



Addendum

Addendum For Ontario LIRAs

This Addendum sets out further provisions that apply to LIRAs which are subject to the *Pension Benefits Act* (the "Act") of the province of Ontario.

This Addendum forms a part of the main LIRA Agreement to which it is attached. In the case of any inconsistency between the main LIRA Agreement and this Addendum, this Addendum shall prevail in all cases.

1. Definitions

All of the definitions regarding locked-in retirement accounts set out in the Act and the Regulations to it are incorporated in this LIRA Agreement.

2. Transfers

We will advise in writing any transferee that the amount to be transferred must be administered as a pension or deferred pension under the Act and the Regulations to it, and we will not permit the transfer unless the transferee agrees to so administer the amount to be transferred.

3. Withdrawals

A. YMPE-based Lump Sum Payment

- (a) Upon application in accordance with Section 22.3 of the Regulations to the Act, you may withdraw all the money in your Scotia Self-Directed LIRA or transfer the assets to an RRSP or RRIF if, when you sign the application,
- (i) you are at least 55 years of age; and
 - (ii) the value of all assets in all life income funds, locked-in retirement income funds and locked-in retirement accounts owned by you is less than 40 per cent of the Year's Maximum Pensionable Earnings for that calendar year. The value of all assets in all life income funds, locked-in retirement income funds and locked-in retirement accounts owned by you when you sign the application is to be determined using the most recent statement about each fund or account given to you. Each such statement must be dated within one year before you sign the application.
- (b) An application for the withdrawal or transfer described in this paragraph A must be given to us on a form approved by the Superintendent. The application form must be signed by you and accompanied by one of the following documents:
- (i) A declaration about a spouse, as described in Section 22.1(2) of the Regulations to the Act.
 - (ii) A statement signed by you attesting to the fact that none of the money in your LIRA is derived, directly or indirectly, from a pension benefit provided in respect of your employment.

B. Non-resident Withdrawal

- (a) Upon application in accordance with Section 22.5 of the Regulations to the Act, you may withdraw all the money in your Scotia Self-Directed LIRA,
- (i) if, when you sign the application, you are a non-resident of Canada as determined by the Canada Revenue Agency for the purposes of the Tax Act; and
 - (ii) if the application is made at least 24 months after your date of departure from Canada.
- (b) An application for the withdrawal described in this paragraph B must be given to us on a form approved by the Superintendent. The application form must be signed by you and accompanied by the following documents:

- (i) A written determination from the Canada Revenue Agency that you are a non-resident for the purposes of the Tax Act.
- (ii) Either a declaration about a spouse, as described in Section 22.1(2) of the Regulations to the Act, or a statement signed by you attesting to the fact that none of the money in your LIRA is derived, directly or indirectly, from a pension benefit provided in respect of your employment.

C. Shortened Life Expectancy

- (a) Upon application in accordance with Section 22.4 of the Regulations to the Act, you may withdraw all or part of the money in your Scotia Self-Directed LIRA if, when you sign the application, you have an illness or physical disability that is likely to shorten your life expectancy to less than two years.
- (b) An application for the withdrawal described in this paragraph C must be given to us on a form approved by the Superintendent. The application form must be signed by you and accompanied by the following documents:
- (i) A statement signed by a physician who is licensed to practise medicine in a jurisdiction in Canada that, in the opinion of the physician, you have an illness or physical disability that is likely to shorten your life expectancy to less than two years.
 - (ii) Either a declaration about a spouse, as described in the Section 22.1(2) of the Regulations to the Act, or a statement signed by you attesting to the fact that none of the money in your LIRA is derived, directly or indirectly, from a pension benefit provided in respect of your employment.

D. Financial Hardship

You may apply to the Superintendent in the form and manner required by the Act and the Regulations to it to withdraw all or part of the money from your Scotia Self-Directed LIRA if you suffer from a circumstance of financial hardship that is prescribed in the Regulations to the Act. If the Superintendent consents to your application, we will make payment to you in accordance with the terms of the Superintendent's consent within 30 days after receiving the consent, provided that the consent is received by us no more than 12 months after the date it was signed by the Superintendent. The Superintendent's consent is a nullity if it is received by us more than 12 months after the date it was signed by the Superintendent.

E. Withdrawal Documentation – General Matters

- (a) We are entitled to rely upon the information provided by you in an application described in Section 5A, B or C if the application is made in accordance with the applicable provision in the Regulations to the Act. An application that meets the requirements of the applicable provision in the Regulations to the Act constitutes authorization to us to make the payment or, where applicable, transfer from your Scotia Self-Directed LIRA in accordance with that provision.
- (b) If you are required to give a document to us for the purposes of a withdrawal described in Section 5A, B or C or a transfer described in Section 5A, and if the document is one that must be signed by you or by your spouse, the document is a nullity if it is signed by you or your spouse more than 60 days before we receive it.



Addendum (continued)

- (c) When we receive a document required under the Regulations to the Act for the purposes of a withdrawal described in Section 5A, B or C or a transfer described in Section 5A, we will give you a receipt for the document stating the date on which it was received.
 - (d) If you are entitled to a withdrawal payment described in Section 5A, B or C or a transfer described in Section 5A, we are required to make the payment or transfer within 30 days after we receive the completed application form and accompanying document(s) required under the applicable provision in the Regulations to the Act.
- 4. Estate Matters**
- (a) Upon your death, your spouse or, if you do not have a spouse or if your spouse is otherwise disentitled, your named beneficiary or, if there is no beneficiary named, your estate is entitled to receive a benefit equal to the value of the assets in your Scotia Self-Directed LIRA. This benefit may be transferred to an RRSP or an RRIF in accordance with the Tax Act.
 - (b) Your spouse is not entitled to receive the value of the assets in your Scotia Self-Directed LIRA unless you were a member or former member of a pension plan from which assets were transferred directly or indirectly to purchase your Scotia Self-Directed LIRA. In addition, a spouse who is living separate and apart from you on the date of your death is not entitled to receive the value of the assets in your LIRA.
 - (c) For the purposes of paragraph (a),
 - (i) the determination as to whether you have a spouse is made on the date of your death.
 - (ii) the value of the assets in your Scotia Self-Directed LIRA includes all accumulated investment earnings, including any unrealized capital gains and losses, of the LIRA from the date of death until the date of payment.
 - (d) Your spouse may waive his or her entitlement to receive the survivor's benefit described in this Section 4 by delivering to us a written waiver in a form approved by the Superintendent. Your spouse may cancel such a waiver by delivering a written and signed notice of cancellation to us before the date of your death.