



July 24, 2023

Kathleen Wrye
Director, Pensions Policy, Financial Crimes and Security Division
Financial Sector Policy Branch, Finance Canada
90 Elgin Street
Ottawa, ON K1A 0G5
Via email

Re: Canada Gazette, Part I, Volume 157, Number 25: Regulations Amending the Pension Benefits Standards Regulations, 1985 (Persons who Cannot be Located)

Dear Ms. Wrye:

ACPM is the leading advocacy organization for a balanced, effective and sustainable retirement income system in Canada. Our private and public sector retirement plan sponsors and administrators manage retirement plans for millions of plan members, including both active plan members and retirees.

As you commence your review, please consider the following:

- **The transfer of assets to the designated entity can only be made if a pension plan is terminated**
 - We suggest adding a condition to allow the transfer of assets in the case of an **ongoing** pension plan as well.
 - We expect that OSFI would issue more guidance to clarify the steps to be taken before a member is officially declared “unable to be located” and to establish a period of time after this declaration to allow a plan administrator to transfer the assets to the designated entity for an ongoing pension plan.

- **Designated entity**
 - We suggest explicitly designating a federal entity to receive the asset transfers in order to avoid any confusion with provincial entities that are allowing asset transfers from pension plans for unlocated members. For example, “Bank of Canada” as a federal entity to apply to all members in a federally registered pension plan regardless of the members’ province of residence. Bank of Canada already has a process in place for unclaimed properties.

Context and links for reference:

- [Budget Implementation Act, 2021, No. 1 \(justice.gc.ca\)](https://www.justice.gc.ca)
- [Canada Gazette, Part 1, Volume 157, Number 25: Regulations Amending the Pension Benefits Standards Regulations, 1985 \(Persons who Cannot be Located\)](#)
- [BOC Unclaimed Property \(bankofcanada.ca\)](https://www.bankofcanada.ca)

“The Department of Finance has issued draft regulations around federal unclaimed property, related to amendments to section 10.3 of the PBSA regarding unclaimed balances of missing members. Those amendments were contained in the 2021 Budget legislation, which received Royal Assent June 29, 2021, and provide:

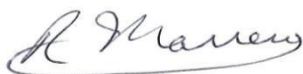
- That the Superintendent must authorize the transfer of unclaimed pension assets from pension plans to the entity designated to hold them (designated entity);
- That the transfer of the funds to the designated entity satisfies the plan’s obligation to pay a pension benefit to the person to whom they relate;
- That “prescribed persons” may make a claim for the lump sum payment of amounts transferred to the designated entity;
- That prescribed information must be disclosed to the designated entity by the plan administrator; and
- That the designated entity can publish prescribed information relating to the unclaimed pension assets it holds.”

Previous ACPM submission to the Department of Finance

[Modernization of the Unclaimed Balances Regime and Proposals for an Unclaimed Pension Balances Framework](#)

Thank you for the opportunity to respond to this consultation. If we can be of further assistance, please feel free to contact us.

Sincerely,



Ric Marrero
Chief Executive Officer
ACPM