

A SUMMARY PLAN DESCRIPTION  
OF THE  
AMERICAN FEDERATION OF MUSICIANS'  
AND EMPLOYERS' PENSION  
WELFARE FUND (CANADA)

June, 1999

**AMERICAN FEDERATION OF MUSICIANS' AND EMPLOYERS'  
PENSION WELFARE FUND (CANADA)**

2255 Sheppard Avenue East, Suite A110  
North York, Ontario  
M2J 4Y1

Telephone: (416) 497-4702  
Toll Free: 1-888-462-6666  
Fax: (416) 497-4742  
E-mail: afmepw.can@sympatico.ca

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Pierre Racicot  
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**AMERICAN FEDERATION OF MUSICIANS' AND EMPLOYERS'  
PENSION WELFARE FUND (CANADA)**

To All Covered Employees and Musicians:

The Board of Trustees of the American Federation of Musicians' and Employers' Pension Welfare Fund (Canada) is pleased to provide you with this Summary Plan Description of the Rules and Regulations of your Pension Plan.

This Summary booklet incorporates the main features of the Plan. As you read through it, you will learn how you become a Plan member, what your benefits are and how they are calculated.

In this booklet we have tried to describe the Plan's provisions as clearly as possible in a plain and straightforward manner. However, this is only a summary of the Plan. **The Pension Plan is ruled by the Rules and Regulations; if there is any conflict between this Summary and the Rules and Regulations, the Rules and Regulations will apply.**

Please read this Summary carefully and share it with your family. It is important that you and your family be aware of your retirement benefits and the Plan's survivor protection features. We also suggest that you keep this Summary handy for future reference.

If you have any questions or require any additional information regarding your Pension Plan and how it affects your pension rights and benefits, you should contact the Fund Office at the address listed on the preceding page of this booklet. You may also update personal information by fully completing the enclosed information form and forwarding it to the Fund Office.

This Pension Plan represents important protection for you and your family, and the Board of Trustees is proud to be involved in the continued operation of this valuable program.

With our very best wishes for the future.

Sincerely,

BOARD OF TRUSTEES  
June, 1999

## TABLE OF CONTENTS

### INTRODUCTION

### PARTICIPATION

Who Can Become A Member Of This Plan?  
When Do I Become A Member?  
If You Are A Musician  
If You Are Not A Musician

### VESTING

What Are Years of Vesting Service?  
When Am I Vested?

### PENSION BENEFITS

When Am I Eligible For A Normal Pension?  
How Much Will My Normal Pension Be?  
When Am I Eligible For An Early Pension?  
How Much Will My Early Pension Be?  
When Am I Eligible For A Special Retirement Pension?  
How Much Will My Special Retirement Pension Be?  
When Am I Eligible For A Disability Pension?  
How Is Total And Permanent Disability Defined?  
How Much Will My Disability Pension Be?  
Who Is Eligible For A Deferred Pension?  
How Much Will My Deferred Pension Be?

### TERMINATION

When Does Termination Of Membership In The Plan Occur?  
What Am I Eligible To Receive If I Terminate My  
Membership Before I Retire?  
What Is The Portability Option?

### WORK AFTER RETIREMENT

What If I Return To Work After I Retire?

### FORMS OF PENSION PAYMENT

When Will My Pension Benefit Commence?  
How Is My Benefit Paid?  
Normal Form - If You Do Not Have A Spouse  
Joint Form - If You Do Have A Spouse

### SURVIVOR BENEFITS

When Must I Apply For Benefits?  
How Is My Spouse Protected If I Die Before I Retire?  
What Happens To My Benefits If I Do Not Have A Spouse?

**TABLE OF CONTENTS (Cont'd)**

**APPLYING FOR BENEFITS**

How Do I Apply For Benefits?

How Does My Spouse Or Beneficiary Apply For A Benefit?

**OTHER INFORMATION**

What If My Employment Is Split Between Canada And The United States?

