

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

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

## **REFUSAL TO ORDER**

On April 18, 2019, pursuant to section 89(2) of the Act, the Deputy Superintendent, Pensions, by delegated authority from the Superintendent of Financial Services (the “Superintendent”) of the Financial Services Commission of Ontario issued a Notice of Intended Decision to refuse a request by Louiza Roubinchtein (the “Applicant”) to make an order under section 87 of the Act, respecting the Plan.

The Applicant requested an order that the Administrator of the Plan recognize the Applicant as a “surviving spouse” of a deceased member of the Plan and pay her a pre-retirement death benefit (the “Requested Order”).

A Request for Hearing (Form 1), dated May 17, 2019, was delivered to the Financial Services Tribunal (the “Tribunal”) in accordance with section 89 of the Act respecting the Notice of Intended Decision.

Effective June 8, 2019, pursuant to the *Financial Services Regulatory Authority of Ontario Act, 2016*, S.O. 2016, c. 37, Sched. 8, the Financial Services Regulatory Authority of Ontario (“FSRA”) became the regulator under the Act and the powers and duties previously vested in the Superintendent under the Act were vested in the Chief Executive Officer of FSRA (the “Chief Executive Officer”).

The Tribunal held an oral hearing on March 25 and 30, April 1 and 6, and May 6 and 11, 2021. The Applicant participated in the hearing. The Administrator and an added party, CP, were granted party status and participated in the hearing.

The Tribunal, in its Reasons for Decision dated July 16, 2021, (the “Decision”) ordered the Chief Executive Officer to carry out the Notice of Intended Decision by refusing to make the Requested Order.

No party appealed the Decision under section 91 of the Act, therefore, the Decision is final.

## REFUSAL TO ORDER

**An Order requiring the Administrator to pay a pre-retirement death benefit to the Applicant in respect of the Plan is hereby refused for the reasons set out in the Decision.**

**DATED** at Toronto, Ontario, September 1, 2021.



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Jennifer Rook  
Head, Pension Plan Operations and Regulatory Effectiveness

By delegated authority from the Chief Executive Officer

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