

Legally speaking...

Did you know?

Revised June 2013

CANADA PENSION PLAN - CREDIT SPLITTING FOR COMMON-LAW COUPLES

The Canada Pension Plan (CPP) is a benefit plan for workers. Workers pay into the plan and may get a retirement pension when they retire or if they can no longer work because they become disabled. When a relationship ends, the CPP pension credits which the couple built up during the time they lived together can be added together and divided equally between them in the same way that other assets are. This division is called “credit splitting.”

What if I am separated from my common-law partner?

If you are separated from your common-law partner, you may qualify for a credit split if all of the following three things are true:

- You lived with your partner for at least 1 year.
- You separated on or after January 1, 1987, and
- You have been separated for at least 1 year, or your partner died less than 1 year after you separated.

You must apply in writing and send the necessary documents within 4 years of the date you began living apart (unless your former partner is still alive and agrees in writing to waive the four year time limit).

What about gay and lesbian couples?

On July 31, 2000, the CPP legislation was changed to include gay and lesbian couples. Same-sex former common-law partners may be eligible if the separation occurred after July 31, 2000.

The same three rules regarding eligibility apply to these couples.

How do I apply if I am separated?

A signature of one of the former common-law partners is required, as well as a “Statutory Declaration of Common-law Union.” Either partner can request a credit split. Also, a representative such as a lawyer may make the request.

Remember if you do not apply within your time limit, you may lose your right to a share of pension credits. Make your claim as soon as possible. These rules can be complicated. If you have questions, contact a lawyer, community legal clinic, or a Service Canada Centre in your area.

For More Information or to get the CPP credit split application package contact your local **Service Canada Centre**, or Human Resources and Social Development Canada (HRSDC) at:

Telephone: 1-800-277-9914.

TTY device: 1-800-255-4786.

You can also download the application at www.servicecanada.gc.ca

Fact Sheets: CPP-Credit Splitting upon Separation; CPP-Credit Splitting upon Divorce



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