amended June 19, 2012 – Effective July 1, 2012)
- Commencement
- (2) A retirement pension under this section begins as of the member's normal retirement date. (Last amended June 19, 2012 – Effective July 1, 2012)
- Amount of pension
- (3) Subject to subsection (4), the amount of the retirement pension, before adjustment for inflation, is calculated using the formula,
- $$(A \times B) - C$$
- in which,
- "A" is 2 per cent of the member's average salary,
- "B" is the number of years of the member's credited service, and
- "C" is the amount, if any, calculated under section 81 (CPP reduction). (Last amended June 19, 2012 – Effective July 1, 2012)
- Payment of pensions,
predecessor Acts
- (4) The retirement pension of a member who ceased to be employed in education prior to January 1, 1990 shall be calculated, with necessary modifications, in accordance with the terms of the *Teachers' Superannuation Act, 1983*, or a predecessor Act, and shall be paid out of the pension fund in accordance with the Act under which the member ceased to be employed in education. (Last amended June 19, 2012 – Effective July 1, 2012)
- Maximum pension
payable, R.S.C. 1952,
c. 148
- (5) If the amount of the retirement pension calculated under subsection (3) in respect of a period after the 31st day of December, 1991 is greater than the maximum pension payable by a registered pension plan under the *Income Tax Act* (Canada), it shall be reduced to an amount equal to the maximum. (Last amended June 19, 2012 – Effective July 1, 2012)
- Limitation on pensions
less than \$2,400
- (6) Subject to section 84, where the annual amount of the retirement pension calculated under subsection (3) or (4) is less than \$2,400 the member is entitled to a pension in that lesser amount and not to a pension in the amount of \$2,400 as provided for by Order in Council 1453/74. (Last amended June 19, 2012 – Effective July 1, 2012)

Exception

- (7) Subsection (6) shall not apply to a member who has at least ten years of credited service in whole or in part before the 1st day of January, 1987 on the date he or she ceased to be employed in education. (Last amended June 19, 2012 – Effective July 1, 2012)

Limitation

- (8) For greater certainty, subsection 76 (2) of the *Teachers' Superannuation Act, 1983* shall not apply to the retirement pension of a member who did not have at least ten years of credited service on the date he or she ceased to be employed in education. (Last amended June 19, 2012 – Effective July 1, 2012)

Entitlement to pension
(special early
retirement)

- 43.** (1) A member who ceases to be employed in education prior to June 1, 1998, and who has accumulated at least that number of years of qualifying service that, when added to the member's age upon termination of employment in education, totals ninety years is entitled to a retirement pension for the member's lifetime calculated under subsection (4). (Last amended February 12, 2019 – Effective January 1, 2019)
- (1a) A member who ceases to be employed in education on or after June 1, 1998, and who has accumulated at least that number of years of qualifying service that, when added to the member's age upon termination of employment in education, totals eighty-five years is entitled to a retirement pension for the member's lifetime calculated under subsection (4). (Last amended April 2, 2001 – Effective April 1, 2001)

Idem (35 year rule)

- (2) A member who ceases to be employed in education after the 31st day of May, 1987 and before the 1st day of September, 1990 and who has thirty-five years of qualifying service is entitled to a retirement pension for the member's lifetime calculated under subsection (4). (Last amended October 10, 1995 - Effective September 1, 1995)
- (2a) A member who has accumulated thirty-five or more years of credited service is entitled to a retirement pension for the member's lifetime calculated under subsection (4). (Last amended February 20, 1997 - Effective January 1, 1997)

Commencement

- (3) A retirement pension under this section begins as of the beginning of the month following the date the member ceases to be employed in education or, at the election of the member, of any month thereafter that is not later than:
- (a) the end of the calendar year in which the member attains seventy-one years of age, or
- (b) such other time as is required under the *Income Tax Act* (Canada).

(Last amended June 20, 2012 – Effective January 1, 2012)

Amount of pension

- (4) The amount of the retirement pension, before adjustment for inflation, is calculated using the formula,

$$(A \times B) - C$$

in which,

"A" is 2 per cent of the member's average salary,

"B" is the number of years of the member's credited service, and

"C" is the amount, if any, calculated under section 81 (CPP reduction).

Maximum pension payable, R.S.C. 1952, c. 148

- (4a) If the amount of the retirement pension calculated under subsection (4) in respect of a period after the 31st day of December, 1991 is greater than the maximum pension payable by a registered pension plan under the *Income Tax Act* (Canada), it shall be reduced to an amount equal to the maximum. (Last amended February 28, 1992 - Effective January 1, 1992)

Early retirement option

- 44.** (1) A member entitled to a deferred pension under section 42a who ceases to be employed in education prior to June 30, 2001 may elect to begin to receive a retirement pension on the first day of any month that is ten years before the member's normal retirement date. (Last amended February 12, 2019 – Effective January 1, 2019)

Idem

- (1a) A member who ceases to be employed in education on or after June 30, 2001 and who is entitled to a deferred pension under section 42a may elect to begin to receive a retirement pension on the first day of any month that is within fifteen years of the member's normal retirement date. (Last amended June 19, 2012 – Effective July 1, 2012)

Amount of early retirement pension

- (2) The amount of the annual retirement pension, before adjustment for inflation, for a member who ceases to be employed in education prior to June 1, 1998, where the member elects early retirement under subsection (1) and who elects to begin to receive the pension on the first day of the month following the later of: the cessation of employment in education; or the last day of credited service in the plan, shall be calculated using the formula,

$$[A \times B \times (1 - C)] - D$$

in which,

"A" is 2 per cent of the member's average salary,

"B" is the number of years of the member's credited service,

"C" is an amount equal to the lesser of,

- (a) 0.05 times the number of years by which the member's age is less than sixty-five on the date the pension is to begin, and

- (b) 0.025 times the difference between ninety and the sum of,
 - (i) the number of years of the member's qualifying service determined under section 11, and
 - (ii) the member's age on the date the pension is to begin, and

"D" is the amount, if any, calculated under section 81 (CPP reduction).

"C" in the above formula shall not be less than the minimum reduction on early retirement applicable to registered pension plans under the *Income Tax Act* (Canada). (Last amended February 12, 2019 – Effective January 1, 2019)

Maximum pension payable, R.S.C. 1952, c. 148

(2a) Revoked. (Last amended February 20, 1997 - Effective January 1, 1997)

- (2b) The amount of the annual retirement pension, before adjustment for inflation, for a member who ceases to be employed in education on or after June 1, 1998, where the member elects early retirement under subsection (1) or (1a) and elects to begin to receive the pension on the first day of the month following the later of: the cessation of employment in education; or the last day of credited service in the plan, shall be calculated using the formula set out in subsection (2) except that:

"C" is an amount equal to the lesser of,

- (a) 0.05 times the number of years by which the member's age is less than sixty-five on the date the pension is to begin, and
- (b) 0.025 times the difference between eighty-five and the sum of,
 - (i) the number of years of the member's qualifying service determined under section 11, and
 - (ii) the member's age on the date the pension is to begin,

however, "C" shall not be less than the minimum reduction on early retirement applicable to registered pension plans under the *Income Tax Act* (Canada). (Last amended April 2, 2001 – Effective April 1, 2001)

- (2c) The amount of the annual retirement pension, before adjustment for inflation, for a member who ceases to be employed in education on or after January 1, 2018, where the member elects an early retirement pension under subsection (1a) and was eligible to begin to receive the pension on the first day of the month following the later of: the cessation of employment in education; or the last day of credited service in the plan, shall be calculated using the formula set out in subsection (2) except that "C" has the same meaning as set out in subsection (2b). (Last amended September 6, 2017 - Effective January 1, 2018)

- (3) The amount of the annual retirement pension, before adjustment for inflation, for a member who ceases to be employed in education prior to June 1, 1998, where the member elects early retirement under subsection (1) on a deferred pension shall be calculated using the formula,

$$[A \times B \times (1 - C)] - D$$

in which,

"A" is 2 per cent of the member's average salary,

"B" is the number of years of the member's credited service,

"C" is an amount equal to the lesser of,

- (a) 0.05 times the number of years by which the member's age is less than sixty-five on the date the pension is to begin, and
- (b) 0.05 times the difference between ninety and the sum of,
 - (i) the number of years of the member's qualifying service determined under section 11, and
 - (ii) the member's age on the date the pension is to begin, and

"D" is the amount, if any, calculated under section 81 (CPP reduction).

"C" in the above formula shall not be less than the minimum reduction on early retirement applicable to registered pension plans under the *Income Tax Act* (Canada). (Last amended February 12, 2019 – Effective January 1, 2019)

- (3a) The amount of the annual retirement pension, before adjustment for inflation, for a member who ceases to be employed in education on or after June 1, 1998, where the member elects early retirement under subsection (1) or (1a) on a deferred pension shall be calculated using the formula set out in subsection (3) except that:

"C" is an amount equal to the lesser of,

- (a) 0.05 times the number of years by which the member's age is less than sixty-five on the date the pension is to begin, and
- (b) 0.05 times the difference between eighty-five and the sum of,
 - (i) the number of years of the member's qualifying service determined under section 11, and
 - (ii) the member's age on the date the pension is to begin,

however, "C" shall not be less than the minimum reduction on early retirement applicable to registered pension plans under the *Income Tax Act* (Canada). (Last amended April 2, 2001 – Effective April 1, 2001)

- (3b) The amount of the annual retirement pension, before adjustment for inflation, for a member who ceases to be employed in education on or after January 1, 2018, where the member elects an early retirement pension under subsection (1a) and was not eligible to begin to receive the pension on the first day of the month following the later of: the cessation of employment in education; or the last day of credited service in the plan, shall be calculated using the formula set out in subsection (3) except that "C" has the same meaning as set out in subsection (3a). (Last amended September 6, 2017 - Effective January 1, 2018)

Maximum pension payable, R.S.C. 1952, c. 148

- (4) If the amount of the retirement pension determined under subsection (2), (2b), (2c), (3), (3a), (3b) or (5), in respect of a period after the 31st day of December, 1991 is greater than the maximum pension payable by a registered pension plan under the *Income Tax Act* (Canada) after taking into account the reduction (if any) on early retirement applicable to registered pension plans under the *Income Tax Act* (Canada) it shall be reduced to an amount equal to such maximum. (Last amended September 6, 2017 - Effective January 1, 2018)

Commuted value

- (5) Despite subsections (2), (2b), (2c), (3), (3a) or (3b), the commuted value of the retirement pension received on early retirement shall be not less than the commuted value of the retirement pension to which the member would be entitled on the normal retirement date based upon the member's credited service up to the early retirement date. (Last amended February 12, 2019 – Effective January 1, 2019)

Postponed pension option

45. (1) A member may elect to begin to receive his or her retirement pension in any month after the member's normal retirement date, but not later than:
- (a) the end of the calendar year in which the member attains seventy-one years of age, or
 - (b) such other time as is required under the *Income Tax Act* (Canada).

(Last amended June 20, 2012 – Effective January 1, 2012)

Amount of late retirement pension

- (2) The amount of the annual retirement pension, before adjustment for inflation, of a member who elects late retirement as described in subsection (1) is calculated using the formula,

$$(A \times B) - C$$

in which,

"A" is 2 per cent of the member's average salary,

"B" is the number of years of the member's credited service, and

"C" is the amount, if any, calculated under section 81 (CPP reduction).

- (2a) If the amount of the retirement pension calculated under subsection (2) in respect of a period after the 31st day of December, 1991 is greater than the maximum pension payable by a registered pension plan under the *Income Tax Act* (Canada), it shall be reduced to an amount equal to the maximum. (Last amended June 29, 1994 - Effective January 1, 1992)

Re-employed
pensioner election

46. (1) Prior to commencing re-employment for the first time after commencement of pension, a pensioner may elect to become an active member for the purpose of a pension recalculation in accordance with subsection (2), in which case the pension is suspended immediately upon the re-employment. (Last amended October 23, 2008 – Effective January 1, 2009)

Recalculation of
pension

- (2) If a re-employed pensioner accumulates one year or more of credited service after becoming an active member, other than by means of a purchase of credited service or by the annualization of a partial year of credited service under section 11, and, if the re-employed pensioner makes an application to the administrator, the amount of the pensioner's retirement pension shall be recalculated in accordance with the terms of the pension plan in force on the date of the application.
- (2a) A re-employed pensioner making application under subsection (2) shall repay any refund previously made under section 36 together with interest thereon before the pension commences. (Last amended April 15, 1998 - Effective June 1, 1995)
- (2b) Revoked. (Last amended September 8, 2006 – Effective September 1, 2002)
- (2c) Revoked. (Last amended September 8, 2006 – Effective September 1, 2002)
- (2d) Revoked. (Last amended September 8, 2006 – Effective September 1, 2002)
- (2e) The member or survivor benefit, as the case may be, shall be actuarially reduced to reflect the unpaid portion of the repayment not completed under subsection (2a) with interest thereon to the commencement date of the benefit. The actuarial reduction will be offset by any lump sum payment that would otherwise be payable to the member. (Last amended September 8, 2006 – Effective September 1, 2002)

Exception

- (3) A re-employed pensioner who does not accumulate one year of credited service after becoming an active member is entitled when the re-employment ceases,
- (a) to the resumption of the retirement pension to which the pensioner was entitled immediately before becoming re-employed; and
- (b) to the refund of the member's required contributions, together with interest thereon, made during the re-employment.

Pension suspension

- (3a) Except for a pensioner whose pension is suspended immediately under subsection (1), no retirement pension is payable to a re-employed pensioner as of the month following the member's fifty-first day of re-employment in a school year. (Last amended May 6, 2010 – Effective September 1, 2012)

Pension resumption

- (3b) A re-employed pensioner whose pension is suspended in accordance with subsection (3a) is entitled to the resumption of the retirement pension, to which the pensioner was entitled immediately before the pension was suspended, on the earlier of:
- (a) the beginning of the month following the month in which the re-employment ceases; or
- (b) September 1st of the school year following the school year in which the pension was suspended.

