

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, upon being served with this Order and in accordance with the form of payment required by the *Teachers' Pension Plans (Legislative Provisions) Regulation (AR 204/95)*, shall pay to the Plaintiff [insert percentage] of the Total Pre-division Benefit, as that term is defined in the Legislative Provisions Regulation (the "Plaintiff's Share"). The Plaintiff's Share of the monthly pension will be paid for as long as the pension is in pay providing the Plaintiff survives. Prior to the administrator commencing monthly payments to the Plaintiff, the Plaintiff shall provide to the administrator all information the administrator requires to commence payment.
3. The Plaintiff's Share of the Pension Plan is declared to be the Plaintiff's property.
4. If one party receives any of the other's share, he or she shall pay it to the other.
5. A certified copy of this Order shall be filed with the administrator of the Pension Plan.
6. This Order is a Matrimonial Property Order within the meaning of the *Matrimonial Property Act*, R.S.A. 2000, c. M-8.
7. 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.

Please note: depending on the form of pension option that was chosen at retirement, you may need to include provisions as to what is to occur on death. Contact ATRF to confirm the type of option that was elected and to determine whether benefits can continue to the non-member pension partner or the non-member pension partner's estate after the death of either party. To provide this information, ATRF requires a signed release from the pensioner.

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:
