



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **TEACHERS' SUPERANNUATION ACT GENERAL REGULATIONS**

## PLEASE NOTE

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For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

If you find any errors or omissions in this consolidation, please contact:

*Legislative Counsel Office*  
*Tel: (902) 368-4292*  
*Email: [legislation@gov.pe.ca](mailto:legislation@gov.pe.ca)*



## TEACHERS' SUPERANNUATION ACT

### Chapter T-1

## GENERAL REGULATIONS

Pursuant to section 33 of the *Teachers' Superannuation Act* R.S.P.E.I. 1988, Cap. T-1, Council made the following regulations:

**1. "Act" defined**

In these regulations, "Act" means the *Teachers' Superannuation Act* R.S.P.E.I. 1988, Cap. T-1. (EC112/18)

**2. Adjustment of yearly pension**

- (1) For the purposes of subsection 16(6) of the Act, and subject to subsection (2), in computing the amount of yearly pension payable to a member who is under the age of 65 years and eligible to receive an unreduced yearly pension under subsection 16(6) of the Act, the yearly pension shall be adjusted by reducing the amount payable by the amount calculated in accordance with subsection 18(2) of the Act.

**Exception**

- (2) The adjustment referred to in subsection (1) does not apply to the yearly pension payable to a member who provides proof satisfactory to the Commission, upon the request of the Commission, that the member is not receiving Canada Pension Plan disability benefits. (EC112/18)

**3. Surplus funds after transfer**

Where a person transfers a lump sum amount from the Fund to a registered pension plan under section 30 of the Act in respect of transfer of service, any surplus funds remaining after the transfer shall remain with the Fund. (EC112/18)

**4. Proof of eligibility - member or vested former member**

- (1) Where a member or vested former member is applying for pension benefits, the member or vested former member shall provide to the Commission, in the applicable form approved by the Commission, the following information to establish proof of eligibility for pension benefits:
- (a) a declaration that the person is the member or vested former member;
  - (b) proof of the member or vested former member's date of birth.

**Proof of eligibility - person eligible for separate pension**

- (2) Where a person who is eligible for a separate pension under section 31.91 of the Act is applying for pension benefits, the person shall provide to the Commission, in the applicable form approved by the Commission, the following information to establish proof of eligibility for pension benefits:
- (a) a declaration that the person is the person entitled to a separate pension;
  - (b) proof of the person's date of birth.

**Proof of eligibility - spouse or former spouse**

- (3) Where a spouse or former spouse of a member, vested former member or pensioner is applying for pension benefits, the person shall provide to the Commission, in the specified form or the applicable form approved by the Commission, the following information to establish proof of eligibility for pension benefits:
- (a) where the person was married to the member, vested former member or pensioner, a copy of the marriage certificate or an equivalent document evidencing the marriage;
  - (b) where the person was not married to the member, vested former member or pensioner,
    - (i) proof that the person and the member, vested former member or pensioner were claiming each other as common-law spouses on a T-1 General Income Tax and Benefit Return filed under the *Income Tax Act* (Canada) for the year preceding the date of the application, or
    - (ii) if applicable, a copy of the long form birth certificate, an adoption order or an equivalent document evidencing that the person and the member, vested former member or pensioner were the natural or adoptive parents of a child or children;
  - (c) a declaration that the person and the spouse or former spouse of the member, vested former member or pensioner were living together for a continuous period of at least three years, including on the date of death of the member, vested former member or pensioner;
  - (d) proof of the dates of birth of both the person and the member, vested former member or pensioner.

