

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 make an Order under
section 83 of the *PBA*, respecting the **Wescan Systems Limited
Union Pension Plan** Registration Number **1029693**

TO: Sharon Carew
Vice President
PricewaterhouseCoopers Inc.
1 Robert Speck Parkway, Suite 1100
Mississauga ON L4Z 3M3

Administrator

AND TO: John Murray
General Manager
Wescan Systems Limited
777 Walkers Line
Burlington ON L7N 2G1

Employer

AND TO: M. Casciani
BDO Canada Limited
25 Main Street West, Suite 805
Hamilton ON L8P 1H1

Trustee in Bankruptcy and Receiver and Manager

AND TO: B. Wadsworth
CAW Local 504
205 Placer Court
Toronto ON M2H 3H9

Union

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 the **Wescan Systems Limited Union Pension Plan** Registration Number 1029693 (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 1, 2010**
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 **\$2,176,402** as at **October 31, 2010**. 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.**¹

YOUR WRITTEN NOTICE must be delivered to:

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

Attention: The Registrar

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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 seventh day after the date of mailing.

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 31st day of March, 2011.

Brian Mills
Acting Deputy Superintendent, Pensions