(Last amended June 10, 2016 – Effective September 1, 2015)

Notice of re-employment

- (3c) A re-employed pensioner shall notify the administrator promptly upon exceeding the limits under subsection (3a). (Last amended October 23, 2008 – Effective January 1, 2009)

Reporting of re-employment

- (3d) An employer shall report to the administrator any service provided to the employer by a re-employed pensioner. (Last amended May 6, 2010 – Effective September 1, 2012)

Idem

- (3e) At the request of the administrator, a re-employed pensioner shall report to the administrator the number of days, if any, that the member provides services to an employer as a re-employed pensioner. If the member does not report within a reasonable time after the request, the administrator shall cease to pay the pension until the report is given. (Last amended May 6, 2010 – Effective September 1, 2012)

Re-employment, temporary provision

- (3f) In respect of the period of September 1, 2020 to June 30, 2021, the reference to “fifty-first” in subsection (3a) shall be read as “ninety-sixth” for a re-employed pensioner, provided that all re-employment beyond the month in which the re-employed pensioner reaches their fifty-first day of re-employment is employment by a board of education, the Provincial Schools Authority, or the Centre Jules-Léger Consortium, in a school in a role that requires that the person has obtained teacher certification from one of the Ministry of Education or the Ontario College of Teachers. (Last amended November 11, 2020 – Effective September 1, 2020)

Repayment

- (4) A re-employed pensioner who receives pension payments to which the pensioner is not entitled shall repay the amount so received, together with interest thereon, before becoming entitled to further payments under the pension plan.

“Re-employed pensioner” limitation

- (5) The term “re-employed pensioner” shall include a member who provides services, other than as a teacher, to a ministry of the Government of Ontario only if:
- (a) the ministry is the Ministry of Education, and
 - (b) the member’s retirement pension under the plan begins after September 1, 2010.

(Last amended November 28, 2015 – Effective September 1, 2010)

Idem

- (6) Revoked. (Last amended November 28, 2015 – Effective September 1, 2015)

B. Payment of Retirement Pensions

Application for retirement pension

47. (1) A member who wishes to begin receiving a retirement pension shall apply to the administrator.

Deemed application

- (1a) A member who ceases to be employed in education without having applied to the administrator in accordance with subsection (1) prior to cessation of employment in education shall be deemed, unless the administrator has received notice to the contrary, to apply to the administrator on the earliest of,

- (a) the last day of the month in which the member becomes entitled to a retirement pension in accordance with section 43;
- (b) the last day of the month in which the member becomes entitled to a retirement pension in accordance with section 44, where the variable “C” in the formula set out in subsection 44 (2), (2b), (3) or (3a), as applicable, is equal to 0 or would have equaled 0 but for the minimum reduction for early retirement applicable to registered pension plans under the *Income Tax Act* (Canada); or
- (c) the last day of the month in which the member becomes entitled to a retirement pension in accordance with section 42a.

(Last amended February 12, 2019 – Effective June 1, 2017)

(1b) Subsection 47 (1a) also applies to members who,

- (a) cease to be employed in education before June 1, 2017, and
- (b) have not reached any of the dates set forth under clauses (a), (b), or (c) of that subsection before June 1, 2017.

(Last amended February 12, 2019 – Effective June 1, 2017)

Deemed application –
Income Tax Act

- (2) A member who,
 - (a) does not cease to be employed in education;
 - (b) has not applied to begin receiving a retirement pension under subsection (1); or
 - (c) has not been deemed to apply to begin receiving a retirement pension under subsection (1a),
 by November 30th of the calendar year in which the member attains seventy-one years of age, or at such other time as is required under the *Income Tax Act* (Canada), shall be deemed to apply, as of such date, to the administrator to begin receiving a retirement pension.

(Last amended May 17, 2017 – Effective June 1, 2017)

Payment of pension

- 48. (1) The administrator shall begin payment of a member's retirement pension not later than the later of,
 - (a) the month following the month in which the member ceases to be employed in education; or
 - (b) the month following the month in which application for the pension is complete.

Monthly instalments

- (2) The administrator shall pay a retirement pension in monthly instalments on the last day of the month.

Interest payable

- (3) The administrator shall pay interest on late payments, from the first day of the month following the month in which the member's pension begins. (Last amended June 20, 2012 – Effective January 1, 2012)

Notice of
re-employment

49. (1) Revoked. (Last amended October 23, 2008 – Effective January 1, 2009)

Failure to give notice

- (2) Revoked. (Last amended October 23, 2008 – Effective January 1, 2009)

Repayment of pension

- (3) Revoked. (Last amended October 23, 2008 – Effective January 1, 2009)

PART VI DISABILITY PENSIONS

A. Entitlement to Disability Pension

Entitlement to
disability pension

50. (1) This section applies to a member with at least ten years of qualifying service who becomes disabled while employed in education and who, as a result of the disability, ceases before the normal retirement date to be employed in education. (Last amended October 10, 1995 - Effective September 1, 1995)

Full disability pension

- (2) If the administrator finds that a member described in subsection (1) is incapable of further employment, the member is entitled to a full disability pension for the member's lifetime.

Partial disability
pension

- (3) If the administrator finds that a member described in subsection (1) is incapable of further employment in education, the member is entitled to a partial disability pension for the member's lifetime.

Eligibility

- (4) A member who has previously terminated his or her membership and who returns to membership and purchases credited service for previous employment in education is not eligible to receive a disability pension until the member accumulates two additional years of credited service.

Idem

- (5) Subsection 11 (2) (partial year) does not apply for the purpose of determining a member's accumulation of the two additional years of credited service under subsection (4).

Effect of
re-employment

51. (1) A member receiving a full disability pension who becomes employed ceases to be entitled to a full disability pension.

Idem

- (2) A member receiving a disability pension who becomes employed in education ceases to be entitled to a disability pension. (Last amended June 1, 1995 - Effective June 1, 1995)

Reduced partial
disability pension

- (3) Revoked. (Last amended February 28, 1992 - Effective January 1, 1992)

Application

- (4) This section applies with respect to a member who is receiving a disability pension on or after the 1st day of January, 1990.

Amount of full
disability pension

52. (1) The amount of the annual full disability pension, before adjustment for inflation, for a member is calculated using the formula,

$$(A \times B) - C$$

in which,

"A" is 2 per cent of the member's average salary,

"B" is the number of years of the member's credited service under the plan, and

"C" is the amount, if any, calculated under section 81 (CPP reduction).

Amount of partial
disability pension

- (2) The amount of a partial disability pension, before adjustment for inflation, for a member who ceases to be employed in education prior to June 1, 1998 is calculated using the formula,

$$[(A \times B) (1 - C)] - D$$

in which,

"A" and "B" have the same meaning as in the formula for calculating the amount of a full disability pension,

"C" is an amount equal to 0.025 times the lesser of,

- (a) the number of years by which the member's age on the date the pension begins is less than 65, and
- (b) ninety minus the sum of,
 - (i) the number of years of the member's qualifying service determined under section 11, and
 - (ii) the member's age on the date the pension begins, and

"D" is the amount, if any, calculated under section 81 (CPP reduction).

"C" in the above formula shall not be less than the minimum reduction on early retirement applicable to registered pension plans under the *Income Tax Act* (Canada). (Last amended February 12, 2019 – Effective January 1, 2019)

- (2a) The amount of a partial disability pension, before adjustment for inflation, for a member who ceases to be employed in education on or after June 1, 1998, is calculated using the formula set out in subsection (2), except that:

"C" is an amount equal to 0.025 times the lesser of,

- (a) the number of years by which the member's age on the date the pension begins is less than sixty-five, and
- (b) eighty-five minus the sum of,

- (i) the number of years of the member's qualifying service determined under section 11, and
- (ii) the member's age on the date the pension begins,

however, "C" shall not be less than the minimum reduction on early retirement applicable to registered pension plans under the *Income Tax Act* (Canada). (Last amended April 2, 2001 – Effective April 1, 2001)

Maximum pension payable, R.S.C. 1952, c. 148

- (2b) If the amount of the full or partial disability pension determined under either subsection (1), (2), or (2a), as applicable, in respect of a period after the 31st day of December, 1991 is greater than the maximum pension payable by a registered pension plan under the *Income Tax Act* (Canada) after taking into account the reduction (if any) on early retirement applicable to registered pension plans under the *Income Tax Act* (Canada), it shall be reduced to an amount equal to such maximum. (Last amended May 27, 1998 - Effective June 1, 1998)

Limitation

- (3) Revoked. (Last amended February 28, 1992 - Effective January 1, 1992)

Amount of reduced partial disability pension

- (4) Revoked. (Last amended February 28, 1992 - Effective January 1, 1992)

Resumption of disability pension

- 53.** (1) Subject to subsection (2), if a member becomes re-employed in education and ceases to receive a disability pension under the pension plan or a predecessor Act, the member is entitled upon ceasing the re-employment to the resumption of the original disability pension without adjustment of the amount of the pension and to a refund of the member's contributions made during the period of re-employment, together with interest thereon. (Last amended June 1, 1995 - Effective June 1, 1995)

Idem

- (2) A member described in subsection (1) who completes the equivalent of two years of full-time employment in education after becoming re-employed and then ceases to be so employed shall make a fresh application for a pension, and the terms of the pension plan on the date the application is made shall apply with respect to the member's entitlement to a pension.
- (3) A member making application under subsection (2) shall repay any refund previously made under section 36 together with interest thereon before the pension commences. (Last amended September 8, 2006 – Effective September 1, 2006)
- (4) The member or survivor benefit, as the case may be, shall be actuarially reduced to reflect the unpaid portion of the repayment not completed under subsection (3) with interest thereon to the commencement date of the benefit. The actuarial reduction will be offset by any lump sum payment that would otherwise be payable to the member. (Last amended September 8, 2006 – Effective September 1, 2006)

Change of disability status re survivor pension

- 54.** (1) This section applies if a member receiving a partial disability pension dies while the administrator is considering whether the member is entitled to a full disability pension based upon fresh medical evidence concerning the member's disability. (Last amended February 28, 1992 - Effective January 1, 1992)

Determination by
the administrator

- (2) Having regard to the facts established at the date of the member's death, the administrator shall determine whether the member would have been entitled, immediately before the date of death, to a full disability pension.

Deemed receipt

- (3) For the purpose of calculating the amount of a survivor pension, child's pension or beneficiary's pension, if the administrator determines that the member would have been entitled to a full disability pension, the member shall be deemed to have been receiving it on the date of death.
- (4) Despite subsection 3, where the benefit otherwise payable to a survivor exceeds the maximum payable under the regulations of the *Income Tax Act* (Canada), the amount in excess shall not be paid. (Last amended June 29, 1994 - Effective January 1, 1992)

B. Payment of Disability Pension

Application for
disability pension

- 55.** (1) A member shall apply for a disability pension within two years after the date when the member ceases, as a result of the disability, to be employed in education.

Idem

- (2) The administrator shall accept an application for a disability pension that is made after the time described in subsection (1) if the administrator is satisfied,
- (a) that the delay in making the application resulted from a delay in diagnosing the disability; or
- (b) that the member was unable, because of the effects of the disability, to make the application within the time described in subsection (1).

Proof of disability

- (3) No application for a disability pension shall be considered by the administrator until the administrator has received,
- (a) the certificate of a medical doctor licensed in Ontario designated by the administrator, certifying that the applicant became mentally or physically disabled while employed in education and indicating the nature and degree of the disability; and
- (b) a report of the medical referee of the administrator containing such recommendations as the medical referee considers proper with regard to the granting of a disability pension to the applicant. (Last amended April 15, 1998 - Effective January 1, 1992)

Disability pension,
predecessor Acts

- 56.** (1) This section applies with respect to a person who ceased to be employed in education before the 1st day of January, 1990 as a result of a mental or physical incapacity and who did not apply for a disability allowance under a predecessor of this Act.

Application

- (2) Section 55 applies with necessary modifications to an application by a person described in subsection (1).

Entitlement

- (3) The person is entitled to a disability allowance determined in accordance with the *Teachers' Superannuation Act, 1983*.

Idem

- (4) Clause 17 (1) (d) or 18 (1) (d) of the *Teachers' Superannuation Act, 1983* does not apply if the administrator accepts an application under subsection 55 (2).

Commencement of
disability pension

- 57.** (1) Subject to subsection (2), a member's disability pension shall begin as of the first day of the month following the month in which the member ceases to be employed in education.

Idem

- (2) No disability pension shall begin as of a date earlier than one year before the date the administrator receives the completed application for the pension.

Reduced partial
disability pension

- (3) Revoked. (Last amended February 28, 1992 - Effective January 1, 1992)

Monthly instalments

- (4) The administrator shall pay a disability pension in monthly instalments.

Due date

- (5) Disability pension payments are due on the last day of the month.

Interest payable

- (6) Interest shall be paid on overdue pension payments if the administrator does not begin paying a pension by the end of the month in which the member becomes entitled to receive it.

Interest payable

- (7) Interest on each overdue monthly pension payment, calculated at the standard rate, shall be paid from the date the payment was due to the day before it was made. (Last amended February 28, 1992 - Effective January 1, 1992)

Evidence of medical
condition

- 58.** (1) The administrator may at any time require a member who is receiving a disability pension to furnish evidence, in such form as the administrator directs, of the member's mental or physical condition.

Failure to
furnish evidence

- (2) If the member fails to furnish evidence within a reasonable time that his or her condition continues to be of a nature that entitles the member to receive the disability pension, the administrator shall terminate payment of the pension.

Review by
administrator

- (3) If the administrator terminates payment of a full disability pension, the member may request the administrator to review the decision to terminate payment.

Idem

- (4) If the administrator is satisfied upon reviewing a decision to terminate payment that the member is entitled to a disability pension under section 50, the administrator shall pay the disability pension. (Last amended September 6, 2017 - Effective June 1, 2017)

Application

- (5) This section does not apply with respect to a member who has reached normal retirement age.

Notice of
re-employment

- 59.** (1) A member receiving a disability pension shall notify the administrator in writing promptly upon becoming employed or changing employment.

Failure to give notice

- (2) A member who fails to comply with subsection (1) is not entitled to receive a disability pension payment during a period when notice should have been given under that subsection.

