

Effective date of the rider:

Annexed and incorporated into Plan number:

Annuitant:

### Life Income Fund Rider - Nova Scotia

This rider will form part of the RIF declaration of trust (the "Plan") if the annuitant has requested that this Plan be registered as a life income fund (hereinafter referred to as "LIF"), or where the annuitant has attained age 71 on a registered contract and has not selected another option. The mandatory "Schedule 4: Nova Scotia LIF Addendum" of the regulations (hereinafter referred to as "Schedule 4") is copied below and forms part of this rider.

1. For the purpose of this rider, the following definitions shall apply:
  - "annuitant" has the meaning given by subsection 146.3(1) of the federal *Income Tax Act* and is also referred to as the "owner" in this rider;
  - "Act", "deferred life annuity", "federal *Income Tax Act*", "financial institution", "former member", "life annuity", "LIF", "LIRA", "member", "owner", "pension", "regulations", "registered retirement savings arrangement", "spouse" and "Superintendent" have the same meanings as are respectively given to these words in the Act and regulations and in Schedule 4 copied below.

All terms in this rider which are used in the Act or regulations have the same meaning as under the Act or regulations
2. Notwithstanding anything to the contrary contained in the Plan, including any riders forming a part thereof, "spouse" shall not include any person who is not recognized as a spouse or common-law partner for the purposes of any provision of the federal *Income Tax Act*.
3. Subject to Section 15 of Schedule 4, all money including interest, gains and losses, that is subject to or from the Plan as defined by the rider is to be used to provide or secure a pension that would, but for the transfer and previous transfer, if any, be required by the Act and the regulations.
4. A LIF must be purchased using all or parts of the following amounts:
  - (a) the amount transferred under clause 61(1)(b) of the Act;
  - (b) the amount transferred under Section 61 A of the Act;
  - (c) the amount transferred as result of a division of any pension benefit, deferred pension or pension under Section 74 of the Act;
  - (d) the assets in a LIRA;
  - (e) the assets in a LIF.

Any transfer into the Plan must be made on a tax deferred basis under the federal *Income Tax Act*.
5. The pension benefit transferred into an account under the LIF was / was not calculated in a manner that differentiated on the basis of the sex of the member.
6. Any of the following persons may purchase a LIF:
  - (a) a former member who is entitled to make a transfer under clause 61(1)(b) of the Act;
  - (b) a spouse of a person who was a member and who is entitled to make a transfer under clause 61(1)(b) of the Act;
  - (c) a person who has previously transferred an amount under clause 61(1)(b) of the Act into a LIRA or a LIF;
  - (d) a person who has previously transferred an amount into a LIF as a result of a division of any pension benefit, deferred pension or pension under Section 74 of the Act;
  - (e) a spouse who is entitled to transfer a lump sum as a result of a division of any pension benefit, deferred pension or pension under Section 74 of the Act;
  - (f) if the funds in the account of a pooled registered pension plan are used for the purchase, a person who transfers the amount in accordance with the *Pooled Registered Pension Plans Act* and the *Pooled Registered Pension Plans Regulations*.
7. A purchaser of a LIF must have the written consent of their spouse, in an approved form, to purchase a LIF, unless any of the following apply:
  - (a) the spouse is living separate and apart from the purchaser on the date of the purchase with no reasonable prospect of resuming cohabitation;
  - (b) any of the money to be transferred into the LIF is derived, directly or indirectly, from sources other than a pension benefit provided in respect of any employment of the purchaser.
8. The maximum amount of income that may be paid to the owner will not be increased if a

transfer is made to the LIF of assets held in another LIF during that year.

If the owner wishes to transfer, in whole or in part, the balance of the LIF and still receive from the LIF the income determined for the fiscal year, an amount must be retained in the LIF at least equal to the difference between the income determined for the fiscal year and the income already received from the LIF since the beginning of the fiscal year.

9. In the case of a transfer of assets, the Trustee shall retain an amount equal to the lower of the following amounts:

- (a) the minimum amount for the year such as defined in subsection 146.3(1) of the federal *Income Tax Act* less the amounts received out of or under the Plan before the transfer that are included in the purchaser income for that year, or
- (b) value of the owner's account.

