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SECTION: Procedures - Hearings

INDEX NO.: P520-761

TITLE: Draft Consent Document for Filing Commission Consent with the Court for Surplus Distribution under ss. 8(2) of Regulation 909

APPROVED BY: The Pension Commission of Ontario

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**Draft Consent Form to Expedite Filing of Commission Consent for Surplus Distribution under ss. 8(2) of the Regulation with the Court.**

Employers applying for consent to the payment of surplus out of a pension plan pursuant to subsection 8(2) of the Regulation (and clause 7a(2)(c) of the Regulation as it read immediately before December 18, 1991) are encouraged to attach a draft consent to their application. This will expedite the filing of consents with the court for those cases which are approved by the Commission.

The preamble portion to the draft consent should accurately reflect how the applicant has met the requirements of the Act and regulations. If the Commission finds that the draft consent form needs revision, it may request the applicant to make such revisions. The suggested format for a draft consent is shown below.

**IN THE MATTER OF AN APPLICATION BY**  
*(insert the name of the company making the application)*  
**FOR THE CONSENT OF THE PENSION COMMISSION OF ONTARIO**  
**TO THE PAYMENT OF SURPLUS FROM THE**  
*(insert the name of the pension plan),*  
**REGISTRATION NUMBER *(insert "C" number)*,**  
*(insert the name of the company making the application)*

) *(date signed by Chair)*  
) *(to be inserted by Chair)*

**CONSENT**

**THIS APPLICATION** made by *(insert the name of the company making the application)* for the consent of the Pension Commission of Ontario (the "Commission") to the payment of surplus from the *(insert the name of the pension plan)*, Registration Number *(insert "C" number)*(the "Pension Plan"), was considered by the Commission at 250 Yonge Street, Toronto, Ontario on *(insert the date of the Commission meeting at which the application will be considered)*;

**UPON** being satisfied that proper notice of the application for surplus payment had been given pursuant to subsection 78(2) of the *Pension Benefits Act*, R.S.O. 1990, c. P.8 (the "Act");

**AND UPON** reviewing the Wind Up Report (as at *(insert the effective date)*) dated *(insert date)* prepared by *(insert the name of the company that prepared the report)*, [*include the following if a supplemental report has been filed,*" and the Wind Up Report (as at *(insert the effective date)*) dated *(insert date)* prepared by *(insert the name of the company that prepared the report)*,"] and all other material filed in support of the application;

**AND UPON** considering the responses received from participants of the Pension Plan;

**AND UPON** being satisfied that all other conditions of subsection 79(3) of the Act had been met;

**THE COMMISSION HEREBY CONSENTS** pursuant to subsection 78(1) of the Act and subsection 8(2) of Regulation 909, R.R.O. 1990, as amended, to a payment of surplus to *(insert the name of the company making the application)* from the *(insert the name of the pension plan)* in the amount of  $\$(insert the amount of the refund requested)$  as at *(insert the effective date of the last filed report)* plus investment earnings thereon to the date of payment (estimated to be  $\$(insert estimated refund amount)$  as at *(insert effective date of the estimate)*).

**THE COMMISSION** will file its consent with the Court pursuant to subsection 8(2) of the Regulation.

**Monica Townson**, Acting Chair  
Pension Commission of Ontario