Repayment of pension

- (3) A member who receives pension payments to which the member is not entitled shall repay the amount so received, together with interest thereon, before becoming entitled to further payments under the pension plan.

PART VII BENEFITS UPON DEATH

A. Upon the Death of a Member not Entitled to a Pension

Refund of
contributions

- 60.** Revoked. (Last amended June 19, 2012 - Effective July 1, 2012)

Refund of
post-1986
contributions

- 60a.** (1) Revoked. (Last amended June 19, 2012 - Effective July 1, 2012)

Application

- (2) Revoked. (Last amended June 19, 2012 - Effective July 1, 2012)

Refund of
pre-1987
contributions

- 60b.** (1) Revoked. (Last amended June 19, 2012 - Effective July 1, 2012)

Application

- (2) Revoked. (Last amended June 19, 2012 - Effective July 1, 2012)

B. Upon the Death of a Member Entitled to a Deferred Pension

Pre-retirement
(spousal) death
benefit

- 61.** (1) If a member who is entitled to a deferred pension dies before commencement of payment of the deferred pension, the person who is the spouse of the member on the date of death is entitled to receive,
- (a) the benefit described in section 62, in respect of the member's employment, if any, before the 1st day of January, 1987; and
 - (b) the benefit described in section 63, in respect of the member's employment, if any, on or after the 1st day of January, 1987.

(Last amended May 5, 2010 – Effective June 1, 1995)

Application

- (2) Subsection (1) does not apply if the member and the spouse are living separate and apart on the date of death of the member.

Further application

(3) Revoked. (Last amended August 4, 2011 – Effective March 1, 2007)

Idem

(4) Revoked. (Last amended August 4, 2011 – Effective March 1, 2007)

Idem

(5) Revoked. (Last amended August 4, 2011 – Effective March 1, 2007)

Idem

(6) Revoked. (Last amended August 4, 2011 – Effective March 1, 2007)

Pre-1987 (spousal) death benefit

62. (1) This section applies with respect to that portion of the death benefit that relates to a member's employment before the 1st day of January, 1987.

Survivor pension

(2) The spouse of a member with ten years or more qualifying service is entitled to the survivor pension described in subsection (3) for the lifetime of the spouse. (Last amended October 10, 1995 - Effective September 1, 1995)

Pre-1987 survivor pension

(3) The amount of the survivor pension, before adjustment for inflation, shall be based upon the member's credited service for employment before the 1st day of January, 1987 and shall be one half of the amount of the pension, before adjustment for inflation,

(a) that would have been paid to the member at the date of death, if the member was at least sixty-five years of age on the date of death; or

(b) that would have been paid to the member as of the first day of the month following the month in which he or she would have reached sixty-five years of age, if the member was less than sixty-five years of age on the date of death.

Commutation of pension

(3a) If the spouse of a member elects to receive payment of the benefit described under clause 63 (4) (a), then the spouse of the member shall receive a lump sum payment equal to the commuted value of the survivor pension calculated in accordance with subsection (3), and not the survivor pension calculated in accordance with subsection (3). (Last amended December 13, 2012 - Effective July 1, 2012)

Refund of contributions (10 year rule)

(3b) If the commuted value of the survivor pension calculated in accordance with subsection (3) is less than the amount of the member's contributions for employment before the 1st day of January, 1987 together with interest thereon, then the spouse of the member is entitled to a refund, paid in a lump sum, of the member's contributions for employment before the 1st day of January, 1987 together with interest thereon, and not to the benefit described in either subsection (3) or (3a). (Last amended December 13, 2012 - Effective July 1, 2012)

Refund of contributions

(4) The spouse of a member who dies with less than ten years of qualifying service is entitled to a refund of the member's contributions for employment before the 1st day of January, 1987 together with interest thereon. (Last amended June 19, 2012 - Effective July 1, 2012)

Post-1986 (spousal) death benefit

- 63.** (1) This section applies with respect to that portion of the death benefit that relates to a member's employment on or after the 1st day of January, 1987.

Benefit

- (2) Revoked. (Last amended June 19, 2012 - Effective July 1, 2012)

Refund of contributions

- (3) Revoked. (Last amended September 8, 2006 - Effective September 1, 1995)

Idem

- (4) The spouse of a member is entitled to receive,
- (a) a lump sum payment equal to the commuted value of the deferred pension to which the member was entitled for credited service for employment on or after the 1st day of January, 1987; or
 - (b) a survivor pension for the lifetime of the spouse, the commuted value of which is at least equal to the commuted value of a pension for credited service for the member's employment on or after the 1st day of January, 1987, calculated as if the member had become entitled to a retirement pension on the date of death.

(Last amended June 19, 2012 - Effective July 1, 2012)

Election

- (5) The spouse may elect the form of benefit to be paid under subsection (4) and a spouse who does not do so within twelve months after the death of the member shall be deemed to have elected to receive a survivor pension. (Last amended May 5, 2010 – Effective January 1, 2008)

Deemed election

- (5a) The spouse of a member who dies within twelve months after the death of the member without electing the form of benefit to be paid under subsection (4) shall be deemed to have elected to receive payment of the benefit described under clause (4) (a). (Last amended December 13, 2012 - Effective July 1, 2012)

Survivor pension

- (6) A spouse who elects to receive a survivor pension may elect to begin to receive the pension at any time up to the end of the calendar year in which the spouse attains seventy-one years of age, or up to such other time as is required under the *Income Tax Act* (Canada), provided that the pension shall not begin before the month following the month in which the administrator has received all supporting documentation required to pay the pension. (Last amended June 20, 2012 – Effective January 1, 2012)

Pre-retirement child's pension

- 64.** (1) This section applies with respect to the dependent children of a member entitled to a deferred pension who died before commencement of payment of the deferred pension and,
- (a) who had a spouse who became entitled to a survivor pension who subsequently died; or
 - (b) who did not have a spouse entitled to a survivor pension.

(Last amended May 5, 2010 – Effective June 1, 1995)

Entitlement to child's pension

- (2) Subject to subsections (3), (3a) and (3b), each dependent child of a member is entitled upon the death of the spouse or the member, as the case may be, to receive a child's pension calculated under

subsections (4a) and (4b) while the child remains a dependent child. (Last amended December 13, 2012 - Effective July 1, 2012)

Exception re: post-1986
spousal death benefit

- (3) No child's pension is payable in respect of the credited service of a deceased member for which the spouse of the member received the lump sum payment described in clause 63 (4) (a).

Exception re: post-1986
benefit to spouse's estate

- (3a) No child's pension is payable in respect of the credited service of a deceased member for which the spouse's estate is entitled to payment of the benefit described under clause 63 (4) (a). (Last amended December 13, 2012 - Effective July 1, 2012)

Exception re: pre-1987
spousal death benefit

- (3b) No child's pension is payable in respect of the credited service of a deceased member for which the spouse of the member is entitled to payment of the benefit described under either subsection 62 (3), 62 (3a) or 62 (3b). (Last amended December 13, 2012 - Effective July 1, 2012)

Amount of
child's pension

- (4) Revoked. (Last amended June 19, 2012 - Effective July 1, 2012)

Pre-1987 (child)
death benefit

- (4a) (a) This subsection applies with respect to that portion of the death benefit that relates to a member's employment before the 1st day of January, 1987. (Last amended June 19, 2012 - Effective July 1, 2012)

Survivor pension

- (b) The dependent child of a member with ten years or more qualifying service is entitled to the child's pension described in subsection (4a) (c) while the child remains a dependent child. (Last amended June 19, 2012 – Effective July 1, 2012)

Pre-1987 child's
pension

- (c) The amount of the child's pension, before adjustment for inflation, shall be based upon the member's credited service for employment before the 1st day of January, 1987 and shall be one half of the amount of the pension, before adjustment for inflation,
- (i) that would have been paid to the member at the date of death, if the member was at least sixty-five years of age on that date; or
- (ii) that would have been paid to the member as of the first day of the month following the month in which he or she would have reached sixty-five years of age, if the member was less than sixty-five years of age on the date of death.

(Last amended June 19, 2012 - Effective July 1, 2012)

Post-1986 (child)
death benefit

- (4b) (a) This subsection applies with respect to that portion of the death benefit that relates to a member's employment on or after the 1st day of January, 1987. (Last amended June 19, 2012 - Effective July 1, 2012)

Benefit

- (b) The amount of the child's pension, before adjustment for inflation, shall be based upon the member's credited service for employment on or after the 1st day of January, 1987 and shall

be one half of the amount of the pension, before adjustment for inflation,

- (i) that would have been paid to the member at the date of death, if the member was at least sixty-five years of age on that date; or
- (ii) that would have been paid to the member as of the first day of the month following the month in which he or she would have reached sixty-five years of age, if the member was less than sixty-five years of age on the date of death.

(Last amended June 19, 2012 - Effective July 1, 2012)

Idem

- (5) The child's pension shall be shared equally among the member's dependent children.

Share accrues to others

- (6) The share of the child's pension of each of the children who ceases to be a dependent child accrues to the remaining dependent children, if any.

Benefit to beneficiary

- 65.** (1) A beneficiary designated by a member entitled to a deferred pension is entitled to the benefit described in subsection (2),
 - (a) if the member dies before commencement of payment of the deferred pension; and
 - (b) if, on the date of death, the member does not have a spouse entitled to a benefit payable on his or her death.

(Last amended December 13, 2012 - Effective July 1, 2012)

Amount of benefit

- (2) Subject to subsection (3), a beneficiary designated by a member is entitled to receive,
 - (a) a refund of the member's contributions for employment before the 1st day of January, 1987 together with interest thereon; and
 - (b) a lump sum payment equal to the commuted value of the deferred pension to which the member was entitled for credited service for employment on or after the 1st day of January, 1987.

(Last amended December 13, 2012 - Effective July 1, 2012)

Residual entitlement

- (3) If a person is entitled to a child's pension under section 64 on the death of the member, the beneficiary is entitled to a refund of the amount by which the amount calculated under clause (2)
 - (a) exceeds the commuted value of the amount payable under subsection 64 (4a), together with interest thereon, and a refund of the amount by which the amount calculated under clause (2) (b) exceeds the commuted value of the amount payable under subsection 64 (4b), together with interest thereon. (Last amended December 13, 2012 - Effective July 1, 2012)

Benefit to member's estate

- 66.** (1) The estate of a member entitled to a deferred pension who dies before commencement of payment of the deferred pension is entitled to the payments described in this section. (Last amended May 5, 2010 – Effective June 1, 1995)

Idem, no others entitled

- (2) Subject to subsection (3), if no spouse or designated beneficiary is entitled to a benefit on the death of the member, the estate is entitled to,

- (a) a refund of the member's contributions for employment before the 1st day of January, 1987 together with interest thereon; and
- (b) a lump sum payment equal to the commuted value of the deferred pension to which the member was entitled for credited service for employment on or after the 1st day of January, 1987.

(Last amended December 13, 2012 - Effective July 1, 2012)

Residual entitlement

- (3) If a person is entitled to a child's pension under section 64 on the death of the member, the estate is entitled to a refund of the amount by which the amount calculated under clause (2) (a) exceeds the commuted value of the amount payable under subsection 64 (4a), together with interest thereon, and a refund of the amount by which the amount calculated under clause (2) (b) exceeds the commuted value of the amount payable under subsection 64 (4b), together with interest thereon. (Last amended December 13, 2012 - Effective July 1, 2012)
- (4) Revoked. (Last amended December 13, 2012 - Effective July 1, 2012)
- (5) Revoked. (Last amended December 13, 2012 - Effective July 1, 2012)

Benefit to spouse's estate

- 66a.** (1) Where the member had a spouse who elected to receive the benefit described under clause 63 (4) (b), and who subsequently dies after the payments described under clause 63 (4) (b) have commenced, the spouse's estate is entitled to a refund of the amount by which the member's contributions made in respect of credited service on or after January 1, 1987, together with interest thereon, minus any payments made under section 36, together with interest thereon, and minus the commuted value of the amount payable under subsection 64 (4b), together with interest thereon, exceed the amount paid to the spouse under clause 63 (4) (b), together with interest thereon. (Last amended December 13, 2012 - Effective July 1, 2012)
- (2) Where the member had a spouse who elected to receive the benefit described under clause 63 (4) (b), and who subsequently dies before the payments described under clause 63 (4) (b) have commenced, the spouse's estate is entitled to the amount determined under clause 63 (4) (a), together with interest thereon. (Last amended December 13, 2012 - Effective July 1, 2012)
- (3) Where the member had a spouse who died after becoming entitled to a survivor pension under subsection 62 (3), the spouse's estate is entitled to a refund of the amount by which the member's contributions for employment before the 1st day of January, 1987, together with interest thereon, exceed the amount paid to the spouse under subsection 62 (3), together with interest thereon. (Last amended December 13, 2012 - Effective July 1, 2012)

Payment of benefits, predecessor Acts

- 66b.** (1) Benefits paid upon the death of a member who ceased to be employed in education prior to January 1, 1990 and who is entitled to a deferred pension on the date of death shall be calculated, with necessary modifications, in accordance with the terms of the *Teachers' Superannuation Act, 1983*, or a predecessor Act, and shall be paid out of the pension fund in accordance with the Act under which the member ceased to be employed in education. (Last amended December 13, 2012 - Effective July 1, 2012)

Limitation on survivor pensions less than \$1,200

- (2) Subject to section 84, where the annual amount of the survivor pension calculated under sections 62 and 63 is less than \$1,200 the spouse of a member is entitled to a pension in that lesser amount and

not to a pension in the amount of \$1,200 as provided for by Order in Council 1453/74. (Last amended December 13, 2012 - Effective July 1, 2012)

Exception

- (3) Subsection (2) shall not apply to the spouse of a member who has at least ten years of credited service in whole or in part before the 1st day of January, 1987 on the date he or she ceased to be employed in education. (Last amended December 13, 2012 - Effective July 1, 2012)

Limitation

- (4) For greater certainty, subsection 76 (2) of the *Teachers' Superannuation Act, 1983* shall not apply to any survivor pension payable in respect of a member who did not have at least ten years of credited service on the date he or she ceased to be employed in education. (Last amended December 13, 2012 - Effective July 1, 2012)

C. Upon the Death of a Pensioner

Survivor pension,
spouse

- 67.** (1) If a member dies on or after commencement of payment of a pension, the person who was the spouse on the date that the payment of the first instalment of the pension was due is entitled to the survivor pension described in subsection (3) for the spouse's lifetime. (Last amended May 5, 2010 – Effective June 1, 1995)

Application

- (2) Subsection (1) does not apply if the member and the spouse were living separate and apart on the date that the payment of the first instalment of the member's pension was due. (Last amended May 5, 2010 – Effective June 1, 1995)

Amount of
survivor pension

- (3) Subject to sections 68, 69, and 84a, the amount of the annual survivor pension, before adjustment for inflation, payable to the surviving spouse shall be not less than 50 per cent of the pension, before adjustment for inflation,
- (a) that was being paid to the member at the date of death, if the member was at least sixty-five years of age on that date; or
- (b) that would have been paid to the member as of the first day of the month next following the month in which he or she would have reached sixty-five years of age, if the member was less than sixty-five years of age on the date of death.