10. For greater certainty, any transfers made pursuant to Section 15 of Schedule 4 of the regulations must be done as stipulated in paragraph 60(l) of the *Income Tax Act* (Canada).

11. The methods for determining the value of the assets in the LIF are found in the Plan's specific provisions to each investment.

12. Where the Plan holds identifiable and transferable securities, the transfer of purchase may, unless otherwise stipulated, at the option of the Trustee and with the consent of the owner, be affected by remittance of the investment securities of the Plan.

13. Subject to the Act and regulations, the owner may submit to the Superintendent an application for consent to a withdrawal in circumstances of financial hardship using the approved form and providing the prescribed information and documents. The Superintendent may require additional information and may consent or refuse the application for withdrawal.

A consent by the Superintendent authorizes the Trustee to pay the consented amount to the owner and the prescribed fee for the application to the Minister of Finance, if received by the Trustee no later than 12 months after the date the consent is signed by the Superintendent. The Trustee must pay the consented amount in the form of a lump sum payment or a transfer to a

registered retirement savings arrangement designated by the owner no later than 30 days after the date it receives the Superintendent's written consent.

14. Subject to the Act and regulations, the owner may submit to the Trustee an application for withdrawal in circumstances of shortened life expectancy, non-residency, age 65 or respecting the transfer of an excess amount using an approved form and providing the prescribed information and documents.

An application that meets the requirements of the Act and regulations constitutes authorization to the Trustee to make the payment from the LIF in accordance with the Act and regulations, which the Trustee is required to make no later than 30 days after the date it receives the completed application and accompanying documents.

15. The value of all of the assets in all LIRAs and LIFs owned by the owner on the date they sign an application to withdraw or transfer funds at age 65 must be determined using the most recent statement about each LIRA or LIF given to the owner dated no earlier than 1 year before the owner signs the application.

16. The Trustee is entitled to rely upon the information provided by the owner, including the information provided in the owner's application to purchase a LIF or to withdraw from a LIF.

17. The Trustee agrees to provide the information described in Section 14 of Schedule 4 to the persons indicated in that Section.

18. The Trustee shall only amend the Plan as provided by the regulations and Schedule 4.

19. To the extent that a Plan does not in any effect respect a provision required by the Act, the regulations and/or the federal *Income Tax Act*, the Plan is deemed to make such provision in that respect.

20. The conditions of this rider will take precedence over the other provisions in the Plan in the case of conflicting or inconsistent provisions.

21. As prescribed by the regulations, Schedule 4 is copied hereinafter:

**Schedule 4: Nova Scotia LIF Addendum  
(Pension Benefits Regulations)**

Note: This document is Schedule 4 to the Pension Benefits Regulations (Nova Scotia). It forms part of the regulations and must be read, construed and interpreted in conjunction with the Pension Benefits Act and its regulations.

**Definitions for this Schedule**

1. In this Schedule,

“Act” means the *Pension Benefits Act*,

“domestic contract”, as defined in Section 2 of the regulations, means a written agreement referred to in and for the purpose of Section 74 of the Act, or Section 14 of the *Pooled Registered Pension Plans Act*, that provides for a division between spouses of any pension benefit, deferred pension, pension, LIRA or LIF and includes a marriage contract as defined in the *Matrimonial Property Act*;

“federal *Income Tax Act*”, as defined in Section 2 of the regulations, means the *Income Tax Act* (Canada) and, unless specified otherwise, includes the regulations made under that Act;

“owner” means any of the following persons, as set out in subsection 205(2) of the regulations, who has purchased a LIF:

- (i) a former member who is entitled to make a transfer under clause 61(1)(b) of the Act,
- (ii) a spouse of a person who was a member, and who is entitled to make a transfer under clause 61(1)(b) of the Act,
- (iii) a person who has previously transferred an amount under clause 61(1)(b) of the Act into a LIRA or LIF,
- (iv) a person who has previously transferred an amount into a LIF as a result of a division of any pension benefit, deferred pension or pension under Section 74 of the Act,
- (v) a spouse who is entitled to transfer a lump sum as a result of a division of any pension benefit, deferred pension or pension under Section 74 of the Act,
- (vi) if the funds in the account of a pooled registered pension plan are used for the purchase, a person who transfers the amount in accordance with the *Pooled Registered Pension Plans Act* and the *Pooled Registered Pension Plans Regulations*;

