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Division of Survivor’s Pension

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This policy replaces the following PPM policies: Article 55 - Division of Pension; Article 47(1) & (3) - Survivor's Pensions for Separated Spouses, Former Spouses and Former Common-law Partners.

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Purpose

The purpose of this policy is to provide direction with respect to the division of a survivor pension granted under the *Pension Act* in circumstances where there may be more than one claimant.

Policy

General

1. As a general principle, there must be extenuating circumstances before a pension is divided.
2. In cases where a division of pension is requested, a surviving spouse/common-law partner and a surviving former or separated spouse or former common-law partner will usually be involved, and the surviving spouse/common-law partner should be given first consideration since he/she is the survivor as of right.
3. Based on the above, the surviving spouse/common-law partner should not receive less than 50% of the survivor's pension as provided by Schedule II.
4. If the surviving former or separated spouse or former common-law partner was receiving maintenance prior to the Veteran's death and applies for pension under subsection 47(1) of the Act after the Veteran’s death, he/she should not receive more than the amount paid by the Veteran during his/her lifetime.
5. In any case where there is also a surviving spouse/common-law partner, the surviving former or separated spouse or former common-law partner will not receive more than 50% of the survivor’s pension.
6. If there is no longer a surviving spouse/common-law partner and the surviving former or separated spouse or former common-law partner is in a dependent condition, an award up to the full amount of Schedule II may be paid to the surviving former or separated spouse or former common-law partner under section 47.

References

Pension Act, sections 47(1) and (2), 55

Survivor’s Pensions for Separated Spouses, Former Spouses and Former Common-law Partners

Definition of Survivor for the Purposes of Disability and Death Benefits

Dependent Condition