(Last amended June 20, 2012 – Effective March 3, 2000)

Exception for low
pensions

- (4) Despite subsection (3) the survivor of a person who died while receiving an annual pension that had been adjusted under Order in Council 1453/74, is entitled to a pension that is 50 per cent of the pension being paid to the person at the date of death, or such greater percentage as the deceased person had elected prior to death. (Last amended October 23, 1991 - Effective October 23, 1991)

Spousal election
re survivor pension

- 68.** (1) In the absence of a joint waiver by a member and the member's spouse of the spouse's entitlement

under subsection 44 (3) of the *Pension Benefits Act* (amount of survivor benefit), the amount of the survivor pension payable on the death of the member shall be 60 per cent of the amount of the member's pension that would be payable if the amount of the pension were calculated without regard to this section. (Last amended October 23, 1991 - Effective October 23, 1991)

Waiver void

- (2) A waiver referred to in subsection (1) is void if it is dated, signed, or delivered to the administrator more than twelve months before the commencement of payment of the member's pension or after the commencement of payment of the member's pension. (Last amended August 4, 2011 – Effective May 18, 2010)

Adjustment of
member's pension

- (3) In the absence of a waiver referred to in subsection (1), the amount of the pension payable to the member shall be actuarially reduced before limits imposed by the *Income Tax Act* (Canada) to allow for payment of the increased survivor pension in accordance with subsection (1). (Last amended October 10, 1995 - Effective January 1, 1992)
- (3a) Prior to calculating the payment described in subsection (1), the pension the member was receiving shall be reduced immediately upon the member's death to reflect any reduction described in section 81 that was not applicable immediately prior to the member's death. (Last amended June 20, 2012 – Effective January 1, 1990)

Application

- (4) This section does not apply with respect to a member who, before the 1st day of January, 1988, began to receive a pension under a predecessor Act.

Idem

- (5) This section does not apply with respect to a member who dies before commencement of payment of the member's pension. (Last amended May 5, 2010 – Effective June 1, 1995)

Spousal waiver
after first instalment

- 68a.** (1) This section applies to the person who is entitled to the payment of a benefit under this Part by virtue of being the spouse of a member who ceased to be employed in education before, on or after January 1, 2016. (Last amended June 10, 2016 – Effective January 1, 2016)

Not entitled to
survivor benefit

- (2) Where the administrator has received a waiver authorized by subsection 67.4 (8) of the *Pension Benefits Act*, the spouse of the member is not entitled to receive a benefit under this Part. (Last amended June 10, 2016 – Effective January 1, 2016)

Adjustment of
member's pension

- (3) Subject to subsection (2), the member's pension shall be adjusted to exclude any reduction that was previously applied to the member's pension in accordance with subsections 68 (3), 69 (4), and 75a (5). (Last amended June 10, 2016 – Effective January 1, 2016)

Effective date of
adjustment

- (4) The adjustment to the member's pension under subsection (3) shall take effect as of the first day of the month following the month in which the administrator received the waiver described in subsection (2). (Last amended June 10, 2016 – Effective January 1, 2016)

Application to
TSA pensions

- (5) This section shall apply, with necessary modifications, to the spouse of a member who ceased employment in education prior to January 1, 1990. (Last amended June 10, 2016 – Effective January 1, 2016)

Increase of
survivor pension

- 69.** (1) A member may direct the administrator to increase the amount of a survivor pension that may become payable under section 67 in respect of the member to an amount equal to 55, 65, 70 or 75 per cent of the member's pension that would be payable if the amount of the pension were calculated without regard to this section.

Time limit

- (2) A direction must be given in writing and must be delivered to the administrator before the commencement of payment of the member's pension. (Last amended June 10, 2016 – Effective January 1, 2016)

Applicability

- (2a) Subsection (2) applies to members who commence payment of pension on or after January 1, 2016. (Last amended June 10, 2016 – Effective January 1, 2016)

Idem

- (3) Revoked. (Last amended June 10, 2016 – Effective January 1, 2016)

Adjustment of
member's pension

- (4) The amount of the pension payable to the member shall be actuarially reduced before limits imposed by the *Income Tax Act* (Canada) to allow for payment of the increased survivor pension in accordance with the direction. (Last amended October 10, 1995 - Effective January 1, 1992)

- (4a) Prior to calculating the payment described in subsection (1), the pension the member was receiving shall be reduced immediately upon the member's death to reflect any reduction described in section 81 that was not applicable immediately prior to the member's death. (Last amended June 20, 2012 – Effective January 1, 1990)

Commuted value

- (5) The commuted value of pension paid to the member including the commuted value of the increased survivor benefit shall not be less than the commuted value of the pension, including survivor benefit, that would otherwise be payable.

Revocation of
direction

- (6) A member may revoke a direction given under this section by a written revocation delivered to the administrator before the member begins receiving a pension.

Direction void

- (7) A direction given under this section by a member is void if the member dies before beginning to receive a pension.

Restriction

- (8) A person whose pension would be reduced from an amount greater than \$2,400 to an amount less than \$2,400 upon making an election under this section is not entitled to an increase in his or her pension under Order in Council 1453/74. (Last amended October 23, 1991 - Effective October 23, 1991)

Survivor pension,
new spouse

- 70.** (1) In this section and section 84a, "new spouse", in relation to a member, means a person who becomes the spouse of the member after the commencement of payment of the member's retirement or disability pension. (Last amended June 20, 2012 – Effective March 3, 2000)

Idem

- (2) A member who does not have a spouse eligible to receive a survivor pension under section 67 may, after the commencement of payment of the member's retirement or disability pension, direct the

administrator to provide a survivor pension to a new spouse. (Last amended May 5, 2010 – Effective June 1, 1995)

Time limit

- (3) A direction must be given in writing and must be delivered to the administrator on or before the later of,
- (a) ninety days after the date on which the member becomes the spouse of the new spouse; or
 - (b) if immediately before the member becomes the spouse of the new spouse there is a child who would be entitled upon the death of the member to receive a child's pension under section 73, ninety days after the date on which the child ceases to be eligible to receive the child's pension; or
 - (c) ninety days after the date on which the administrator receives a waiver described in subsection 68a (2).

(Last amended June 10, 2016 – Effective January 1, 2016)

Idem

- (4) The administrator shall act on a direction delivered after the deadline specified in subsection (3) if the administrator is satisfied that the member is in good health having regard to the member's age.
- (4a) A direction given under this section is not effective until six months following the date of delivery of the direction to the administrator. (Last amended June 1, 1995 - Effective June 1, 1995)
- (4b) A direction made under this section is null and void if the death of the member occurs before the effective date of the direction. (Last amended June 1, 1995 - Effective June 1, 1995)
- (4c) A member may revoke a direction given under this section by a written revocation delivered to the administrator before the direction becomes effective in accordance with subsection (4a). (Last amended September 8, 2006 – Effective June 1, 1995)

Amount of survivor pension

- (5) Subject to section 84a, a member described in subsection (2) shall direct the administrator to pay a survivor pension in the amount of 50, 55, 60, 65, 70 or 75 per cent of the pension that would otherwise be payable on the first day of the month next following the month in which the member becomes the spouse of the new spouse. (Last amended June 20, 2012 – Effective March 3, 2000)

Adjustment of member's pension

- (6) The amount of a retirement or disability pension payable to the member shall be actuarially reduced before limits imposed by the *Income Tax Act* (Canada) to allow for payment of the survivor pension in accordance with the direction. (Last amended October 10, 1995 - Effective January 1, 1992)

Idem

- (7) The actuarial reduction required by subsection (6) shall be based upon the ages of the member and of the spouse on the last day of the month in which the direction is delivered to the administrator.
- (7a) Prior to calculating the payment described in subsection (5), the pension the member was receiving shall be reduced immediately upon the member's death to reflect any reduction described in section 81 that was not applicable immediately prior to the member's death. (Last amended June 20, 2012 – Effective January 1, 1990)

Payment of survivor pension

- (8) The administrator shall pay the survivor pension in accordance with the direction but not while there is a person who is eligible to receive a child's pension in respect of the member.
- Eligibility
- 70a.** (1) This section applies to a member or former member who, as of April 23, 1998, was:
- (a) receiving a pension in respect of which there was no person eligible, as of April 22, 1998, to receive a survivor pension, and
- (b) living with a person who would have qualified under the relevant provisions of the pension plan as the member's same-sex partner for purposes of eligibility for a survivor pension, other than a survivor pension provided by sections 70, 71, 72, or any predecessor thereof, if the definition of "same-sex partner" as set out in the pension plan had been in effect prior to April 23, 1998. (Last amended July 10, 2000 – Effective April 23, 1998)
- Direction
- (2) Subject to subsections (3) and (4), a member described in subsection (1) may direct the administrator to pay a survivor pension to the person described in subsection (1) for the person's lifetime commencing the month following the member's date of death. (Last amended July 10, 2000 – Effective April 23, 1998)
- Idem
- (3) Where the member dies prior to providing the direction referred to in subsection (2), such direction may be provided by the person described in subsection (1). (Last amended July 10, 2000 – Effective April 23, 1998)
- Deadline
- (4) The direction provided in accordance with subsection (2) or (3) shall be provided to the administrator. (Last amended September 8, 2006 - Effective April 23, 1998)
- Entitlement
- (5) Subject to subsection (6), the amount of the annual survivor pension, before adjustment for inflation, payable under this section shall be 50 per cent of the pension, before adjustment for inflation,
- (a) that was being paid to the member at the date of death, if the member was at least sixty-five years of age on that date, or
- (b) that would have been paid to the member as of the first day of the month next following the month in which he or she would have reached sixty-five years of age, if the member was less than sixty-five years of age on the date of death. (Last amended July 10, 2000 - Effective April 23, 1998)
- Offset
- (6) The survivor pension described in subsection (5) shall be actuarially reduced by any amounts paid to any person, including the member's estate, as a result of the member's death. (Last amended July 10, 2000 - Effective April 23, 1998)
- (7) No survivor pension is payable under this section if the person described in subsection (1) dies prior to providing the direction in accordance with subsections (3) and (4). (Last amended July 19, 2007 – Effective April 23, 1998)
- (8) Revoked. (Last amended August 4, 2011 – Effective March 1, 2007).
- Survivor pension,
predecessor Acts
- 71.** (1) This section applies with respect to a member who, before the 1st day of September, 1984, ceased to be employed in education within the meaning of a predecessor of this Act and who became the spouse of a person after ceasing that employment.

Direction re
survivor pension

- (2) A member described in subsection (1) may direct the administrator to provide a survivor benefit for the member's spouse and section 70 applies with respect to the direction with necessary modifications.

Time limit

- (3) A direction under this section shall be delivered to the administrator on or before the latest of,
- (a) the 31st day of March, 1990;
 - (b) ninety days after the date on which the member becomes a spouse; or
 - (c) if on the 1st day of January, 1990 there is a child who would be entitled upon the death of the member to receive a survivor allowance under a predecessor of this Act, ninety days after the date on which the child ceases to be eligible to receive the survivor allowance.

Idem

- (4) The administrator shall act on a direction delivered after the deadline specified in subsection (3) if the administrator is satisfied that the member is in good health having regard to the member's age.

Deemed direction

- (5) A member described in subsection (1) who dies on or before the 31st day of March, 1990 without having given a direction under this section shall be deemed to have given it on that date and shall be deemed to have directed the administrator to pay a 50 per cent survivor pension.

Survivor pension
(prior inquiry)

- 72.** (1) This section applies with respect to a person who became the spouse of a member described in subsection 71 (1) after the member ceased to be employed in education within the meaning of a predecessor of this Act.

Idem

- (2) This section does not apply unless the member has ceased to be a member before the 1st day of January, 1990 because he or she has died.

Survivor pension

- (3) A spouse described in subsection (1) is entitled to a survivor pension calculated from the date of a written inquiry respecting a survivor pension,
- (a) made to the Teachers' Superannuation Commission before the 1st day of January, 1990; or
 - (b) made to the administrator on or after the 1st day of January, 1990.

