

Financial Services Commission of Ontario
Commission des services financiers de l'Ontario



SECTION: Enforcement

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TITLE: Results of Charges Laid Under the PBA and Regulations
PBA, 1990 s. 62, O. Reg. 909 ss. 70(1)

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Results of Charges Laid Under the PBA and Regulations

1) **Forum Sport Inc.**

On April 30, 1996, in the Ontario Court (Provincial Division), the defendants, Forum Sport Inc. and the former President and Director of Forum Sport, Inc., pleaded guilty to all the charges laid under the *Pension Benefits Act*. The Court suspended the sentence against both defendants and ordered the former President and Director to make restitution to the pension fund in the amount of \$8,429.21. Restitution consisted of the total employer and employee contributions not remitted to the fund, plus interest, for the time periods: 1989 to September 1991 and October 1, 1993 to December 31, 1994.

2) **Peoples Jewellers Limited**

On April 29, 1996, a former officer and director and, a former officer of Peoples Jewellers pleaded guilty to charges under the Act and Regulations. The officer was fined \$5,000 and the director and officer of the company was fined \$10,000. The charges against Peoples Jewellers Limited were withdrawn.

The charges were under s. 62 of the Act and s. 70(1) of the Regulations and related to investments made with the assets of the pension fund in situations where the officers were aware that the percentage of Peoples' shares held by the fund exceeded the 10 per cent limit in s. 70(1) of the Regulation. This caused a loss to the pension fund when the employer was petitioned into bankruptcy.

3) **The Pritchard Andrews Company of Ottawa Limited**

On April 25, 1996, the Ontario Court (Provincial Division) sentenced the defendants, a director and officer of the company and the Pritchard Andrews Company of Ottawa Limited, to make restitution to the pension fund in the amount of \$26,400. This amount represents the total employee contributions deducted but not remitted to the fund, plus interest, for the following time periods: February 1, 1986 to December 15, 1987, October 1, 1988 to December 22, 1990 and May 1, 1991 to January

1, 1993.

For more information about these matters, please refer to the Winter-Spring 1996 issue of the *PCO Bulletin* or the item indexed as E100-001.