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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 make an Order under  
section 83 of the *PBA*, respecting the **Pension Plan for Hourly  
Employees R.J. Simpson Manufacturing Company (Canada)  
Limited** Registration Number **0588889**

**TO:** Sharon Carew  
Senior Vice-President  
PricewaterhouseCoopers Inc.  
Mississauga Executive Centre, Suite 1100  
One Robert Speck Parkway  
Mississauga ON L4Z 3M3

Administrator

**AND TO:** Debbie McCarthy  
Corporate Benefits Manager  
Metaldyne Machining and Assembly Mfg. Co. (Canada) Ltd.  
47649 Halyard Drive  
Plymouth, MI USA 48170

Employer

**AND TO:** Jonathan Joffe  
RSM Richter Inc.  
Suite 1100  
200 King Street West  
Toronto ON M5J 2N7

Trustee in Bankruptcy

## NOTICE OF INTENDED DECISION

**I INTEND TO MAKE AN ORDER** under section 83 of the *PBA* declaring that the Pension Benefits Guarantee Fund applies to the **Pension Plan for Hourly Employees R.J. Simpson Manufacturing Company (Canada) Limited**, Registration Number **0588889** (the “Plan”).

### **I INTEND TO MAKE THE ORDER FOR THE FOLLOWING REASONS:**

1. The Plan is registered under the *PBA*.
2. The Plan provides defined benefits that are not exempt from the application of the Pension Benefits Guarantee Fund by the *PBA* or the Regulations made thereunder.
3. The Superintendent of Financial Services issued a Notice of Intended decision to wind up the Plan effective **October 31, 2009**.
4. There are reasonable and probable grounds that the funding requirements of the *PBA* and regulations cannot be satisfied. Based on the latest actuarial certification, there is an estimated claim against the Pension Benefits Guarantee Fund of **\$6,435,000** as at **October 31, 2009**. If funds become available from the estate of the employer, the administrator will be required to make an appropriate refund of any allocation amount received by the Plan from the Pension Benefits Guarantee Fund.
5. 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

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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.

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 5<sup>th</sup> day of May 2011.

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Brian Mills  
Acting Deputy Superintendent,  
Pensions