Can I Receive More Than One Pension From The Plan?

Can I Assign My Benefits?

How Will I Know What My Benefits Are Under This Plan?

Will The Benefits Provided Under This Plan Affect My

Canada Or Quebec Pension Plan Benefits In Any Way?

What If I Get A Divorce, Annulment Or Separation?

**SUMMARY**

**REQUEST FOR PENSION APPLICATION**

**CHANGE OF ADDRESS NOTICE**

**MEMBER INFORMATION/CHANGE OF BENEFICIARY CARD**

## **INTRODUCTION**

The American Federation of Musicians' and Employers' Pension Welfare Fund (Canada) was established primarily as a result of collective bargaining between employers and the Federation.

The Plan is registered under the Ontario Pension Benefits Act, 1990 and under the Income Tax Act. The registration number is 0215145.

The financing of the Plan is based solely on contributions by employers. Employee contributions are not required nor are they permitted. Contributions made to the Fund are held in a trust fund for the purpose of providing benefits to eligible members and to pay for the administrative expenses of the Fund.

The Plan is administered by a Board of Trustees, consisting of an equal number of employee and employer representatives, who are responsible for the overall operation of the Plan. They serve without compensation. Records and benefit payments are processed at the Fund Office which is managed by a Fund Administrator appointed by the Board of Trustees.

Under this Plan, there are normal, early, deferred, special retirement, disability and pre-retirement spouse's pensions, as well as a death benefit provision. A description of each type of pension available under the Plan, when you are eligible to receive a benefit, and how much you will receive is provided in this Summary Plan Description.

This booklet reflects all Plan provisions which were effective on June 15, 1999. If you terminated your participation in the Plan prior to 1999, the rules of the Plan as they existed on the date you last worked for a contributing employer will apply to you. When this Summary refers to "you", it assumes that you are an employee or member covered by the Plan.

The explanatory material which follows is not intended to either change or interpret the Plan as adopted by the Board of Trustees. The Trustees may, however, from time to time, change, amend or revise the Plan. You will be notified of any changes to the Plan.

## **PARTICIPATION**

### **Who Can Become A Member In This Plan?**

You can become a member in this Plan if you work for an employer who has an agreement with the AFM or you work for an employer who has been **accepted by the Trustees**, to contribute to the Fund on your behalf, and you are:

- (1) a musician (including a composer, arranger, copyist, proofreader, librarian, instrumentalist, leader, contractor or sound consultant),
- (2) an elected or appointed officer or representative of the AFM or any of its affiliated locals, or
- (3) an employee of the Trust Fund or the AFM or any of its affiliated locals.

### **When Do I Become A Member?**

If contributions to the Fund on your behalf started after 1989, then your eligibility to become a member of the Plan depends on whether you are considered a musician as described in category (1) above, or if you fall into the non-musician categories (2) or (3).

### **If You Are A Musician**

If you are a musician and first have contributions made on your behalf on or after January 1, 1990, you will become a member of the Plan when your employer first makes contributions to the Fund on your behalf.

### **If You Are Not A Musician**

If you are not a musician, you become a member of the Plan on the first of the calendar year following the calendar year in which you either work 700 hours or accumulate \$5,000 of covered earnings.

### **WHEN DOES TERMINATION OF MEMBERSHIP IN THE PLAN OCCUR**

If you are a musician and you are not vested, your membership in the Plan will terminate after 6 consecutive months for which no contributions are made on your behalf.

If you are a musician and you are vested, your membership in the Plan will terminate after 24 consecutive months for which no contributions are made on your behalf.

If you are not a musician, your membership will terminate on the day you terminate your employment with an employer.

## **VESTING**

### **What Are Years Of Vesting Service?**

Vesting means entitlement. If you are vested, it means you are entitled to a pension from the Plan when you retire. Once you are "vested", you have a right to the pension you have earned, even if you never work in the music industry again.