“regulations” means the Pension Benefits Regulations made under the Act; “spouse”, as defined in the Act, means either of 2 persons who

- (i) are married to each other,
- (ii) are married to each other by a marriage that is voidable and has not been annulled by a declaration of nullity,
- (iii) have gone through a form of marriage with each other, in good faith, that is void and are cohabiting or, if they have ceased to cohabit, have cohabited within the 12 month period immediately preceding the date of entitlement, and
- (iv) are domestic partners within the meaning of Section 52 of the Vital Statistics Act, or
- (v) not being married to each other, are cohabiting in a conjugal relationship with each other, and have done so continuously for at least
  - (A) 3 years, if either of them is married, or
  - (B) 1 year, if neither of them is married;

“temporary income” means income payments from a LIF that, in accordance with Section 9 of this Schedule, are paid to an owner before they turn 65 years old;

“Superintendent” means the Superintendent of Pensions, as defined in the Act.

**Fiscal year of LIFs**

2. (1) In this Schedule, “fiscal year” means the fiscal year of a LIF.  
(2) A fiscal year must end on December 31 and must not be longer than 12 months.

**Reference rate criteria**

3. A reference rate in this Schedule for a fiscal year must meet all of the following criteria:
  - (a) it must be based on the month-end nominal rate of interest earned on long-term bonds issued by the Government of Canada for November of the year immediately before the beginning of the fiscal year, as compiled by Statistics Canada and published in the Bank of Canada Review as CANSIM Series

V122487, with the following adjustments applied successively to that nominal rate:

- (i) an increase of 0.5%,
  - (ii) the conversion of the increased rate, based on interest compounded semi-annually, to an effective annual rate of interest,
  - (iii) the rounding of the effective interest rate to the nearest multiple of 0.5%;
- (b) it must not be less than 6%.

**Note Re Requirements of the Pension Benefits Act and Regulations  
and the Pooled Registered Pension Plans Act and its regulations**

**Prohibitions on transactions from Section 91 of Act**

Under Section 91 of the Act and Section 12 of the *Pooled Registered Pension Plans Act*, money held in a LIF must not be commuted or surrendered in whole or in part except as permitted by this Schedule and the regulations including, without limiting the generality of the foregoing, the following Sections of the regulations:

- Section 211 through 230, respecting withdrawal in circumstances of financial hardship
- Section 231, respecting withdrawal in circumstances of considerably shortened life expectancy
- Section 232, respecting withdrawal in circumstances of non-residency
- Section 233, respecting withdrawal of small amounts at age 65
- Section 198, respecting the transfer of an excess amount, as defined in that Section.

Pursuant to subsection 91(2) of the Act and subsection 12(2) of the *Pooled Registered Pension Plans Act*, any transaction that contravenes Section 91 of the Act or Section 12 of the *Pooled Registered Pension Plans Act* is void.

**Values of assets in LIF subject to division**

The value of the assets in a LIF is subject to division in accordance with all of the following:

- an order of the Supreme Court of Nova Scotia that provides for the division of a pension benefit, deferred pension or pension under Section 74 of the Act, or a division of the funds in a pooled registered pension plan account under Section 14 of the *Pooled Registered Pension Plans Act*
- a domestic contract that provides for the division of a pension benefit, deferred pension or pension under Section 74 of the Act, or a division of the funds in a pooled registered pension plan account under Section 14 of the *Pooled Registered Pension Plans Act*
- the regulations.

**Money held in LIF**

The following requirements are set out in the Pension Benefits Act and are applicable to LIFs governed by this Schedule:

- Money held in a LIF must not be assigned, or given as security except as permitted by subsection 88(3) of the Act, Section 90 of the Act, subsection 12(3) of the *Pooled Registered Pension Plans Act* or Section 13 of the *Pooled Registered Pension Plans Act*, and any transaction purporting to assign, charge, anticipate or give the money in the LIF as security is void.
- Money held in a LIF is exempt from execution, seizure or attachment except for the purpose of enforcing a maintenance order as permitted by Section 90 of the Act or Section 13 of the *Pooled Registered Pension Plans Act*.

