

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



SECTION: Procedures - Hearings

INDEX NO.: P520-784

TITLE: Continuation of Proceedings for Certain Applications Under the Current PBA once the *Financial Services Commission of Ontario Act, 1997* (FSCO) comes into Force.

APPROVED BY: The Pension Commission of Ontario

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EFFECTIVE DATE: March 26, 1998 [Information outdated - Feb. 2000]

It is anticipated that the FSCO Act (Bill 140) will come into force on July 1, 1998. Section 213(2) of that Act reads as follows:

Despite subsection (1), the Pension Commission of Ontario, as it was constituted immediately before this section comes into force, shall continue to exist for the sole purpose of concluding and disposing of hearings and proceedings that, before the day this section comes into force, were commenced before the Commission but not concluded.

Once Section 213(2) is in force, any proceeding commenced prior to July 1, 1998 before the Pension Commission tribunal under the current PBA will continue to be dealt with by the Pension Commission as it exists prior to July 1, 1998.

With respect to matters where the Pension Commission tribunal is the first instance decision-maker under the current PBA, the Pension Commission will consider a proceeding to have been commenced prior to July 1, 1998 if the following action has been taken:

Type of Proceeding Under Current PBA	Proceeding Commences on Date That Action Described Below is Taken, prior to full Proclamation of Bill 140*
<p>I. Application for consent to withdraw surplus (section 78, PBA)</p> <p>a) wound-up plan</p> <p>b) continuing plan</p>	<p>The employer files its written notice of the application with the Commission Registrar, prior to transmitting it pursuant to s. 78(2). The proceeding commences on the date the notice of application is received by the Registrar, as evidenced by the Registrar's date stamp.</p> <p>The employer must file its complete application, including evidence that section 78(2) has been satisfied, with the Commission Registrar within one year after commencing the proceeding, as evidenced by the Commission Registrar's date stamp on the initial notice of application.</p> <p>Same as above.</p>
<p>II. Application for consent to refund of member or former member contributions (Section 63(7) & (8), PBA)</p>	<p>The plan administrator files its written application with the Commission Registrar. The proceeding commences on the date the application is received by the Registrar, as evidenced by the Registrar's date stamp.</p>
<p>III. Application for:</p> <p>a) a declaration that the PBGF applies to a pension plan (sections 83 & 90(1)(a), PBA)</p> <p>b) an allocation from the Guarantee Fund (Reg. 909, ss. 34(7))</p>	<p>The plan administrator files its written application with the Commission Registrar. The proceeding commences on the date the application is received by the Registrar, as evidenced by the Registrar's date stamp.</p> <p>The plan administrator files its written application with the Commission Registrar for an allocation from the Guarantee Fund with the Commission. The proceeding commences on the date the application is received by the Registrar, as evidenced by the Registrar's date stamp.</p>
<p>IV. Application for an order requiring administrator to take specific action respecting a report (sections 88 & 90(1)(b), PBA)</p>	<p>Any person affected by the report files a written application with the Commission Registrar. The proceeding commences on the date the application is received by the Registrar, as evidenced by the Registrar's date stamp.</p>

Type of Proceeding Under Current PBA	Proceeding Commences on Date That Action Described Below is Taken, prior to full Proclamation of Bill 140*
V. Application for consent to refund of overpayment or expenses (ss. 78(4), PBA)	The employer files its written application with the Commission Registrar. The proceeding commences on the date the application is received by the Registrar, as evidenced by the Registrar's date stamp.

* All requirements of the PBA, Regulation 909 and Commission policies as they existed prior to July 1, 1998 remain in force for purposes of these proceedings.