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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 make an Order under section 83 of the PBA, respecting the **Pension Plan for Employees of Dunline Rubber Products Company Who are Members of Local 27 (CAW)** Registration Number **0447086**.

### TO:

Charlie Evans  
Senior Vice-President  
PricewaterhouseCoopers Inc.  
1 Robert Speck Parkway  
Suite 1100  
Mississauga ON L4Z 3M3

Administrator

### AND TO:

Alex Scovil  
President  
Dunline Rubber Products Company  
c/o DARKS Corporation  
4545 Johnston Parkway  
Cleveland Ohio 44128 USA

Employer

### AND TO:

Guy Havell  
CAW- Canada  
140 Pine Valley Blvd.  
London ON N6K 3X3

Union Representative

### AND TO:

Jo-An Hannah  
CAW- Canada  
205 Placer Court  
Toronto ON M2H 3H9

Union Representative

## NOTICE OF INTENDED DECISION

**I INTEND TO MAKE AN ORDER** under section 83 of the *PBA* declaring that the Pension Benefits Guarantee Fund applies to the **Pension Plan for Employees of Dunline Rubber Products Company Who are Members of Local 27 (CAW)**, Registration Number **0447086** (the "Plan").

### **I INTEND TO MAKE THE ORDER FOR THE FOLLOWING REASONS:**

1. The Plan is registered under the PBA.
2. The Plan provides defined benefits that are not exempt from the application of the Pension Benefits Guarantee Fund by the PBA or the Regulations made thereunder.
3. The Plan was wound up effective **July 1, 2008**
4. There are reasonable and probable grounds that the funding requirements of the PBA and regulations cannot be satisfied. Based on the latest actuarial certification, there is an estimated claim against the Pension Benefits Guarantee Fund of **\$608,687** as at **December 31, 2012**. If funds become available from the estate of the employer, the administrator will be required to make an appropriate refund of any allocation amount received by the Plan from the Pension Benefits Guarantee Fund.
5. 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 **5th** day of **April, 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.*

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