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SECTION: Refund of Employer Overpayment

INDEX NO.: R350-500

TITLE: Extension of Time Limit Under Section 78(4)  
- PBA s. 105

APPROVED BY: Superintendent of Financial Services

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[No longer applicable – replaced by R350-103 – July 2011]

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*Note: Where this policy conflicts with the Financial Services Commission of Ontario Act, 1997, S.O. 1997, c. 28 (FSCO Act), Pension Benefits Act, R.S.O. 1990, c. P.8 (PBA) or Regulation 909, R.R.O. 1990 (Regulation), the FSCO Act, PBA or Regulation govern.*

*Note: The electronic version of this policy, including direct access to all linked references, is available on FSCO's website at [www.fSCO.gov.on.ca](http://www.fSCO.gov.on.ca). All pension policies can be accessed from the **Pensions** section of the website through the **Pension Policies** link on the left side of each page.*

**If an application to the Superintendent of Financial Services (Superintendent) to consent to a refund of overpayment to an employer cannot be submitted within the time frame identified under section 78(4) of the PBA, what alternatives are available to the employer?**

It is recognized that, under some circumstances, an overpayment may not be discovered in time to submit an application in the same fiscal year the overpayment was made. Where the Superintendent is satisfied that there are reasonable grounds for an extension of the time limit under section 78(4), an extension may be permitted in accordance with section 105 of the PBA.