

PENSION LAW

THIRD EDITION

Ari Kaplan
Mitch Frazer

PENSION LAW

THIRD EDITION

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ESSENTIALS OF
CANADIAN LAW

PENSION LAW

THIRD EDITION

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For Zakhary, Isidor, and Gabriel—Ari Kaplan

For Joshua and Jordan—Mitch Frazer

PREFACE

The purpose of this book is to assist readers in understanding the basic concepts of the law and regulation of registered pension plans arising from employment in Canada. The expression arising from employment means that the pension plans are those based on the “private” employment relationship—that is, plans sponsored by employers or trade unions, that are registered both with the Canada Revenue Agency for tax purposes, and with a provincial or the federal pension regulator for pension standards purposes. These include pension plans covering employees in both the private sector and the broader public sector in all three levels of government.

A differentiation must be made between “registered” pension plans and other retirement vehicles. Registered pension plans do not include government-sponsored universal retirement programs such as Canada Pension Plan (and its Quebec counterpart, the Quebec Pension Plan), the federal Old Age Security program (including the Guaranteed Income Supplement and Spouse’s Allowance), or the various provincial assistance schemes for low-income persons. Pension plans must also be distinguished from other employment-based retirement arrangements such as group registered retirement savings plans and deferred profit sharing plans. Nor do pension plans include individual savings accounts (such as a personal RRSP). These forms of retirement vehicles, while comprising a significant element of the Canadian retirement landscape, fall outside the scope of this book.

The book is intended to be read by both lawyers and non-lawyers, and it should be of particular use to professionals who are involved with pension plan stakeholders. Although we have attempted to paint a somewhat comprehensive canvas, the book nevertheless should serve as a starting—not terminal—point for legal research on the topics explained inside. Given the ever-changing and evolutionary legislative and legal landscape in pensions, the cases and legislative provisions cited should be noted-up before being relied upon.

Readers may notice a particular emphasis in the book (although not exclusively so) on Ontario law. This emphasis is for several reasons. First and foremost, the *Pension Benefits Act* (Ontario) is admittedly the legislation with which we are most familiar, given that it is the jurisdiction in which we both practise law. Second, as noted in Chapter 1, Ontario is the hegemonic centre of activity as far as the Canadian pension system is concerned—both historically (it was the first province to enact comprehensive pension standards legislation) and statistically. Third, the objective of this book is to explain general principles of pension law as opposed to offering a technical “how-to” approach to pension administration. Several widely available publications and guides admirably provide province-by-province comparisons of the regulatory requirements, so we did not consider it necessary to attempt to do the same. Having said that, in the course of explaining a particular legislative or regulatory provision we have made an effort where it was practicable to do so to footnote the comparable provision in other jurisdictions. Further, several of the chapters admittedly go into considerable detail about certain aspects unique to the Ontario pension regime, most notably Chapter 4 (Regulation). These chapters should not be avoided by readers outside of Ontario simply because they stress Ontario law. Many of the regulatory features applicable to Ontario are also relevant elsewhere and the discussions serve to provide a frame of reference where other jurisdictions’ requirements need to be considered. For example, an Alberta lawyer seeking to challenge a decision of the Alberta Superintendent of Pensions in the Alberta courts would presumably still find useful the discussion on the judicial standard of review of decisions of the Ontario Financial Services Tribunal or the Ontario Superintendent of Financial Services.

Organizing the sequence of the chapters and sections was undoubtedly the most challenging aspect of putting this manuscript together. The book follows an order and logic that we hope finds the right balance between offering a macro-incremental approach to learning the subject matter and serving as a micro-reference source. Chapter 1 is an introduction to the legal nature of the pension and offers a statistical,

