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Superintendent of  
Financial  
Services



Surintendant des  
services  
financiers

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**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 of the PBA relating to the Retirement Plan for Salaried Employees of Holcim (Canada) Inc., Registration Number 0338301

### **TO:**

Weihua (Marie) Shi  
3145 Joel Kerbel Place  
Mississauga ON L4Y 0B1

Applicant

### **AND TO:**

Holcim (Canada) Inc.  
2300 Steeles Ave. W., 1st Floor  
Concord, ON L4K 5X6

Attention: RoseMary Boyd, Benefits Manager

Administrator

## **ORDER**

**ON OR ABOUT** February 5, 2013, the Superintendent of Financial Services (the "Superintendent") issued a Notice of Intended Decision (the "NOID") in respect of the Retirement Plan for Salaried Employees of Holcim (Canada) Inc., Registration Number 0338301, (the "Plan").

**A REQUEST FOR HEARING** dated March 4, 2013 was received by the Financial Services Tribunal (the "Tribunal") on March 4, 2013 in connection with this matter and a hearing was held on September 6, 2013.

**THE TRIBUNAL**, in its Reasons for Decision dated October 9, 2013 (the “Decision”), directed the Superintendent to make the decision reflected in the NOID.

**A REQUEST FOR REVIEW** of the Decision dated October 21, 2013 was filed by the Applicant and received by the Tribunal on October 21, 2013.

**THE TRIBUNAL** denied the Request for Review in a decision dated November 26, 2013 (the “Review Decision”).

**A FURTHER REQUEST FOR REVIEW** dated December 6, 2013 was filed by the Applicant with the Tribunal on December 6, 2013.

**THE TRIBUNAL** advised the Applicant on December 9, 2013 that, in accordance with the Tribunal’s Rules of Practice, a panel or member of the Tribunal will consider only one request for review of any decision or order by a party.

**A FURTHER REQUEST FOR REVIEW** of the same Request for Review dated December 6, 2013 was filed by the Applicant with the Tribunal on December 24, 2013.

**THE TRIBUNAL** advised the Applicant on December 30, 2013 that Rule 45.03 of the Tribunal’s Rules of Practice only allows a party to file one request for review of any decision or order and that the request for review was already considered by the Tribunal.

**NO APPEAL** has been taken from the Decision under section 91 of the PBA by Weihua (Marie) Shi and, therefore, the Decision is final.

For the reasons set out in the Decision, **I REFUSE TO ORDER** that Holcim (Canada) Inc. return the contributions made to the Applicant’s DC account in the Plan after January 15, 2010.

For the reasons set out in the Decision, **I ALSO REFUSE TO ORDER** that Holcim (Canada) Inc. issue a new Statement of Options to the Applicant providing for locked-in transfer options under section 42 of the PBA.

**DATED** at Toronto, Ontario, this **14th** day of **January, 2014**.

*Original Signed By*

John Avgeris  
Director, Pension Plans Branch (Acting)

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