

## Disclaimer

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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 78(1) of the PBA, to a payment out of the pension fund for the Non-Contributory Pension Plan for Hourly Employees of Rockwell International of Canada Ltd. – U.S.W.A Local #3209 (Gananoque, Ont.), Registration Number 0285148.

**TO:**

**Meritor Aftermarket Canada Inc.  
c/o Meritor Inc.  
2135 West Maple Road  
Troy MI 48084  
USA**

**Attention:**

**Mike Lei  
Senior Director, Compensation and Benefits**

**Applicant and Employer**

**AND TO:**

**Donna Wolfe  
Principal, Pension Consulting  
Morneau Shepell  
30 Duke Street West Duke Tower  
Suite 301  
Kitchener ON N2H 3W5**

## NOTICE OF INTENDED DECISION

**I INTEND TO CONSENT** to the surplus withdrawal application (the “Application”) filed by Meritor Aftermarket Canada Inc. in respect of the Pension Plan for Hourly Employees of Rockwell International of Canada Ltd.-U.S.W.A Local #3209 (Gananoque, Ont.) (the “Plan”) under section 78(1) of the PBA, requesting the payment out of the pension fund for the Plan, to Meritor Aftermarket Canada Inc., in the amount of \$792,000 as at January 1, 2015, plus adjustments to the actual 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 30 days after this Notice of Intended Decision is served on you.**<sup>1</sup> 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).

**If a Request for Hearing (Form 1) is submitted to the Tribunal within 30 days after this Notice of Intended Decision is served on you**, subsections 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 Procedure 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.

**I PROPOSE TO MAKE THE CONSENT** effective only after the Applicant satisfies me that any payments pursuant to the Surplus Distribution Agreement (“SDA”) to which members, former members, retired members and any other persons (the “Affected Persons”) are entitled, and any other payments to which the Affected Persons are entitled, have been paid, purchased, or otherwise provided for.

**I INTEND TO CONSENT FOR THE FOLLOWING REASONS:**

1. Meritor Aftermarket Canada Inc. is the employer and administrator as defined in the Plan (the “Employer”).
3. As indicated in the report provided with the Employer’s Application for payment of surplus as at January 1, 2015, the surplus in the Plan was estimated at \$1,269,900 as of that date.

4. The application discloses that a SSA has been made between:
  - a. the Employer; and
  - b. the Affected Persons.
5. The surplus in the Plan at the date of payment, after adjustments, is to be distributed:
  - a. 80% to the Employer; and
  - b. 20% to the Affected Persons.
6. The Employer has applied, pursuant to section 78 of the PBA, for consent of the Superintendent to the payment of 80% of the surplus to be distributed from the Plan, plus adjustments thereon to the date of payment.
7. The Application appears to comply with sections 77.11(7), 78, 79(1) and all other applicable requirements under the PBA and Regulation 909, R.R.O. 1990, as amended.
8. Such further and other reasons as come to my attention.

**DATED** at Toronto, Ontario this 6th day of January, 2017.

*Original Signed By*

Mathew Ou  
Acting as 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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