thematic, and source-based overview of the competing interests and viewpoints prevalent in the legal literature. Chapter 2 sets out a brief history of pension legislation in Canada and introduces the Ontario *Pension Benefits Act* and the Ontario regulatory scheme, commencing from its initial design in 1962. Chapter 3 describes the jurisdiction, application, and scope of the *Pension Benefits Act* and identifies the “problem” of practising pension law in a federation of multi-jurisdictional pension plans. Chapter 4 canvasses the duties and reach of the Ontario pension regulator, the Financial Services Commission of Ontario. Chapter 5 describes, in some detail, the minimum substantive employee protections provided in the *Pension Benefits Act*, including the minimum content that must be included when designing a pension plan and the requirements for ongoing plan registration and administration. Chapter 6 identifies one of the most legally significant pension stakeholders, the pension plan administrator, and considers the administrator’s duties and standards of care in the day-to-day administration of the plan. Chapter 7 focuses on pension plan solvency and describes the rules and standards associated with contributions, plan valuation, and investment of the pension fund. Chapter 8 describes the relevant principles concerning how a pension plan can be amended and the legal implications of a reorganization or sale of the employer’s business or other employer-initiated restructuring of the pension plan. Chapter 9 describes how and when a pension plan can be terminated and the rights and responsibilities that flow upon such event occurring. The book concludes with Chapter 10, which explains the regulatory requirements and legal principles revolving around the policy-laden issue of the distribution and ownership of pension plan “surplus.”

* * * *

In this second edition of *Pension Law*, the book has been substantially updated. Every pension practitioner will know that pension law—and its practice—has changed dramatically in the past few years. As eloquently stated by the Honourable Frank Iacobucci in his foreword: “[T]he 2008 economic recession ... was without a doubt a major, unprecedented, intervening event that tested the coherence, integrity, and adequacy of the pension legal environment.” In short, everything has changed since 2008. A decade ago, cases like *Monsanto* invited pension stakeholders to ask the Supreme Court of Canada who is entitled to pension surplus, and when. Today, the Supreme Court must grapple with the mirror side of the balance sheet and cases like *Re Indalex* ask us to examine how to allocate the risks of an employer’s insolvency among its creditors, which prominently feature pension beneficiaries. While

we live and practise through this economic cycle of low interest rates, pension deficits, and insolvent employers, the law has responded. Since the first edition, the prominence of the law of trusts within pension jurisprudence has radically shifted. Twenty years ago, pension trusts were “classic” trusts. Today, pension law is informed by the “modern” trust. Minimum pension standards are also being reformed to offer relief to struggling employers, among other things, in the area of pension funding. At the same time, pension beneficiaries seek to be insulated and protected, or else they will increasingly rely on government social benefits to replace their lost income. New plan design legislation is being offered to respond to decreasing pension plan coverage among the Canadian workforce. Target benefit plans are in their infancy stage. Innovative plan designs, such as New Brunswick’s new “shared risk” plan model, are being watched by legislators and policy makers across the country. In short, there has never been a more exciting and dynamic time to be a pension lawyer.

* * * *

In this third edition of *Pension Law*, we have updated the text to include developments in the law and legislation since 2013. Shortly after the publication of the second edition, the Supreme Court of Canada released *IBM Canada Limited v Waterman*, 2013 SCC 70, which states that pension benefits have the “hallmarks of a property right.” Citing this book, the Court affirms that vesting is a “foundation stone” of pension regulation supported by “basic principles of pension law.” Fast forward to 2020, and the Supreme Court has recently released *Fraser v Canada (Attorney General)*, 2020 SCC 28 (after the body chapters of this third edition were closed to further revisions). In *Fraser*, the majority of the Court finds that offering a lower level of pension benefits to employees working part-time hours in a voluntary jobsharing program “perpetuates a longstanding source of economic disadvantage” of women relative to men in violation of their right to equality under section 15 of the *Charter of Rights and Freedoms*. Our text was cited again, this time in dissent, as was *Waterman*. It is exciting to observe legal developments through the lens of pensions being both quasi-proprietary and a source of human rights and dignity.

The expansion of the Canada Pension Plan in 2016 and the abandoned Ontario Retirement Pension Plan were initiatives meant to plug the continued declining pension coverage gap between younger and older workers due in part to the exodus from private sector single-workplace pension plans. In this post-*Indalex* world, the intersection of restructuring, wind up, and pension law continues to be relevant.

