

**FSRA**Financial Services Regulatory  
Authority of Ontario

Ontario

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July 11, 2022

Attn: Stefanie Cesaritti [stefanie.cesaritti@dhl.com](mailto:stefanie.cesaritti@dhl.com)  
Director, Compensation, Benefits & Retirement  
Tibbett & Britten Group Canada Inc.  
c/o Excel Canada  
111 – 90 Matheson Boulevard West  
Mississauga ON L5R 3R3

Attn: Mark Newton [mnewton@newtonhrlaw.com](mailto:mnewton@newtonhrlaw.com)  
Newton HR Law  
8 Waterloo Court  
Thornhill, ON L3T 6C9

**Re: Pension Plan for Employees of Tibbett & Britten Group Canada Inc.  
Storecare Aurora Group  
Registration Number 0684175**

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Enclosed, please find the Notice of Intended Decision (NOID) with respect to the above noted registered Pension Plan.

Yours truly,

Mitzi D'Souza  
Administrative Assistant, Pensions

Enclosure

c: Preethi Anthonypillai , Financial Services Regulatory Authority of Ontario

**IN THE MATTER OF** the *Pension Benefits Act*, R.S.O. 1990, c. P.8 (the “Act”), in particular subsections 78(1) and 79(3);

**AND IN THE MATTER OF** Pension Plan for Employees of Tibbett & Britten Group Canada Inc. – Storcare Aurora Group, Registration Number 0684175 (the “Plan”).

### **NOTICE OF INTENDED DECISION**

**TO:** Tibbett & Britten Group Canada Inc.  
c/o Exel Canada  
111-90 Matheson Boulevard West  
Mississauga, ON L5R 3R3

Attention: Stefanie Cesaritti  
Director, Compensation, Benefits & Retirement

*Employer & Applicant*

**AND TO:** Mark Newton  
Newton HR Law  
8 Waterloo Court  
Thornhill, ON L3T 6L9

*Legal Counsel for the Applicant*

**TAKE NOTICE THAT** pursuant to subsection 78(1) of the Act, and by delegated authority from the Chief Executive Officer of the Financial Services Regulatory Authority of Ontario (the “Chief Executive Officer”), the Senior Manager, Special Transactions & Advisory Services, intends to make an order to consent to the payment of surplus in respect of the Plan to Tibbett & Britten Group Canada Inc., in the amount of \$32,282.33 as at August 25, 2021, plus investment earnings thereon to the date of payment and adjustments for expenses. Details of this intended decision are described below.

**SI VOUS DÉSIREZ RECEVOIR CET AVIS EN FRANÇAIS**, veuillez nous envoyer votre demande par courriel immédiatement à: [contactcentre@fsrao.ca](mailto:contactcentre@fsrao.ca).

**YOU ARE ENTITLED TO A HEARING BY THE FINANCIAL SERVICES TRIBUNAL (THE “TRIBUNAL”) PURSUANT TO SUBSECTION 89(6) OF THE ACT.** A hearing by the Tribunal about this Notice of Intended Decision may be requested by completing the enclosed Request for Hearing Form (Form 1) and delivering it to the Tribunal within thirty (30) days after this Notice of Intended Decision is served on you. The Request for Hearing Form (Form 1) must be mailed, delivered, faxed or emailed to:

Address: Financial Services Tribunal  
5160 Yonge Street  
14th Floor, Box 85  
Toronto ON M2N 6L9

Attention: Registrar

Fax: 416-226-7750

Email: [contact@fstontario.ca](mailto:contact@fstontario.ca)

**TAKE NOTICE THAT if you do not deliver a written request for a hearing to the Tribunal within thirty (30) days after this Notice of Intended Decision is served on you, an order will be issued as described in this Notice of Intended Decision.**

For additional copies of the Request for Hearing Form (Form 1), visit the Tribunal's website at [www.fstontario.ca](http://www.fstontario.ca).

The hearing before the Tribunal will proceed in accordance with the *Rules of Practice and Procedure for Proceedings before the Financial Services Tribunal* ("Rules") made under the authority of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22. The Rules are available at the website of the Tribunal: [www.fstontario.ca](http://www.fstontario.ca). Alternatively, a copy can be obtained by telephoning the Registrar of the Tribunal at (416) 590-7294, or toll free at 1-800-668-0128 extension 7294.

## **REASONS FOR INTENDED DECISION**

1. Tibbett & Britten Group Canada Inc. is the employer and administrator as defined in the Plan (the "Employer").
2. The Plan was fully wound up on August 15, 1995.
3. The Employer's application (the 'Application') discloses that a Surplus Sharing Agreement ("SSA") has been entered into between the Employer and the Members affected by the wind up of the Plan.
4. The Application indicates that the surplus in the Plan as at December 31, 2017 was \$60,001.05. The surplus assets as of August 25, 2021, was \$64,564.66.
5. As indicated in the Application, the surplus in the Plan as at August 25, 2021, is to be distributed as follows:
  - (a) 50% of surplus assets, net of expenses, to the members, subject to a minimum payment of \$500 per member and a maximum of \$2,000 per member; and
  - (b) 50% to the Employer

6. The Employer has applied, pursuant to paragraph 77.11(7)2, section 78, and subsection 79(3) of the Act for consent to the payment of the surplus of \$32,282.33 as at August 25, 2021, plus investment earnings thereon to the date of payment and adjustments for expenses.
7. The Application appears to comply with paragraph 77.11(7)2, section 78, subsection 79(3) and all other applicable requirements under the Act and Regulation 909, R.R.O. 1990, as amended.
8. Such further and other reasons as may come to my attention.

**DATED** at Toronto, Ontario, July 11, 2022.



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Tim Thomson  
Senior Manager, Special Transactions & Advisory Services

By delegated authority from the Chief Executive Officer