

## Disclaimer

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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 Refuse to Make an Order under section 87 of the *PBA* relating to the Pension Plan for Carpenters’ Local 27 Pension Plan, Registration Number 0382259

**TO:**

**RK**

**Complainant**

**AND TO:**

**The Board of Trustees of the Carpenters’ Local 27 Pension Plan  
C/O Manion, Wilkins & Associates Ltd.  
500 – 21 Four Seasons Place  
Etobicoke ON M9B 0A5**

**Attention: Mike Neheli**

**Administrator**

## **NOTICE OF INTENDED DECISION**

**I INTEND TO REFUSE TO MAKE AN ORDER** in respect of the Pension Plan for Carpenters’ Local 27 Pension Plan, Registration Number 0382259 (the “Plan”) under section 87 of the *PBA* requiring that the Board of Trustees of the Carpenters’ Local 27 Pension Plan pay a pension from the Plan to the Complainant.

### **REASONS:**

1. The Plan is for members of the Carpenters and Allied Workers Local 27, United Brotherhood of Carpenters and Joiners of America (“Local 27”). It is a multi-employer pension plan where the contributions of employers are fixed in accordance with a collective agreement.

2. The complainant was a member of Carpenters Local 1963 from August 23, 1967 to August 21, 1974. On August 21, 1974, the complainant was transferred from Carpenters Local 1963 to Local 18 and was a member of Local 18 until May 31, 1979. The complainant is receiving an annuity in respect of pension service accrued under a different plan when he was a member of Local 18.
3. The complainant re-joined Local 1963 on May 7, 1980. The complainant worked until April 1981. In July 1982 Local 1963 merged into Local 27. On November 30, 1985, the complainant's membership in Local 27 was suspended. The contributions made to the Plan on RK's behalf for the period May 7, 1980 to November 30, 1985 were 559 hours.
4. In order to qualify for a pension benefit, the complainant must have been a member of the Plan. In order to qualify for membership in the Plan, the complainant must have met the eligibility criteria for Plan Membership as set out in section 2.1 of the Plan as it read during the period the complainant was a member of the Union.
5. Section 2.1 provides for two ways in which a member of the Union can qualify for membership in the plan. Under clause 2(1)(ii) an employee may qualify by working for an employer who makes contributions to the Plan on behalf of an employee for a 1000 hours or more over a three year period, after the effective date of the Plan, which is January 1, 1973. As total contributions made by employers on the complainant's behalf in any three year period did not exceed 559 hours, the complainant did not qualify under this requirement.
6. Clause 2(1)(i) allows members of the Union to become members of the Plan as of January 1, 1974 if no contributions were made by an employer in respect of the employee for the period prior to January 1, 1974 and the employee was eligible for Credited Past Service.
7. Eligibility for Credited Past Service is set out in section 2.2. It requires that the person was a member of the Union prior to January 1, 1968, and was continuously a member of the Union between January 1, 1968 and January 1, 1974. It also requires that the member met the conditions to be covered for benefits provided by the Welfare Plan (defined in section 1.20 as "the Plan established and enforced for the payment of benefits from the Carpenters' District Council of Toronto and Vicinity Welfare Trust Fund established on the first day of May, 1964...") during the calendar year 1972, as set out in subclauses 2.2(ii)(a) to (d). The Complainant has not provided any evidence to establish that he met the conditions coverage for benefits under the Welfare Plan as set out in those subclauses. As the complainant did not meet the conditions to be covered by the Welfare Plan, he did not meet eligibility requirements for Credited Past Service, and did not qualify for membership under clause 2(1)(i).
8. Because the complainant did not qualify for Plan Membership while he was a member of the Union, he is not eligible for a pension from the Plan.

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

**YOU ARE ENTITLED TO A HEARING** by the Financial Services Tribunal (the “Tribunal”) pursuant to section 89(6) of the *PBA*. **To request a hearing, you must deliver to the Tribunal a written notice that you require a hearing, within thirty (30) days after this Notice of Intended Decision is served on you.**<sup>1</sup>

**YOUR WRITTEN NOTICE** must be delivered to:

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

Attention: The Registrar

**FOR FURTHER INFORMATION** on a Form for the written notice, please see the Tribunal website at [www.fstontario.ca](http://www.fstontario.ca) or contact the Registrar of the Tribunal by phone at 416- 590-7294, toll free at 1-800-668-0128, ext. 7294, or by fax at 416-226-7750.

**IF YOU FAIL TO REQUEST A HEARING WITHIN THIRTY (30) DAYS, I MAY CARRY OUT THE INTENDED DECISION AS DESCRIBED IN THIS NOTICE.**

**DATED** at Toronto, Ontario, this 18th day of July, 2013.

*Original Signed By*

Brian Mills  
Deputy Superintendent, Pensions (Acting)

<sup>1</sup>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.