Regarding pension regulation and policy, notable since the second edition has been the shift from solvency to going concern funding as reflected by exemptions granted to public sector plans, conversions to target benefits or jointly sponsored plans, and industry consolidation. With this evolution in governance, joint administrators are asking questions about fiduciary compliance on matters ranging from when does investment prudence include consideration of environmental and social factors, to how advancements in technology and machine learning can optimize administration; from who should audit a plan's design for potential discrimination and other vulnerabilities, to why inclusive and diverse voices are needed on and around a plan's leadership.

These developments will undoubtedly help orient the direction of pension law in the decade to come. As Madam Justice Jana Steele states in her foreword, “[p]ension law in Canada has matured.” The authors agree and look forward to the unfolding.

Ari Kaplan and Mitch Frazer
December 2020

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The authors would like to acknowledge the following for their contributions to the third edition of *Pension Law*.

Ari Kaplan

It goes without saying that a project of this magnitude involves the effort, assistance, and gratitude of numerous individuals. I wrote the first edition of this book between 2002 and 2005, when I was a young lawyer. I am grateful to Koskie Minsky LLP, which supported me during its development, and in particular my former law partner Mark Zigler, who was my mentor at the firm and read an early draft of that manuscript.

The impulse to write this book crystallized during 2001 while I was completing my LLM in administrative law at Osgoode Hall Law School. I would like to acknowledge Justice Lorne Sossin of the Ontario Court of Appeal, who coordinated that program and encouraged me to expand the scope of my thesis paper into a book manuscript, and Justice Eileen Gillese of the Ontario Court of Appeal, who gave me similar words of encouragement and put me in touch with Jeff Miller and the first-rate publishing team at Irwin Law. A special thank you to Lesley Steeve of Irwin Law who helped us through this new edition.

The second edition of this book, published in 2013, would not have materialized without the effort and dedication of Mitch Frazer of Torys LLP. I am so proud to be his co-author, then and now. I echo Mitch's words about Tom Stevenson, who has been an invaluable editor and

organizer for this third edition, and the other editors and researchers who contributed from that firm.

Thank you to the Honourable Justice Jana Steele for writing the foreword to this edition. Justice Steele is a friend and it gives me great satisfaction to read her introduction.

The Canadian pension bar and industry is an intelligent and diverse nest of individuals and organizations who care deeply about their work and believe in a healthy Canadian retirement system. I wish to thank and acknowledge all of you with whom it is a privilege to practise law. You know who you are; your perspectives I respect, and your friendships I cherish. I want to specifically acknowledge Andrea Boctor, Mark Firman, John Hnatiw, TJ Modi, Danelle Parkinson, Anne Slivinskas, Derek Smith, Deron Waldock, and Michael Wolpert, who peer-reviewed various chapters of this edition.

I would like to thank my wonderful mom, Kaza Kaplan, and to remember my father and TDSB trustee, S Howard Kaplan, who passed away in 2016. He was so proud of me for writing this book.

To my sons, Zakhary, Isidor, and Gabriel, and stepdaughters Tashy and Jamea, I love you so much.

To my wife Melissa Melnitzer, she inspires me every day and taught me about breathing underwater. Her support and love carries me.

Mitch Frazer

I would like to begin by thanking my good friend, Ari Kaplan. I am proud to have co-authored this third edition of *Pension Law* with him. Much has changed in pension law since the second edition and I am confident that this edition will be an even more important resource for those involved in this area of law.

Given the scope and size of this project, this edition could not have been completed without the support of my colleagues at Torys LLP, ably led by our new Managing Partner, Matt Cockburn. I could not possibly be associated with a better group of people. A number of Torys associates and students, past and present, assisted in the writing and editing of this edition of the book. I would like to thank Parker Baglole, Claire Chapman, Christophe Cinqmars-Viau, Stephen Dalby, Pat Denroche, Sarah Fallis, Cal Hunter, Jessie Leonard, and Caitlin Morin for their significant contribution to this body of work. I would also like to take this opportunity to express my particular gratitude to the entire Torys Pensions and Employment Group with special thanks to my partners, Scott Bell and Susan Nickerson. I am particularly indebted to my mentor, Les Viner, for all he has done for me personally and professionally.

