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**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 62.1(5) of the PBA, to a payment out of the pension  
fund for the Pension Plan for Unionized Employees of Best  
Foods Canada Inc. at Cardinal, Ontario, Registration  
Number 0240366 (the Plan).

**TO:** Unilever Canada Inc.  
800 Sylvan Avenue  
Englewood Cliffs NJ  
USA 07632

**Attention:** Ms. Susan Long  
Benefits Manager - Retirement Plans

**Applicant and Employer**

**AND TO:** Ms. Ariella Fuhrmann  
Mercer (Canada) Limited  
161 Bay Street  
PO Box 501  
Toronto ON M5J 2S5

### **NOTICE OF INTENDED DECISION**

**I INTEND TO CONSENT**, under section 62.1(5) of the PBA, to the payment from the  
pension fund for the Plan to Unilever Canada Inc., in the amount of \$16,668 as at March  
1, 2013, plus investment earnings thereon to the date of payment.

Si vous désirez recevoir cet avis en français, veuillez envoyer votre demande  
immédiatement à: Adjointe, audiences, Greffe, Commission des services financiers de  
l'Ontario, 5160 rue Yonge, boîte 85, Toronto ON M2N 6L9.

**YOU ARE ENTITLED TO A HEARING** by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the PBA. **A hearing before the Tribunal about this Notice of Intended Decision may be requested by completing the enclosed Request for Hearing (Form 1) and submitting it to the Tribunal within thirty (30) days after this Notice of Intended Decision is served on you.**<sup>1</sup>

Additional copies of the enclosed Form 1 can be obtained by visiting the Tribunal's website at [www.fstontario.ca](http://www.fstontario.ca).

**If a Request for Hearing (Form 1) is submitted to the Tribunal within thirty (30) days after this Notice of Intended Decision** is served on you, subsection 89(8) and 89(9) of the PBA provide that the Tribunal shall appoint a time for and hold a hearing, and by order may direct the Superintendent of Financial Services (Superintendent) to make or refrain from making the intended decision indicated in this notice and to take such action as the Tribunal considers the Superintendent ought to take in accordance with the PBA and the regulations, and for such purposes, the Tribunal may substitute its opinion for that of the Superintendent.

**IF NO WRITTEN REQUEST FOR A HEARING IS MADE within thirty (30) days after this Notice is served on you, TAKE NOTICE THAT the Superintendent will carry out the Consent pursuant to section 89(7) of the PBA.**

A completed Request for Hearing form must be received by the Tribunal within 30 days of this Notice is served on you. The Request for Hearing form may be mailed, faxed or delivered to:

Financial Services Tribunal  
5160 Yonge Street  
14th Floor  
Toronto, Ontario  
M2N 6L9

Attention: The Registrar

Fax: 416-226-7750

The hearing before the Tribunal will proceed in accordance with the Rules of Practice and Procedures for Proceedings before the Financial Services Tribunal made under the authority of the Statutory Powers Procedure Act, R.S.O. 1990, c.S.22. Those Rules are available at the website of the Tribunal: [www.fstontario.ca](http://www.fstontario.ca). Alternatively, a copy can be obtained by telephoning the Registrar of the Tribunal at 416-590-7294, or toll free at 1-800-668-0128 ext 7294.

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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.

**REASONS FOR PROPOSAL:**

1. Unilever Canada Inc. is the employer and administrator as defined in the Plan (the Employer).
2. Accordingly, the amount in question constitutes an overpayment within the meaning of section 62.1(1)(b) of the PBA, as a result of the pension plan being in a fully funded position at the wind up date and the employer inadvertently remitting additional contributions after the windup date, which were, not required.
3. Evidence of the overpayment to the pension fund has been submitted to the Financial Services Commission of Ontario.
4. This application for the payment to the employer was made on March 13, 2013. This date is within 24 months after the date on which the employer made the payment described in paragraph 2. Accordingly, the application has been filed within the time limits set out in 62.1(4) of the PBA.
5. Such further and other reasons as may come to my attention.

**DATED** at Toronto, Ontario, this 3<sup>rd</sup> day of June, 20 15 .



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Lester J. Wong  
Deputy Superintendent, Pensions  
By delegated authority from the  
Superintendent of Financial Services