**Proof of eligibility - dependent child**

- (4) Where a dependent child of a member, vested former member or pensioner is applying for pension benefits under section 24 or 25 of the Act, the dependent child, or his or her guardian, shall provide to the Commission, in the specified form or the applicable form approved by the Commission, the following information to establish proof of eligibility for pension benefits:
- (a) a copy of the long form birth certificate, an adoption order or an equivalent document evidencing that the dependent child is the natural or adopted child of the member, vested former member or pensioner;
  - (b) where the child is 18 years of age or older and dependent on the member, vested former member or pensioner for maintenance and support by reason of mental or physical disability,
    - (i) confirmation from a medical practitioner that the person applying for the benefit has a mental or physical disability that renders the person dependent on the member, vested former member or pensioner, and
    - (ii) proof that the member, vested former member or pensioner was claiming the dependent child when filing a T-1 General Income Tax and Benefit Return



filed under the *Income Tax Act* (Canada) for the year preceding the date of the application;

- (c) where the child is 18 years of age or older and is attending post-secondary studies, evidence of attendance on a full-time basis at an institution of learning described in subsection 14(2) of the *Student Financial Assistance Act* R.S.P.E.I. 1988, Cap. S-8.2;
- (d) a declaration that the person was at the time of the member's, vested former member's or pensioner's death, and still is, the dependent child of the member, vested former member or pensioner;
- (e) proof of the dates of birth of both the dependent child and the member, vested former member or pensioner.

#### **Personal representative**

- (5) Where a personal representative of a member, vested former member, pensioner or person entitled to a separate pension is applying for pension benefits under the Act, the personal representative shall provide to the Commission, in the specified form or the applicable form approved by the Commission, the following information to establish proof of eligibility for pension benefits:
  - (a) a copy of the letters probate or letters of administration of the Supreme Court or a superior court of a province or territory appointing the person as the personal representative of the estate of the member, vested former member, pensioner or person entitled to a separate pension;
  - (b) a declaration that the person is the personal representative of the estate of the member, vested former member, pensioner or person entitled to a separate pension;
  - (c) a copy of the death certificate of the member, vested former member, pensioner or person entitled to a separate pension.

#### **Alternative information**

- (6) Notwithstanding subsections (1) to (5), the Commission may accept alternative information to establish proof of eligibility for pension benefits if, in the opinion of the Commission, the required information is not reasonably available to the person who is making the application for pension benefits.

#### **Additional information**

- (7) In addition to the information required by subsections (1) to (5), an applicant for pension benefits shall provide any additional information required by the Commission to establish the applicant's proof of eligibility for pension benefits under the Act.

#### **Periodic proof**

- (8) Where a dependent child is in receipt of a benefit, the Commission may require periodic proof of continued dependency. (*EC112/18*)

### **5. Determining pensionable salary - unpaid leave**

For the purpose of determining the pensionable salary of a member under subsection 1(4) of the Act, unpaid leave for the following purposes shall be included in the determination if the period of leave is in excess of one year in duration:

- (a) unpaid leave granted for the purposes of taking employment with the Department of Education, Early Learning and Culture;
- (b) unpaid leave granted for the purposes of seeking or holding public office as outlined in the Memorandum of Agreement between the Education Negotiating Agency and the Prince Edward Island Teachers' Federation. (*EC112/18*)

**6. Application of section**

- (1) This section applies to indexation in respect of approved leaves that commence after December 31, 2013.

**Leave commencing on September 1**

- (2) Subject to subsection (3), where a member commences a leave on September 1 in a year, section 17.1 of the Act applies to the member's pensionable salary as if the member were credited with service in respect of that period of leave to a maximum of two years.

**Leave exceeding maximum period**

- (3) Where a leave commenced as specified in subsection (2) exceeds two years, that portion of the leave that exceeds two years shall be subject to section 19.2 of the Act.

**Leave commencing other than September 1**

- (4) Subject to subsection (5), where a member commences a leave on a day other than September 1 in a year, section 17.1 of the Act applies to the member's pensionable salary as if the member were credited with service in respect of that period of leave for the remainder of the year in which the leave commenced and up to a maximum of two additional years.

**Leave exceeding maximum period**

- (5) Where a leave commenced as specified in subsection (4) exceeds the maximum period of leave permitted under that subsection, the portion of the leave that exceeds the maximum is subject to section 19.2 of the Act. (EC112/18)

**7. Revocation**

The *Teachers' Superannuation Act Regulations* (EC206/77) are revoked. (EC112/18)

