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SECTION: Procedures - Applications

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TITLE: Surplus Refund Applications on Wind Up - Acknowledgment of Applications, Representations and Communication of Commission Decision, PBA, 1990 ss. 78(3), O. Reg. 909 ss. 8(2)

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### **Surplus Refund Applications on Wind Up - Acknowledgments of Applications and Representations**

1. The Registrar logs all applications received indicating the date received and the application contents. Each copy of the application is date stamped and assigned an agenda item number. A copy of the application will be sent to the Pension Officer responsible for the plan immediately upon receipt.
2. Within 5 business days of receipt of the application, the Registrar acknowledges it by letter and copies the Pension Officer.
3. The Registrar distributes remaining copies of the applications internally at a later date.

### **Acknowledgment of Representations**

1. When the Registrar receives a member representation with respect to an application, the Registrar acknowledges it pursuant to subsection 78(3) of the *Pension Benefits Act*. The Registrar forwards a copy of the representation and a copy of the acknowledgment to the responsible Pension Officer.
2. The Registrar will forward copies of all member representations to the applicant (or the agent of the applicant who filed the application); counsel for the members, if applicable; and the union, if applicable.
3. If a member representation is received which is marked "Personal & Confidential", the Registrar will return the representation to the member or former member making the representation. The Registrar will advise that all representations filed with the Commission are public documents and the information may be requested to be reviewed by the public. The member or former member will determine whether to resubmit the document to the office of the Registrar.

4. The Registrar retains the original copy of all representations until after the matter is settled.

#### **Advice as to Date Application is to be Considered by the Commission**

1. About 14 days prior to the Commission meeting at which an application is expected to be considered, the Registrar will receive the staff report in respect of the matter.
2. If fax numbers are provided, the Registrar will fax a copy of the staff report to the applicant (or the agent of the applicant who filed the application); counsel for the members, if applicable; the union, if applicable; and all persons who made representations.
3. The Registrar will advise the applicant by mail [(or the agent of the applicant who filed the application); counsel for the members, if applicable; the union, if applicable; and all persons who made representations pursuant to subsection 78(3) of the PBA] of the Commission date at which the matter is expected to be considered (the staff report will be included with this mailing).
4. If the application cannot be heard at the specified Commission meeting, the Registrar will so advise the applicant [(or the agent of the applicant who filed the application); counsel for the members, if applicable; the union, if applicable; and all persons who made representations] and will indicate the date on which the application is expected to be considered by the Commission.

#### **Communication of Commission Decisions**

1. Within seven days following the Commission meeting at which a decision is made in respect of an application, and the Chair confirms that the motion adopted by the Commission is recorded in Commission meeting minutes, the Registrar shall advise the applicant in writing [(or the agent of the applicant who filed the application); counsel for the members, if applicable; the union, if applicable; and all persons who made representations] of the Commission's decision.
2. If the Commission's decision is conditional, the Registrar will follow-up with the applicant to ensure that all conditions are satisfied. Information about the condition that is received by the Registrar shall be confirmed by the Pension Officer. When the Commission is satisfied that the conditions have been met, the Registrar will relate the Commission's satisfaction to the applicant in writing.
3. If the application is brought pursuant to subsection 8(2) of the Regulations, the Registrar will file the written consent of the Pension Commission of Ontario with the court after all conditions attached to the Commission's consent have been satisfied.
4. The Registrar will advise the applicant [(or the agent of the applicant who filed the application); counsel for the members, if applicable; the union, if applicable; and all persons who made representations] when the written consent of the Pension Commission has been filed with the court.