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April 12, 2021

Attn: Hamish Dunlop  
[hdunlop@morneaushepell.com](mailto:hdunlop@morneaushepell.com)  
Morneau Shepell  
895 Don Mills Road,  
Tower One, Suite 700  
Toronto, ON M3C 1W3**Re: Nortel Networks Managerial & Non-Negotiated Pension Plan  
Registration Number 0342048**

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Enclosed, please find the Refusal to Order with respect to the above noted pension plan.

Yours truly,

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

Mitzi D'Souza  
Administrative Assistant, Pensions

Enclosure

c: Indy Chityal  
Chantal Laurin, Financial Services Regulatory Authority of Ontario

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**IN THE MATTER OF** the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the “Act”), in particular sections 87 and 89;

**AND IN THE MATTER OF** the Nortel Networks Managerial and Non-Negotiated Pension Plan, Registration Number 0342048 (the “Plan”).

## **REFUSAL TO ORDER**

On July 30, 2018, pursuant to subsection 89(2) of the Act, the Superintendent of Financial Services (the “Superintendent”) issued a Notice of Intended Decision (the “NOID”) to refuse a request from Indy Chityal (the “Applicant”) to make an order under subsection 87(1) of the Act, respecting the Plan.

The Applicant requested that the Superintendent order Morneau Shepell Ltd., in its capacity as administrator of the Plan (the “Administrator”), to calculate the amount of a lump sum life income fund transfer relating to any election made by the Applicant under section 102 of the Act on a joint and survivor basis (the “Requested Order”).

A Request for Hearing (Form 1), dated August 29, 2018, was delivered by the Applicant to the Financial Services Tribunal (the “Tribunal”) in accordance with subsection 89(6) of the Act respecting the NOID.

Effective June 8, 2019, pursuant to the *Financial Services Regulatory Authority of Ontario Act, 2016*, S.O. 2016, c. 37, Sched. 8, the Financial Services Regulatory Authority of Ontario (“FSRA”) became the regulator under the Act and the powers and duties previously vested in the Superintendent under the Act were vested in the Chief Executive Officer of FSRA (the “Chief Executive Officer”).

The Tribunal held an oral hearing on October 7, 2019 and October 11, 2019. The Applicant participated in the hearing. The Administrator was granted party status during the prehearing conference held on November 7, 2018 and participated in the hearing.

The Tribunal, in its Reasons for Decision dated December 6, 2019 (the “Decision”), directed the Chief Executive Officer to carry out the NOID by refusing to make the Requested Order.

On December 13, 2019, the Applicant filed a Request for Review under Part XI of the Tribunal’s Rules of Practice and Procedure.

On January 10, 2020, the Tribunal denied the Applicant’s Request for Review.

No party appealed the Decision under section 91 of the Act, therefore, the Decision is final.

## REFUSAL TO ORDER

**An Order requiring the Administrator to calculate the amount of a lump sum life income fund transfer relating to any election made by the Applicant under section 102 of the Act on a joint and survivor basis is hereby refused, for the reasons set out in the Decision.**

**DATED** at Toronto, Ontario, April 9, 2021



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Paul Martiniello  
Director, Relationship Management and Special Plan Services

By delegated authority from the Chief Executive Officer

Si vous désirez recevoir cet avis en français, veuillez nous envoyer votre demande par courriel immédiatement à : [contactcentre@fsrao.ca](mailto:contactcentre@fsrao.ca).

