

THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF _____

BETWEEN:

Non-Member Pension Partner
Plaintiff

-and-

Member Pension Partner
Defendant

Before the Honourable) on _____ day the ____ day of
M_____ Justice) _____, 20 ____
_____) in the _____ of _____
In Chambers) in the Province of Alberta.

ORDER

UPON hearing read the Pleadings herein; AND UPON hearing what was alleged by Counsel; AND UPON seeing endorsed hereon the consent of Counsel for the Plaintiff and the consent of Counsel for the Defendant; AND UPON it appearing that the Defendant has an employment pension pursuant to the terms of the **Teachers' Pension Plan or Private School Teachers' Pension Plan** (the "Pension Plan"); AND UPON it appearing that the parties wish to divide the Defendant's pension and benefits earned during their marriage pursuant to the provisions of the *Teachers' Pension Plans Act* and the *Matrimonial Property Act* of Alberta,

IT IS ORDERED AND ADJUDGED AS FOLLOWS:

1. For the purposes of this Order the "joint accrual period" is agreed to be from _____ to _____.

- *in the first space, insert the date of marriage or other date provided by the Court*
- *in the second space, insert the date the parties have agreed to, or the Court has found, was the date the pension benefit ceased being jointly accrued.*

2. The administrator of the Pension Plan shall at the time of:
- (i) payment of Pension Plan benefits on the death of the Defendant;
 - (ii) a reciprocal transfer of the Defendant's benefits in the Pension Plan to another pension plan; or
 - (iii) commencement by the Defendant of their pension under the Pension Plan;

(whichever occurs first) calculate and transfer to a locked in retirement account ("LIRA") which complies with the *Employment Pension Plans Act* and which is owned by the Plaintiff, [insert percentage] of the Total Pre-division Benefit (the "Plaintiff's Share"), as that term is defined in the *Teachers' Pension Plans (Legislative Provisions) Regulation (AR 204/95)*. Prior to the administrator transferring the Plaintiff's share to the Plaintiff's LIRA, the Plaintiff shall provide to the administrator all information the administrator requires to effect the transfer.

3. The Plaintiff's Share of the Pension Plan is declared to be the Plaintiff's property.
4. Upon the payment by the administrator for the Pension Plan of the Plaintiff's Share to, or on behalf of, the Plaintiff pursuant to this Order, the Plaintiff shall have no further interest in the Pension Plan.
5. If one party receives any of the other's share, he or she shall pay it to the other.
6. A certified copy of this Order shall be filed with the administrator of the Pension Plan.
7. This Order is a Matrimonial Property Order within the meaning of the *Matrimonial Property Act*, R.S.A. 2000, c. M-8.
8. Nothing in this Matrimonial Property Order is intended to or does amend, vary, contradict or in any way affect the terms of the Pension Plan as amended from time to time including, without limitation, the creation of any additional entitlement under the Pension Plan for either the Plaintiff or the Defendant.

Justice of the Court of Queen's Bench of Alberta

Entered this _____ day of _____, 20____,

Clerk of Court of Queen's Bench

Consented to by Counsel for the Plaintiff,

Consented to by Counsel for the Defendant:
