

**FSRA**Financial Services Regulatory  
Authority of Ontario

Ontario

**ARSF**Autorité ontarienne de réglementation  
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M2N 6L9Téléphone : 416 250 7250  
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December 9, 2020

SM Financial Services Corporation  
1500 North French Street, 2<sup>nd</sup> Floor  
Wilmington DE 19801 USA  
Attention: Adam Hiller  
Hiller Law Inc.[ahiller@adamhillerlaw.com](mailto:ahiller@adamhillerlaw.com)

and

BMKP Law LLC  
130 Adelaide Street West, Suite 1005  
Toronto ON M5H 3P5 Canada  
Attention: Jennifer Agnew[jennifer.agnew@bmkplaw.com](mailto:jennifer.agnew@bmkplaw.com)**Re: MPC Distribution Inc. Defined Contribution Pension Plan  
Registration Number 0438374**

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Enclosed please find the Consent signed December 9, 2020, with respect to the above noted pension plan.

Yours truly,

Mitzi D'Souza  
Administrative Assistant

Enclosure

c: James Harnum, Koskie Minsky LLP  
Eva Lungu, Financial Services Regulatory Authority of Ontario

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**IN THE MATTER OF** the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the “Act”), in particular subsections 78(1) and 89;

**AND IN THE MATTER OF** the the MPC Distribution, Inc. Defined Contribution Pension Plan, Registration Number 0438374 (the “Plan”).

### **CONSENT TO PAYMENT OUT OF PENSION FUND**

On October 19, 2020, the Head, Pension Plan Operations and Regulatory Effectiveness (the “Head”), by delegated authority from the Chief Executive Officer of the Financial Services Regulatory Authority of Ontario (the “Chief Executive Officer”), issued a Notice of Intended Decision to consent to the payment of surplus in respect of the Plan, under subsection 78(1) of the Act, to SM Financial Services Corporation in the amount of \$187,867.37 as of May 31, 2019, plus investment earnings and other adjustments to the date of payment.

The Notice of Intended Decision was delivered to the SM Financial Services Corporation, BMKP Law and Koskie Minsky LLP on October 19, 2020. Subsection 89(6) of the Act provides that any person on whom a Notice of Intended Decision is served has thirty (30) days after the Notice of Intended Decision is served to request a hearing by the Financial Services Tribunal (the “Tribunal”).

On November 19, 2020, the Assistant Registrar of the Tribunal confirmed that persons on whom the Notice of Intended Decision was served did not request a hearing by the Tribunal in accordance with section 89(6) of the Act. Therefore, pursuant to section 89(7) of the Act, and by delegated authority from the Chief Executive Officer, the Head, Pension Plan Operations and Regulatory Effectiveness (the “Head”) makes the following decision.

## CONSENT

The Head, by delegated authority from the Chief Executive Officer, hereby consents to the payment of \$187,867.37 as of May 31, 2019, plus investment earnings and other adjustments to the date of the payment, from the pension fund of the Plan to SM Financial Services Corporation, for the reasons set out in the Notice of Intended Decision.

**DATED** at Toronto, Ontario, December 9, 2020.



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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](mailto:contactcentre@fsrao.ca).