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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 an Intended Decision of the Superintendent of Financial Services to Refuse to Make an Order under section 87(2)(a) of the *PBA* relating to the **OMERS Primary Pension Plan, Registration Number 0345983**

TO:

SR

Applicant

AND TO:

OMERS Administration Corporation
400 – One University Avenue
Toronto ON M5J 2P1

Attention: Cynthia Crysler
Senior Vice President, Pension Advisory

Administrator of the Plan

ORDER

ON OR ABOUT August 8, 2012, the Superintendent of Financial Services (the “Superintendent”) issued a Notice of Intended Decision (the “NOID”) in respect of the OMERS Primary Pension Plan, Registration Number 345983, (the “Plan”).

ON NOVEMBER 16, 2012, S.R. filed a Request for Hearing before the Financial Services Tribunal (the “Tribunal”).

ON DECEMBER 21, 2012, OMERS Administration Corporation (“OMERS”) filed a Request for Party Status.

ON FEBRUARY 25, 2013, the Tribunal held a pre-hearing conference and ordered full party status to OMERS. The hearing was scheduled at the pre-hearing conference for August 7 and 8, 2013.

ON AUGUST 7, 2013, the hearing commenced. During her evidence in chief, S.R. withdrew her hearing request.

ON AUGUST 8, 2013, S.R. requested the Tribunal to treat her August 7, 2013 withdrawal as rescinded.

ON SEPTEMBER 3, 2013, the Tribunal issued a decision after receiving submissions from all parties, that in the unique circumstances of this case, the Tribunal's oral acceptance of S.R.'s request to withdraw her hearing request on August 7, 2013 was rescinded, and S.R. was permitted to proceed with a hearing on the issues raised by S.R. in the Request for Hearing.

ON OCTOBER 30 AND 31, 2013, the hearing continued. During the course of her examination-in-chief on October 31, S.R. became unable due to health reasons to continue the hearing.

ON DECEMBER 29, 2013, S.R. requested the Tribunal to issue a Decision notwithstanding that the hearing was incomplete and the Respondents OMERS and the Superintendent of Financial Services (the "Superintendent") had not yet had an opportunity to cross-examine S.R. or to present their case.

ON FEBRUARY 18, 2014, the Tribunal issued a decision dismissing S.R.'s motion for a decision after receiving submissions from all parties. The Decision ordered that S.R. was given leave to withdraw her application should she choose to do so, and that should S.R. wish to resume the proceedings, S.R. should advise the Tribunal Registrar and the other parties within 30 days of February 18, 2014. The Decision further ordered that if S.R. took no steps to either withdraw the application or to advise that she wished the hearing to continue within 30 days of February 18, 2014, the application was dismissed pursuant to Rules 34.01 and 36 of the Tribunal's Rules of Practice and Procedure.

ON MARCH 28, 2014, the Tribunal advised that S.R. had taken no steps to either withdraw the application or to advise that she wished the hearing to continue, and pursuant to the order made by the Tribunal in its February 18, 2014 decision, the application was dismissed.

NO APPEAL has been made by S.R. to the Divisional Court respecting the Tribunal's March 28, 2014 order pursuant to section 91 of the *PBA*.

For the reasons set out in the Decision, **I REFUSE TO ORDER** OMERS Administration Corporation to pay any benefits under the OMERS Primary Pension Plan to S.R.

DATED at Toronto, Ontario, this **3rd** day of **June, 2014**

Original Signed By

Brian Mills
Deputy Superintendent, Pensions

CC:

Ms. Tracey Ball
Manager, Pension Policy
OMERS Administration Corporation
400-One University Avenue
Toronto ON M5J 2P1

Administrator of the Plan

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