Amount of pension

- (4) The amount of the survivor pension is 50 per cent of the amount of the member's retirement pension on the date of the member's death adjusted for inflation as if it were a pension for the period from the date of the member's death to the date the spouse becomes entitled to the survivor pension.
- (5) Prior to calculating the payment described in subsection (4), the pension the member was receiving shall be reduced immediately upon the member's death to reflect any reduction described in section 81 that was not applicable immediately prior to the member's death. (Last amended June 20, 2012 – Effective January 1, 1990)

Child's pension

- 73.** (1) This section applies with respect to the dependent children of a member who died while receiving a retirement or disability pension and,

- (a) who had a spouse who died after becoming entitled to a survivor pension; or
- (b) who did not have a spouse entitled to a survivor pension.
- Entitlement to child's pension
- (2) Each dependent child of a member, upon the death of the spouse or the member, as the case may be, is entitled to a child's pension while remaining a dependent child.
- Amount of child's pension
- (3) The amount of the annual child's pension is the amount of the survivor pension to which a spouse of the member was or would have been entitled after the death of the member, shared equally among the dependent children.
- Share accrues to others
- (4) The share of the child's pension of each of the children who ceases to be a dependent child accrues to the remaining dependent children, if any.
- Beneficiary's pension,
R.S.C. 1952, c. 148
- 74.** (1) Revoked. (Last amended September 8, 2006 - Effective September 1, 2006)
- Time limit
- (2) Revoked. (Last amended September 8, 2006 - Effective September 1, 2006)
- Idem
- (3) Revoked. (Last amended September 8, 2006 - Effective September 1, 2006)
- Amount of beneficiary's pension
- (4) Revoked. (Last amended September 8, 2006 - Effective September 1, 2006)
- Adjustment of member's pension
- (5) Revoked. (Last amended September 8, 2006 - Effective September 1, 2006)
- Revocation of direction
- (6) Revoked. (Last amended September 8, 2006 - Effective September 1, 2006)
- Direction void
- (7) Revoked. (Last amended September 8, 2006 - Effective September 1, 2006)
- Benefit to estate
- 75.** The estate of a member who was receiving a pension on the date of death is entitled to a refund of the amount by which the member's contributions together with interest thereon exceeds the sum of the amount paid to the member and the amount, if any, paid to every other person who was entitled to a benefit on the member's death, together with interest thereon.
- 10 year guarantee
- 75a.** (1) Notwithstanding any other provision of the plan, but subject to this section, where a member dies while receiving a retirement pension or a disability pension, but prior to receiving the equivalent of 120 monthly pension payments, the remaining balance of such pension payments shall be paid:
- (a) as a pension to the person who remains otherwise eligible for benefits under the plan as a result of the member's death, or
- (b) to the member's estate, if there is no person eligible as described in (a), in a lump sum equal to the present value of the remaining payments. (Last amended April 2, 2001 – Effective April 1, 2001)
- Direction

- (2) If a member has a spouse eligible for a survivor pension at the commencement of payment of the member's pension, subsection (1) shall only apply if the member has delivered a written direction to the administrator prior to the commencement of payment of the member's pension. (Last amended April 2, 2001 – Effective April 1, 2001)
- Idem
- (3) A direction provided in accordance with subsection (2) may be revoked by the member provided that a written revocation is delivered to the administrator prior to the commencement of payment of the member's pension. (Last amended April 2, 2001 – Effective April 1, 2001)
- Idem
- (4) A direction provided in accordance with subsection (2) is void if the member dies prior to the commencement of payment of the member's pension. (Last amended April 2, 2001 – Effective April 1, 2001)
- Adjustment
of member's pension
- (5) The pension of a member who provides a direction in accordance with subsection (2) shall be reduced to allow for payment of the benefits in accordance with subsection (1). (Last amended April 2, 2001 – Effective April 1, 2001)
- Offset
- (6) Subject to subsection (11), the payments made in accordance with subsection (1) shall be paid in lieu of any other amounts otherwise payable under the plan as a result of the member's death. (Last amended April 2, 2001 – Effective April 1, 2001)
- CPP
Reduction
- (7) The payments made in accordance with subsection (1) shall be reduced immediately upon the member's death to reflect any reduction described in section 81 that was not applicable immediately prior to the member's death. (Last amended April 2, 2001 – Effective April 1, 2001)
- More than
one beneficiary
- (8) Where there is more than one person eligible as described in clause (1)(a), then the pension payable in accordance with that provision shall be shared equally among such persons. (Last amended April 2, 2001 – Effective April 1, 2001)
- Upon death of
beneficiary
- (9) Where any person eligible as described in clause (1)(a) dies prior to completion of the pension payments under that provision, the remaining payments shall be shared equally among any remaining eligible persons or, if none, shall be paid to the person's estate in a lump sum equal to the present value of the remaining payments. (Last amended April 2, 2001 – Effective April 1, 2001)
- Upon ineligibility
of beneficiary
- (10) Where any person eligible as described in clause (1)(a) ceases to be a person eligible as described in clause (1)(a) prior to completion of the pension payments under that provision, the remaining payments shall be shared equally among any remaining eligible persons or, if none, shall be paid to the member's estate in a lump sum equal to the present value of the remaining payments. (Last amended April 2, 2001 – Effective April 1, 2001)
- Completion of
10 year guarantee
- (11) Upon completion of the pension payments in accordance with clause (1)(a), the person or persons described in that provision shall be entitled to receive, on a prospective basis only, the pension that they would otherwise be receiving as a result of the member's death but for this section, except that any reduction that was applied pursuant to subsection (5) shall continue to apply. (Last amended April 2, 2001 – Effective April 1, 2001)
- Application

to existing pensions

- (12) This section shall apply, with necessary modifications, to a member who is receiving a pension as of April 1, 2001 except that, for the purposes of subsection (2) only, spousal eligibility for a survivor pension shall be determined as of April 1, 2001 and the direction required in accordance with (2) must be delivered to the administrator by May 1, 2001. (Last amended April 2, 2001 – Effective April 1, 2001)

Application to
deferred pensions

- (12a) This section shall apply, with necessary modifications, to a member who ceased employment in education on or after January 1, 1990 but prior to April 1, 2001 and who is entitled to a deferred pension. (Last amended June 19, 2012 – Effective April 1, 2001)

Application to
suspended pensions

- (13) For the purposes of this section, references to a member who is receiving a pension shall include a member whose pension is suspended. (Last amended April 2, 2001 – Effective April 1, 2001)

Application to
TSA pensions

- (14) This section shall apply, with necessary modifications, to a member who ceased employment in education prior to January 1, 1990 and who is either entitled to a deferred pension or receiving a pension as of April 1, 2001. (Last amended May 5, 2010 – Effective April 1, 2001)

Application to
deferred pensions
post-June 30, 2012

- (15) This section shall apply, with necessary modifications, to a member who ceased employment in education prior to July 1, 2012 and who was not entitled to a deferred pension under section 30 as it read on June 30, 2012. (Last amended June 19, 2012 – Effective July 1, 2012)

D. Payment of Death Benefits

Commencement of
pension

- 76.** (1) A pension that is payable immediately on the death of a member who was not receiving a retirement or disability pension on the date of death shall begin as of the day after the day the member dies.

Idem

- (2) A pension that is payable on the death of a member who was receiving a retirement or disability pension on the date of death shall begin as of the first day of the month after the month in which the member dies.

Interest payable

- (3) Interest shall be paid on pension payments due under a pension mentioned in this section if the administrator does not begin paying the pension by the end of the month in which the beneficiary becomes entitled to receive it. (Last amended June 28, 1990 - Effective June 28, 1990)

Interest Payable

- (4) Interest on each overdue monthly pension payment, calculated at the standard rate, shall be paid from the date the payment was due to the day before it was made. (Last amended February 28, 1992 - Effective January 1, 1992)

Payments to estate

77. (1) If the administrator is unable to locate a personal representative of the estate of a deceased member, the administrator may pay into court any payments that under the pension plan are required to be made to the estate.
- Missing beneficiary
Missing beneficiary found
- (2) Revoked. (Last amended September 6, 2017 - Effective June 1, 2017)
- (3) Revoked. (Last amended September 6, 2017 - Effective June 1, 2017)
- Transitional
- (4) This section applies with respect to a person with credited service under a predecessor of this Act who dies before the 1st day of January, 1990, as if that person were a deceased member of the pension plan.
- Discharge
- (5) The administrator is discharged on making a payment in accordance with this section.
- Interpleader, more than one applicant
78. (1) Revoked. (Last amended September 8, 2006 – Effective September 1, 2006)
- Court may order
- (2) Revoked. (Last amended September 8, 2006 - Effective September 1, 2006)
- Application to court
- (3) Revoked. (Last amended September 8, 2006 - Effective September 1, 2006)
- Application of R.S.O. 1980, c. 488, s. 62
- (4) Revoked. (Last amended September 8, 2006 - Effective September 1, 2006)

PART VIII BENEFITS AND PAYMENTS - GENERAL

A. Adjustments for Inflation

- Inflation adjustment, pensions
79. (1) Every retirement pension, disability pension, survivor pension, child's pension and beneficiary's pension shall be adjusted for inflation in accordance with section 80.
- Idem, deferred pensions
- (2) Every deferred pension payable under the pension plan shall be adjusted for inflation in accordance with section 80 for the period beginning at the end of the last month for which the member has credit under the plan, to the beginning of the year in which the pension begins. (Last amended February 12, 2019 – Effective January 1, 2019)
- Limitation
- (3) No pension or deferred pension shall be adjusted under this section for inflation in respect of a period before the 1st day of January, 1990.
- Adjustment of pensions for cessations prior to May 31, 1982
- 79a. (1) For pension instalments payable for periods on or after June 1, 2001, the annual pension of a member, or of the survivor of a member, who ceased to be employed for purposes of the plan prior

to May 31, 1982, shall be adjusted in accordance with salary adjustments determined by the actuary with reference to the year in which the member ceased to be employed for purposes of the plan. (Last amended April 2, 2001 – Effective April 1, 2001)

Idem

- (2) Subsection (1) shall also apply to the pension payable to the survivor of a member where the member:
- (a) ceased to be employed for purposes of the plan on or after May 31, 1982 but prior to September 1, 1984, and
 - (b) died prior to receiving a pension calculated on the basis of the average of the member's annual pensionable salary for the five school years during which it was highest,

but only to the extent that the survivor is not already receiving a survivor pension equivalent to that calculated on the basis described in (b). (Last amended April 2, 2001 – Effective April 1, 2001)

Applicability

- (3) This section shall not apply to the retirement pension or benefits upon death of a member who did not have at least ten years of credited service on the date he or she ceased to be employed in education. (Last amended December 13, 2012 – Effective July 1, 2012)

Calculation of inflation adjustments

- 80.** (1) In the formulas in this section,

"A" is the carry forward determined for the immediately preceding year,

"B" is the basic ratio for the year,

"C" is the adjustment ratio for the year,

"D" is the basic ratio for the year after the last year for which the member has credit in the pension plan, and shall be calculated to a maximum of 1.080 or to a minimum of 1.000, and (Last amended October 9, 2008 – Effective January 1, 2009)

"E" is the number of full months in the year that are after the month in the last year for which the member has credit in the pension plan. (Last amended October 9, 2008 – Effective January 1, 2009)

Definitions

- (2) In this section,

"accumulated adjustment ratio", for a person's pension, means the product of the multiplication of all adjustment ratios for the years in the period commencing with the last year for which the member has credit in the pension plan and ending with the year for which the accumulated adjustment ratio is being determined;

"adjustment ratio", for a person's pension, means,

- (a) for any year before the year 1976 and for the last year for which the member has credit in the pension plan, 1.000,
- (b) if the member for whose credit in the plan the pension is payable ceased to be employed in education in or after the year 1975, for the year after the last year for which the member has credit in the pension plan, the ratio determined by the formula " $[(D - 1.000) \times E / 12] + 1.000$ ", and

- (c) for the later of the year 1976 and the second year after the last year for which the member has credit in the pension plan and for any subsequent year, the ratio determined by the formula "A + B" calculated to a maximum of 1.080 or to a minimum of 1.000;

"basic ratio", for a year, means the ratio expressed to three decimal places that the average for the consumer price index over the last twelve months of the twenty-four-month period ending with the 30th day of September in the immediately preceding year bears to the average for the consumer price index over the first twelve months of that period;

"carry forward", with respect to the pension of a person, means,

- (a) for any year before the year 1976, for the last year for which the member has credit in the pension plan and for the year after that year, nil, and
- (b) for the later of the year 1976 and the second year following the last year for which the member has credit in the pension plan and for any subsequent year, the positive or negative number determined by the formula "A + B - C";

"member" means the person in respect of whose credit in the pension plan the pension, to which the formula is applied under this section, is payable, and includes a contributor within the meaning of the *Teachers' Superannuation Act, 1983* or a predecessor Act;

"pension" means a pension to which a person is entitled from the plan other than the adjustment for inflation provided by this section, and an allowance, annuity, deferred annuity or other periodic payments to which a person has become entitled under the *Teachers' Superannuation Act, 1983* or a predecessor Act;

"plan" includes the pension plan established under the *Teachers' Superannuation Act, 1983* and any predecessor Act.

(Last amended September 6, 2017 – Effective June 1, 2017)

Payment of inflation
adjustment

- (3) The annual amount of pension payable to a person from the pension fund shall, commencing with the year when payment of the pension is to commence and in each subsequent year that the pension continues to be payable, be adjusted for inflation by multiplying the annual amount of the pension by the accumulated adjustment ratio for the pension of the person for that year, and the amount by which the pension thus adjusted exceeds the annual amount of pension before the adjustment in each year shall be paid to the person entitled to receive the pension for which it is calculated at the same times, in the same manner and subject to the same terms and conditions as apply to the pension in respect of which it is paid.