Vesting service is one of the concepts used in determining a member's vested status. You begin earning vesting service after you become a member of the Plan and you earn one month for each month you are a member.

### **When Am I Vested?**

You may become vested under any one of the following rules, whichever is applicable:

- you have earned at least 24 months of vesting service;  
or
- you have attained age 65 while you are a member of the Plan.

#### **Example:**

James, a musician, becomes a member of the Plan on January 1, 1991.

He remains a member of the Plan all through 1991 and 1992. On January 1, 1993, he has earned a total of two years of vesting service and therefore, becomes "vested" in all his accrued benefits. This means James has earned a right to a pension even if he does not work in the music industry again.

## **PENSION BENEFITS**

The Plan offers five types of pension. These are:

- Normal Pension
- Early Pension
- \* Special Retirement Pension
- Disability Pension
- Deferred Pension

This section describes when you are eligible to receive each type of pension and the amount of that pension. Please keep in mind that you may receive only one type of pension from the Plan.

### **Normal Pension**

#### **When Am I Eligible For A Normal Pension?**

You are eligible to retire on a normal pension if you are age 65 and vested when you retire.

#### **How Much Will My Normal Pension Be?**

The monthly amount of your normal pension is based on the total contributions made to the Fund on your behalf. If your monthly pension starts on January 1, 1993 or later, you will receive a benefit equal to \$3.80 for each \$100 of contributions made to the Plan on your behalf for covered employment prior to 1992 and, \$3.70 for each \$100 of contributions made to the Plan on your behalf for covered employment on or after January 1, 1992.

#### **Example:**

Pierre retires in April, 1999 when he attains age 65. He has \$18,000 of contributions since becoming a member in 1972 (\$10,000 for the period prior to 1992 and \$8,000 in the period after January 1, 1992). His monthly pension is calculated by multiplying \$3.80 times 100 units of \$100 (\$10,000) + \$3.70 times 80 units of \$100 (\$8,000). Pierre's monthly normal pension at his retirement date is \$676.00.

## Early Pension

### When Am I Eligible For An Early Pension?

You may wish to retire before age 65. If so, you may receive an early pension if you are between the ages of 55 and 65 and vested when you retire.

### How Much Will My Early Pension Be?

The monthly amount of your early pension is calculated the same way as a normal pension. However, because you will be receiving your pension sooner and over a longer period of time, the monthly amount you will receive is reduced. The reduction factor is based on your age at retirement.

The following chart shows the reduction factor for early pension at each retirement age:

Age at Retirement	Percentage of Reduction for Early Pension
65	0
64	4
63	8
62	12
61	16
60	20
59	26
58	32
57	38
56	44
55	50

#### **Example:**

Julia who is 62 years old has calculated, based on the contributions made to the Plan on her behalf to date, that she would be entitled to a monthly normal pension of \$660 at age 65. If, however, instead of retiring at age 65, she retires today at age 62 with the same amount of contributions, her early pension would be calculated as follows:

1. Normal pension = \$660.00
2. Less early retirement reduction  
(12% x \$660.00) = -79.20
3. Early pension = \$580.80

Julia will receive an early pension of \$581 per month since the Plan rounds the pension to the next higher dollar amount.

## **Special Retirement Pension (Effective January 1, 1997)**

### **When Am I Eligible for a Special Retirement Pension?**

If you are a vested, active Plan member with 15 years of contributions and you are at least 55 years old, you may retire on a special retirement pension.

The 15 years shall not include any periods which have been cancelled before the attainment of vested status.

### **How Much Will My Special Retirement Pension Be?**

If you retire at age 63 or older, there will be no reduction in your pension. If you are between age 55 and 62 when you retire, the special retirement pension has a lower reduction than the early pension.

