

## 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** 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 Retirement Benefit Plan - Barrie Plant, Dana Canada Corporation, Registration Number **594903** (the “*Plan*”).

### **TO:**

Dana Canada Corporation  
Unit 5 – 3550 Schmon Parkway, 1st Floor  
Thorold ON L2V 4Y6  
Attention: Linda McGlynn

Applicant and Employer

### **AND TO:**

Pierre-Olivier Fecteau  
Towers Watson  
South Tower, Suite 1701  
175 Bloor Street East  
Toronto Ontario M4W 3T6

## **NOTICE OF INTENDED DECISION**

**I INTEND TO CONSENT**, under section 62.1(5) of the *PBA*, to the payment out of the pension fund for the Retirement Benefit Plan - Barrie Plant, Dana Canada Corporation to Dana Canada Corporation, as at August 31, 2011 in the amount of \$295,721 plus interest to the date of payment.

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

1. Dana Canada Corporation is the employer and administrator as defined in the Plan (the “Employer”).
2. As a result of the employer funding the deficit on the wind up of the Plan as at January 31, 2009, there are assets remaining in the pension fund after all benefits have been settled. Accordingly, the amount in question constitutes an overpayment within the meaning of section 62.1(1) (b) of the *PBA*.

3. Evidence of the overpayment to the pension fund has been submitted to the Financial Services Commission of Ontario.
4. This application for the payment to the employer was made on October 5, 2011. This date is within twenty four months after the date on which the Employer made the payment described in 2. Accordingly, the application has been filed within the time limits set out in 62.1(4) of the *PBA*.
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.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](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 **15th** day of **August, 2012**.

*Original Signed By*

K. David Gordon  
Deputy Superintendent, Pensions

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