Conditional inflation
adjustment for
post-2009 credit

- (3a) Notwithstanding subsections (1), (2) and (3), but subject to subsection (3b), benefits payable in respect of credit accrued under the pension plan for periods after 2009 shall only be adjusted for inflation under this section to the extent that sufficient funds are available to provide for such adjustments without creating a going concern unfunded liability. (Last amended October 9, 2008 – Effective January 1, 2009)

50% guaranteed
inflation adjustment
for post-2009 credit

- (3b) Benefits payable in respect of credit accrued under the pension plan for periods after 2009 shall be adjusted for inflation under this section such that the adjustment made each year is not less than one half of the adjustment that would have been made for the year in accordance with this section as it read on December 31, 2008. (Last amended October 9, 2008 – Effective January 1, 2009)
- Inflation adjustment for benefits payable after 2011
- (3c) Revoked. (Last amended September 17, 2013 – Effective January 1, 2014)
- 0% guaranteed inflation adjustment for post-2013 credit
- (3d) Notwithstanding subsection (3b), benefits payable in respect of credit accrued under the pension plan for periods after 2013 may be further adjusted for inflation under this section such that the total adjustment made each year is less than one half of the adjustment that would have been made for the year in accordance with this section as it read on December 31, 2008. (Last amended September 17, 2013 – Effective January 1, 2014)
- Determination of inflation adjustment for post-2009 and post-2013 credit
- (3e) For purposes of subsections (3a), (3b) and (3d), the inflation adjustments for benefits payable each year, in respect of credit accrued under the pension plan for periods after 2009 and after 2013 respectively, shall be determined by the co-sponsors of the pension plan, the Executive of the Ontario Teachers' Federation and the Minister of Education. (Last amended September 17, 2013 – Effective January 1, 2014)
- Ratio not to apply
- (4) The ratio determined for the year 1990 under the *Superannuation Adjustment Benefits Act* does not apply to a pension to which this section applies.
- Effect of re-employment
- (5) For the purpose of determining an accumulated adjustment ratio for benefits that commence to be paid on or after May 10, 2007, for members who cease to be employed in education on or after September 1, 1995:
- (a) the last school year in which the member accumulated more than ten days of credited service during the period from January 1, 1997 onward, or, if the member did not accumulate more than ten days of credited service in a school year during this period, then
- (b) the last school year in which the member accumulated more than twenty days of credited service during the period from September 1, 1990 to December 31, 1996,
- is deemed to be the last year for which the member has credit in the pension plan. (Last amended December 21, 2007 – Effective May 10, 2007)
- (6) Revoked. (Last amended July 19, 2007 – Effective May 10, 2007)

B. CPP Reduction

CPP reduction for pensions

81. (1) If a member was required to contribute to the *Canada Pension Plan* or the *Quebec Pension Plan*, the amount of the member's retirement pension, full disability pension or partial disability pension shall be reduced by the amount calculated under subsection (3). (Last amended February 12, 2019 – Effective January 1, 2019)

Commencement,
retirement pension

- (2) A reduction of a member's pension shall apply with respect to pension payments due the month after the earlier of,
- (a) the month in which the member reaches sixty-five years of age; or
 - (b) the month in which the first instalment of the member's disability pension, if any, under the *Canada Pension Plan* or the *Quebec Pension Plan* is due.

Amount of reduction

- (3) The amount of the reduction in an annual pension payable for periods on or after January 1, 1997 and prior to January 1, 1999 is calculated using the formula,

$$0.0068 \times A \times B,$$

and the amount of the reduction in an annual pension payable for periods on or after January 1, 1999 and prior to January 1, 2002 is calculated using the formula,

$$0.0060 \times A \times B,$$

and the amount of the reduction in an annual pension payable for periods on or after January 1, 2002 is calculated using the formula,

$$0.0045 \times A \times B$$

in which,

"A" is the lesser of,

- (a) the member's average salary, and
- (b) the amount determined under subsection (4), and

"B" is the number of years of the member's credited service for employment on or after the 1st day of January, 1966 in respect of which the member was required to make contributions under the *Canada Pension Plan* or the *Quebec Pension Plan*. (Last amended February 12, 2019 – Effective January 1, 2019)

- (3a) For pension instalments due on or after January 1, 1997, and prior to January 1, 1999, the amount of the reduction in annual pension, for participation in the *Canada Pension Plan* or the *Quebec Pension Plan*, of a member, or a survivor of a member, calculated under Schedule 1 of the *Teachers' Pension Act* or a predecessor act, is recalculated substituting 0.0068 for 0.007 in the formula used to calculate the reduction, but the amount of the reduction to provide for a higher survivor pension will not be recalculated. (Last amended February 12, 2019 – Effective January 1, 2019)
- (3b) For pension instalments payable for periods on or after January 1, 1999, and prior to January 1,

2002, the amount of the reduction in annual pension, for participation in the *Canada Pension Plan* or the *Quebec Pension Plan*, of a member, or a survivor of a member, calculated under Schedule "1" of the *Teachers' Pension Act* or a predecessor act, is recalculated substituting 0.0060 for 0.0068 in the formula used to calculate the reduction, but the amount of the reduction to provide for a higher survivor pension will not be recalculated. (Last amended February 12, 2019 – Effective January 1, 2019)

(3c) For pension instalments payable for periods on or after January 1, 2002, the amount of the reduction in annual pension, for participation in the *Canada Pension Plan* or the *Quebec Pension Plan*, of a member, or a survivor of a member, calculated under Schedule 1 of the *Teachers' Pension Act* or a predecessor act, is recalculated substituting 0.0045 for 0.0060 in the formula used to calculate the reduction, but the amount of the reduction to provide for a higher survivor pension or a 10 year guaranteed pension will not be recalculated. (Last amended September 8, 2006 – Effective April 1, 2001)

Average YMPE

(4) The amount is the average of the Year's Maximum Pensionable Earnings for the year in which the member ceases to be employed in education and for each of the two preceding years, except that for an annual pension payable for periods on or after January 1, 2002 the amount is the average of the Year's Maximum Pensionable Earnings for the year in which the member ceases to be employed in education and for each of the four preceding years. (Last amended April 2, 2001 – Effective April 1, 2001)

Idem

(4a) For pension instalments payable for periods on or after January 1, 2002, the amount of the reduction in annual pension, for participation in the *Canada Pension Plan* or the *Quebec Pension Plan*, of a member, or a survivor of a member, calculated under Schedule 1 of the *Teachers' Pension Act* or a predecessor act, is recalculated using the five year average of the Year's Maximum Pensionable Earnings, as described in subsection (4), in the formula used to calculate the reduction, but the amount of the reduction to provide for a higher survivor pension or a 10 year guaranteed pension will not be recalculated. (Last amended September 8, 2006 – Effective April 1, 2001)

(5) Where a reduction is applied as provided in subsection 81(2)(b) and the member's *Canada Pension Plan* or *Quebec Pension Plan* disability pension is terminated before the member reaches sixty-five years of age, the reduction will be suspended, effective the month following the month of the termination, until the payment of pensions due the month after the earlier of,

(a) the month in which the member reaches sixty-five years of age; or

(b) the month in which the first instalment of the member's disability pension, if any, under the *Canada Pension Plan* or the *Quebec Pension Plan* is due.

(Last amended April 15, 1998 - Effective January 1, 1997)

C. Payment of Benefits

Application for benefit

82. (1) No benefit under the plan shall be paid before the administrator receives an application for it in the form provided by the administrator.

Election or direction

(2) An election available under the plan or a direction that may be given to the administrator shall be made or given in the form provided by the administrator.

Repayment

82a. A person who receives payments to which the person is not entitled shall repay the amounts so received, together with interest thereon calculated at the standard interest rate. (Last amended May 5, 2010 – Effective January 1, 2002)

Multiple pensions

83. No member is entitled to payment of more than one pension under the plan during the same month or other payment period in respect of the member's credited service.

Commutation of
pensions

- 84.** (1) The administrator shall pay the commuted value of a pension, other than a disability pension or dependent child pension, in accordance with subsection 44 (7) (including, where applicable, subsection 44 (7.1)), or clause 50 (1) (a) of the *Pension Benefits Act*. (Last amended February 12, 2019 – Effective January 1, 2019)
- (2) Subsection (1) also applies to members who cease to be employed in education before the 1st day of January, 2014. (Last amended February 12, 2019 – Effective January 1, 2019)

Shortened
life
expectancy

- 84a.** (1) Upon application by a member, the administrator shall pay the commuted value of a pension or deferred pension in such circumstances of shortened life expectancy as may be prescribed under subsection 49(2) of the *Pension Benefits Act*, provided the prescribed conditions under that Act are satisfied. (Last amended June 17, 2003 – Effective March 3, 2000)

Amount

- (2) Subject to subsections (3) and (4), the amount payable under subsection (1) shall be determined in accordance with the *Pension Benefits Act* and accepted actuarial practice. (Last amended September 8, 2006 – Effective March 3, 2000)

Idem

- (3) The commuted value of a deferred pension shall be determined as if the member had a normal life expectancy. (Last amended June 17, 2003 – Effective March 3, 2000)

Idem

- (4) The commuted value of a pension shall be determined based on the member having a shortened life expectancy. (Last amended June 17, 2003 – Effective March 3, 2000)

Application void

- (5) An application made under this section is void if the member dies before the benefit under subsection (1) is paid. (Last amended June 17, 2003 – Effective March 3, 2000)

Deemed cessation

- (6) A member who makes an application under this section and who satisfies the evidentiary requirements of the *Pension Benefits Act* is deemed to have ceased employment in education for the purposes of membership in the pension plan, on the date the member's physician signs the statement required under the *Pension Benefits Act*. (Last amended June 20, 2012 – Effective January 1, 2007)
- (7) If a direction under section 70 regarding a "new spouse" has been delivered to the administrator, the benefit under subsection 84a (1) shall not be paid unless the "new spouse" provides to the administrator a signed statement waiving any entitlement under section 70. (Last amended June 20, 2012 – Effective March 3, 2000)

Deductions from
pensions

- 85.** (1) Despite section 65 of the *Pension Benefits Act*, a person receiving a pension under the pension plan or an allowance under a predecessor Act may direct the administrator to deduct and remit from the pension or allowance on behalf of the person,
- (a) premiums payable under the Ontario Health Insurance Plan by the person;
- (b) premiums for life, medical, dental or health-related insurance payable by the person under a contract of group insurance approved by the administrator for the purpose of this section; and

- (c) membership fees payable to The Retired Teachers of Ontario (RTO)/Les enseignantes et enseignants retraités de l'Ontario (ERO). (Last amended September 8, 2006 – Effective January 1, 1999)

Conditions

- (2) The administrator may impose and require compliance with such conditions as the administrator considers appropriate before acting upon a direction.

Revocation of direction

- (3) A person making a direction may revoke it by written notice to the administrator.

Termination of pension

- 86.** Every pension terminates as of the end of the month in which the event that terminates the pension occurs.

No assignment etc.

- 86a.** No pension or benefit shall be capable of being assigned, charged, anticipated, given as security or surrendered except as provided for in the *Pension Benefits Act*. (Last amended September 8, 2006 - Effective January 1, 1992)

D. Administration

Appeal of decision

- 87.** (1) A person who is aggrieved by a decision of an employee of the administrator respecting the person's entitlement to, or the amount of, a pension benefit may appeal the decision to a committee of the administrator designated for the purpose of this section and the committee of the administrator shall determine the appeal. (Last amended April 15, 1998 - Effective October 1, 1997)

Idem

- (2) An appeal shall be made in accordance with the procedures established by the administrator.

Determination of commuted value

- 88.** The commuted value of a benefit shall not be less than the amount calculated in accordance with the *Standards of Practice for Pension Commuted Values*, or any successor standards of practice thereto, published from time to time by the Canadian Institute of Actuaries and shall be calculated using the rate of interest specified by, and such actuarial tables as may be adopted by, the administrator. (Last amended September 6, 2017 - Effective June 1, 2017)

Calculation of interest

- 89.** (1) Unless otherwise indicated, interest shall be calculated at the standard interest rate. For a given year, the standard interest rate attributable to a transaction is a rate equal to the average yield for the 12 month period, ending on the 31st day of October in the preceding calendar year, of five-year personal fixed term chartered bank deposit rates as determined from the Canadian Socio-Economic Information Management (CANSIM) Series V122515 available on the website maintained by the Bank of Canada, and interest is compounded annually each December 31st. (Last amended September 6, 2017 - Effective June 1, 2017)

Idem, transitional

- (2) For 1990 the standard interest rate attributable to a transaction is the weighted average effective annual yield of the debentures held by the Teachers' Superannuation Fund under the *Teachers' Superannuation Act, 1983* as at the 31st day of December, 1989.

Idem, transitional

- (3) Interest payable in respect of a period before the 31st day of December, 1989 shall be calculated up to that date at the applicable rate in effect under the *Teachers' Superannuation Act, 1983* and at the applicable standard rate in effect thereafter. (Last amended June 1, 1995 - Effective June 1, 1995)

Interest on contributions

- (4) Interest credited under the pension plan on contributions shall be calculated in accordance with the *Pension Benefits Act* and credited to the member as at the 31st day of December in each year.

Interest on lump sums

- (5) Interest is payable in accordance with the *Pension Benefits Act* on a lump sum payment of the commuted value of a benefit from the effective date of the determination of the commuted value to the day before the lump sum is paid. (Last amended February 28, 1992 - Effective January 1, 1992)

Report re employment in education

90. (1) Revoked. (Last amended May 6, 2010 – Effective September 1, 2012)

Failure to report

- (2) Revoked. (Last amended May 6, 2010 – Effective September 1, 2012)

Prior refund re multiple pensions

91. Revoked. (Last amended April 15, 1998 - Effective January 1, 1992)

PART IX PURCHASE OF CREDIT FOR SERVICE

A. General

Purchases, general

92. (1) A member may purchase or receive a maximum of five years of credited service,
- (a) under sections 10 (2a), 10 (2f), 10 (4), 12a, 94 and 96, and
- (b) for any unpaid portion of a period under subsections 10 (2e) and 10 (2g) in respect of which compensation is prescribed in accordance with Regulation 8507 (1) (a) of the *Income Tax Act* (Canada),
- for absences after the 31st day of December, 1990.
- (Last amended July 21, 2014 – Effective September 1, 2014)

Idem

- (2) A member may not purchase credited service for a period of time for which the member has credited service under the plan. (Last amended September 6, 2017 - Effective August 1, 2016)

Past service pension adjustment

- 92a. (1) The purchase of credited service by a member who requires certification of a Past Service Pension Adjustment under the *Income Tax Act* (Canada) is not complete until the administrator has obtained a certificate from the Minister of National Revenue. (Last amended February 28, 1992 - Effective January 1, 1992)

Idem

- (2) Credited service in respect of which certification has been obtained from the Minister of National Revenue shall not be included in the credited service maximums in subsections 92 (1) and 94 (15). (Last amended February 28, 1992 - Effective January 1, 1992)

Purchases, transitional

- 93.** (1) The purchase of credited service by a member who delivers a completed application to the administrator before the 1st day of January, 1992 shall be made in accordance with sections 9, 10, 36, 45 and 48 of the *Teachers' Superannuation Act, 1983* and with sections 7 to 14 of Ontario Regulation 423/84 as those sections read on the 31st day of December, 1989.

