

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 Proposal of the Superintendent of
Financial Services to make a Declaration under section 83 of the
PBA, respecting the **Pension Plan for Certain Hourly Rated
Employees at Ingersoll, Ontario Manufacturing Plant of
Fruehauf Canada Inc., a Division of Gemala Industries
Limited (Plan C-1)** Registration Number **C-18953**

TO: David Kearney
Principal
Mercer (Canada) Limited
161 Bay Street
P.O. Box 501
Toronto, ON M5J 2S5

Administrator

AND TO: Ronald Garret
Manager, Pension Benefits
Trailmobile Canada Corp.
Corporate Centre of Northbrook
1101 Skokle Blvd., Suite 350
Northbrook, Illinois, USA, 600-4124

Employer

AND TO: Jonathon Krieger
Grant Thornton Limited
Standard Life Centre
1040-120 King Street West
Hamilton, ON L8P 4V2

Trustee in Bankruptcy

AND TO: Tony Wohlfarth
CAW TCA
205 Placer Court
Toronto, ON M2H 3H9

Union Representative

NOTICE OF PROPOSAL

I PROPOSE TO MAKE A DECLARATION under section 83 of the *PBA* that the Pension Benefits Guarantee Fund applies to the **Pension Plan for Certain Hourly Rated Employees at Ingersoll, Ontario Manufacturing Plant of Fruehauf Canada Inc., a Division of Gemala Industries Limited (Plan C-1)** (the “Plan”) Registration Number **C-18953**.

REASONS:

1. The Plan is registered under the *PBA*, and
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, and
3. The plan was wound up effective **January 25, 1993**, and
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 **\$797,000 as at January 31, 2009**. 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 Proposal is served on you.**¹

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 seventh day after the date of mailing.

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 PROPOSAL AS DESCRIBED IN THIS NOTICE.

DATED at Toronto, Ontario, this 27th day of April, 2009

K. David Gordon
Deputy Superintendent, Pensions

