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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 **Rules and  
Regulations of the Labourers' Pension Fund of Central and  
Eastern Canada, Registration Number 0573188** (the "*Plan*").

**TO:** Board of Trustees  
Rules and Regulations of the Labourers' Pension  
Fund of Central and Eastern Canada  
1315 North Service Road E, 6<sup>th</sup> Floor  
Oakville ON L6H 1A7

**Attention:** Mr. David D'Agostini  
Administrator

**AND TO:** Koskie Minsky LLP

**Attention:** 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 the **Delgant Cement**, in the amount of \$414.77 as at **January 31, 2012** plus interest to the date of payment.

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

1. **Board of Trustees of the Rules and Regulations of the Labourers' Pension Fund of Central and Eastern Canada** is the administrator of the Plan.
2. **Delgant Cement** is a participating employer under the Plan.
3. As a result of an administrative error, **Delgant Cement** remitted contributions on behalf of employees in January 2012, for hours they did not work.

4. The administrator has applied to the Superintendent for consent to the payment of \$414.77 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 17<sup>th</sup> day of June 20 14 .



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.