The following is a chart showing the reduction factors for special retirement pension at each retirement age:

<b>Age at Retirement</b>	<b>Percentage of Reduction for Special Retirement Pension</b>
65	0
64	0
63	0
62	4
61	8
60	12
59	16
58	20
57	26
56	32
55	38

#### **Example:**

Theresa who is 60 years old has calculated, based on contributions made to the Plan on her behalf to date, that she would be entitled to a monthly normal pension of \$750.00 at age 65. If, however, she retires today at age 60 with the same amount of contributions, her special retirement pension would be calculated as follows:

1. Normal Pension = \$750.00
2. Less special retirement reduction  
(12% x \$750.00) = - \$90.00
3. Special retirement pension = \$660.00

## **Disability Pension**

### **When Am I Eligible For A Disability Pension?**

You will be eligible for a disability pension if you:

- become totally and permanently disabled while you are a member of the Plan,
- are not eligible to retire on a normal pension, and
- are vested at the time of your disability.

### **How Is Total And Permanent Disability Defined?**

You are considered totally and permanently disabled if, on the basis of medical evidence satisfactory to the Trustees:

- you are totally unable, as a result of bodily injury or disease, to engage in or perform duties of any occupation for remuneration or profit, and
- your disability will be permanent and continuous for the remainder of your life.

If you apply for a disability pension, you may be required to submit to an examination by a physician selected by the Trustees. You may also be re-examined at periodic intervals as the Trustees see fit.

### **How Much Will My Disability Pension Be?**

The monthly amount of the disability pension is equal to the amount of the normal pension you would be entitled to based on the contributions made to the Plan on your behalf up to the date of your disability.

#### **Example:**

John becomes totally and permanently disabled in January, 1997 at the age of 42. He has \$25,000 in contributions (\$20,000 in contributions before 1992 and \$5,000 in contributions after January 1, 1992). His monthly disability pension is calculated by multiplying \$3.80 times 200 units of \$100 (\$20,000) and \$3.70 times 50 units of \$100 (\$5,000). John's monthly disability pension will be \$945.00.

## **Deferred Pension**

### **Who Is Eligible For A Deferred Pension?**

If you are vested and you have terminated your membership in the Plan before you retire, you can receive a deferred pension when you retire provided you have not chosen the portability option at the time of your termination.

The deferred pension is payable to you upon your retirement from the industry at any time after your 55th birthday.

### **How Much Will My Deferred Pension Be?**

Depending on your age at retirement, the monthly amount of your deferred pension is calculated in one of two ways.

**Between Age 55 and 65** - If your deferred pension begins between the ages of 55 and 65, the monthly amount of your deferred pension is calculated the same way as an early pension.

**Age 65 or Older** - If your deferred pension begins after you have reached age 65, the monthly amount of your deferred pension is calculated the same way as a normal pension.

## TERMINATION

### What Am I Eligible to Receive If I Terminate My Membership Before I Retire?

If you are vested at the time you terminate your membership, you will be entitled to a deferred pension which will be payable at age 65 or, if you choose, any time after age 55 on a reduced amount. For more information concerning the deferred pension, refer to the section on "**Pension Benefits**".

If you are vested and under age 55 at the time you terminate your membership in the Plan, instead of a deferred pension, you may elect the **portability option**.

### What Is The Portability Option?

This option permits you to transfer the lump sum commuted value of your deferred pension to:

- a retirement savings arrangement that meets the requirements of the Income Tax Act and the applicable provincial Act, such as a locked-in Registered Retirement Savings Plan,
- the pension plan of a new employer, if that plan permits, or
- to purchase an immediate or deferred life annuity from an insurance company.

Any funds transferred under the portability option must be locked-in until at least age 55 and must be used to purchase a monthly annuity. The law does not permit you to take these funds as a lump sum cash payment.

You should be aware that if you choose the portability option, you will not be entitled to any further benefits in respect of your membership before the transfer. If you later return to employment, you will be treated as a new employee, and you must again satisfy the rules to become a member of the Plan.

