

## Disclaimer

This is a reproduction of a NOID as issued and is provided for reference purposes only. In the event of an inconsistency, the NOID as issued takes precedence over this reproduction.

Superintendent of  
Financial  
Services



Surintendant des  
services  
financiers

---

**IN THE MATTER OF** the *Pension Benefits Act*, R.S.O. 1990, c. P.8, (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 Pension Plan for Eligible Non-Union Salaried Commercial Vehicle Aftermarket and Commercial Vehicle Systems Driveline Employees of Meritor Aftermarket Canada Inc., Registration Number 0379321.

**TO:**

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

**Attention:**

**Tom Kempa**  
**Senior Director, Global Benefits**

**Applicant and Employer**

## **NOTICE OF INTENDED DECISION**

**I INTEND TO CONSENT**, under section 78(1) of the *PBA*, to the payment out of the pension fund for the Pension Plan for Eligible Non-Union Salaried Commercial Vehicle Aftermarket and Commercial Vehicle Systems Driveline Employees of ArvinMeritor Canada, Registered Name, Registration Number 0379321 (the “Plan”), to Meritor Aftermarket Canada Inc., in the amount of \$6,012,400 as at January 1, 2012 plus adjustments to the actual date of payment.

### **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”).

2. As indicated in the report provided with the Employer's application for payment of surplus as at January 1, 2012, the surplus in the Plan was estimated at \$7,921,600.
3. The application discloses that by written agreement among:
  - a. the Employer;
  - b. 100% of the members (or by a trade union on behalf of such members); and
  - c. 77.2% of the former members and other persons entitled to a payments under the Plan as of the specified date for payment of the surplus;  
  
the surplus in the Plan at the date of payment, after deduction of expenses, is to be distributed:
  - d. 76% to the Employer; and
  - e. 24% to the beneficiaries of the Plan as defined in the Surplus Distribution Agreement.
4. The Employer has applied, pursuant to section 78 of the *PBA*, for consent of the Superintendent of Financial Services to the payment of 76% of the surplus to be distributed from the Plan, adjusted for interest and expenses.
5. The application appears to comply with sections 78, 79(1) and all other applicable requirements under the *PBA* and Regulation 909, R.R.O 1990, as amended.
6. Such further and other reasons as 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 **21st** day of **October, 2013**.

*Original Signed By*

Brian Mills  
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.*

© Queen's Printer for Ontario, 2013