**Periodic payments of income out of LIFs**

4. (1) An owner must be paid an income from their LIF, the amount of which may vary, annually.
- (2) Income payments from a LIF must begin no earlier than
  - (a) the earliest date that the owner would have been entitled to receive a pension under any pension plan from which the money was transferred; or
  - (b) if all of the money in a LIF is derived from sources other than a pension benefit provided in respect of any employment of the owner, the date the owner turns 55 years old.
- (3) Income payments from a LIF must begin no later than the end of a LIF's 2<sup>nd</sup> fiscal year.

**Amount of income payments from LIFs**

5. (1) Subject to the minimum amount in Section 6 of this Schedule, an owner of a LIF must establish the amount of income to be paid during each fiscal year at the beginning of the fiscal year and after they have received the information required by Section 14 of this Schedule.
- (2) Except as provided in subsection (5), an owner of a LIF must notify the financial institution providing the LIF of the amount to be paid out of the LIF each year and any owner who does not do so is deemed to have selected the minimum amount determined under Section 6 of this Schedule.
- (3) The owner's notice required by subsection (2) must be given either
- (a) except as provided in subsection (5), at the beginning of the fiscal year;
  - (b) at a time agreed to by the financial institution providing the LIF.
- (4) The owner's notice required by subsection (2) expires at the end of the fiscal year to which it relates.
- (5) If a financial institution providing a LIF guarantees the rate of return of the LIF over a period that is greater than 1 year, the period must end at the end of a fiscal year and the owner may establish the amount of income to be paid during the period at the beginning of the period.

**Minimum annual LIF withdrawal**

6. (1) The amount of income that is paid out of a LIF during a fiscal year must not be less than the minimum amount prescribed for a registered retirement income fund by the federal Income Tax Act, determined on the basis of the owner's age or the age of the owner's spouse if the spouse is younger than the owner.
- (2) Despite Sections 7, 8, 10, 11 and 12 of this Schedule, if the minimum amount specified by subsection (1) is greater than the maximum amount determined under those Sections for a fiscal year, then the minimum amount under subsection (1) must be paid out of the LIF during the fiscal year.

**Pro-rating amount of withdrawal if initial fiscal year less than 12 months**

7. If the initial fiscal year is less than 12 months long, the maximum amount determined under Sections 8, 10, 11 and 12 of this Schedule must be adjusted in proportion to the number of months in that fiscal year divided by 12, with any part of an incomplete month counting as 1 month.

**Maximum annual life income from LIF that does not provide for temporary income**

8. The maximum annual amount of life income to be paid each year from a LIF from which no temporary income is paid is determined by the following formula:

$$\text{maximum payable} = F \times B$$

in which

F = is the factor in Schedule 5: Life Income Fund—Factor F that corresponds to the reference rate for the fiscal year and the owner's age at the end of the previous year

B = the balance of the LIF at the beginning of the fiscal year, increased by any money transferred to the LIF after the beginning of that fiscal year and reduced by any money transferred from another LIF, to the LIF, in the same year.

**Withdrawal of temporary income from LIFs**

9. (1) A LIF may provide that the owner is entitled to temporary income in accordance with this Section and Sections 10 and 11 of this Schedule
- (2) An owner of a LIF from which temporary income may be paid who is at least 54 years old but under 65 years old at the end of the calendar year before the date they apply, may apply in an approved form to the financial institution that provides a LIF for payment of temporary income from the LIF.
- (3) Temporary income must not be paid under a LIF
- (a) before the owner is 55 years old; and
  - (b) after the end of the year in which the owner turns 65 years old.
- (4) Temporary income is not payable if any portion of a payment out of a LIF is transferred to an registered retirement savings plan or a registered retirement income fund.

