

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 Proposal of the Superintendent of
Financial Services to make a Declaration under section 83 of the
PBA, respecting **The Pension Plan for Employees of Royal
Doulton Canada Limited** Registration Number **0245514**

TO: Julie Seewald
Consultant
Morneau Sobeco Limited Partnership
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto ON M3C 1W3

Administrator

AND TO: Don Stubbs
Vice-President, Finance
Royal Doulton Canada Limited
305 Milner Road, Suite 700
Toronto, ON M1B 3V4

Employer

AND TO: Mark Jakovcic
Manager Financial Advisory
Deloitte & Touche Inc.
181 Bay Street, Suite 1400
Bay Wellington Tower - Brookfield Place
Toronto, ON M5J 2V1

Receiver and Trustee in Bankruptcy

AND TO: Chuck New
Union Representative
Retail Wholesale Canada CAW Division, Local 414
205 Place Court
Toronto, ON M2H 3H9

Union

NOTICE OF PROPOSAL

I PROPOSE TO MAKE A DECLARATION under section 83 of the *PBA* that the Pension Benefits Guarantee Fund applies to **The Pension Plan for Employees of Royal Doulton Canada Limited** (the “Plan”) Registration Number **0245514**.

REASONS:

1. The Plan is registered under the *PBA*, and
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, and
3. The Superintendent of the Financial Services Commission issued a Notice of Proposal dated January 27, 2010 to wind up the Plan effective **March 27, 2009**, and
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 **\$3,147,400**. as at May 31, 2009. 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 Proposal is served on you.**¹

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 seventh day after the date of mailing.

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 PROPOSAL AS DESCRIBED IN THIS NOTICE.

DATED at Toronto, Ontario, this **4th** day of **March, 2010**

K. David Gordon
Deputy Superintendent, Pensions