

PENSION AND BENEFIT ENTITLEMENTS UPON MARRIAGE BREAKDOWN

THE 2017 LEGAL GUIDE

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

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

Register today at:

osgoodepd.ca/PBE

Program Chair:

Douglas Rienzo,
Osler, Hoskin & Harcourt LLP

Program Details:

DATE AND TIME

January 30, 2017

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

In Person or Webcast

LOCATION

**Osgoode Professional
Development**

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

ONLINE REPLAY

March 3, 2017

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

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

What You Will Learn

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

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

- Jonathan Marin, Osler Hoskin & Harcourt LLP

Who Should Attend?

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

Agenda

8:30

Registration and Continental Breakfast

9:00

Welcome and Introduction by the Chair

Douglas Rienzo, Osler, Hoskin & Harcourt LLP

9:10

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

Douglas Rienzo, Osler, Hoskin & Harcourt LLP

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

10:10

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

Diana Woodhead, Principal, Mercer (Canada) Limited

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

10:55

Refreshment Break

11:10

Pension Division at Source: Getting It Right the First Time

Mariette Matos, Bennett Jones LLP

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

11:45

Luncheon and Keynote Address

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

12:45

Spousal Entitlement To Employee-Related Benefits and RRSPs

Georgina Carson, MacDonald and Partners LLP

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

1:15

Working With the FSCO Forms

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

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

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

2:15

Refreshment Break

2:30

Understanding Pension & Benefit Tax Issues & Implications

James Pierlot, Pierlot Pension Law

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

3:00

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

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

Daniel S. Melamed, Torkin Manes LLP

Natasha D. Monkman, Hicks Morley Hamilton Stewart Storie LLP

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

- Issue identification and problem diagnosis

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

4:00

Program ends

“...All presentations were outstanding.”

Monika Curyk, Barrister & Solicitor

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

Charles Brophy, Brophy Financial Planning

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

Sharon A. Carew, PricewaterhouseCoopers LLP

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

Clive Algie, Algie Katz & Respicio

Faculty Includes

Chair

Douglas Rienzo

Osler, Hoskin & Harcourt LLP

Keynote Speaker

Mariana MacIntosh

Senior Legal Counsel, Ontario
Teachers' Pension Plan

Faculty

Yvonne Bernstein

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

Natasha D. Monkman

Hicks Morley Hamilton
Stewart Storie LLP

James Pierlot

Pierlot Pension Law

Georgina Carson

MacDonald & Partners LLP

Diana Woodhead

Principal, Mercer LLC

Scott A. Lamb

Counsel, Legal Services
Branch Financial Services
Commission of Ontario

Mariette P.H. Matos

Bennett Jones LLP

Daniel S. Melamed

Torkin Manes LLP

Registration Details

Fee per Delegate

\$695 + HST

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

Program Changes

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

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



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