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December 20, 2021

Rober Davis
Chief of Police
Brantford Police Services Board
P. O. Box 1116
Brantford, ON N3T5T3**Re: OMERS Primary Pension Plan
Registration Number 0345983**

Enclosed please find the Refusal to Order with respect to the above noted pension plan.

Yours truly,

A handwritten signature in black ink, appearing to read 'Mitzi D'Souza'.

Mitzi D'Souza
Administrative Assistant
Pensions

Enclosure

c: EE and JE and KH - Plan Members
Dora Cruz, OMERS Administration Corporation
David Pahn, Financial Services Regulatory Authority of Ontario

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the “Act”), in particular sections 87 and 89;

AND IN THE MATTER OF the OMERS Primary Pension Plan, Registration Number 0345983 (the “Plan”).

REFUSAL TO ORDER

On June 1, 2020, pursuant to section 89(2) of the Act, by delegated authority from the Chief Executive Officer of the Financial Services Regulatory Authority of Ontario, the Head, Pension Plan Operations and Regulatory Effectiveness, (the “Head”) issued a Notice of Intended Decision to refuse a request by EE, JE, and KH (collectively the “Applicants”) to make an order under section 87 of the Act respecting the Plan.

The Applicants are employed by the Brantford Police Services Board (“BPSB”) and the City of Brantford is a participating employer in the Plan.

The Applicants requested an order that the Plan is not being administered in accordance with the Act, the regulations and the terms of the Plan, that the Plan does not comply with the Act, or that the administrator of the Plan, the employer or other person is contravening the Act, particularly, that:

- a. The BPSB and the City of Brantford unlawfully amended the terms of the Plan so that, effective January 1, 2018, the City of Brantford could deduct and retain the Members’ pension contributions from their disability pay notwithstanding the disability waiver; and
- b. The BPSB improperly compels disabled members to go on disability waiver even though the terms of the Plan permit a member to make an election.

A Request for Hearing (Form 1) of KH, dated June 23, 2020, was delivered to the Financial Services Tribunal (the “Tribunal”) in accordance with section 89 of the Act respecting the Notice of Intended Decision.

A Request for Hearing (Form 1) of JE, dated June 23, 2020, was delivered to the Tribunal in accordance with section 89 of the Act respecting the Notice of Intended Decision.

A Request for Hearing (Form 1) of EE, dated June 23, 2020, was delivered to the Tribunal in accordance with section 89 of the Act respecting the Notice of Intended Decision.

On December 2, 2021, EE and JE withdrew their Requests for Hearing. On December 7, 2021, KH withdrew his Request for Hearing. On December 8, 2021, the Tribunal closed

its files in respect of this matter. Therefore, pursuant to section 89 of the Act, the Head makes the following order:

REFUSAL TO ORDER

An order confirming that the Plan is not being administered in accordance with the Act, the regulations and the terms of the Plan, that the Plan does not comply with the Act, or that the administrator of the Plan, the employer or other person is contravening the Act, particularly, that:

- a. The BPSB and the City of Brantford unlawfully amended the terms of the Plan so that, effective January 1, 2018, the City of Brantford could deduct and retain the Members' pension contributions from their disability pay notwithstanding the disability waiver; and
- b. The BPSB improperly compels disabled members to go on disability waiver even though the terms of the Plan permit a member to make an election

is hereby refused, for the reasons set out in the Notice of Intended Decision.

DATED at Toronto, Ontario, December 20, 2021.



Jennifer Rook
Head, Pension Plan Operations and Regulatory Effectiveness

By delegated authority from the Chief Executive Officer

Si vous désirez recevoir cet avis en français, veuillez nous envoyer votre demande par courriel immédiatement à : contactcentre@fsrao.ca