



Financial Services  
Commission  
of Ontario  
5160 Yonge Street,  
Box 85  
Toronto ON M2N 6L9

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

**AND IN THE MATTER** a Notice of Intended Decision of the Superintendent of Financial Services, under section 69(1) of the *PBA*, to partially wind up the Mining Safety Appliances Company Canadian Pension Plan, Registration Number 0287441.

**TO:**

Mine Safety Appliances Company  
MSA Corporate Centre  
1000 Cranberry Woods Drive  
Cranberry Township, PA 16066

Administrator

Attention: William J. Berner  
Director, Litigation/Risk Management

Employer and Administrator

**ORDER**

**ON OR ABOUT** July 6, 2011, the Superintendent of Financial Services (the “Superintendent”) issued a Notice of Intended Decision (the “NOID”) in respect of the Mining Safety Appliances Company Canadian Pension Plan, Registration Number 0287441 Plan (the “Plan”) (reported at Financial Services Commission of Ontario (FSCO) website, Pension e-Bulletin, page 2259) to make an order, under section 69(1)(d) of the *PBA*, that the Plan be partially wound up effective as at March 1, 2001, in relation to the 37 former members of the Plan who ceased to be employed by Mining Safety Appliances Company (“MSAC”) during the period of March 31, 2000 to March 1, 2001(both dates inclusive) as a result of a reorganization and partial discontinuance of the business of the employer.

**A REQUEST FOR HEARING** dated July 26, 2011 was received by the Financial Services Tribunal (the “Tribunal”) in connection with this matter.

**THE SUPERINTENDENT AND MSAC** entered into Minutes of Settlement dated August 17, 2012 in which the parties agreed to seek an order from the Tribunal directing the

Superintendent to issue an order requiring the wind up of the Plan in accordance with the NOID except that the effective date of the partial wind up for the purposes of calculating the wind up position of the Plan was to be August 1, 2000 and four individuals were to be excluded from the partial wind up group.

**THE TRIBUNAL granted the order requested by the parties on August 28, 2012 (the “FST Order”).**

**NO APPEAL** has been taken from the FST Order under section 91 of the *PBA* and, therefore, the FST Order is final.

As directed in the FST Order, **I ORDER** that the Plan be partially wound up as set out in the NOID, except that:

- a. the effective date of the partial wind up for the purposes of calculating the funded position of the Plan shall be August 1, 2000; and
- b. the four individuals, who were initially to be included in the partial wind up group under the NOID, are to be excluded from the partial wind up group

**DATED** at Toronto, Ontario, this 6th day of **December, 2012**.

*Original Signed By*

K. David Gordon  
Deputy Superintendent, Pensions

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