

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 an Order under section 83 and 89 of the
PBA, respecting the **Pension Plan for Certain Hourly Rated
Employees at the Ingersoll, Ontario Manufacturing Plant of
Fruehauf Canada Inc., a Division of Gemala Industries
Limited (Plan C-1)** Registration Number **C-18953**

TO: David Kearney
Principal
Mercer (Canada) Limited
161 Bay Street
P.O. Box 501
Toronto, ON M5J 2S5

Administrator

AND TO: Ronald Garret
Manager, Pension Benefits
Trailmobile Canada Corp.
Corporate Centre of Northbrook
1101 Skokle Blvd., Suite 350
Northbrook, Illinois, USA, 600-4124

Employer

AND TO: Jonathon Krieger
Grant Thornton Limited
Standard Life Centre
1040-120 King Street West
Hamilton, ON L8P 4V2

Trustee in Bankruptcy

AND TO: Tony Wohlfarth
CAW TCA
205 Placer Court
Toronto, ON M2H 3H9

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 **Pension Plan for Certain Hourly Rated Employees at the Ingersoll, Ontario Manufacturing Plant of Fruehauf Canada Inc., a Division of Gemala Industries Limited (Plan C-1)** (the “Plan”).

I DECLARE pursuant to sections 83 and 89 of the Act 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 **January 25, 1993**, 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 **\$797,000** as at **January 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

DATED at Toronto, Ontario, this **16th** day of **June 2009**

Brian Mills
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services

