

**IN THE MATTER OF** the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act"), in particular section 62.1(5);

**AND IN THE MATTER OF** the Pension Plan for Former Employees of Quaker State Inc., Registration Number 0336107 (the "Plan").

### **NOTICE OF INTENDED DECISION**

**TO:**

Shell Canada Limited  
Suite 400, 4th Avenue SW  
PO Box 100, Stn M  
Calgary AB T2P 2H5

Attention: Leslie Fiegenwald  
Pension Fund Advisor

*Employer*

**TAKE NOTICE THAT** pursuant to section 62.1(5) 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, intends to consent to payment from the pension fund in respect of the Plan to Shell Canada Limited, in the amount of \$54,825.27 as at September 30, 2019, plus investment earnings to the actual date of payment.

**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. A copy of that form is included with this Notice of Intended Decision. Additional copies can be obtained by visiting the Tribunal's website at [www.fstontario.ca](http://www.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.**

In order to request a hearing, a completed Request for Hearing Form (Form 1) must be delivered to the Tribunal within thirty (30) days after this Notice of Intended Decision is served. The form must be mailed, delivered, faxed or emailed to:

Address: Financial Services Tribunal  
5160 Yonge Street  
14th Floor  
Toronto ON M2N 6L9

Attention: Registrar

Fax: (416) 226-7750

Email: [contact@fstontario.ca](mailto:contact@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. Shell Canada Limited is the employer and administrator as defined in the Plan (the "Employer").
2. The Plan was wound up effective December 31, 2017.
3. The Plan had a wind up deficit of \$529,900 as per the wind up report as at December 31, 2017, filed by the Plan's actuary.
4. The Employer has been funding the deficit under section 75 of the Act.
5. The Employer made a payment of \$313,627 on December 19, 2018, to fund the deficit.
6. Information provided by the Plan's actuary on October 9, 2019, as part of the Employer's application under section 62.1 of the Act showed that there were assets in the amount of \$54,825.27 as at September 30, 2019, remaining in the Plan's pension fund after all benefits had been settled.
7. In these circumstances, section 32(4) of Regulation 909 states that the money remaining in the pension fund may be paid to the employer in accordance with section 62.1 of the Act, as if the money was an overpayment into the pension fund by the employer within the meaning of section 62.1(1)(b) of the Act.

8. Section 62.1(4) of the Act states that if an employer makes an overpayment into the pension fund, the application for reimbursement must be filed before the later of: (a) 24 months after the date on which the employer made the overpayment; and (b) six months after the date on which the administrator, acting reasonably, becomes aware of the overpayment.
9. The Employer's application for reimbursement of the overpayment was made on October 9, 2019. This date is within 24 months after the date on which the Employer made the overpayment. Accordingly, the application has been filed within the time limits set out in section 62.1(4) of the Act.
10. Such further and other reasons as come to my attention.

**DATED** at Toronto, Ontario, *February 10*, 2020.

  
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Joseph Shiner  
*Head, Pension Plan Operations and Regulatory Effectiveness*

By delegated authority from the Chief Executive Officer