One of my colleagues deserves special mention. Tom Stevenson was the de facto chief operating officer of this project. He kept both me and Ari on track, assisted with much of the editing, and helped coordinate all of the volunteers who helped with this book.

Thank you to the Honourable Justice Jana Steele for writing the foreword to this book. In addition to having significant expertise in the area of pension law, Madam Justice Steele has been a long-time friend and it is a pleasure to be able to collaborate with her one more time.

I am very appreciative of several of our industry colleagues who acted as peer reviewers for this edition. Thank you to Andrea Boctor, Mark Firman, John Hnatiw, TJ Modi, Danelle Parkinson, Anne Slivinskas, Derek Smith, Deron Waldock, and Michael Wolpert.

I would be remiss if I did not thank Jeff Miller, Lesley Steeve, and the entire Irwin Law publishing team. They have been first-class all the way. I sincerely appreciate their assistance as we worked through this new edition.

On a personal note, there are several people that I would like to acknowledge.

I owe a significant debt of gratitude to my assistant/friend, Stacie McBride. We have spent our entire careers together and any success that I have had along the way rightly belongs to her as well.

I would like to thank my parents, Gitta and Harold Frazer, and my in-laws, Judy and Rick Hilton, for their continuous support and encouragement.

To my sons, Joshua and Jordan, this book is for you. I am so proud of you both. You are wonderful young men who inspire me every day.

Finally, I am most grateful to my wonderful wife, Leslie. I am so appreciative of everything that she does for me, and everything that we do together. She makes everything possible. I love her always and forever.

SELECTED LIST OF ABBREVIATIONS

<i>AEPPA</i>	<i>Employment Pension Plans Act</i> , SA 2012, c E-8.1, as amended
<i>AEPPA Reg</i>	<i>Employment Pension Plans Regulation</i> , Alta Reg 154/2014, as amended
<i>BCPBSA</i>	<i>Pension Benefits Standards Act</i> , SBC 2012, c 30, as amended
<i>BCPBSA Reg</i>	<i>Pension Benefits Standards Regulation</i> , BC Reg 71/2015, as amended
<i>CCAA</i>	<i>Companies' Creditors Arrangement Act</i> , RSC 1985, c C-36
<i>ITA</i>	<i>Income Tax Act</i> , RSC 1985, c 1 (5th Supp), as amended
<i>MPBA</i>	<i>Pension Benefits Act</i> , CCSM c P32, as amended
<i>MPBA Reg</i>	<i>Pension Benefits Regulation</i> , Man Reg 39/2010, as amended
<i>NBPBA</i>	<i>Pension Benefits Act</i> , SNB 1987, c P-51, as amended
<i>NBPBA Reg</i>	<i>General Regulation — Pension Benefits Act</i> , NB Reg 91-195, as amended
<i>NLPBA</i>	<i>Pension Benefits Act, 1997</i> , SNL 1996, c P-4.01, as amended
<i>NLPBA Reg</i>	<i>Pension Benefits Act Regulations</i> , NLR 114/96, as amended
<i>NSPBA</i>	<i>Pension Benefits Act</i> , SNS 2011, c 41, as amended
<i>NSPBA Reg</i>	<i>Pension Benefits Regulations</i> , NS Reg 200/2015, as amended
<i>PBA</i>	<i>Pension Benefits Act</i> , RSO 1990, c P.8, as amended
<i>PBA Reg</i>	<i>Pension Benefits Act Regulation</i> , RRO 1990, Reg 909, as amended

- PBSA* *Pension Benefits Standards Act, 1985*, RSC 1985, c 32 (2d Supp),
as amended
- PBSA Reg* *Pension Benefits Standards Regulations, 1985*, SOR/87-19, as
amended
- QSPPA* *Supplemental Pension Plans Act*, CQLR c R-15.1, as amended
- QSPPA Reg* *Supplemental Pension Plans Act Regulation*, CQLR c R-15.1, r 6,
as amended
- SPBA* *Pension Benefits Act, 1992*, SS 1992, c P-6.001, as amended
- SPBA Reg* *Pension Benefits Regulations, 1993*, RRS c P-6.001, Reg 1, as
amended

