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Gemala Industries Limited Employees' Pension Plan (Plan A-5) - January 14, 2009.

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 an Order under section 83 and 89 of the PBA, respecting the **Gemala Industries Limited Employees' Pension Plan (Plan A-5)** Registration Number **355008**

TO:

David Kearney, Principal

Mercer

BCE Place

161 Bay Street, P.O. Box 501

Toronto, ON M5J 2S5

Administrator

AND TO:

Ronald Garret, Manager, Pension & Benefits

Gemala Industries Limited

Corporate Centre of Northbrook

1100 Skokie Blvd., Suite 350

Northbrook, Illinois, USA, 60062-4124

Employer

AND TO:

Jonathan Krieger, Vice-President

Grant Thornton Limited

P.O. Box 55, Royal Bank Plaza

19th Floor, South Tower

200 Bay Street, Toronto, ON M5J 2P9

Trustee in Bankruptcy

AND TO:

Tony Wohlfarth

National Representative

Canadian Auto Workers, Local 397

205 Place Court

Toronto, ON M2H 3H5

Union Representative

DECLARATION

No request requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the *PBA* respecting a Notice of Proposal to make a Declaration that the Pension Benefits Guarantee Fund applies to **Gemala Industries Limited Employees' Pension Plan (Plan A-5)** (the "Plan").

I DECLARE pursuant to sections 83 and 89 of the *PBA* that the Pension Benefits Guarantee Fund (Guarantee Fund) applies to the Plan for the following reasons:

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 plan was wound up effective **November 5, 2004**, 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 Guarantee Fund of **\$1,826,100** as at **September 30, 2008**. 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

DATED at Toronto, Ontario, this 14th day of January, 2009.

Toni Mancini
Director,(Acting) Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services