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Superintendent of
Financial
Services



Surintendant des
services
financiers

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 Parmalat Canada Pension Plan for Winchester Cheese Cold Storage Union Employees, Registration Number 0353433.

TO:

Parmalat Canada Inc.
405 The West Mall, 10th Floor
Toronto ON M9C 5J1

Attention:Linda King
Pension Manager - Human Resources

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 Parmalat Canada Pension Plan for Winchester Cheese Cold Storage Union Employees, Registration Number 0353433 (the “*Plan*”), to Parmalat Canada Inc., in the amount of \$234,774.50 as at January 1, 2012 plus interest adjustments to the actual date of payment.

I PROPOSE TO MAKE THE CONSENT effective only after the Applicant satisfies me that the members’ surplus entitlements have been paid or otherwise provided for.

I INTEND TO CONSENT FOR THE FOLLOWING REASONS:

1. Parmalat 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 \$ 469,549.00 Expenses

related to the distribution of the surplus have already been accounted for.

3. The application discloses that by written agreement among:

a. Parmalat Canada Inc.

b. The Surplus Group (comprised of 10 retirees and one estate on behalf of a late former Member). 91% of the former members and other persons entitled to a payments under the Plan as of the specified date for payment of the surplus (which percentage represents a number of former members and other persons entitled to payment under the Plan that the Superintendent considers appropriate in the circumstances);

the surplus in the Plan at the date of payment is to be distributed:

a. 50% to the Employer; and

b. 50% to the beneficiaries of the Plan as defined in the 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 100% of the surplus to be distributed from the Plan plus investment earnings thereto.)

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.**¹

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 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 **25th** day of **June, 2013**.

Original Signed By

Brian Mills
Deputy Superintendent, Pensions (Acting)

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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