**Maximum temporary income for fiscal year**

10. (1) Except as provided in subsection (2), the maximum temporary income that may be paid during a fiscal year out of a LIF from which temporary income may be paid must be the lesser of the following amounts:
- (a) the amount calculated by the following formula:
- $$(50\% \text{ of the YMPE}) - T$$
- in which
- YMPE = the Year's Maximum Pensionable Earnings for the fiscal year
- T = the total of temporary income for the owner from a pension plan or from other LIFs of the owner for that fiscal year;
- (b) the amount calculated by the following formula:
- $$F \times B \times D$$
- in which
- F = is the factor in Schedule 5: Life Income Fund—Factor F that corresponds to the reference rate for the fiscal year and the owner's age at the end of the previous year
- B = the balance of the LIF at the beginning of the fiscal year, increased by any money transferred to the LIF after the beginning of that fiscal year and reduced by any money transferred from another LIF, to the LIF, in the same year
- D = the factor in Schedule 6: Life Income Fund—Temporary Income Factor D that corresponds to the owner's age at the end of the previous fiscal year.
- (2) If the amount determined under clause (1)(b) is less than 50% of the Year's Maximum Pensionable Earnings, then the maximum temporary income paid out of a LIF during a fiscal year must be the lesser of the following amounts:
- (a) the amount calculated under clause (1)(a);
- (b) the balance of the LIF at the beginning of the fiscal year, increased by any money transferred to the LIF after the beginning of that fiscal year and reduced by any money transferred from another LIF to the LIF in the same year.

**Maximum life income withdrawal from LIFs**

11. The maximum life income to be paid from a LIF from which a temporary income is paid is determined by the following formula, provided that the maximum must not be less than zero:
- $$\text{maximum payable} = (F \times B) - (Y \div D)$$
- in which
- F = the factor in Schedule 5: Life Income Fund—Factor F that corresponds to the reference rate for the fiscal year and the owner's age at the end of the previous year
- B = the balance of the LIF at the beginning of the fiscal year, increased by any money transferred to the LIF after the beginning of that fiscal year and reduced by any money transferred from another LIF, to the LIF, in the same year
- Y = the maximum annual temporary income determined under Section 10 of this Schedule
- D = the factor in Schedule 6: Life Income Fund—Temporary Income Factor D that corresponds to the owner's age at the end of the previous year.

**Maximum annual income payable if financial institution guarantees rate of return of LIFs**

12. (1) If a financial institution that provides a LIF guarantees the rate of return of the LIF over a period greater than 1 year and the owner establishes the amount of income to be paid during that period, the maximum income that may be paid during each of the fiscal years during the period must be determined at the beginning of each fiscal year in the period in accordance with this Section.
- (2) For each year after the initial fiscal year, the maximum income to be paid for the fiscal year under a LIF described in subsection (1) is equal to the lesser of the following amounts:
- (a) the balance of the LIF at the time of payment in that year;
- (b) the amount determined by the following formula:

$$\text{maximum income} = (I \times B) \div RB$$

in which

I = the maximum income determined for the initial fiscal year under Section 11 of this Schedule

B = the balance of the LIF at the beginning of the fiscal year

RB = the reference balance determined at January 1 of the year as calculated under subsection (3).

- (3) For the formula in clause (2)(b), the reference balance ("RB") must be calculated by the following formula:

$$RB = (PRB - I) + ((PRB - I) \times RR/100)$$

in which

PRB = the reference balance

(i) at the beginning of the previous year, or

(ii) for the 2nd year of the period, the LIF balance at the beginning of the 1st year of the period

I = the maximum income determined for the initial fiscal year

RR = the reference rate for the year, if the fiscal year is one of the first 16 fiscal years of the LIF, or by 6% for any other year.

#### Income in excess of maximum

13. If income paid to an owner under a LIF during a fiscal year exceeds the maximum that may be paid, the balance of the LIF must not be reduced by the excess unless the payment is attributable to incorrect information provided by the owner.

