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Superintendent of  
Financial  
Services



Surintendant des  
services  
financiers

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**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 Notice of Intended Decision of the Superintendent of Financial Services to Consent, under section 62.1(5) of the PBA, to a payment out of the pension fund for the Musicians' Pension Fund of Canada, Registration Number 0215145 (the “Plan”).

**TO:**

**Board of Trustees of the Musicians' Pension Fund of Canada**  
605-200 Yorkland Blvd  
Toronto ON M2J 5C1

**Attention:**

**Ellen Versteeg-Lytwyn**  
Executive Director

**Administrator**

**AND TO:**

**Lesa MacDonald**  
Koskie Minsky LLP  
20 Queen Street West, Suite 900, Box 52  
Toronto ON M5H 3R3

## NOTICE OF INTENDED DECISION

**I INTEND TO CONSENT**, under section 62.1(5) of the PBA, to the payment from the pension fund for the Plan to Goat Music in the amount of \$17,487.70 as at February 2, 2003, plus interest to the date of payment.

Si vous désirez recevoir cet avis en français, veuillez envoyer votre demande immédiatement à: Adjointe, audiences, Greffe, Commission des services financiers de l'Ontario, 5160 rue Yonge, boîte 85, Toronto ON M2N 6L9.

**YOU ARE ENTITLED TO A HEARING** by the Financial Services Tribunal (the “Tribunal”) pursuant to section 89(6) of the PBA. **A hearing before the Tribunal about this Notice of Intended Decision may be requested by completing the enclosed Request for Hearing (Form 1) and submitting it to the Tribunal within thirty (30) days after this Notice of Intended Decision is served on you.**<sup>1</sup>

Additional copies of the enclosed Form 1 can be obtained by visiting the Tribunal's website at [www.fstontario.ca](http://www.fstontario.ca).

**If a Request for Hearing (Form 1) is submitted to the Tribunal within thirty (30) days after this Notice of Intended Decision** is served on you, sections 89(8) and 89(9) of the PBA provide that the Tribunal shall appoint a time for and hold a hearing, and by order may direct the Superintendent of Financial Services (the "Superintendent") to make or refrain from making the intended decision indicated in this notice and to take such action as the Tribunal considers the Superintendent ought to take in accordance with the PBA and the regulations, and for such purposes, the Tribunal may substitute its opinion for that of the Superintendent.

**IF NO WRITTEN REQUEST FOR A HEARING IS MADE within thirty (30) days after this Notice is served on you, TAKE NOTICE THAT the Superintendent will carry out the consent pursuant to section 89(7) of the PBA.**

A completed Request for Hearing form must be received by the Tribunal within 30 days of this Notice is served on you. The Request for Hearing form may be mailed, faxed or delivered to:

Financial Services Tribunal  
5160 Yonge Street  
14th Floor  
Toronto, Ontario  
M2N 6L9

Attention: The Registrar  
Fax: 416-226-7750

The hearing before the Tribunal will proceed in accordance with the Rules of Practice and Procedures for Proceedings before the Financial Services Tribunal made under the authority of the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22. Those Rules are available at the website of the Tribunal at: [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 ext. 7294.

#### **REASONS FOR INTENDED DECISION:**

1. The Board of Trustees of the Musicians' Pension Fund of Canada is the administrator of the Plan (the "Administrator").
2. Goat Music is a participating employer under the Plan.
3. As a result of an administrative error, Goat Music remitted contributions to the pension fund for the Plan on behalf of an employee for non-pensionable service.
4. The Administrator has applied to the Superintendent for consent to the payment of \$17,487.70 to reimburse the participating employer for the overpayment.
5. Evidence of the overpayment to the fund has been submitted to the Financial Services Commission of Ontario.
6. Section 62.1(4) of the PBA states that if an employer makes an overpayment into the pension plan, the application to the Superintendent for reimbursement for the payment must be made before the later of: (a) 24 months after the date on which the employer made the payment; and (b) six months after the date on which the administrator, acting

reasonably, becomes aware of the payment.

7. The application was made on November 27, 2018. The Administrator has indicated that they became aware of the overpayment on July 26, 2018. This date is within the 6 months after the date on which the administrator, acting reasonably, became aware of the payment described in paragraph 3. Accordingly, the application has been filed within the time limits set out in section 62.1(4) of the PBA.

8. Such further and other reasons as may come to my attention.

**DATED** at Toronto, Ontario, this 8<sup>th</sup> day of March, 2019.

*Original Signed By*

Lester J. Wong  
Deputy Superintendent, Pensions  
By delegated authority from the  
Superintendent of Financial Services

1 NOTE - Pursuant to section 112 of the PBA any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by regular mail and any document sent by regular mail shall be deemed to be given, served or delivered on the fifth day after the date of mailing.

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