



## DEFINITION OF SPOUSE UNDER PENSION BENEFITS LEGISLATION

### Alberta

Your spouse/pension partner is the person who, at the date a determination of spousal status is required:

- (a) is married to you and, if no longer living with you, has not lived separate and apart from you for three or more consecutive years; or
- (b) if there is no person described in (a) above, the person who, immediately preceding the relevant time, has been living with you in a conjugal relationship:
  - (i) for a continuous period of at least three years, or
  - (ii) of some permanence, if there is a child of the relationship by birth or adoption.

### British Columbia

Your spouse is the person who, at the date a determination of spousal status is required:

- (a) is married to you and, if no longer living with you, has not lived separate and apart from you for more than two years in the immediately preceding period; or
- (b) if there is no person described in (a) above, the person who has been living with you in a marriage-like relationship for the immediately preceding two years.

### Manitoba

Your spouse is the person who, at the date a determination of spousal status is required:

- (a) is married to you; or
- (b) has registered a common law relationship with you under Section 13.1 of the *Vital Statistics Act* and is cohabiting with you at the relevant time; or
- (c) is not married to you or is not your registered common law partner described in (b) above, but has cohabited with you in a conjugal relationship in the immediately preceding period:
  - (i) for a period of at least three years, if either of you is married; or
  - (ii) for a period of at least one year, if neither of you is married.

### New Brunswick

Your spouse is the person of the opposite sex who, at the date a determination of spousal status is required:

- (a) is married to you;
- (b) is married to you by a marriage that is voidable and has not been avoided by a declaration of nullity;
- (c) has gone with you, in good faith, through a form of marriage that is void and who has cohabited with you within the preceding year; or
- (d) without being married to you, has cohabited with you in a conjugal relationship continuously for at least three years, and part of this three year period was within the preceding year, provided that one of you has been substantially dependent upon the other for support; or
- (e) without being married to you, has cohabited with you in a relationship of some permanence within the preceding year, if you jointly are the natural parents of a child.

### Newfoundland and Labrador

Your spouse is the person who, if you have no cohabiting partner at the date a determination of spousal status is required:

- (a) is married to you; or
- (b) is married to you by a marriage that is voidable which has not been voided by a judgement of nullity, or
- (c) has, in good faith, gone through a form of marriage with you that is void and is or has cohabited with you within the preceding year.

Your cohabiting partner is, at the date a determination of spousal status is required:

- (a) if you have a spouse, the person who is not your spouse and has cohabited continuously with you in a conjugal relationship for a period of at least three years and is cohabiting with you or has cohabited with you within the preceding year; or
- (b) if you do not have a spouse, the person who has cohabited continuously with you in a conjugal relationship for a period of at least one year and is cohabiting with you or has cohabited with you within the preceding year.

### Nova Scotia

Your spouse is the person who is not living separate and apart from you and who, at the date a determination of spousal status is required:

- (a) is married to you;
- (b) is married to you by a marriage that is voidable and has not been annulled by a declaration of nullity;
- (c) with whom you have gone through a form of marriage, in good faith, that is void and who is cohabiting with you or, if you have ceased to cohabit, has cohabited with you within the immediately preceding 12 month period;
- (d) is your "registered domestic partner" under the Nova Scotia Vital Statistics Act; or
- (e) if there is no person to whom (a), (b), (c), or (d) applies, a person who has cohabited with you in a conjugal relationship for at least 2 years, provided that neither of you is the spouse of another person as defined in (a), (b), (c) or (d) above.

### Ontario

Your spouse is the person who, at the date a determination of spousal status is required:

- (a) is married to you and is not living separate and apart from you; or
- (b) is not married to you and has been living with you:
  - (i) in a conjugal relationship continuously for a period of not less than three years; or
  - (ii) in a conjugal relationship of some permanence if you both are the natural or adoptive parents of a child.

### Quebec

Your spouse is the person who, at the date a determination of spousal status is required:

- (a) is married to or in a civil union with you and is not legally separated from bed and board from you; or
- (b) if you are not married to or in a civil union with anyone, the person who has been living in a conjugal relationship with you for a period of not less than three years, or for a period of not less than one year if:
  - (i) at least one child is born or to be born of your union;
  - (ii) you have jointly adopted at least one child while living together in a conjugal relationship; or
  - (iii) one of you has adopted at least one child who is the child of the other while living together in a conjugal relationship.

For the purposes of paragraph (b) above, the birth or adoption of a child prior to the period of conjugal relationship existing on the day as of which spousal status is established may qualify a person as a spouse.

### Saskatchewan

Your spouse is the person who, at the date a determination of spousal status is required:

- (a) is married to you; or
- (b) if you are not married to anyone, has been cohabiting continuously with you as your spouse for at least one year.

### Federal

Your spouse is the person who, at the date a determination of spousal status is required:

- (a) if there is no person described in (b) below, is married to you or is party to a void marriage with you; or
- (b) is cohabiting with you in a conjugal relationship and has been doing so for at least one year.

<p><b>NOTE:</b></p> <ol style="list-style-type: none"><li>1. The above <b>provincial</b> spouse definitions are applied based on your <b>province of employment</b>.</li><li>2. The above <b>federal</b> spouse definition applies to <b>federally regulated employees</b> regardless of their province of employment.</li><li>3. Regardless of applicable provincial or federal spouse definition, if you are not legally married, the Income Tax Act requires a minimum of one year of cohabitation; if this criterion is not met it may affect the <b>method</b> of payment of plan benefits.</li><li>4. The existence of a prior legal agreement may modify spousal rights under provincial or federal pension benefits legislation.</li><li>5. If you have any questions or concerns, please confer with your benefits administrator for assistance in completing this form.</li></ol>
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