Idem

- (2) The *Teachers' Superannuation Act, 1983* as it reads on the 31st day of December, 1989 continues to apply for the purpose of determining a purchase of credited service under subsection (1).

Idem

- (2a) Despite subsections (1) and (2) a member who has delivered a completed application to the administrator before the 1st day of January 1992 who fails to pay all of the contributions required to complete the purchase of credited service applied for before the 31st day of December, 1994 shall receive credited service in an amount based upon the contributions plus interest which he or she has actually made. (Last amended June 28, 1990 - Effective June 28, 1990)

Transitional

- (3) Sections 96 and 99 apply with respect to a member's application before the 1st day of January, 1992 in the circumstances described in those sections. (Last amended September 6, 2017 - Effective January 1, 2012)

End of transitional period

- (4) A person is not eligible after the 31st day of December, 1994 to make or complete a purchase of credited service to which a predecessor Act applies.

Interest rate

- (5) For the purpose of a purchase of credited service described in subsection (1) for a period on or after the 1st day of January, 1990, references to the applicable rate of interest in Ontario Regulation 423/84 shall be read as if they were references to the standard interest rate.

Idem

- (6) Subsection 89 (3) (calculation of interest, transitional) does not apply with respect to a purchase of credited service described in subsection (1) for a period before the 1st day of January, 1990.

B. For Employment in Education

Absences

- 94.** (1) In this section,

“absence” means either an employer-approved leave of greater than five consecutive school days or a break in service;

"break in service" means a period when a member is not employed in education or is absent from employment without the employer's consent.

(Last amended July 21, 2014 – Effective September 1, 2014)

Purchase re break in service

- (2) A member may purchase credited service for a break in service approved by the administrator for a period of disability immediately following a period of employment in education, where the member ceases to be employed in education as a result of the disability and meets the definition of “disabled” as defined under Regulation 8500 (1) of the *Income Tax Act* (Canada). (Last amended August 4, 2011 – Effective December 2, 2010)

Application for purchase re break in service

- (2a) A member shall apply to purchase credited service for a break in service within two years after the date when the member ceases, as a result of the disability, to be employed in education. (Last amended August 4, 2011 – Effective December 2, 2010)

Idem

- (2b) The administrator shall accept an application to purchase credited service for a break in service that is made after the time described in subsection (2a) if the administrator is satisfied,
- (a) that the delay in making the application resulted from a delay in diagnosing the disability; or
 - (b) that the member was unable, because of the effects of the disability, to make the application within the time described in subsection (2a).

(Last amended August 4, 2011 – Effective December 2, 2010)

Proof of disability

- (2c) No application to purchase credited service for a break in service shall be considered by the administrator until the administrator has received the certificate of a medical doctor licensed in Ontario certifying that the applicant became mentally or physically disabled while employed in education and indicating the nature and degree of the disability. (Last amended August 4, 2011 – Effective December 2, 2010)

Ongoing proof of disability

- (2d) The administrator may at any time require a member who has applied to purchase credited service for a break in service to furnish evidence, in such form as the administrator directs, that the member was disabled, as defined under Regulation 8500 (1) of the *Income Tax Act* (Canada), throughout the break in service. A member’s entitlement to purchase credited service for a break in service shall terminate if the administrator is not satisfied that the member is disabled. (Last amended August 4, 2011 – Effective December 2, 2010)

Limit

- (2e) Despite subsections 92 (1) and 92a (2), no member may purchase credited service for a break in service in respect of a period that is after the fifth anniversary of the start of the break in service. (Last amended August 4, 2011 – Effective December 2, 2010)

Application

- (3) A member may apply to purchase credited service for an absence by notifying the administrator of the member’s intent to purchase. (Last amended December 30, 2009 - Effective September 1, 2010)
- (3a) A member may only purchase credit for an absence for service outside of Canada, where that service was arranged by the member’s employer, if the purchase is made on an ongoing basis during the period of the leave. (Last amended April 2, 2001 – Effective September 1, 2001)

Purchase re absence

- (4) A member may purchase credited service for all or part of an absence. (Last amended April 2, 2001 – Effective September 1, 2001)

- (4a) Despite subsection (4) a member on an absence from other than a full-time position is entitled to purchase credit under this section only for the time that, in the opinion of the administrator, the member would have been employed for compensation but for the absence. (Last amended December 30, 2009 - Effective September 1, 2010)
- Idem
- (5) No member may purchase credited service for an absence for the purpose of service in political office if the member is contributing to or is entitled to a pension under another registered pension plan other than the *Canada Pension Plan* or the *Quebec Pension Plan* in respect of the service.
- Amount of contribution
- (6) A member who purchases credited service on a monthly basis during the period of the absence shall contribute,
- (a) the required contributions, based on the pensionable salary that the member's employer advises the administrator that the member would have earned, if the member were not absent, and as if the member were not required to contribute to the *Canada Pension Plan* or to the *Quebec Pension Plan*; and
- (b) for any late monthly payments, interest thereon calculated at the standard interest rate from the date each contribution would have been made and ending on the day before the payment is made. (Last amended April 2, 2001 – Effective September 1, 2001)
- Idem
- (6a) A member who purchases credited service other than on a monthly basis during the period of the absence shall contribute, on or before the end of the month in which the fifth anniversary of the end of the absence occurs, a lump sum which is equal to,
- (a) the required contributions, based on the pensionable salary that the member's employer advises the administrator that the member would have earned, if the member were not absent, and as if the member were not required to contribute to the *Canada Pension Plan* or to the *Quebec Pension Plan*; and
- (b) interest thereon calculated at the standard interest rate from the date each contribution would have been made and ending on the day before the payment is made. (Last amended April 2, 2001 – Effective September 1, 2001)
- Idem
- (6b) Despite subsections (6) and (6a), a member who purchases credited service on or after the 1st day of September, 2010, shall contribute, on or before the end of the month in which the fifth anniversary of the end of the absence occurs,
- (a) the required contributions, based on the pensionable salary as determined in accordance with section 14, and as if the member were not required to contribute to the *Canada Pension Plan* or to the *Quebec Pension Plan*; and
- (b) interest thereon calculated at the standard interest rate from the first day of the month following the month in which the end of the absence occurs and ending on the day before the payment is made. (Last amended December 30, 2009 - Effective September 1, 2010)
- Transition
- (6c) Subsection (6b) shall only apply where the member has not previously completed payment for the purchase of the entire eligible absence period. (Last amended October 19, 2012 - Effective September 1, 2010)

Transition: Interest calculation for the portion of an absence previously considered complete

(6d) Despite subsections (6b) and (6c), where, in the opinion of the administrator, payment was considered to be complete as of the 1st day of September, 2010 for a portion of the entire eligible absence period, the interest applicable to that portion of the absence shall be calculated in accordance with subsection (6) (b) or (6a) (b). (Last amended October 19, 2012 - Effective September 1, 2010)

Due date

(7) Revoked. (Last amended April 2, 2001 – Effective September 1, 2001)

Return date

(8) Revoked. (Last amended April 2, 2001 – Effective September 1, 2001)

Matching contributions for purchases

(9) A contribution under subsection (6), (6a) or (6b) is considered to be a required contribution for the purpose of sections 25 and 26, and the required matching contribution shall be paid by the employer making the employer contributions in respect of the member immediately before the absence. (Last amended December 30, 2009 - Effective September 1, 2010)

Idem

(9a) Despite subsection (9), where a member was employed by a designated private school or a designated organization immediately before the absence and the employer is dissolved or in receivership at the time of the member's application to purchase credited service, the required matching contribution for a purchase of credited service for a break in service shall be paid by the member. (Last amended August 4, 2011 – Effective December 2, 2010)

Amount of contribution, delayed election

(10) Revoked. (Last amended April 2, 2001 – Effective September 1, 2001)

Advance payments

(11) Revoked. (Last amended April 2, 2001 – Effective September 1, 2001)

Idem

(12) Revoked. (Last amended April 2, 2001 – Effective September 1, 2001)

No refund

(13) A member who makes contributions for an absence is not entitled to a refund of those contributions at any time, except to the extent that the member's purchase is not completed in accordance with subsection 92a.(1). (Last amended April 2, 2001 – Effective September 1, 2001)

Proportionate credit

(14) A member who does not complete payment for the full period of an absence shall receive proportionate credit. (Last amended April 2, 2001 – Effective September 1, 2001)

Maximum purchase, birth or adoption

(15) Despite subsection 92 (1) a member may also purchase a maximum of three years of credited service in respect of absences after the 31st day of December, 1990 taken at the birth or adoption of the member's children. (Last amended April 2, 2001 – Effective September 1, 2001)

Idem

(16) For the purposes of subsection (15) a member may purchase a maximum of one year of credited service for an absence taken at the birth or adoption of the member's child or if more than one child is born or adopted at once, in respect of one such birth or adoption. (Last amended April 2, 2001 – Effective September 1, 2001)

Eligibility for purchase

(17) Revoked. (Last amended May 5, 2010 – Effective September 1, 2009)

Lump sum payments

(18) Revoked. (Last amended June 28, 1990 - Effective June 28, 1990)

End Date

(19) For the purposes of this section, the end of an absence occurs on the date determined by the administrator, on the advice of the member's employer. (Last amended February 12, 2019 – Effective January 1, 2019)

End date

(20) Despite subsection (19), the end of an absence for a member who purchases credited service for a break in service shall be no later than the fifth anniversary of the start of the break in service. (Last amended October 19, 2012 - Effective September 1, 2010)

Transitional rules

94a. (1) A member whose absence ended prior to September 1, 2001 and who,

(a) returned to employment in education, following the absence, on or after September 1, 1996 but prior to September 1, 2001, or

(b) did not return to employment in education, following the absence, prior to September 1, 2001,

shall have until December 31, 2004 to complete a purchase of the absence. (Last amended April 2, 2001 – Effective September 1, 2001)

(2) A member who completes a purchase in accordance with subsection (1) shall contribute a lump sum on a contributions plus interest basis calculated in accordance with subsection 94 (6a). (Last amended April 2, 2001 – Effective September 1, 2001)

(3) A member whose absence ended prior to September 1, 2001 and who returned to employment in education, following the absence, prior to September 1, 1996 shall have until December 31, 2002 to complete a purchase of the absence by notifying the administrator by that date and by making the purchase within 90 days of the provision of a purchase cost quotation. (Last amended April 2, 2001 – Effective September 1, 2001)

(4) A member who completes a purchase in accordance with subsection (3) shall contribute a lump sum which is, on the date of the purchase, equal to the actuarial cost of the expected pension improvement. (Last amended April 2, 2001 – Effective September 1, 2001)

(5) This section shall only apply where the member has not previously completed a purchase of the absence, in which case the member may complete the purchase in accordance with this section without having to meet the requirements of subsection 94 (3) as it read on August 31, 2001. (Last amended April 2, 2001 – Effective September 1, 2001)

Transitional application
deadline re:
breaks in service

- 94b.** (1) A member may purchase credited service for a break in service in accordance with subsection 94 (2) as it read on the 1st day of December, 2010, if the member delivers to the administrator a completed application to purchase credit, in the form provided by the administrator, including all supporting documents, by the 31st day of August, 2011. (Last amended August 4, 2011 – Effective December 2, 2010)

Transitional payment
deadline re:
breaks in service

- (2) Despite subsections 94 (6) to (6c), a member described in subsection (1) shall have until the 30th day of December, 2011 to complete payment of the amount required under subsection 94 (6b). (Last amended August 4, 2011 – Effective December 2, 2010)

Absence during a
school year

- 95.** (1) Revoked. (Last amended June 20, 2012 – Effective January 1, 2012)

Amount of contribution

- (2) Revoked. (Last amended June 20, 2012 – Effective January 1, 2012)

Interest payable

- (3) Revoked. (Last amended April 2, 2001 – Effective September 1, 2001)

Status of contributions

- (4) Revoked. (Last amended April 2, 2001 – Effective September 1, 2001)

Due date

- (5) Revoked. (Last amended April 2, 2001 – Effective September 1, 2001)

Required contribution

- (6) Revoked. (Last amended April 2, 2001 – Effective September 1, 2001)

Absence re strike or
lockout

- 96.** (1) A member may contribute for days that the member is absent from employment in education for the purpose of participating in a legal strike or the strikes declared illegal by the Ontario Labour Relations Board on May 26, 2015 for the following periods:
- (a) Durham District School Board – April 20, 2015 – May 26, 2015
 - (b) Rainbow District School Board – April 27, 2015 – May 26, 2015
 - (c) Peel District School Board – May 4, 2015 – May 26, 2015,
- or because of a lockout. (Last amended September 22, 2015 – Effective April 20, 2015)

Amount of
contribution

- (2) The member shall contribute the amount of the member's required contribution for each day of absence plus the amount of the corresponding employer's contribution.

Interest payable

- (3) The member shall pay interest, calculated at the standard rate, on any contribution received by the administrator more than one month after the end of the absence. (Last amended June 1, 1995 - Effective June 1, 1995)

For former
membership

- 97.** (1) This section applies with respect to a member who previously received a refund of required contributions under the pension plan. (Last amended April 2, 2001 – Effective September 1, 2001)

Eligibility

- (2) No member may purchase credited service under this section until the member has accumulated, through employment in education, seventy days of credited service in one school year after returning to active membership.

Election within one year

- (3) A member who elects to purchase credited service on or before the later of the first anniversary of the member's return to active membership and the 1st day of January, 1994 shall contribute the amount previously refunded together with interest thereon from the date the refund was made to the first day of the month in which the contribution is paid, calculated at the standard interest rate in effect on the date the refund was made. (Last amended April 2, 2001 – Effective September 1, 2001)

Limit

- (4) No member may purchase more days of credited service under subsection (3) than the number of days in respect of which the member received the refund.

Due date

- (5) A contribution under subsection (3) shall be paid as a lump sum before the later of the third anniversary of the member's return to active membership and the 1st day of January, 1995.

