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Pension Plan for Employees of Slough Estates Canada Limited Registration Number 0297150

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 Slough Estates Canada Limited, Registration Number 0297150 (the "Plan")

TO: The Superintendent of Financial Services
5160 Yonge Street, 17th Floor
Toronto ON M2N 6L9

In his capacity as Administrator of the Plan

AND TO: Mrs. Sandra McKinnon
c/o James Pierlot
Pierlot Pension Law
181 University Avenue
Suite 2200
Toronto ON M5H3M7

NOTICE OF INTENDED DECISION

I INTEND TO MAKE AN ORDER under section 83 of the PBA declaring that the Pension Benefits Guarantee Fund (THE "Guarantee Fund") applies to the Pension Plan.

REASONS:

1. The Plan is registered under the PBA.
2. The Plan provides defined benefits that are not exempt from the application of the Guarantee Fund by the PBA or the Regulations made thereunder.
3. The Plan was wound up effective October 11, 2001.
4. There are reasonable and probable grounds that the funding requirements of the PBA and regulations cannot be satisfied because the employer under the Plan was dissolved in 2009.

5. The normal pension provided under the Plan was a joint and 60% survivor benefit
6. Mr. Edward McKinno, a former member of the Plan, retired from his employment with Slough Estates Canada Limited effective November 1, 1989 with a monthly pension benefit and a spousal benefit. THE cost of the spousal benefit was to borne by the Plan.
7. However, when the Plan was wound up, the wind-up report indicated that the form of pension payable to Mr. McKinnon was a "LIFE G10" and not a joint and survivor benefit. There is no evidence that Mr. McKinnon elected a LIFE G10 nor is there any evidence that a spousal waiver under section 46 of the PBA was ever delivered to the Plan administrator.
8. Mr. McKinnon died in January 2011 leaving behind his spouse, Mrs. Sandra McKinnon. Following his death the insurance company from which annuities were purchased did not pay to Mrs. McKinnon the survivor benefit to which she is entitled to be paid from the Plan.
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10. Section 84 of the PBA sets out the benefits that are guaranteed by the PBGF. A member's pension and his spouse's survivor pension are one of the benefits that are guaranteed by the PBGF.
11. 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 29th day of March, 2012.

K. David Gordon
Deputy Superintendent, Pensions

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.