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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 make an Order under section 83 of the *PBA*, respecting **Pension Plan for Hourly Employees Who are Members of UAW Local 89**, Registration Number **0474239 (PCO #0020958)**

### TO:

Ms. Julie Seewald  
Senior Consultant  
Morneau Shepell  
895 Don Mills Road  
Tower One, Suite 700  
Toronto, ON M3C 1W3

Administrator

### AND TO:

Margaret McEnroe  
Director, Global Equity, Retirement Plans  
SKD Technologies Inc. (Continental Can Company Inc.)  
c/o Level 3 Communications  
1025 Eldorado Boulevard  
Broomfield, Colorado USA  
80021

Employer

### AND TO:

Mr. Sym Gill  
Director of Pension  
UAW Plan Local 89, CAW  
205 Placer Court  
North York, ON M2H 3H9

Union Representative

## **NOTICE OF INTENDED DECISION**

**I INTEND TO MAKE AN ORDER** under section 83 of the *PBA* declaring that the Pension Benefits Guarantee Fund applies to **Pension Plan for Hourly Employees Who are Members of UAW Local 89**, Registration Number **0474239 (PCO #0020958)** (the “Plan”).

### **I INTEND TO MAKE THE ORDER FOR THE FOLLOWING REASONS:**

1. The Plan is registered under the *PBA*.
2. The Plan provides defined benefits that are not exempt from the application of the Pension Benefits Guarantee Fund by the *PBA* or the Regulations made thereunder.
3. The Plan was wound up effective **March 31, 1997**.
4. There are reasonable and probable grounds that the funding requirements of the *PBA* and regulations cannot be satisfied. Based on the latest actuarial certification, there is an estimated claim against the Pension Benefits Guarantee Fund of **\$1,169,000** as at **March 31, 2014**. If funds become available from the estate of the employer, the administrator will be required to make an appropriate refund of any allocation amount received by the Plan from the Pension Benefits Guarantee Fund.
5. Such further and other reasons as may come to my attention.

**YOU ARE ENTITLED TO A HEARING** by the Financial Services Tribunal (the “Tribunal”) pursuant to section 89(6) of the *PBA*. **To request a hearing, you must deliver to the Tribunal a written notice that you require a hearing, within thirty (30) days after this Notice of Intended Decision is served on you.**<sup>1</sup>

**YOUR WRITTEN NOTICE** must be delivered to:

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

Attention: The Registrar

**FOR FURTHER INFORMATION** on a Form for the written notice, please see the Tribunal website at [www.fstontario.ca](http://www.fstontario.ca) or contact the Registrar of the Tribunal by phone at 416-590-7294, toll free at 1-800-668-0128, ext. 7294, or by fax at 416-226-7750.

**IF YOU FAIL TO REQUEST A HEARING WITHIN THIRTY (30) DAYS, I MAY CARRY OUT THE INTENDED DECISION AS DESCRIBED IN THIS NOTICE.**

**DATED** at Toronto, Ontario, this **3rd** day of **March, 2015**.

*Original Signed By*

Lester J. Wong  
Deputy Superintendent, Pensions

<sup>1</sup>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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