

FSRAFinancial Services Regulatory
Authority of Ontario

Ontario

ARSFAutorité ontarienne de réglementation
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February 24, 2023

Sharon Carew
Senior Director, Wind Ups and Special Projects
Eckler Admin Corp. Ltd.
5140 Yonge Street, Suite 1700
Toronto, ON M2N 6L7
Andscarew@eckler.caDavid Collins
Grant Thornton LLP
20 King Street West, 11th Floor
Toronto, ON M5X 1E3 CanadaDavid.Collins@ca.gt.com**Re: Retirement Plan for the Employees of AFI Canada Ltd.
Registration Number 0218362**

Enclosed, please find the Notice of Intended Decision with respect to the above noted pension plan.

Yours truly,

Mitzi D'Souza
Administrative Assistant, Pensions

Enclosure

C: Michael Palozzi Financial Services Regulatory Authority of Ontario

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8 (the “Act”), in particular sections 69 and 89;

AND IN THE MATTER OF the Retirement Plan for the Employees of AFI Canada Ltd., Registration Number 0218362 (the “Plan”).

NOTICE OF INTENDED DECISION

TO: Eckler Admin Corp Ltd.
5140 Yonge Street, Suite 1700
Toronto ON M2N 6L7

Attention: Sharon Carew
Senior Director, Wind Ups and Special Projects

Appointed Administrator & Applicant

AND TO: Grant Thornton LLP
200 King Street West, 11th Floor
Toronto ON M5H 3T4

Attention: David Collins

Trustee in Bankruptcy

TAKE NOTICE THAT pursuant to section 69 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 Director, PBGF Management, intends to make an order to wind up the Plan effective July 29, 2022. 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.

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, 7th Floor
Toronto ON M2N 6S6

Attention: Registrar

Fax: 416-226-7750

Email: 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 described 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.

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. 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. AFI Canada Ltd. (the "Company") established the Plan effective January 1, 1966.
2. The Plan is a defined benefit and defined contribution combination plan
3. The Company entered a custodial arrangement with Sun Life Financial to hold the plan's defined contribution assets.
4. On October 21, 2022, the Company became bankrupt within the meaning of the *Bankruptcy and Insolvency Act (Canada)* and Grant Thornton, Licensed Insolvency Trustee was appointed as trustee.
5. Pursuant to subsection 8(1.1) of the Act, the Insolvency Coordinator, by delegated authority from the Chief Executive Officer, appointed Eckler Admin Corp. Ltd. ("Eckler") to act as the administrator of the Plan effective December 7, 2022.

6. Eckler Admin Corp. Ltd., in its capacity as the Plan administrator, has filed a Wind-up Order request stating that the Company is bankrupt within the meaning of *Bankruptcy and Insolvency Act (Canada)*.
7. Eckler Admin Corp. Ltd. has confirmed that the last 3 plan members terminated employment on July 22, 2022.
8. Eckler Admin Corp. Ltd has reviewed all prior actuarial valuation reports and pension fund financial statements and has verified that all contributions have been remitted up to July 29, 2022.
9. Therefore, the Chief Executive Officer has grounds pursuant to subsection 69(1) to order a wind up of the Plan as the Company is bankrupt within the meaning of the *Bankruptcy and Insolvency Act (Canada)* and as such, proposes to order the wind up of the Plan.
10. Subsection 69(2) of the Act provides that the wind-up order must specify the effective date of the wind up. Eckler Admin Corp. Ltd proposes in the Wind-up Order Request to wind up the Plan effective July 29, 2022. Therefore, The Chief Executive Officer proposes a wind-up date of July 29, 2022.
11. Such further and other reasons as may come to my attention.

DATED at Toronto, Ontario, February 24, 2023.



Sylvie Charest
Director, Relationship Management and Special Plan Services

By delegated authority from the Chief Executive Officer