#### Information to be provided annually by financial institution

14. At the beginning of each fiscal year, a financial institution providing a LIF must provide all of the following information to an owner about their LIF:

(a) with respect to the previous fiscal year:

(i) the sums deposited,

(ii) any accumulated investment earnings including any unrealized capital gains or losses,

(iii) the payments made out of the LIF,

(iv) any withdrawals from the LIF made under the following circumstances, in accordance with Sections 211 to 230 of the regulations:

(A) a mortgage default circumstance, as defined in clause 212(1)(a) of the regulations,

(B) a medical expense circumstance, as defined in clause 212(1)(b) of the regulations,

(C) a rental default circumstance, as defined in clause 212(1)(c) of the regulations,

(D) a reduced income circumstance, as defined in clause 212(1)(d) of the regulations,

(v) any transfers made out of the LIF,

(vi) the fees charged against the LIF;

(b) the value of the assets in the LIF at the beginning of the fiscal year;

(c) the minimum amount that must be paid out as income to the owner during the current fiscal year;

(d) the maximum amount that may be paid out as income to the owner during the current fiscal year;

(e) for a LIF that provides for temporary income, and the owner was at least 54 years old but under 65 years old at the end of the previous year,

(i) how the owner may apply for temporary income to be paid to them after they turn 55 years old, and

(ii) a statement that payment of temporary income will reduce the income that would otherwise be paid to the owner after age 65;

(f) a statement that the maximum amount of income that may be paid to the owner during the fiscal year will not be increased if assets held in another LIF during the year are transferred to the LIF;

(g) if the beginning of the fiscal year is later than the beginning of the calendar year, a statement as to whether any sums deposited were held in another LIF during the year, and the amount of those deposits;

(h) a statement that if the owner wishes to transfer the balance of the LIF, in whole or in part, and still receive the income determined for the fiscal year from the LIF, then an amount must be retained in the LIF that is

at least equal to the difference between the income determined for the fiscal year and the income already received from the LIF since the beginning of the fiscal year;

- (i) a statement that if the owner dies before the balance in the LIF is used to purchase a life annuity contract or is transferred under Section 15 of this Schedule, then the financial institution must provide the owner's spouse or beneficiary or the personal representative of their estate with the information in clauses (a) and (b), determined as of the date the owner died;
- (j) a statement that if the balance of the LIF is transferred to another financial institution or used to purchase a life annuity, then the financial institution must provide the owner the information in clauses (a) and (b), determined as of the date of the transfer or annuity purchase;
- (k) a statement that if the balance of the LIF is transferred to another financial institution or used to purchase a life annuity, then the financial institution must comply with Section 209 of the regulations, in accordance with subsection 15(6) of this Schedule.

#### **Transferring assets from LIFs**

15. (1) An owner of a LIF may transfer all or part of the assets in the LIF as follows:
- (a) to either of the following:
    - (i) another LIF,
    - (ii) a LIRA held by another financial institution, if permitted under the federal Income Tax Act;
  - (b) to purchase an immediate life annuity; or
  - (c) for an owner who is a member or former member of a pension plan that provides for variable pension benefits, to the owner's variable benefits account in accordance with Section 150 of the regulation, if the transfer is permitted by the plan.
- (2) The date of a transfer under subsection (1) must not be later than 30 days after the owner requests it, unless any of the following apply:
- (a) the financial institution providing the LIRA does not have all the information necessary to complete the transaction, in which case the 30-day period begins to run from the date the financial institution has all the necessary information;
  - (b) the transfer is in respect of assets held as securities whose term of investment extends beyond the 30-day period, in which case the 30-day period begins to run from the date the term of investment expires.
- (3) If assets in a LIF consist of identifiable and transferable securities, the financial institution providing the LIF may transfer the securities with the consent of the owner.
- (4) If assets held in a LIF are transferred to another LIF at any time in the current fiscal year, the maximum amount of income that may be paid to the owner of the LIF must not be increased.
- (5) A financial institution providing a LIF must advise the financial institution to which the assets of the LIF are transferred
- (a) that the assets were held in a LIF in the current year; and
  - (b) whether the assets were determined in a manner that differentiated on the basis of sex.
- (6) If the balance of a LIF is transferred to another financial institution or used to purchase a life annuity, the financial institution providing the LIF must comply with Section 209 of the regulations.

