

# SECTION CONTENTS

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# 10 DIVISION OF BENEFITS ON MARITAL BREAKDOWN

Any spouse who believes they may have an entitlement to a pension should file a [Claim and Request for Information and Notice](#) as soon as possible.



A pension is presumed by law to be a family asset, which means that it may be divided when a marriage breaks down. The *Family Law Act* governs how a pension may be divided between a plan member and their spouse when they separate or divorce. Both parties should consider obtaining legal advice about dividing matrimonial property. The pension plan cannot provide advice about dividing pensions.

For further information, see the website [mpp.pensionsbc.ca](http://mpp.pensionsbc.ca), or have the member contact Member Services.

The Municipal Pension Plan is a defined benefit plan, meaning that pensions are based on a formula of years worked, earnings and retirement age. The plan member's contributions do not represent the entire value of the pension. If the member's former spouse is considering a cash payment rather than a pension split, it may be necessary to determine the value of the pension in order to divide it fairly. This is called a valuation. If one of your plan members or their former spouse requires a valuation, they should consult an actuary.

A former spouse can protect their entitlement to a share of the pension by submitting a *Claim and Request for Information and Notice*. After the Form P1 is submitted, the Municipal Plan will notify the former spouse of any subsequent significant transactions affecting the pension and can release certain information to the former spouse regarding the affected pension. This information may be needed for an actuary to calculate the value of the pension. A court order or separation agreement is not required to submit the Form P1.

