

FSRAFinancial Services Regulatory
Authority of Ontario**ARSF**Autorité ontarienne de réglementation
des services financierswww.fsrao.ca5160 Yonge Street
16th Floor
Toronto ON
M2N 6L9Telephone: 416 250 7250
Toll free: 1 800 668 01285160, rue Yonge
16^e étage
Toronto (Ontario)
M2N 6L9Téléphone : 416 250 7250
Sans frais : 1 800 668 0128**VIA e-mail**

November 5, 2020

Attn: Ian Roland ian.roland@paliareroland.com
Partner
Paliare Roland Rosenberg Rothstein LLP
155 Wellington Street West, 35th Floor
Toronto ON M5V 3C6**Re: Metropolitan Toronto Police Benefit Fund
Registration Number 0351585**

Enclosed, please find the Notice of Intended Decision 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: Hatem Belhi, City of Toronto
Paul Litner, Osler
Sharon Polischuk, Financial Services Regulatory Authority of Ontario

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8 (the “Act”), in particular subsections 78(1) and 79(3.1);

AND IN THE MATTER OF the Metropolitan Toronto Police Benefit Fund, Registration Number 0351585 (the “Plan”).

NOTICE OF INTENDED DECISION

TO: City of Toronto
Metro Hall
55 John Street
13th Floor
Toronto ON M5V 3C6

Attention: Hatem Belhi
Director, Pension, Payroll & Employee Benefits

Employer & Applicant

AND TO: Paul W Litner
Osler, Hoskin & Harcourt LLP
1 First Canadian Place
P.O. Box 50
Toronto ON M5X 1B8

Legal Counsel for the Applicant

AND TO: Ian Roland
Paliare Roland Rosenberg Rothstein LLP
155 Wellington St. W. 35th Floor
Toronto ON M5V 3H1

Legal Counsel for Represented Members of the Surplus Sharing Group.

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 Head, Pension Plan Operations and Regulatory Effectiveness (the “Head”), intends to make an order to consent to the payment of surplus in respect of the Plan to the City of Toronto in the amount of \$6,756,044 as at November 30, 2019, 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.

YOU ARE ENTITLED TO A HEARING BY THE FINANCIAL SERVICES TRIBUNAL (THE “TRIBUNAL”) PURSUANT TO SUBSECTION 89(6) OF THE ACT. A hearing by 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
5160 Yonge Street
14th Floor, Box 85
Toronto ON M2N 6L9

Attention: Registrar

Fax: 416-226-7750

Email: contact@fstontario.ca

TAKE NOTICE THAT if you do not deliver a written request for a hearing 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.

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. The Rules are available at the website of the Tribunal: 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. The City of Toronto is the employer as defined in the Plan (the “Employer”).
2. The Employer wound up the Plan on November 30, 2019, after the transfer of the Plan assets and liabilities relating to the retired members and other beneficiaries of the Plan into the OMERS Primary Pension Plan, Registration Number 0345983. There remain only surplus assets in the Plan on the Plan's wind up.

3. The Board of Trustees of the Toronto Metropolitan Police Benefit Fund is the administrator of the Plan. The Toronto Police Association (“TPA”) agreed to represent the members of the “Surplus Sharing Group” (the “SSG”) regarding the distribution of the surplus assets in the Plan. The SSG is defined in the Surplus Sharing Agreement (“Agreement”) reached between the Employer and the SSG as the 1662 persons who were receiving a pension or entitled to receive a pension from the Plan on February 28, 2018.
4. The TPA engaged the law firm of Paliare Roland Rosenberg Rothstein LLP (“Paliare Roland”) to negotiate an agreement between the Employer and the SSG. 151 members of the SSG chose not to be represented by Paliare Roland. These members are defined in the application by the Employer as “Unrepresented Members”. The members of the SSG who authorized Paliare Roland to negotiate and accept the Agreement on their behalf are defined in the application by the Employer as the ‘Represented Members’.
5. Following the negotiations, the Agreement was executed by the Employer, TPA and the counsel for Represented Members of the SSG.
6. The Unrepresented Members provided their individual consents to the Agreement.
7. Pursuant to the Agreement, the surplus assets in the Plan, less expenses in connection with the administration and wind up of the Plan (the “Net Surplus”), will be distributed to the Employer and the members of the SSG.
8. The Agreement provides that upon the wind up of the Plan, the Net Surplus will be allocated between the Employer and the members of the SSG in the following order of priority:
 - (a) an estimated amount of \$391,035.21 to two categories of members of the SSG who meet eligible service criteria as described in the Agreement;
 - (b) an estimated amount of \$15,258,964.80 to all members of the SSG;
 - (c) an estimated amount of \$ 6,756,044 to the Employer.
9. As indicated in the Employer’s application for payment of surplus (the “Application”), the total surplus assets available for distribution less expenses as of November 30, 2019, is \$22,406,044, and the surplus payable to the Employer in accordance with the Agreement is estimated to be \$6,756,044 as at November 30, 2019.
10. The Employer has applied pursuant to paragraph 77.11(7)2, section 78 and subsection 79(3.1) of the Act for consent to the payment of \$6,756,044 from pension fund for the Plan as at November 30, 2019, adjusted for investment earnings and expenses to the actual date of payment.

11. The Application appears to comply with paragraph 77.11(7)2, section 78, subsection 79(3.1) and all other applicable requirements under the Act and Regulation 909, R.R.O. 1990.
12. Such further and other reasons as may come to my attention.

DATED at Toronto, Ontario, November 3, 2020.



Jennifer Rook
Head, Pension Plan Operations and Regulatory Effectiveness

By delegated authority from the Chief Executive Officer