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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(1) of the *PBA*, to a payment out of **The Pension Plan for Employees of Anixter Canada Inc.**, Registration Number 380337.

**TO: Anixter Canada Inc.**  
**200 Foster Crescent**  
**Mississauga ON L5R 3Y5**

**Attention: Mr. Richard Seguin**  
**Vice President, Finance**

**Applicant and Employer**

### **NOTICE OF PROPOSAL**

**I PROPOSE TO CONSENT**, under section 78(1) of the *PBA*, to the payment out of The Pension Plan for Employees of Anixter Canada Inc., Registration Number 380337 (the “Plan”), to **Anixter Canada Inc.**, in the amount of \$106,000.00 as at December 31, 2004, plus adjustments to the actual date of payment.

**I PROPOSE TO MAKE THE CONSENT** effective only after the Applicant satisfies me that any payments pursuant to the Surplus Sharing Agreement to which members, former members and any other persons are entitled to have been paid, purchased or otherwise provided for.

#### **REASONS:**

1. Anixter Canada Inc. is the employer as defined in the Plan.
2. The Plan was wound up in part, effective April 2, 1999.
3. As at April 2, 1999, the surplus related to the Ontario members in the wound-up portion of the Plan was estimated at \$99,900.00. As at December 31, 2004, it was estimated to be \$151,000.00.

4. The Plan provides for payment of surplus to the Employer on wind up of the Plan.
5. The application discloses that by written agreement made by the Employer, and 84% of the members of the Surplus Sharing Group (as defined in the application) the Ontario share of the surplus in the wound-up portion of the Plan at the date of payment, after deduction of expenses is to be distributed:
  - a) \$45,000 to the beneficiaries of the Plan as defined in the Surplus Distribution Agreement; and
  - b) the balance of the surplus, after making the payments described in a) above, transferred to the on-going portion of the Plan.
6. The Employer has applied, pursuant to section 78 of the *PBA*, and section 8(1)(b) of Regulation 909, R.R.O. 1990 (the "Regulation"), for consent of the Superintendent of Financial Services to the payment of 70.2% of the surplus to be distributed from the Plan (after adding investment earnings and deducting 100% of the expenses related to the wind up of the Plan.)

Section 79(3)(b) of the *PBA* provides: "Subject to section 89 (hearing and appeal), the Superintendent shall not consent to an application by an employer in respect of surplus in a pension plan that is being wound up in whole or in part unless, the pension plan provides for payment of surplus to the employer on the wind up of the pension plan."

Section 8(1)(b) of the Regulation provides: "No payment may be made from surplus out of a pension plan that is being wound up in whole or in part unless, the payment is to be made to an employer with the written agreement of,

- (i) the employer,
  - (ii) the collective bargaining agent of the members of the plan or, if there is no collective bargaining agent, at least two-thirds of the members of the plan, and
  - (iii) such number of former members and other persons who are entitled to payments under the pension plan on the date of the wind up as the Superintendent considers appropriate in the circumstances."
7. The application appears to comply with sections 78 and 79(3)(a) and (b) of the *PBA* and with sections 8(1)(b), 28(5), and 28(6) of the Regulation.
  8. 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 **26<sup>th</sup>** day of **August 2010**.

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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.

