

Superintendent of
Financial
Services



Surintendant des
services
financiers

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, (the “*PBA*”);

AND IN THE MATTER OF a Notice of Intended Decision of the Superintendent of Financial Services to consent, under section 78(1) of the *PBA*, to a payment out of the pension fund for the Pension Plan for the Employees of Delta Mechanical Ltd., Registration Number 1180223.

TO: **Delta Mechanical Ltd.**
27 Vanley Crescent
North York ON M3J 2B7

Attention: Melinda Chan

Applicant and Employer

COPY TO: Thompson Tomev Actuarial
87 Wolverleigh Blvd
Toronto ON M4J 1R8

NOTICE OF INTENDED DECISION

I INTEND TO CONSENT, under section 78(1) of the *PBA*, to the payment out of the pension fund for the Pension Plan for the Employees of Delta Mechanical Ltd., Registration Number 1180223 (the “Plan”), to Delta Mechanical Ltd., in the amount of \$36,474.78 as at August 1, 2008 plus investment earnings thereon to the date of payment.

I INTEND TO CONSENT FOR THE FOLLOWING REASONS:

1. Delta Mechanical Ltd. is the employer and administrator as defined in the Plan (the “Employer”).
2. The Plan was wound up effective August 1, 2008.
3. As indicated in the report provided with the Employer’s application for payment of surplus as at August 1, 2008, the surplus in the Plan was estimated at \$36,474.78.
4. The Employer is entitled under the documents that create and support the Plan and its pension fund to the payment of surplus on the wind up of the Plan.
5. The Employer has applied, pursuant to section 78 of the *PBA*, for consent of the Superintendent of Financial Services to the payment of 100% of the surplus to be distributed from the Plan (after adding 100% of investment earnings and deducting 100% of the expenses related thereto).
6. The application appears to comply with sections 78, 79(3) and all other applicable requirements under the *PBA* and Regulation 909, R.R.O 1990, as amended.

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 Intended Decision is served on you.**¹

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.

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.

**IF YOU FAIL TO REQUEST A HEARING WITHIN THIRTY (30) DAYS, I MAY
CARRY OUT THE INTENDED DECISION AS DESCRIBED IN THIS NOTICE.**

DATED at Toronto, Ontario, this **1st** day of **September, 2011**

K. David Gordon
Deputy Superintendent, Pensions