## **WORK AFTER RETIREMENT**

### **What If I Return to Work After I Retire?**

Effective January 1, 1992, Income Tax regulations prohibit a Plan member from accruing additional pension plan credits at the same time he or she is receiving benefit payments.

The Trustees have made the following changes to ensure that the Plan complies with the regulations while providing the greatest possible benefits to our members.

As of January 1, 1992, if you retire and return to work, you will continue to receive your pension from the regular AFM-EPW plan and will accrue an additional pension benefit from the employer contributions made to the post-retirement fund.

### **How does the Post-Retirement Fund Work?**

The post-retirement fund is separate from the AFM-EPW plan and does not provide a defined pension benefit. With the post-retirement fund, the total amount of employer contributions made on your behalf for the calendar year is converted to an additional monthly pension benefit. The amount of monthly benefit depends on your age and the applicable interest rates at the time your post-retirement fund benefit is calculated. This additional monthly benefit will be added to your regular pension benefit cheque.

## **FORMS OF PENSION PAYMENT**

### **When Will My Pension Benefit Commence?**

In general, with the exception of the disability pension, your pension benefits will begin no sooner than the first day of the first month after you have met all the requirements of the Pension Plan, including the filing of an application, for entitlement to benefits.

Your disability pension will ordinarily start the month following the commencement of your disability as approved by the Trustees. However, if you apply for a disability pension more than 12 months after the commencement of your disability, retroactive payments will only be made for a maximum of 12 months, including the month in which the application is received.

### **How Is My Benefit Paid?**

You will receive your pension in the form of equal monthly payments. However, if you are not affected by the pension law of Quebec and your monthly pension at age 65 is less than one-twelfth of 2% of the yearly maximum pensionable earnings (YMPE) on which your CPP/QPP contributions are based, (this is an amount established by the Federal Government), instead of the monthly pension, the Trustees may pay to you in cash a lump sum payment which is equal to the commuted value of your monthly pension entitlement.

If you are affected by the pension law of Quebec, and if the commuted value of your monthly pension that would be payable at age 65 is less than 4% of the YMPE for the year in which you cease to participate in the Plan or retire, the Trustees may pay to you a lumpsum payment which is equal to the commuted value of your monthly pension entitlement.

Your pension will be paid in the Joint form if you have a spouse and in the Normal form if you do not.

Most provinces in Canada have different legal definitions of spouse. Generally, a spouse is a person to whom you are married, or with whom you are in a common law relationship for a period of time. Please contact the Fund Office for additional information regarding the definition of a spouse.

### **Normal Form - If You Do Not Have A Spouse**

If on the day you retire, you do not have a spouse, your normal, early, special retirement, deferred or disability pension will be paid to you in equal monthly payments for as long as you live with a minimum guarantee of 120 payments.

If you die before receiving 120 monthly payments, your beneficiary or estate will continue to receive benefit payments until the balance of the 120 guaranteed payments has been made. If you die after receiving 120 monthly payments, your pension payments will cease with the last payment payable in the month of your death.

Your beneficiary is the person or persons whom you have designated to receive benefits under the Plan upon your death.

You may change beneficiaries at any time by notifying the Trustees in writing. In order for the change of beneficiary to be effective, it must be received by the Trustees prior to any payments being made to your beneficiary whose name is on file at the Fund Office.

### **Joint Form - If You Do Have A Spouse**

By law, if you have a spouse as defined by the Plan on the date your pension begins, the normal, early, special retirement, deferred, or disability pension you are entitled to must be paid as a 66-2/3% joint and survivor benefit. Under this form of payment, you will receive a monthly pension for as long as you live, and upon your death, your spouse will receive 66-2/3% of your pension for the remainder of his or her lifetime.

