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Superintendent of
Financial
Services



Surintendant des
services
financiers

IN THE MATTER OF the Pension Benefits Act, R.S.O. 1990, c. P.8, as amended (the “PBA”);

AND IN THE MATTER OF a Notice of Intended Decision of the Superintendent of Financial Services to Make an Order under sections 19(1), 19(3), 48 and 87(2)(a) of the PBA relating to the IUOE Local 793 Pension Plan for Operating Engineers in Ontario, Registration Number 0389890 (the “Plan”).

TO:

The Board of Trustees of
the IUOE Local 793 Pension Plan
for Operating Engineers In Ontario
c/o Koskie Minsky LLP
20 Queen Street West
Suite 900, Box 52
Toronto ON M5H 3R3

Attention: Clio Godkewitsch, Counsel

Administrator of the Plan

ORDER

ON OR ABOUT September 10, 2014, the Superintendent of Financial Services (the “Superintendent”) issued a Notice of Intended Decision (which was amended by order of the Financial Services Tribunal of February 18, 2015) (the “NOID”) in respect of the Plan, proposing to make an order under sections under sections 19(1), 19(3), 48 and 87(2)(a) of the PBA that the Plan administrator, the Board of Trustees of the IUOE Local 793 Pension Plan for Operating Engineers in Ontario (the “Board”) make settlement to the eligible recipient(s) of the pre-retirement death benefit related to the deceased member of the Plan NN within sixty (60) days from the date the NOID was issued.

A REQUEST FOR HEARING dated October 8, 2014 was delivered to the Financial Services Tribunal (the “Tribunal”) by Ms. Cindy Hewlett (the “Applicant”).

A PRE-HEARING CONFERENCE was held on February 18, 2015 in connection with this matter and at that time, the Board and Terlyn and Kelsey Nocera were added as full parties to the hearing. A second pre-hearing teleconference was held on April 27, 2015 to address issues related to the lack of communication from the Applicant. The Applicant did not participate in the

second pre-hearing conference despite full notice of the pre-hearing conference having been given to her.

A HEARING WAS HELD on June 11, 2015. Ms. Hewlett did not attend the hearing despite full notice of the hearing having been given to her. The Tribunal decided to proceed in her absence.

THE TRIBUNAL, in its Reasons for Decision dated September 1, 2015 (the "Decision"), held that the eligible recipients of the pre-retirement death benefit are Terlyn Nocera and Kelsey Nocera, and directed the Superintendent to carry out the NOID to order that the Board make settlement of the pre-retirement death benefit to Terlyn Nocera and Kelsey Nocera without further delay.

NO PARTY HAS APPEALED the Decision under section 91 of the PBA.

FOR THE REASONS SET OUT IN THE DECISION, I HEREBY ORDER the Board to make settlement of the pre-retirement death benefit related to the deceased member of the Plan, NN, to Terlyn Nocera and Kelsey Nocera without further delay.

DATED at Toronto, Ontario, this **20th** day of **October, 2015**.

Original Signed By

Lester J. Wong
Deputy Superintendent, Pensions
By delegated authority from the
Superintendent of Financial Services