

**IN THE MATTER OF** the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the “Act”), in particular sections 83 and 89;

**AND IN THE MATTER OF** the Pension Plan for Employees of Brains II, Inc., Registration Number 0386359 (the “Plan”).

### ORDER

On November 19<sup>th</sup>, 2019, pursuant to section 83 of the Act, and by delegated authority from the Chief Executive Officer of the Financial Services Regulatory Authority of Ontario (the “Chief Executive Officer”), the Director, Advisory Services, issued a Notice of Intended Decision to make an order under section 83 of the Act, declaring that the Pension Benefits Guarantee Fund applies to the Plan.

The Notice of Intended Decision was served on the Plan administrator, Mercer (Canada) Limited, and the employer, Brains II, Inc. on November 19, 2019. Section 89(6) of the Act provides that any person on whom a Notice of Intended Decision is served has thirty (30) days after the Notice of Intended Decision is given to request a hearing by the Financial Services Tribunal (the “Tribunal”).

On January 3, 2020 the Registrar of the Tribunal confirmed that the persons on whom the Notice of Intended Decision was served did not request a hearing by the Tribunal in accordance with section 89(6) of the Act. Therefore, pursuant to section 89(7) of the Act, the Director, Relationship Management and Special Pension Services, makes the following decision.

### ORDER

**An Order declaring that the Pension Benefits Guarantee Fund applies to the Plan is hereby issued for the reasons set out in the Notice of Intended Decision.**

**DATED** at Toronto, Ontario, *February 14*, 2020.

  
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Paul Martiniello  
Director, Relationship Management and Special Pension Services

by delegated authority from the Chief Executive Officer

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