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**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 Notice of Intended Decision of the  
Superintendent of Financial Services to consent under section  
62.1(5) of the *PBA* to a payment out of the pension fund for the  
**Musicians' Pension Fund of Canada, Registration Number  
215145** (the "*Plan*").

**TO:** **Board of Trustees of the Musicians' Pension Fund of Canada**  
**2255 Sheppard Avenue East, Suite A110**  
**Toronto ON M2J 4Y1**

**Attention:** **Ms. Ellen Versteeg-Lytwyn**  
**Executive Director**

**AND TO:** **Koskie Minsky LLP**

**Attention:** **Mr. Michael Mazzuca**

### **NOTICE OF INTENDED DECISION**

**I INTEND TO CONSENT**, under section 62.1(5) of the *PBA*, to the payment out of the  
pension fund for the Plan to **Swan Records** in the amount of \$7,700.28 as at May 3, 2012, plus  
interest to the date of payment.

#### **I INTEND TO CONSENT FOR THE FOLLOWING REASONS:**

- 1. Board of Trustees of the Musicians' Pension Fund of Canada** is the administrator of  
the Plan.
- 2. Swan Records** is a participating employer under the Plan
- 3. As a result of an administrative error, Swan Records** remitted contributions on behalf of  
employees for non-pensionable service under the terms of the Plan.

4. The administrator has applied to the Superintendent for consent to the payment of \$7,700.28 to reimburse the participating employer for the overpayment.
5. Evidence of the overpayment to the fund has been submitted to the Financial Services Commission of Ontario.
6. Section 62.1(4) of the PBA states that if an employer makes an overpayment into the pension fund, the application to the Superintendent of Financial Services for reimbursement for the payment must be made before the later of, (a) 24 months after the date on which the employer made the overpayment; and (b) six months after the date on which the administrator, acting reasonably, becomes aware of the overpayment.

I am satisfied that the Company's application for overpayment has been filed within the time limits set out in 62.1(4) of the PBA.

7. 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 Intended Decision is served on you.<sup>1</sup>**

**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](http://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 INTENDED DECISION AS DESCRIBED IN THIS NOTICE.**

DATED at Toronto, Ontario, this <sup>4<sup>th</sup></sup> day of July 2014.



Brian Mills  
Deputy Superintendent, Pensions

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<sup>1</sup> 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 fifth day after the date of mailing.

