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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 Proposal of the Superintendent of  
Financial Services to Consent under section 78(4) of the *PBA* to a  
payment out of the **Devair, Inc. Salaried Employees' Pension Plan**,  
Registration Number **1174713**.

**TO: DV Systems Inc.**  
**490 Welham Road**  
**Barrie, ON L4N 8Z4**

**Attention: Garth Greenough**  
**President**

**Applicant and Employer**

**AND TO:**

### **NOTICE OF PROPOSAL**

**I PROPOSE TO CONSENT**, under section 78(4) of the *PBA*, to the payment out of the Devair, Inc. Salaried Employees' Pension Plan, Registration Number 1174713 (the "Plan"), to **DV Systems Inc.**, in the amount of \$ 42,386.80, as at July 31, 2009, plus interest to the actual date of payment.

#### **REASONS:**

1. DV Systems Inc. is the employer as defined in the Plan.
2. As a result of the final distribution process of the wind up benefits to the plan members, a final lump sum contribution of \$290,232 was made to the Devair, Inc. Salaried Employees' Pension Plan based on the estimates provided by the Plan actuary in June 2009. After all benefits have been settled, an amount of \$42,386.80 remains in the fund.
3. Evidence of the overpayment to the fund has been submitted to the Financial Services Commission of Ontario.

4. Section 78(4) of the *PBA* provides: “Subject to section 89 (hearing and appeal), the Superintendent may consent to payment out of a pension fund to an employer of an amount not in excess of the amount of an overpayment by the employer into the pension fund or of an amount paid by the employer that should have been paid out of the pension fund, but shall not consent unless the application is made in the same fiscal year of the pension fund as the fiscal year in which the overpayment or the payment occurred.”
5. Such further and other reasons as 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 Proposal 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 PROPOSAL AS DESCRIBED IN THIS NOTICE.**

**DATED** at Toronto, Ontario, this **28<sup>th</sup>** day of **October, 2009**

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K. David Gordon  
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 seventh day after the date of mailing.