Case In Point

SCC to Render Leave to Appeal Decision in Carrigan

Date: March 25, 2013

On March 28, 2013, the Supreme Court of Canada will render its leave to appeal decision in *Quinn v. Carrigan*.

The majority of the Ontario Court of Appeal awarded the payment of the pre-retirement death benefit payable under an Ontario registered pension plan to a member's designated beneficiaries rather than to his common law spouse (Ms Quinn), thereby marking a departure from the pension industry's widely held interpretation of section 48 of the *Pension Benefits Act*.

We will be monitoring the leave to appeal decision and will provide you with a further update.

In the meantime, a discussion of the Court of Appeal decision is found in our *FTR Now* of November 7, 2012, "Ontario Court of Appeal Decision Rewrites the Pension Pre-Retirement Death Benefit Regime." A discussion of the position of the Financial Services Commission of Ontario is found in our News Item of February 6, 2013, "Carrigan v. Carrigan Estate Update: Ontario Pension Regulator Supports Common-Law Spouse's Appeal."