Required contribution

- (6) A member who elects to purchase credited service after the deadline referred to in subsection (3) or who fails to make the payment before the deadline in subsection (5) shall contribute a lump sum which is, on the date of the purchase application, equal to the actuarial cost of the expected pension improvement. Such actuarial cost shall be in an amount, and applicable for such period, as determined by the administrator, on the advice of the actuary. (Last amended September 6, 2017 - Effective October 1, 2017)

Repurchase of credited service

- 97a.** (1) A member referred to in section 37 who becomes re-employed in education for more than 20 days in one school year may purchase credited service in an amount not greater than the credited service in respect of which a transfer and refund were made under that section. (Last amended February 28, 1992 - Effective January 1, 1992)

Amount of contribution

- (2) A member who elects to purchase credited service under subsection (1) shall contribute a lump sum equal to the greater of,
- (i) the amounts transferred and refunded under section 37 together with interest thereon calculated at the standard rate from the day of the transfer or refund to the day before the payment is made; or
 - (ii) the actuarial cost, on the date of the purchase application, of the expected pension improvement. Such actuarial cost shall be in an amount, and applicable for such period, as determined by the administrator, on the advice of the actuary.

(Last amended September 6, 2017 - Effective October 1, 2017)

Approved service
outside Ontario

98. (1) Revoked. (Last amended December 20, 1999 - Effective January 1, 1992)

Idem

(2) Revoked. (Last amended December 20, 1999 - Effective January 1, 1992)

Limit

(3) Revoked. (Last amended February 28, 1992 - Effective January 1, 1992)

Amount of
contribution

(4) Revoked. (Last amended December 20, 1999 - Effective January 1, 1992)

Transitional re
designated private
schools

99. (1) This section applies to an active member,

(a) who is employed in an organization designated under the *Teachers' Superannuation Act, 1983* or in a school within the meaning of section 1 of the *Education Act*;

(b) who was employed before the 1st day of September, 1986 in a private school designated under a predecessor of this Act;

(c) who was employed on the 1st day of September, 1986 and for at least twenty days during the school year beginning on that date in an organization designated under the *Teachers' Superannuation Act, 1983* or in a school within the meaning of section 1 of the *Education Act*; and

(d) who elected before the 1st day of September, 1986 to be excluded from the benefits and obligations of the predecessor Act.

Purchase

(2) An active member may purchase credited service in accordance with subsections 13 (4), (6) and (7) of Ontario Regulation 423/84 as they read on the 31st day of December, 1989, with necessary modifications, for past teaching service in a private school designated under a predecessor of this Act.

Idem

(3) No member is entitled to apply to purchase credited service under this section after the 31st day of December, 1991.

C. For other Employment

For war service

100. (1) Revoked. (Last amended September 8, 2006 – Effective December 31, 2006)

Idem

(2) Revoked. (Last amended September 8, 2006 – Effective December 31, 2006)

For teaching special
subjects

101. (1) Revoked. (Last amended September 8, 2006 – Effective December 31, 2006)

Idem

- (2) Revoked. (Last amended September 8, 2006 – Effective December 31, 2006)

For foreign service as
an educator

- 102.** (1) Revoked. (Last amended December 20, 1999 - Effective January 1, 1992)

Eligibility

- (2) Revoked. (Last amended December 20, 1999 - Effective January 1, 1992)

Limit

- (3) Revoked. (Last amended February 28, 1992 - Effective January 1, 1992)

Amount of
contribution

- (4) Revoked. (Last amended December 20, 1999 - Effective January 1, 1992)

For other employment,
R.S.C. 1952, c. 148

- 103.** (1) A member may purchase credited service in the pension plan for employment not otherwise described in this Part if the employment was pensionable service under another pension plan registered under the *Income Tax Act* (Canada). (Last amended April 2, 2001 – Effective September 1, 2001)

Transfer from other
plan

- (2) For service prior to January 1, 1992, all funds associated with the service under the other plan shall be transferred to the pension plan and applied to the cost of the member's expected benefit improvement. Where no funds remain in the other plan, the member is not entitled to purchase pre-1992 credited service under this section. (Last amended September 8, 2006 - Effective January 1, 1992)

Amount of
contribution

- (3) For service after December 31, 1991, the member shall contribute an amount equal to the actuarial cost, on the date of the purchase application, of the expected pension improvement. Such actuarial cost shall be in an amount, and applicable for such period, as determined by the administrator, on the advice of the actuary. (Last amended September 6, 2017 - Effective October 1, 2017)
- (4) If the amount transferred under subsection (2) is less than the actuarial cost of the expected benefit improvement, the member shall contribute a lump sum which, on the date of the purchase, is equal to the difference. (Last amended June 29, 1994 - Effective January 1, 1992)

D. Reciprocal Agreements

Reciprocal agreements

- 104.** (1) The administrator may enter into an agreement with the authorized representative of another pension plan respecting the terms upon which persons may transfer benefits and contributions between that plan and the pension plan.

Idem

- (2) A reciprocal agreement must provide that a person transferring benefits and contributions to the pension plan acquires a benefit under the plan based upon the actuarial cost of the expected benefit on the date of the transfer.

- (3) If a reciprocal agreement provides that a person may elect to pay directly to the administrator part or all of the difference between the required amount and the amount transferred (the “shortfall”), and provides the administrator with the authority to establish a deadline by which a person must complete payment of the shortfall, a person who elects to pay the shortfall shall complete such payment on or before the end of the month in which the fifth anniversary of the date the application to transfer was received by the administrator occurs. (Last amended June 20, 2012 – Effective September 1, 2001)

Reciprocal agreements,
transitional

- 105.** (1) Subject to subsection (2), reciprocal agreements entered into before the 1st day of January, 1990 by the Teachers' Superannuation Commission under section 49 of the *Teachers' Superannuation Act, 1983* are continued and expire on the 31st day of December, 1996.

Idem

- (2) Reciprocal agreements referred to in subsection (1) do not expire on the 31st day of December, 1996 if, before that date, the reciprocal agreement is amended to include a term described in subsection 104 (2) or if the agreement includes such a term.

E. Administration

Application for
purchase

- 106.** An application to purchase credited service shall be made in a form provided by the administrator and shall be delivered to the administrator.

Applicability

- 106a.** (1) Subsections 11 (6) to (9), 14 (1a) to (1i), 15 (2b), 94 (4a), (6b), (6c) and (9), as they read on the 1st day of September, 2010 apply to members who cease to be employed in education before the 1st day of September, 2010. (Last amended August 4, 2011 – Effective September 1, 2010)

Idem

- (2) Subsections 94 (2) to (2e) and section 94b, as they read on the 2nd day of December, 2010 apply to members who cease to be employed in education before the 2nd day of December, 2010. (Last amended August 4, 2011 – Effective December 2, 2010)

Idem

- (3) Revoked. (Last amended February 12, 2019 – Effective January 1, 2019)

Idem

- (4) Revoked. (Last amended February 12, 2019 – Effective June 1, 2017)

Employed
in education

- 106b.** For a member who ceases to be employed in education before, on or after the 1st day of January, 2011, credited service purchased in accordance with subsection 94 (2) in respect of a period on or after the 1st day of January, 2011 is considered to be employment in education for the purposes of determining benefits. (Last amended August 4, 2011 – Effective January 1, 2011)

Effective date of
purchase

- 107.** Subject to subsection 92a (1), a purchase of credited service is effective on the day the payment in relation to the purchase is made. (Last amended February 12, 2019 – Effective January 1, 2019)

Purchase of partial credit

- 108.** A member who is entitled to purchase credited service for a period of employment or an absence may purchase credited service for a part of the employment or absence. (Last amended April 2, 2001 – Effective September 1, 2001)

Contribution by spouse, etc.

- 109.** A member who dies before completing a purchase of credited service shall receive credited service in an amount based upon the contributions plus interest which he or she has made. (Last amended June 29, 1994 - Effective January 1, 1992)

Idem

- (2) Revoked. (Last amended June 29, 1994 - Effective January 1, 1992)

Lump sum payments

- 109a.** A lump sum payment under this Part may consist of,
- (a) a partial payment by means of a transfer permitted under the *Income Tax Act* (Canada); and
 - (b) a second payment of the balance of the amount required to pay for the credited service being purchased by the lump sum. (Last amended June 28, 1990 - Effective June 28, 1990)

Eligibility for purchase

- 109b.** A member is not eligible to purchase credited service while receiving a pension. (Last amended May 5, 2010 – Effective September 1, 2009)

PART X ADMINISTRATION OF THE PLAN

A. General

Extension of time

- 110.** The administrator may extend any time limit under the pension plan before or after the expiration of the time if the administrator is satisfied that there are reasonable grounds for the extension, and may give such directions as the administrator considers appropriate consequent upon the extension.

Provision of information

- 111.** (1) The administrator shall provide to each member of the pension plan the information and documents required under this Act or any other Act.

Idem, to administrator

- (2) A member, a person who applies for, or receives, a pension, refund or other payment from the pension fund, a board of education or an employer of a member shall provide the administrator, upon request, with such information as the administrator may require to administer the pension plan.
- (2a) The administrator may conduct an audit of the records of a board of education or an employer for the purpose of validation of information required for administration of the pension plan. (Last amended June 20, 2012 – Effective January 1, 2012)

- Idem, to members
- (3) The administrator shall provide within a reasonable time to a member, upon written request, all information relating to the member's contributions and entitlements under the pension plan.
- Fiscal year
- 112.** The fiscal year of the pension plan is the twelve-month period that begins on the 1st day of January.
- Actuarial calculations
- 113.** Actuarial calculations and determinations required under the pension plan shall be made using such actuarial assumptions, principles and methods as may be required or adopted by the administrator.

B. Pension Fund

- Payments from pension fund
- 114.** A payment required under the pension plan must be paid from the pension fund.
- Requirement to invest
- 115.** Moneys in the pension fund that are not required to be paid out must be invested to meet the obligations of the pension plan.

C. Surplus and Deficiency

- Actuarial gain
- 116.** Revoked. (Last amended January 24, 1992 - Effective January 1, 1992)
- Surplus
- 117.** Revoked. (Last amended January 24, 1992 - Effective January 1, 1992)
- Requirement to contribute to deficit
- 118.** Revoked. (Last amended November 15, 1993 - Effective November 15, 1993)
- Wind Up
- 118a.** If the pension plan is wound up within the meaning of the *Pension Benefits Act*, the assets of the pension fund shall first be used to pay or satisfy properly incurred liabilities to creditors, following which the remaining assets of the pension fund shall be used to pay or satisfy the accrued benefit entitlements of members, former members, retired members and any other persons entitled to a benefit under the pension plan in respect of a member, former member, or retired member before any other distribution is made. (Last amended September 28, 2015 – Effective September 28, 2015)

PART XI DESIGNATION OF PRIVATE SCHOOLS AND ORGANIZATIONS

- Private schools
- 119. (1)** The Partners' Committee by notice to the administrator may designate a school, college, academy or other educational institution as a designated private school for the purpose of the pension plan,
- (a) if it gives instruction equivalent to that given in elementary or secondary schools in Ontario;

- (b) if it is not supported in any way by school taxes or by provincial or municipal grants; and
- (c) if it meets the criteria set out in subsection (3). (Last amended June 1, 1995 - Effective January 1, 1992)

Organizations

- (2) The Partners' Committee by notice to the administrator may designate an organization as a designated organization for the purpose of the pension plan,
 - (a) if it provides services related to elementary or secondary education; and
 - (b) if it meets the criteria set out in subsection (3). (Last amended June 1, 1995 - Effective January 1, 1992)

Criteria

- (3) The school, college, academy or other educational institution or the organization,
 - (a) must not be operated for profit or gain and any profits must be used to carry out its objects; and
 - (b) by its governing body must undertake in writing to make the reports described in subsection (5), to pay the amounts described in subsection (6), and to perform all administrative functions required of an employer for the purposes of the pension plan.

Effective date of designation

- (4) A notice of designation under subsections (1) or (2) shall specify the effective date. (Last amended February 12, 2019 – Effective January 1, 2019)

Reports

- (5) The administrator may require a designated private school or designated organization to make annual reports for the purpose of the administration of this Act and the pension plan and to supply such information as to its constitution, operations, teaching staff and otherwise as the administrator may require.

Payments under the plan

- (6) A designated private school or designated organization shall, in accordance with the pension plan, make the employer contributions and collect and remit the contributions by its employees who become active members of the pension plan.

Past service in prescribed schools and institutions

- 119a.**(1) Revoked. (Last amended June 1, 1995 - Effective January 1, 1992)
- (2) Revoked. (Last amended June 1, 1995 - Effective January 1, 1992)

Termination of designation

- 120.** (1) Revoked. (Last amended June 1, 1995 - Effective January 1, 1992)

Grounds

- (2) The Partners' Committee by notice to the administrator may terminate the designation of a designated private school or a designated organization,

- (a) if the designated private school or designated organization, by its governing body, has requested the termination of the designation;
- (b) if the designated private school or designated organization is not complying with its undertakings; or
- (c) if there is a change in the objects or mode of carrying out the objects of the designated private school or designated organization. (Last amended June 1, 1995 - Effective January 1, 1992)
- Notice and submissions
- (3) The Partners' Committee shall give notice of the termination to the governing body and to the employees of the designated private school or designated organization who are active members of the pension plan. (Last amended June 1, 1995 - Effective January 1, 1992)
- Effective date
- (4) A notice of termination of designation shall specify the effective date. (Last amended June 1, 1995 - Effective January 1, 1992)
- Effect of termination of designation
- (5) Upon the termination of a designation, the employees of the private school or the organization cease to be eligible to be active members of the pension plan.
- Idem
- 121.** (1) Revoked. (Last amended December 21, 2007 - Effective September 1, 2008)
- Effective date
- (2) Revoked. (Last amended December 21, 2007 - Effective September 1, 2008)
- Designations, transitional
- 122.** The designation of a designated private school, designated organization and a designated capacity under the *Teachers' Superannuation Act, 1983* that is in effect on the 31st day of December, 1989 shall have effect as a designation made under this Part.

PART XII-ONTARIO TEACHERS' PENSION PLAN BOARD (REVOKED)

(Last amended January 24, 1992 - Effective January 1, 1992)

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