1984

c 17 Legislative Assembly Retirement Allowances Amendment Act, 1984

Ontario
CHAPTER 17

An Act to amend the
Legislative Assembly Retirement Allowances Act
Assented to May 29th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 11 of the Legislative Assembly Retirement Allowances Act, being chapter 236 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

11.—(1) Where a former member who is receiving an allowance dies leaving a spouse, the spouse shall be paid during his or her lifetime an allowance equal to,

(a) 60 per cent of the allowance that the former member was receiving at the date of his or her death; and

(b) in respect of each child under the age of eighteen years, to a maximum of three children of the former member, 10 per cent of the allowance that the former member was receiving at the date of his or her death.

(2) Where a former member who is receiving an allowance dies leaving no spouse but leaving a child or children under the age of eighteen years, an allowance equal to the allowance that would have been paid to the spouse of the former member under subsection (1) if the spouse had survived the former member, shall be paid to or for the child or children until such age is attained.

(3) Where a member dies,

(a) leaving a spouse, the spouse shall be paid during his or her lifetime an allowance equal to the greater of,
(i) an amount equal to 25 per cent of the annual indemnity of the member in effect immediately before his or her death, or

(ii) an amount equal to,

A. 60 per cent of the allowance that the member had earned to the date of his or her death, and

B. in respect of each of not more than three children of the member under the age of eighteen years, 10 per cent of the allowance that the member had earned to the date of his or her death,

computed in the manner provided in section 6 or 9, as the case may be, but based on the member's service to the time of his or her death, and where the spouse dies leaving a child or children of the former member who at the date of the death of the spouse is or are under the age of eighteen years, an allowance equal to that paid or that would be paid to the spouse shall be paid to or for the child or children until such age is attained; or

(b) leaving no spouse but leaving a child or children under the age of eighteen years, an allowance equal to the allowance that would have been paid to the spouse of the member under clause (a) if the spouse had survived the member shall be paid to or for the child or children until such age is attained.

Option (4) The spouse,

(a) of a person who had elected under section 6 or 9 to take a deferred allowance at age fifty-five but who died before attaining such age; or

(b) of a person who was eligible to make an election to take a deferred or an immediate allowance under section 6 or 9 but died before making the election, at any time may elect to take a deferred allowance, in which case, commencing on the day that the person would have attained the age of fifty-five had he or she lived, the spouse shall be paid during his or her lifetime an allowance equal to,

(c) 60 per cent of the allowance to which the person would have been entitled at that time; and
(d) in respect of each child under the age of eighteen years, to a maximum of three children of the person, 10 per cent of the allowance to which the person would have been entitled at that time,

or may elect to take an immediate allowance, in which case the spouse shall be paid during his or her lifetime an allowance equal to the amount calculated in accordance with clauses (c) and (d) reduced actuarially in accordance with the tables prescribed by the regulations, which the person would have been entitled to receive at the time of the spouse’s election.

(5) Where a person referred to in clause (4) (a) or (b) dies leaving no spouse but leaving a child or children under the age of eighteen years, an allowance equal to the immediate allowance provided for in subsection (4), reduced actuarially in accordance with the tables prescribed by the regulations for the purposes of subsection (4), shall be paid to or for the child or children until such age is attained.

(6) For the purposes of this section, a person who has attained the age of eighteen years but has not attained the age of twenty-five years and who is in full-time attendance at a school, college, university or other institution that is recognized by the Board of Internal Economy for the purposes of this section as a place of higher education shall be deemed not to have attained the age of eighteen years.

(2) Section 11 of the said Act, as re-enacted by subsection (1) of this section, applies in respect of every allowance payable under Part I of the said Act on or after the date on which this section is deemed to have come into force.

2.—(1) Subclause 14 (a) (ii) of the said Act is amended,

(a) by striking out “three fiscal years” in the fifth line and inserting in lieu thereof “thirty-six months”; and

(b) by striking out “years” where it occurs the second time in the fifth line and inserting in lieu thereof “months”.

(2) Subclause 14 (a) (ii) of the said Act, as amended by subsection (1) of this section, does not apply in respect of a person who became or who becomes entitled to an allowance under the said Act before the day this section comes into force.
3.—(1) Subsection 18 (4) of the said Act is amended by inserting after "rule" in the third line "or the fifty-five year rule, as the case requires".

(2) Subsection 18 (5) of the said Act is repealed and the following substituted therefor:

(5) Where a person who is entitled to an allowance has been a contributor to the Legislative Assembly Retirement Allowances Account for less than thirty-six months, the allowance shall be based upon the person's average annual remuneration during the months that the person was a contributor to the Account.

4.—(1) Section 19 of the said Act is amended by adding thereto the following subsection:

(1a) Where a former member who is receiving an allowance dies leaving no spouse but leaving a child or children under the age of eighteen years, an allowance equal to the allowance that would have been paid to the spouse of the former member under subsection (1) if the spouse had survived the former member, shall be paid to or for the child or children until such age is attained.

(2) Subsection 19 (3) of the said Act is amended by inserting after "rule" in the fourth line and in the eleventh line "or the fifty-five year rule, as the case requires".

5. Clause 32 (b) of the said Act is amended by inserting after "subsection 9 (4)" in the second line "section 11".

6.—(1) This Act, except sections 1 and 4, shall be deemed to have come into force on the 1st day of April, 1981.

(2) Sections 1 and 4 shall be deemed to have come into force on the 12th day of July, 1977.

7. The short title of this Act is the Legislative Assembly Retirement Allowances Amendment Act, 1984.