You and your spouse may waive the payment of the joint and survivor benefit by submitting a Spousal Waiver Form to the Fund Office. It must be signed by you and your spouse and a witness who is not related, in any way, to you or your spouse. This waiver must be filed with the Fund Office before payment of your benefits commences. Please contact the Fund Office for further information on the Spousal Waiver Form and its completion.

Once you file a Spousal Waiver Form, you will be eligible to receive your pension benefit in the normal form, as though you did not have a spouse.

## **SURVIVOR BENEFITS**

### **How Is My Spouse Protected If I Die Before I Retire?**

If you are vested and die before you retire, your spouse is entitled to a pre-retirement spouse's benefit.

The benefit is payable as an immediate monthly pension with the first 120 payments guaranteed. The lump sum commuted value of this monthly pension is equal to the lump sum commuted value of the monthly benefit you have accrued to the date of your death.

If you are not affected by the pension law of Alberta, British Columbia, Saskatchewan or Manitoba, instead of an immediate monthly pension, your spouse may choose a lump sum payment payable immediately, or a deferred pension payable no later than age 65.

If you are affected by the pension law of Alberta, British Columbia, Saskatchewan, or Manitoba, the pre-retirement spouse's benefit is payable as either an immediate monthly pension or your spouse may elect the portability option as described earlier in this booklet.

Where provincial legislation permits, you and your spouse may waive the right to the pre-retirement spouse's benefit by signing the prescribed Waiver Form available from the Trustees. If you and your spouse do so, it will be considered that you do not have a spouse eligible for the pre-retirement spouse's benefit, and the following benefit will apply.

### **What Happens To My Benefits If I Do Not Have A Spouse?**

If you do not have an eligible spouse, or your spouse has waived his or her right to the pre-retirement spouse's benefit, you may designate a beneficiary to receive a pre-retirement death benefit.

If you die before retiring, and you are vested, your beneficiary will receive a lump sum payment equal to the commuted value of the pension benefits you have earned to the date of your death.

If you have not designated a beneficiary, the benefit will be paid to your estate.

## **APPLYING FOR BENEFITS**

### **When Must I Apply For Benefits?**

You are urged to file your application at least two months before your intended retirement date. Early filing will avoid delays in processing your application and the payment of benefits.

You must apply prior to turning 69 as the Income Tax Regulations state that you must start your benefits no later than the end of the calendar year in which you turn 69. If you fail to start your benefits by that time, the Fund Office must get special permission from Revenue Canada to pay your benefits. Also, in these cases, there are no retroactive payments allowed.

### **How Do I Apply For Benefits?**

Payment of a pension benefit from this Plan is not automatic. You must apply for a benefit by completing and submitting the necessary forms.

Pension application forms are available from the Fund Office. You may call the Fund Office or you may mail the request form at the back of this booklet to the Fund Office to request an application form.

As soon as the Fund Office receives your request, an application form will be mailed to you, together with instructions on how to fill it out.

As part of the application you will be required to submit proof of age for both yourself and your spouse and proof of marital status, if needed.

When you complete the application and have attached the required proofs of age and marital status, you should sign the application and return it to the Fund Office.

The Fund Office will acknowledge receipt of your application and will notify you if any additional information is needed.

### **How Does My Spouse Or Beneficiary Apply For Benefits?**

As soon as possible after your death, your spouse or beneficiary should contact the Fund Office in writing and submit a copy of your death certificate.

Your spouse or beneficiary will be asked to complete an application form and submit proof of age, if applicable, and will be advised if additional information or proof is required. Your spouse or beneficiary should write to the Fund Office with any questions concerning eligibility for pre-retirement spouse's or death benefits. The Fund Office will help in every way possible with the application.

## **OTHER INFORMATION**

### **What If My Employment Is Split Between Canada And The United States?**

If you lack sufficient service to be eligible for a pension because your employment has been divided between this Plan and the American Federation of Musicians' and Employers' Pension Fund in the United States, under certain circumstances, your employment under the United States Plan may be recognized by this Plan for purposes of meeting the service requirement for benefits under this Plan.