#### **Information to be provided by financial institution on transfer of balance of LIFs**

16. If the balance of the LIF is transferred to another financial institution or used to purchase a life annuity, the financial institution making the transfer must provide the owner with all of the information required to be provided annually under clauses 14(a) to (h) of this Schedule, determined as of the date of the transfer or annuity purchase.

#### **Information to be provided upon transfer of additional amounts to LIFs**

17. No later than 30 days after the date that money in locked-in funds that has not been held in a LIF at any time in the current year is transferred to a LIF, the financial institution providing the LIF must provide the owner with all of the following information:
- (a) the information required to be provided annually under clauses 14(a) to (f) of this Schedule, determined as of the date of the transfer;
  - (b) the balance of the LIF used to determine the maximum amount that may be paid to the owner as income during the fiscal year.



**Death benefits**

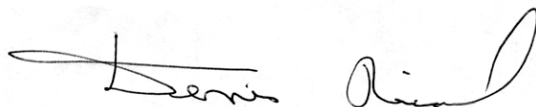
18. (1) If the owner of a LIF dies, the following are entitled to receive a benefit equal to the value of the assets in the LIF, subject to subsections (4) and (5):
- (a) the owner's spouse;
  - (b) if there is no spouse or if the spouse is otherwise disentitled under subsection (4) or (5), the owner's named beneficiary;
  - (c) if there is no named beneficiary, the personal representative of the owner's estate.
- (2) For the purposes of subsection (1), a determination as to whether an owner of a LIF has a spouse must be made as of the date the owner dies.
- (3) For the purposes of subsection (1), the value of the assets in a LIF includes all accumulated investment earnings, including any unrealized capital gains and losses, of the LIF from the date of death until the date of payment.
- (4) A spouse is not entitled to receive the value of the assets in a LIF under clause (1)(a) if the owner of the LIF was not
- (a) a member or former member of a pension plan from which the assets were transferred, directly or indirectly, to purchase the LIF; or
  - (b) a member of a pooled registered pension plan from which the assets were transferred, directly or indirectly, to purchase the LIF.
- (5) A spouse who is living separate and apart from the owner of a LIF without a reasonable prospect of resuming cohabitation on the date the owner dies is not entitled to receive the value of the assets in the LIF under clause (1)(a) if any of the following conditions apply:
- (a) the spouse delivered a written waiver to the financial institution in accordance with Section 19 of this Schedule;
  - (b) the spouse is not entitled to receive any amount in respect of the assets in the LIF in accordance with the terms of a domestic contract that provides for the division of any pension benefit, deferred pension or pension under Section 74 of the Act or the funds in a pooled registered pension plan account under Section 14 of the *Pooled Registered Pension Plans Act*;
  - (c) the spouse is not entitled to receive any amount in respect of the assets in the LIF, by court order, in accordance with a court order respecting a division of a pension benefit, deferred pension or pension under Section 74 of the Act or the funds in a pooled registered pension plan account under Section 14 of the *Pooled Registered Pension Plans Act*.
- (6) The benefit described in subsection (1) may be transferred to an RRSP or a RRIF in accordance with the federal Income Tax Act.

**Waiver of entitlement to death benefits by spouse**

19. (1) A spouse of an owner of a LIF may waive their entitlement to receive a benefit described in Section 18 of this Schedule from the LIF, by delivering, any time before the death of the owner, a written waiver in an approved form to the financial institution providing the LIF.
- (2) A spouse who delivers a waiver under subsection (1) may cancel it by delivering a written and signed notice of cancellation to the financial institution before the date the owner of the LIF dies.

**Information to be provided by financial institution on death of owner**

20. If the owner of a LIF dies before the balance in the LIF is transferred or used to purchase a life annuity contract, the financial institution providing the LIF must give the information required to be provided annually under clauses 14(a) to (g) of this Schedule, determined as of the date of the owner's death, to any person entitled to receive the assets in the LIF under subsection 18(1) of this Schedule.

A handwritten signature in black ink, appearing to read 'Denis Ricard'.

Denis Ricard  
President

A handwritten signature in black ink, appearing to read 'Caroline Gilbert'.

Caroline Gilbert  
Director Compliance and Administration



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