

**IN THE MATTER OF** the *Pension Benefits Act*, R.S.O. 1990, c. P.8 (the “Act”), in particular subsection 68(6), and section 89;

**AND IN THE MATTER OF** the Pension Plan for the Employees of Summit Food Service Distributors Inc., Registration Number 1079425 (“Plan”).

### **NOTICE OF INTENDED DECISION**

**TO:** Colabor Group Inc.  
1620 boulevard De Montarville  
Boucherville, Quebec, Canada, J4B 8P4

**Attention:** Pascal Rodier  
General Counsel & Corporate Secretary  
Groupe Colabor

**TAKE NOTICE THAT** pursuant to subsection 68(6) of the Act, and by delegated authority from the Chief Executive Officer of the Financial Services Regulatory Authority of Ontario (the “Chief Executive Officer”), the Head, Pension Plan Operations and Regulatory Effectiveness (the “Head”) intends to make an order to require Colabor Group Inc. (“Colabor”), to change the effective date of the wind up of the Plan to March 1, 2017. Details of this intended decision are described below.

**SI VOUS DÉSIREZ RECEVOIR CET AVIS EN FRANÇAIS**, veuillez nous envoyer votre demande par courriel immédiatement à: [contactcentre@fsrao.ca](mailto:contactcentre@fsrao.ca).

**YOU ARE ENTITLED TO A HEARING BY THE FINANCIAL SERVICES TRIBUNAL (THE “TRIBUNAL”) PURSUANT TO SUBSECTION 89(6) OF THE ACT.** A hearing by the Tribunal about this Notice of Intended Decision may be requested by completing the enclosed Request for Hearing Form (Form 1) and delivering it to the Tribunal within thirty (30) days after this Notice of Intended Decision is served on you. The Request for Hearing Form (Form 1) must be mailed, delivered, faxed or emailed to:

**Address:** Financial Services Tribunal  
25 Sheppard Avenue West, 7<sup>th</sup> Floor  
Toronto, ON  
M2N 6S6  
Attention: Registrar

**Fax:** 416-226-7750

**Email:** [contact@fstontario.ca](mailto:contact@fstontario.ca)

**TAKE NOTICE THAT if you do not deliver a written request for a hearing to the Tribunal within thirty (30) days after this Notice of Intended Decision is served on you, an order will be issued as indicated in this Notice of Intended Decision.**

For additional copies of the Request for Hearing Form (Form 1), visit the Tribunal's website at [www.fstontario.ca](http://www.fstontario.ca).

The hearing before the Tribunal will proceed in accordance with the *Rules of Practice and Procedure for Proceedings before the Financial Services Tribunal* ("Rules") made under the authority of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22. The Rules are available at the website of the Tribunal: [www.fstontario.ca](http://www.fstontario.ca). Alternatively, a copy can be obtained by telephoning the Registrar of the Tribunal at (416) 590-7294, or toll free at 1-800-668-0128 extension 7294.

## **REASONS FOR INTENDED DECISION**

1. An affiliate of Colabor (the "Employer") maintained the Plan for its unionized and non-unionized employees and was the administrator of the Plan.
2. The Plan is a defined benefit pension plan. Unionized employees were required to make contributions under the terms of the Plan. Non-unionized employees were not.
3. All members of the Plan were employed in the Province of Ontario.
4. On or about January 10, 2017, the Employer provided members of the Plan with written notice of its intention to cease future benefit accruals under the Plan effective March 1, 2017 (the "Notice").
5. The Notice stated that, after March 1, 2017, members would be eligible to participate in a group retirement savings plan and a deferred profit sharing plan.
6. As of March 1, 2017, the Employer administered the Plan so that benefit accruals for active members under the Plan ceased.
7. Member contributions to the Plan ceased as of March 1, 2017.
8. The Employer did not file, in accordance with section 12 of the Act, an application to register an amendment to the Plan that would cease benefit accruals effective March 1, 2017.
9. In 2020 the Employer sold the majority of the assets of its Summit Food Service division (the "Asset Sale") but retained administrative and sponsorship responsibilities for the Plan.
10. The Asset Sale resulted in the termination of employment of all active members of the Plan.
11. In 2021, the Employer filed with FSRA a wind up report with an effective date of May

31, 2021.

12. Effective December 25, 2022, Colabor assumed all rights and responsibilities relating to the Plan pursuant to a written agreement with the Employer.
13. Subsection 68(6) of the Act provides that, subject to section 89 of the Act, the Chief Executive Officer by order may change the effective date of a wind up if the Chief Executive Officer is of the opinion that there are reasonable grounds for the change.
14. Subsection 89(2) of the Act requires the Chief Executive Officer to serve notice of an intention to make an order under subsection 68(6) of the Act, together with written reasons for it, on the administrator of the pension plan and on any other person to whom the intended order is to be directed.
15. The Head, acting under delegated authority, is of the opinion that there are reasonable grounds for ordering the effective date of the wind up of the Plan to be changed to March 1, 2017 because:
  - i. benefit accruals under the Plan ceased effective March 1, 2017;
  - ii. member contributions to the Plan ceased effective March 1, 2017;
  - iii. members of the Plan were given advance written notice that benefit accruals would cease effective March 1, 2017; and
  - iv. members were eligible to participate in alternative retirement savings vehicles effective March 1, 2017.
16. Such further and other reasons as may come to my attention.

**DATED** at Toronto, Ontario, November 3, 2023.



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David Bartucci  
Head, Pension Plan Operations and Regulatory Effectiveness  
Financial Services Regulatory Authority of Ontario

By delegated authority from the Chief Executive Officer