To determine if you may be eligible for a partial pension, please contact the Fund Office.

### **Can I Receive More Than One Pension From The Plan?**

No. Under this Plan, you are entitled to receive only one type of pension. However, there are two exceptions to this rule. The first is a disability pensioner who recovers and returns to work. In this case, the disability pension will cease and he or she may be eligible to receive another type of pension from the Plan. The second is a pensioner who is the surviving spouse or beneficiary of a deceased pensioner. In this case the pensioner may collect both pensions at the same time.

### **Can I Assign My Benefits?**

No. The Plan prohibits any form of assignment, sale, transfer, attachment, or garnishment of your pension benefit as required by law. Also, it cannot be used as security for a loan or mortgage.

This clause is included in order to protect your pension benefit for its intended use - your retirement.

**How Will I Know What My Benefits Are Under This Plan?**

All of the records of the Plan are kept in such a manner that each member's records will be updated regularly. If you are an active member of the Plan, the Fund Office will send you a statement of the benefits accumulated for you under the Plan as well as your status in the Plan each year.

To ensure that the records are accurate and up-to-date, you should keep the Fund Office advised of any changes in your marital status and your mailing address.

**Will The Benefits Provided Under This Plan Affect My Canada Or Quebec Pension Plan Benefits In Any Way?**

No. The benefits provided under this Plan are in addition to any CPP/QPP benefits for which you may be eligible.

**What If I Get A Divorce, Annulment Or Separation?**

If you get a divorce, annulment or separation from your spouse, the allocation of your pension benefit will be subject to the applicable provincial law.

Any court documents or agreements pertaining to a division of pension benefits should be filed immediately with the Fund office.

If your ex-spouse is entitled to any portion of your benefit, in accordance with the applicable provincial law, the benefit to which you, your current spouse or beneficiary is entitled will be adjusted accordingly.

## **SUMMARY**

This booklet describes the Plan in effect on June 15, 1999. While this booklet tries to summarize the official Rules and Regulations of the Plan, it is only a summary, and in the event of any differences in interpretation between this booklet and the official Rules and Regulations, the official Rules and Regulations of the Plan will apply.

If you have any questions regarding the Plan or about your pension, please feel free to write the Fund Office. If you have a change of address, please complete the enclosed change of address form located at the back of this booklet and submit it to the Fund Office.

We hope that this summary has been helpful and informative.

## REQUEST FOR PENSION APPLICATION

**This form is not a Pension Application**

Please complete the information requested below and return this form to the Fund Office. Upon receipt of this form, the Fund Office will send you a Pension Application form.

Please print all information.

Your Legal Name \_\_\_\_\_

Your Address \_\_\_\_\_  
(Number) (Street)

\_\_\_\_\_  
(City) (Province) (Postal Code)

Union Local #/Location \_\_\_\_\_ Date of Birth \_\_\_\_\_ / \_\_\_\_\_  
Day Month Year

Intended Retirement Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Social Insurance Number \_\_\_\_\_

X \_\_\_\_\_  
(Signature) (Date)

Telephone No.: ( ) - \_\_\_\_\_  
Area Code

## CHANGE OF ADDRESS NOTICE

If you change your address, please notify the Fund Office immediately.

Your Legal Name \_\_\_\_\_

Social Insurance No. \_\_\_\_\_

Your OLD Address \_\_\_\_\_  
(Number) (Street)

\_\_\_\_\_  
(City) (Province) (Postal Code)

Date of Move \_\_\_\_\_

Your NEW Address \_\_\_\_\_  
(House No. and Street/Apt. No./Box or R.R. No.)

\_\_\_\_\_  
In Care of (If Address Is Not Listed In Your Name)

\_\_\_\_\_  
(City) (Province) (Postal Code)

X \_\_\_\_\_  
(Signature) (Date)