

Authority: Government Management Committee Item GM22.25, as adopted by City of Toronto Council on October 2, 3 and 4, 2017

CITY OF TORONTO

BY-LAW 1210-2017

To amend former City of Toronto By-law 10649, as amended, respecting firefighters' pensions and other benefits.

Whereas By-law 10649 of the former Corporation of the City of Toronto, a by-law "Respecting the Toronto Fire Department Superannuation and Benefit Fund", as amended, governs the Toronto Fire Department Superannuation and Benefit Fund; and

Whereas it is desired to make appropriate amendments to such By-law so as to harmonize its provisions with those of the Regulations under the *Income Tax Act* (Canada) pertaining to registered pension plans; and

Whereas at its meeting held on October 13, 2017, the administrator of such Fund, its Benefit Fund Committee, passed and approved such amendments in accordance with section XXV of such By-law;

The Council of the City of Toronto enacts:

1. In this by-law, "By-law 10649" means By-law 10649 of the former Corporation of the City of Toronto, as amended.
2. Section III of By-law 10649 is amended by:
 - (a) striking out the text "Subject to subsection (1a) and (1b)" at the beginning of subsection (1) and substituting the following:

"Subject to subsections (1a) to (1b)";
 - (b) adding immediately after subsection (1a) the following subsection:

"(1a.1) Notwithstanding subsections (1) and (1a), the aggregate of member contributions thereunder for current service in any year shall not exceed \$ 1,000.00 plus 70 per cent of the pension credit earned in the year as determined under Part LXXXIII of the Regulations under the *Income Tax Act* (Canada) unadjusted for the transitional amounts set out in paragraphs 8302(2)(b) and (3)(g) of those Regulations.";
 - (c) striking out the text "The City shall" at the beginning of subsection (2) and substituting the following:

"The City shall, to the extent that the contributions are required pursuant to the recommendation of the Actuary, and permitted under subsection 147.2(2) of the *Income Tax Act* (Canada), ";

- (d) striking out the text in subsection (2) from and including the text "provided that where the City contributes" to the end of the subsection.
3. Section XV of By-law 10649 is amended by adding immediately after the text "authorized by the Act" where it appears the following:
- "and the *Income Tax Act* (Canada) and the Regulations made thereunder".
4. Section XXIII of By-law 10649 is amended by:
- (a) striking out the text "Such death benefit shall" at the beginning of the second sentence of subsection (3) and substituting the following:

"Such death benefit shall, except to the extent that it exceeds the commuted value limit stipulated in paragraph 8503(2)(i) of the Regulations under the *Income Tax Act* (Canada),";
 - (b) striking out the text "after November 1, 1974" in subsection (10) and substituting the following:

"prior to December 31, 1989"; and
5. Section XXIIIA of By-law 10649 is amended by:
- (a) by adding at the end of each of subsections (4) and (12) and at the end of paragraph (11)(b) the following:

", except to the extent in excess of the maximum imposed by paragraph 8503(2)(j) of the Regulations under the *Income Tax Act* (Canada)";
 - (b) striking out the text "The amount" at the beginning of subsection (8) and substituting therefor the following:

"Subject to subsection (8b), the amount";
 - (c) adding thereto immediately after subsection (8a) the following subsection:

"(8b) In no case shall a survivor benefit payable under this Section XXIIIA exceed the maximum permissible under paragraph 8503(2)(e) of the Regulations under the *Income Tax Act* (Canada)."
6. Subsection XXIV(1) of By-law 10649 is amended by striking out the text "are not capable of assignment, alienation, anticipation, sales, transfer, pledge, attachment or encumbrance of any kind" and substituting therefor the following:
- "may not be assigned, charged, anticipated, given as security, surrendered, sold, transferred, pledged, attached, encumbered in any way or otherwise alienated".

7. Subsection XXIV(1) of By-law 10649 is amended by adding at the end the following:
- ", but in no case shall the method of determining indexing increases provide a benefit in excess of that permitted under paragraph 8503(2)(a) of the Regulations under the *Income Tax Act* (Canada)".
8. This by-law shall be deemed to have come into force on January 1, 1989.

Enacted and passed on November 9, 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)