

**IN THE MATTER OF** the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act"), in particular sections 69 and 89;

**AND IN THE MATTER OF** the Pension Plan for the Employees of Erwin Hymer Group North America, Inc., Registration Number 1027606 (the "Plan").

### **NOTICE OF INTENDED DECISION**

**TO:**

Great West Life Assurance Company  
255 Dufferin Street  
London ON N6A 4K1

Attention: Petrina Bilyea  
Director

*Administrator*

**AND TO:**

Erwin Hymer Group North America, Inc.  
100 Shirley Avenue  
Kitchener ON N2B 2E1

Attention: Tamara Watson  
Plan Administrator

*Employer*

**TAKE NOTICE THAT** pursuant to section 69 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 make an order to wind up the Plan effective February 15, 2019.

**SI VOUS DÉSIREZ RECEVOIR CET AVIS EN FRANÇAIS**, veuillez nous envoyer votre demande par courriel immédiatement [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**

On February 22, 2019, the Ontario Superior Court of Justice granted an order appointing Alvarez and Marsal Canada Inc. as Receiver and Manager of all the assets, undertakings and properties of Erwin Hymer Group North America, Inc. (“EHGNA”), the Plan Sponsor.

Under the receivership order, all employees of EHGNA were terminated on February 15, 2019. On March 4, 2019, Great West Life, (“GWL”) the fund custodian, confirmed all contributions were remitted to the Plan to February 15, 2019.

On June 3, 2019, the Receiver advised that a buyer was secured for a portion of the business; however the buyer elected not to continue the pension plan. As such, the Receiver requested that the pension plan be wound up.


On June 4, 2019, GWL, the fund custodian, was approached and asked to consider acting as the administrator of the Plan. By submitting the signed Service Agreement, GWL was formally appointed as Administrator, effective June 6, 2019.

On September 23, 2019, EHGNA filed an assignment into bankruptcy, and Alvarez and Marsal Canada Inc. was appointed as trustee of the estate of the bankrupt.

GWL has filed a Wind up Order Request, effective February 15, 2019, for the following reasons:

1. There was a cessation or suspension of employer contributions to the pension fund of the Plan.
2. A significant number of members of the pension Plan ceased to be employed by the Employer as a result of the discontinuance of all or part of the business of the Employer, or as a result of the reorganization of the business of the Employer.
3. All or a significant portion of the business carried on by the employer at a specific locate was discontinued.
4. All or part of the business has been sold and the successor employer does not provide a pension plan for the employees acquired.
5. Such further and other reasons as may come to my attention.

**DATED** at Toronto, Ontario, *November 29.*, 2019.

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

By delegated authority from the Chief Executive Officer