

**FSRA**Financial Services Regulatory  
Authority of Ontario

Ontario

**ARSF**Autorité ontarienne de réglementation  
des services financiers[www.fsrao.ca](http://www.fsrao.ca)25 Sheppard Avenue West  
Suite 100  
Toronto ON  
M2N 6S6Telephone: 416 250 7250  
Toll free: 1 800 668 012825, avenue Sheppard Ouest  
Bureau 100  
Toronto (Ontario)  
M2N 6S6Téléphone : 416 250 7250  
Sans frais : 1 800 668 0128**VIA E-MAIL**

October 18, 2023

Attn: Pattiann Iannetta [pattiann.iannetta@mahle.com](mailto:pattiann.iannetta@mahle.com)  
MAHLE Filter Systems Canada ULC  
16 Industrial Park Road  
Tilbury, ON N0P 2L0

and Nick Sidorkewicz [Nicholas.sidorkewicz@wtwco.com](mailto:Nicholas.sidorkewicz@wtwco.com)  
Willis Towers Watson  
1500 – 130 King Street West  
Toronto, ON M5X 2A2

**Re: Retirement Plan for MAHLE Filter Systems Canada ULC  
CAW Local 195 Employees - Windsor  
Registration Number 0951384**

---

Enclosed, please find the Notice of Intended Decision (NOID) with respect to the above noted registered Pension Plan.

Yours truly,

A handwritten signature in black ink, appearing to read 'Mitzi D'Souza'.

Mitzi D'Souza  
Administrative Assistant, Pensions  
Enclosure

c: Michael An, Financial Services Regulatory Authority of Ontario

**IN THE MATTER OF** the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the “Act”), subsections 78(1) and 79(3);

**AND IN THE MATTER OF** the Retirement Plan for MAHLE Filter Systems Canada, ULC C.A.W. Local 195 Employees - Windsor, Registration Number 0951384 (the “Plan”).

### **NOTICE OF INTENDED DECISION**

**TO:** MAHLE Filter Systems Canada, ULC  
16 Industrial Park Road  
Tilbury, ON N0P 2L0

Attention: Pattiann Iannetta

*Employer and Applicant*

**AND TO:** Nick Sidorkewicz  
Towers Watson Canada  
1500-130 King St. West  
Toronto, ON M5X 1E3

*Actuary for the Applicant*

**TAKE NOTICE THAT** pursuant to subsection 78(1) of the Act, and by delegated authority from the Chief Executive Officer of the Financial Services Regulatory Authority of Ontario (the “Chief Executive Officer”), the Director, Pensions Operations, Special Transactions, intends to make an order to consent to the payment of surplus in respect of the Plan to MAHLE Filter Systems Canada, ULC in the amount of \$63,210 as at February 28, 2023 plus investment earnings and adjusted for expenses to the actual date of payment. Details of this intended decision are described below.

**SI VOUS DÉSIREZ RECEVOIR CET AVIS EN FRANÇAIS**, veuillez nous envoyer votre demande par courriel immédiatement à: [contactcentre@fsrao.ca](mailto:contactcentre@fsrao.ca).

**YOU ARE ENTITLED TO A HEARING BY THE FINANCIAL SERVICES TRIBUNAL (THE “TRIBUNAL”) PURSUANT TO SECTION 89(6) OF THE ACT.** A hearing before the Tribunal about this Notice of Intended Decision may be requested by completing the enclosed Request for Hearing Form (Form 1) and delivering it to the Tribunal within thirty (30) days after this Notice of Intended Decision is served on you. The Request for Hearing Form (Form 1) must be mailed, delivered, faxed or emailed to:

Address: Financial Services Tribunal  
25 Sheppard Avenue West  
Suite 100  
Toronto ON M2N 6S6

Attention: Registrar

Fax: (416) 226-7750

Email: [contact@fstontario.ca](mailto:contact@fstontario.ca)

**TAKE NOTICE THAT if no written request for a hearing is delivered to the Tribunal within thirty (30) days after this Notice of Intended Decision is served on you, an order will be issued as described in this Notice of Intended Decision.**

For additional copies of the Request for Hearing Form (Form 1), visit the Tribunal's website at [www.fstontario.ca](http://www.fstontario.ca).

The hearing before the Tribunal will proceed in accordance with the *Rules of Practice and Procedure for Proceedings Before the Financial Services Tribunal* ("Rules") made under the authority of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended. The Rules are available at the website of the Tribunal: [www.fstontario.ca](http://www.fstontario.ca). Alternatively, a copy can be obtained by telephoning the Registrar of the Tribunal at (416) 590-7294, or toll free at 1-800-668-0128 extension 7294.

## **REASONS FOR INTENDED DECISION**

1. MAHLE Filter Systems Canada, ULC is the employer as defined in the Plan (the "Employer").
2. The Plan was wound up effective December 31, 2008.
3. The Employer's application ("Application") discloses that a Surplus Sharing Agreement has been made between:
  - a) the Employer; and
  - b) the members, former members, retired members and other persons who are entitled to payment under the pension plan as of the date of the wind up (the "Affected Persons").
4. As indicated in the Application, the surplus in the Plan at the date of payment is to be distributed as follows:
  - a) 50% to the Employer; and

- b) 50% to the Affected Persons, subject to a minimum payment of \$150 to each Affected Person.
5. As indicated in the Application, the total surplus assets available for distribution less expenses as at February 28, 2023, is \$146,956.
  6. The Employer has applied pursuant to paragraph 77.11(7)2, section 78 and subsection 79(3) of the Act for consent to the payment of \$63,210 of the surplus to be distributed to the Employer from the Plan, adjusted for investment earnings and expenses to the actual date of payment.
  7. The Application appears to comply with paragraph 77.11(7)2, section 78, subsection 79(3) and all other applicable requirements under the Act and Regulation 909, R.R.O. 1990, as amended.
  8. Such further and other reasons as may come to my attention.

**DATED** at Toronto, Ontario, October 18, 2023.



---

Tim Thomson  
Director, Pension Operations, Special Transactions

By delegated authority from the Chief Executive Officer