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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 the *Financial Services Commission of Ontario Act*, 1997, S.O. 1997, c. 28;

AND IN THE MATTER OF a Notice of Intended Decision of the Superintendent of Financial Services to Refuse to Approve the Report on the Partial Plan Wind-up as at February 27, 2009 and the Report on the Partial Plan Wind-up as at August 31, 2010, under section 70(5) of the PBA, both relating to the PPG Canada Inc. Duplate Division – C.A.W. Pension Plan, Registration Number 0212860;

AND IN THE MATTER OF a Notice of Intended Decision of the Superintendent to require a revised Report on the Partial Plan Wind-up as at February 27, 2009 and Report on the Partial Plan Wind-up as at August 31, 2010 to be prepared and filed, pursuant to sections 70(1) and 88(3) of the PBA relating to the Plan.

TO:

Joint Board of Administration
PPG Inc. Duplate Division – C.A.W. Pension Plan

and

PPG Canada Inc.
5676 Timberlea Blvd.
Mississauga, ON
L4W 4M6

Attention:

Monica Frank
Director, Human Resources

Administrator

ORDER

ON OR ABOUT, March 26, 2014, the Superintendent of Financial Services (the “Superintendent”) issued a Notice of Intended Decision (the “NOID”) in respect of the PPG Canada Inc. Duplate Division – C.A.W. Pension Plan, Registration Number 0212860 (the “Plan”)

(reported at Financial Services Commission of Ontario (FSCO) website, Pension e-Bulletin, March, 2014) to:

a. Refuse to approve, under section 70(5) of the *PBA* the following reports (the “Wind Up Reports”):

a. Report on the Partial Plan Wind-up as at February 27, 2009 prepared by Mercer (Canada) Limited in respect of the Plan and dated October 2009; and

b. Report on the Partial Plan Wind-up as at August 31, 2010 prepared by Mercer (Canada) Limited in respect of the Plan and dated May 2011.

b. Order, under sections 70(1) and 88(3) of the *PBA*, that revised versions of the Wind Up Reports be prepared and filed with the Superintendent within sixty (60) days from the date of the issuance of any Order in accordance with the NOID. The revised Wind Up Reports shall consider and reflect:

i. the value of the benefit in section 4.04(a) of the Plan in determining the liabilities for the commuted value of all benefits under the Plan in respect of each member of the Plan affected by the partial wind-ups who, as at the effective date of the relevant partial wind up, had at least 10 years of credited service and attained the age of 55 but not age 65; and

ii. the value of the benefit in section 4.04(a) of the Plan in determining the liabilities for the commuted value of all benefits under the Plan in respect of each member of the Plan affected by the partial wind-ups who, as at the effective date of the relevant partial wind up, had a combination of age plus years of continuous employment or membership in the Plan equal to at least 55 (in accordance with section 74(1.3) of the *PBA*) which benefit shall be valued so as to commence on the date on which the member would otherwise be entitled to the benefit but for the relevant partial wind up.

A REQUEST FOR HEARING dated April 23, 2014 was received by the Financial Services Tribunal (the “Tribunal”) on April 23, 2014 from PPG Canada Inc. (the “Applicant”) in connection with this matter and a hearing was held on October 20, 21, 23, 27, 29, 2014, December 9, 2014, January 6, 7, 9, 16, 19 and 27, 2015.

THE TRIBUNAL, in its Reasons for Decision dated April 20, 2014 (the “Decision”), directed the Superintendent to not approve the Wind Up Reports and to order that revised versions of the Wind Up Reports be filed which reflect the requirements set out in the NOID.

THE APPEAL taken from the Decision under section 91 of the *PBA* by the Applicant was abandoned on June 29, 2015 and, therefore, the Decision is final.

FOR THE REASONS SET OUT IN THE DECISION, I HEREBY:

a. **REFUSE** to approve, the Wind Up Reports;

b. **ORDER**, the Applicant to prepare and file revised versions of the Wind Up Reports within sixty (60) days from the date of the issuance of this Order that consider and reflect:

- i. the value of the benefit in section 4.04(a) of the Plan in determining the liabilities for the commuted value of all benefits under the Plan in respect of each member of the Plan affected by the partial wind-ups who, as at the effective date of the relevant partial wind up, had at least ten years of credited service and attained the age of 55 but not age 65; and
- ii. the value of the benefit in section 4.04(a) of the Plan in determining the liabilities for the commuted value of all benefits under the Plan in respect of each member of the Plan affected by the partial wind-ups who, as at the effective date of the relevant partial wind up, had a combination of age plus years of continuous employment or membership in the Plan equal to at least 55 (in accordance with section 74(1.3) of the *PBA*) which benefit shall be valued so as to commence on the date on which the member would otherwise be entitled to the benefit but for the relevant partial wind up.

DATED at Toronto, Ontario, this **10th** day of July, 2015.

Original Signed By

Lester J. Wong
Deputy Superintendent, Pensions

By delegated authority from the
Superintendent of Financial Services

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