LEGAL NATURE OF THE PENSION

A. INTRODUCTION

It is difficult to pigeonhole pension law and regulation. Legal regimes that import a regulatory component are often described by reference to one of two broad purposes: one, statutory schemes that deliver a social program by either conferring a social benefit or regulating social behaviour, or two, schemes that regulate economic behaviour with the objective of providing stability and fairness in capital markets or correcting a perceived imbalance in those markets. These conventional and sometimes competing assumptions collide in the case of pensions.

On one hand, the establishment and maintenance of an employer-sponsored pension plan is a voluntary or negotiated decision and, therefore, a pension plan is part of the private law system derived from contracts. On the other hand, provincial and federal pension legislation are products of social policy building. The original *Pension Benefits Act* required employers to establish workplace pension plans for their employees. These were policy initiatives that downloaded onto the private sector the delivery of a social program, regulated by government. Pension law has evolved from that initial premise.

Pension law is framed by the dichotomy between two rationales: one, that the law should defer as much as possible to private law considerations underlying the common law, contractual, and property rights of employers and employees. The other rationale is that pension law should reflect its deliberate occupation within the third pillar of

As a result of the limitations concerning the operation of a resulting trust on termination of a pension plan, where the historical plan and trust language is such that the employer has demonstrated an intention to exempt the surplus from the objects of the trust, the more likely result is that the employer will have exercised its right to validly amend the plan to expressly make itself a beneficiary of the surplus. This is presumably a more desirable result for the employer, especially where the plan is one to which the employees have also contributed.

4) Table of Surplus Ownership Cases

a) Employees own the surplus

Style of Cause	Citation
<i>Little v Kent-McClain of Canada Ltd</i>	[1972] OJ No 1 (HCJ)
<i>Stelco Inc v Quebec (Régie des Rentes)</i>	[1982] JQ No 18 (Sup Ct)
<i>Reevie v Montreal Trust Co of Canada</i>	(1986), 25 DLR (4th) 312 (Ont CA)
<i>Re King Seagrave Ltd and Canada Permanent Trust Co et al</i>	(1986), 13 OAC 305 (CA), aff'g (1985), 51 OR (2d) 667 (HCJ)
<i>National Automobile, Aerospace and Agricultural Implement Workers Union of Canada, Local 458 v White Farm Manufacturing Canada Ltd</i>	(1988), 66 OR (2d) 535 (HCJ), aff'd [1990] OJ No 1988 (CA)
<i>Lear Siegler Industries v Canada Trust Co</i>	(1988), 66 OR (2d) 342 (HCJ)
<i>Sulpetro Ltd Retirement Plan Fund (Trustee of) v Sulpetro Ltd (Receiver-Manager)</i>	(1990), 66 DLR (4th) 271 (Alta CA)
<i>O'Brien Leasing Co v London Life Insurance Co</i>	(1990), 71 DLR (4th) 376 (Ont HCJ)
<i>Cluett Peabody Canada Inc v Ontario (Superintendent of Pensions)</i>	(1991) 2(2) Pension Bulletin 15 (PCO)
<i>Martin & Stewart Inc v Nova Scotia (Superintendent of Pensions)</i>	(1992), 98 DLR (4th) 651 (NSSC), aff'd (1993), 104 DLR (4th) 468 (NSCA)
<i>Re Western Star Trucks Inc</i>	(1993), 2 CCPB 65 (PCO)
<i>McCraith v 146919 Canada Ltd</i>	(1991), 35 CCEL 282 (Ont Ct Gen Div), aff'd (1993), 46 CCEL 271 (Ont CA)
<i>Nordco Ltd (Receiver of) v Newfoundland (Superintendent of Pensions)</i>	[1993] NJ No 273 (SCTD)
<i>Cabot Canada Ltd v Cabot Canada Ltd (Deloro Stellite Division Pension Plan)</i>	(1993), 99 DLR (4th) 679 (Ont CA), var'g in part (1991), 37 CCEL 284 (Ont Ct Gen Div)
<i>Bathgate v National Hockey League Pension Society</i>	(1994), 110 DLR (4th) 609 (Ont CA), aff'g (1992), 98 DLR (4th) 326 (Ont Ct Gen Div)

