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Superintendent of  
Financial  
Services



Surintendant des  
services  
financiers

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

**AND IN THE MATTER OF** a Notice of Intended Decision of the Superintendent of Financial Services to Consent, under section 62.1(5) of the PBA, to a payment out of the pension fund for the Nexeo Solutions Canada Corp. Defined Contribution Pension Plan, Registration Number 1242189 (the “Plan”).

**TO:**

**Nexeo Solutions Canada Corp.  
1000-3 Waterway Square Place  
The Woodlands TX 77380  
USA**

**Attention:**

**Maury Gillock  
Vice President Global Total Rewards, and Mobility**

**Applicant and Employer**

**AND TO:**

**Miranda Main  
Human Resources Generalist  
Nexeo Solutions Canada Corp.  
2450 Bristol Circle  
Oakville ON L6H 6P6**

## NOTICE OF INTENDED DECISION

**I INTEND TO CONSENT**, under section 62.1(5) of the PBA, to the payment from the pension fund for the Plan to Nexeo Solutions Canada Corp., in the amount of \$537.10 as at November 28, 2015, plus investment earnings thereon to the date of payment.

Si vous désirez recevoir cet avis en français, veuillez envoyer votre demande immédiatement à: Adjointe, audiences, Greffe, Commission des services financiers de l'Ontario, 5160 rue Yonge, boîte 85, Toronto ON M2N 6L9.

**YOU ARE ENTITLED TO A HEARING** by the Financial Services Tribunal (the “Tribunal”) pursuant to section 89(6) of the *PBA*. **A hearing before the Tribunal about this Notice of Intended Decision may be requested by completing the enclosed Request for Hearing**

**(Form 1) and submitting it to the Tribunal within thirty (30) days after this Notice of Intended Decision is served on you.[1](#)**

Additional copies of the enclosed Form 1 can be obtained by visiting the Tribunal's website at [www.fstontario.ca](http://www.fstontario.ca).

**If a Request for Hearing (Form 1) is submitted to the Tribunal within thirty 30 days after this Notice of Intended Decision** is served on you, subsection 89(8) and 89(9) of the *PBA* provide that the Tribunal shall appoint a time for and hold a hearing, and by order may direct the Superintendent of Financial Services (the "Superintendent") to make or refrain from making the intended decision indicated in this notice and to take such action as the Tribunal considers the Superintendent ought to take in accordance with the *PBA* and the regulations, and for such purposes, the Tribunal may substitute its opinion for that of the Superintendent.

**IF NO WRITTEN REQUEST FOR A HEARING IS MADE within thirty 30 days after this Notice is served on you, TAKE NOTICE THAT the Superintendent will carry out the Consent pursuant to section 62.1(5) of the PBA.**

A completed Request for Hearing form must be received by the Tribunal within 30 days of this Notice is served on you. The Request for Hearing form may be mailed, faxed or delivered to:

Financial Services Tribunal  
5160 Yonge Street  
14th Floor  
Toronto, Ontario  
M2N 6L9

Attention: The Registrar  
Fax: 416-226-7750

The hearing before the Tribunal will proceed in accordance with the Rules of Practice and Procedures for Proceedings before the Financial Services Tribunal made under the authority of the Statutory Powers Procedure Act, R.S.O. 1990, c.S.22. Those 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 ext 7294.

### **REASONS FOR DECISION**

1. Nexeo Solutions Canada Corp. is the employer and administrator as defined in the Plan (the "Employer").
2. As a result of an administrative error, the Employer made contributions in respect of a deceased member for the month of November 2015. Accordingly, the amount in question constitutes an overpayment within the meaning of section 62.1(1)(b) of the PBA.
3. Evidence of the overpayment to the pension fund has been submitted to the Financial Services Commission of Ontario.
4. Section 62.1(4) of the PBA states that if an employer makes an overpayment into the pension fund, the application to the Superintendent for reimbursement for the payment must be made 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.

5. The Employer's application for reimbursement of the overpayment was made on April 21, 2016. This date is within six months after the date on which the Employer, acting reasonably, became aware of the overpayment. Accordingly, the application has been filed within the time limits set out in 62.1(4) of the PBA.

6. Such further and other reasons as may come to my attention.

**DATED** at Toronto, Ontario, this 22nd day of July, 2016.

*Original Signed By*

Lester J. Wong  
Deputy Superintendent, Pensions  
By delegated authority from the  
Superintendent of Financial Services

1 NOTE - Pursuant to section 112 of the PBA any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by regular mail and any document sent by regular mail shall be deemed to be given, served or delivered on the fifth day after the date of mailing.

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