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Communications Between the Pension Commission of Ontario and Plan Administrators

As a means of improving service to pension plan administrators and persons who act on their behalf, the PCO is announcing changes in its procedures for communicating with administrators and applicants and for dealing with applications to either the Superintendent or the Commission.

Administrators Copied on All Communications

Effective from the beginning of 1996, the administrator of a pension plan will receive a copy of any communication sent by the PCO to a person acting on behalf of the administrator. Accordingly, responses to filings or applications made by actuaries, lawyers or other persons acting for a plan administrator will be routinely copied to the administrator.

This procedure is consistent with the obligation imposed on the administrator of a plan by the *Pension Benefits Act*, R.S.O. 1990 (the "Act"), to file certain prescribed documents with the Superintendent, or to make application to either the Superintendent or the Commission in respect of certain matters. Copying the administrator on the PCO's responses to such filings or applications respects the statutory role assigned to the administrator and allows him or her to monitor the status of a filing or application.

Applicants to Receive More Timely Decisions

The Commission is also announcing that effective January 1, 1996 it will change the way it responds to those applying to the Superintendent or Commission under the Act to ensure that they receive decisions in a timely manner. Currently, when applications are judged to be deficient in some respect, staff frequently engage in lengthy exchanges of correspondence with applicants in an attempt to rectify the perceived deficiencies. This has been the source of considerable frustration both for applicants and staff.

For applications to the Commission involving a return of surplus to the employer, a detailed practice (S900-501) has been published. Other applications to the Commission should follow a similar approach. Staff's comments on an application will be included in a memorandum from staff to the Commission. A copy of staff's memorandum will be provided to the applicant. The applicant will then have the opportunity to submit a response to the staff memorandum for consideration by the Commission when it makes its decision on the application.

Starting in January 1996 the decision making process for applications to the Superintendent will also be streamlined. Should staff believe that an application does not comply with the Act or that it does not satisfactorily address the matters set out in the Commission's policies, staff will advise the applicant accordingly. That response will refer the applicant to the sections of the Act that have not been complied with or to policy provisions that have not been adequately addressed. The applicant will be given an opportunity to respond. Thereafter (except for any legal or actuarial issues that may be identified) the application will be forwarded to the Superintendent for decision, without further contact with the applicant. When a decision is taken it will be communicated to the applicant in the usual manner.