



SECTION: Surplus

INDEX NO.: S900-550

TITLE: Procedures for Applications under ss. 7a(2) of
O. Reg. 708/87 (743/91) (Grandfathering Provision)

APPROVED BY: The Pension Commission of Ontario

PUBLISHED: Bulletin 3/2 (October 1992)

EFFECTIVE DATE: April 23, 1992 [No longer applicable – September 2009]

Procedures for Applications Pursuant to Subsection 7a(2) - O. Reg. 743/91

Subsection 7a(2) of the Regulation provides that the consent of the Commission pursuant to subsection 78(1) of the Act may be obtained if,

- a) the payment would have been permitted by section 7a of the Regulation as it read immediately before December 18, 1991; and,
- b) notice of proposal to wind up the pension plan was given to the Superintendent before December 18, 1991.

If an applicant is eligible to rely on subsection 7a(2) and chooses to proceed in accordance with paragraph 7a(2)(c) of the Regulation as it read prior to December 18, 1991, the applicant must follow the "Making Application under ss. 7a(2)(c) - O. Reg. 708/87" which was published by the Commission on August 30, 1991 (See Policy no. S900-600).

An applicant employer who satisfies clause 7a(2)(b) may proceed under either the old rules (section 7a of O.Reg. 708/87 (as amended)) or the new rules (section 7a of O.Reg. 743/91).

Circumstances in which the "grandparenting" provision of the new rules, i.e. clause 7a(2)(b) of O. Reg. 743/91, may apply include the following:

1. if notice of proposal to wind up the pension plan was given to the Superintendent of Pensions pursuant to subsection 68(2) of the Act prior to December 18, 1991;
2. if a wind up report was filed with the Superintendent of Pensions prior to December 18, 1991, in cases where the wind up of the pension plan commenced prior to 1988 (when a Notice of Proposal to Wind Up was not required);

3. if a notice of proposal to order the wind up of the pension plan was served by the Superintendent of Pensions prior to December 18, 1991;
4. if there is other written evidence which the Commission considers sufficient notice of a proposal to wind up the pension plan in the circumstances.

The policy published on August 30, 1991 is found at S900-600.