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Superintendent of
Financial
Services



Surintendant des
services
financiers

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 Retirement Benefit Plan for Local 1285 C.A.W. Members, Mississauga Plant of Dana Canada Corporation, Registration Number 0925628 (the “Plan”).

TO:

**Dana Canada Corporation
Unit 5 – 3550 Schmon Parkway, 1st Floor
Thorold ON L2V 4Y6**

Attention: Linda McGlynn

Applicant and Employer

COPY TO:

**Pierre-Olivier Fecteau
Towers Watson
South Tower, Suite 1701
175 Bloor Street East
Toronto Ontario M4W 3T6**

AMENDED NOTICE OF INTENDED DECISION

On August 15, 2012, I issued a Notice of Intended Decision in this matter. In the Notice of Intended Decision I stated that I intended to consent, under section 62.1(5) of the PBA, to the payment out of the pension fund for the Plan, to Dana Canada Corporation (the Employer), the amount of \$13,003 plus interest to the date of payment. When I issued the Notice of Intended Decision, I understood that this was the amount that the Employer had overpaid into the pension fund for the Plan when funding the deficit on the wind up of the Plan as at May 31, 2009. Subsequently, it has been determined that the amount that the Employer has overpaid into the pension fund for the Plan to fund the deficit on the wind up of the Plan as at May 31, 2009 is \$32,411. Accordingly, I am issuing this Amended Notice of Intended Decision to reflect the correct amount of the overpayment.

I INTEND TO CONSENT, under section 62.1(5) of the PBA, to the payment out of the pension fund for the Plan, as at August 31, 2011, to the Employer the amount of \$32,411 plus interest to the date of payment.

I INTEND TO CONSENT FOR THE FOLLOWING REASONS:

1. Dana Canada Corporation is the employer and administrator as defined in the Plan (the "Employer").
2. As a result of the employer funding the deficit on the wind up of the Plan as at May 31, 2009, there are assets remaining in the pension fund after all benefits have been settled. 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. This application for the payment to the employer was made on October 5, 2011. This date is within twenty four months after the date on which the Employer made the payment described in paragraph 2. Accordingly, the application has been filed within the time limit set out in 62.1(4) of the PBA.
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.**¹

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 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 **3rd** day of **December, 2012**.

Original Signed By

K. David Gordon
Deputy Superintendent, Pensions

¹NOTE - 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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