

**FSRA**Financial Services Regulatory  
Authority of Ontario**ARSF**Autorité ontarienne de réglementation  
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December 1, 2020

Ms. Roxanne Anderson [roxanne.anderson@von.ca](mailto:roxanne.anderson@von.ca)  
Senior Vice-President, Business Optimization & CFO  
VON Canada  
2315 St. Laurent Blvd., Suite 100  
Ottawa ON K1G 4J8

And

Mr. Pascal Berger [Pascal.Berger@mercer.com](mailto:Pascal.Berger@mercer.com)  
Principal  
Mercer Canada  
55 Metcalfe Street, Site 550  
Ottawa ON K1P 6L5

**Re: VON Canada Pension Plan  
Registration Number 0315937**

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Enclosed, please find the Notice of Intended Decision 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: Virginia D'Souza, 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 subsection 62.1(5);

**AND IN THE MATTER OF** the VON Canada Pension Plan, Registration Number 0315937 (the “Plan”).

### **NOTICE OF INTENDED DECISION**

**TO:** Victorian Order of Nurses for Canada  
100-2315 St. Laurent Boulevard  
Ottawa ON K1G 4J8

Attention: Roxanne Anderson  
Senior Vice President Business Optimization and CFO

*Administrator*

**TAKE NOTICE THAT** pursuant to subsection 62.1(5) 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 Head, Pension Plan Operations and Regulatory Effectiveness (the “Head”), intends to consent to the payment out of the pension fund in respect of the Plan to Community & Primary Health Care, a former participating employer under the Plan, in the amount of \$43,600 as at January 26, 2019, plus investment earnings thereon to the date of payment. 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. The Victorian Order of Nurses for Canada ("VON Canada") is the administrator of the Plan (the "Administrator").
2. Community & Primary Health Care ("CPHC") was a participating employer under the Plan.
3. The Plan was partially wound up effective December 31, 2011, as a result of the withdrawal of the participation of CPHC from the Plan.
4. The Plan had a partial wind up funding deficit of \$503,600 as per the partial wind up report as at December 31, 2011, filed by the Plan's actuary.
5. CPHC is a distinct employer from VON Canada and CPHC assumed responsibility for funding the deficit associated with the partially wound up portion of the Plan under section 75 of the Act.
6. On January 17, 2017, CPHC made a final lump sum contribution of \$517,600 to fully fund the partial wind up deficit.

7. On January 29, 2019, Desjardins Insurance completed its due diligence with respect to the annuity purchase premiums as part of the partial wind up.
8. Information provided by the Plan's actuary on January 26, 2019, as part of the Administrator's application under section 62.1 of the Act, showed that there were assets in the amount of \$43,600 as at January 26, 2019, remaining in the partially wound up portion of the Plan's pension fund after all benefits related to the partial wind up had been settled.
9. In these circumstances, subsection 32(4) of Regulation 909 states that the money remaining in the fund may be paid to the employer in accordance with subsection 62.1 of the Act, as if the money was an overpayment into the pension fund by the employer within the meaning of clause 62.1(1)(b) of the Act.
10. Subsection 62.1(4) of the Act states that if an employer makes an overpayment into the pension fund, the application for reimbursement for the payment must be filed before the later of: (a) 24 months after the date on which the employer made the overpayment; and (b) six months after the date on which the administrator, acting reasonably, becomes aware of the overpayment.
11. The Administrator originally filed the application for reimbursement of the overpayment on January 29, 2019. The Administrator has indicated that this date is within the six months after it became aware of the overpayment. Accordingly, the application has been filed within the time limits set out in subsection 62.1(4) of the Act.
12. Such further and other reasons as may come to my attention.

**DATED** at Toronto, Ontario, December 1, 2020.



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Jennifer Rook  
Head, Pension Plan Operations and Regulatory Effectiveness

By delegated authority from the Chief Executive Officer