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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 a Notice of Intended Decision of the Superintendent of Financial Services to make an Order under section 83 of the *PBA*, respecting the **The Retirement Plan for Hourly Employees of Breyer Casting Technologies Inc. and Associated Companies** Registration Number **1112952**

TO:

David Kearney
Principal
Mercer (Canada) Limited
161 Bay Street
P.O. Box 501
Toronto ON M5J 2S5

Administrator

AND TO:

Neil Andrews
Vice President Sales and Marketing
Breyer Casting Technologies Inc.
249 Rutherford Road South
Brampton ON L6W 3N3

Employer

AND TO:

Julie Savage
Vice President
Taylor Leibow Inc.
800-105 Main Street East
Hamilton ON L8N 1G6

Trustee in Bankruptcy

AND TO:

Sean Logan
Area Coordinator
United Steelworkers of America (Local 9042)
1158 Aerowood Drive
Missississauga ON L4W 1Y5

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 **The Retirement Plan for Hourly Employees of Breyer Casting Technologies Inc. and Associated Companies**, Registration Number **1112952** (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 March 2, 2010
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 \$386,200 as at July 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.**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 **7th** day of **September, 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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