Style of Cause	Citation
<i>Schmidt v Air Products Canada Ltd</i>	(1994), 115 DLR (4th) 631 (SCC)
<i>LaHave Equipment Ltd v Nova Scotia (Superintendent of Pensions)</i>	(1994), 121 DLR (4th) 67 (NSCA)
<i>Bull Moose Tube Ltd v Ontario (Superintendent of Pensions)</i>	(1994), 3 CCPB 187 (Ont Ct Gen Div)
<i>Hockin v Bank of British Columbia</i>	(1995), 123 DLR (4th) 538 (BCCA)
<i>Chateaufneuf v TSCO of Canada Ltd</i>	(1995), 124 DLR (4th) 308 (Que CA)
<i>Maurer v McMaster University</i>	(1995), 125 DLR (4th) 45 (Ont CA), var'g (1991), 82 DLR (4th) 6 (Ont Ct Gen Div)
<i>Le Syndicat national des salariés des outils Simonds c Eljer Manufacturing Canada Inc</i>	(1995), 7 CCPB 257 (Que CA)
<i>Kent v Tecsyn International Inc</i>	(2000), 24 CCPB 229 (Ont Div Ct)
<i>Sadler v Watson Wyatt & Co</i>	(2001), 27 CCPB 291 (BCSC)
<i>Independent Order of Foresters v Ontario (Superintendent of Financial Services)</i>	(2002), 35 CCPB 236 (Ont FST)
<i>Samsonite Canada Inc v Ontario (Superintendent of Financial Services)</i>	(2002), 35 CCPB 133 (Ont FST)
<i>Kitchener (City) v Ontario (Superintendent of Financial Services)</i>	(2004), 42 CCPB 218 (Ont FST)
<i>Cape Breton Development Corp v UMWA</i>	(2004), 43 CCPB 161 (Cory, Arb)
<i>Schering Canada Inc v Superintendent of Financial Services and Estate of Ken Reynolds, Michel Gariepy, Edward Taylor, and Jim Wilson</i>	(2006), Decision No P0085-1999-1 (Ont FST)
<i>National Automobile, Aerospace, Transportation and General Workers Union of Canada, Local 1015 v Scotsburn Dairy Group</i>	(2008), 66 CCPB 317, [2008] NSLAA No 1 (Christie, Arb)
<i>Sutherland v Hudson's Bay Co</i>	2011 ONCA 606
<i>Telecommunications Employees Association of Manitoba Inc v Manitoba Telecom Services Inc</i>	2014 SCC 11

b) Employer owns the surplus

Style of Cause	Citation
<i>Re Canada Trust Co and Cantol Ltd</i>	(1979), 103 DLR (3d) 109 (BCSC)
<i>Martin & Robertson Administration Ltd v Manitoba (Pension Commission)</i>	[1980] MJ No 334 (QB)

Style of Cause	Citation
<i>AM International Inc Employee Pension Plans (Trustee of)</i>	[1982] OJ No 1090 (HCJ)
<i>Campbell v Ferrco Engineering Ltd</i>	(1984), 4 CCLI 268 (Ont HCJ)
<i>Sara Lee Corp of Canada v Sara Lee Corp of Canada Pension Plan for Employees of Kitchens of Sara Lee Canada Division</i>	[1989] OJ No 2597 (HCJ)
<i>Canada Deposit Insurance Corp v Canadian Commercial Bank</i>	(1989), 62 DLR (4th) 498 (Alta QB)
<i>Ventra Group v Ontario (Pension Commission)</i>	(1990), 35 CCEL 64 (Ont Ct Gen Div)
<i>Otis Canada Inc v Ontario (Superintendent of Pensions)</i>	(1991), 2 OR (3d) 737 (Gen Div)
<i>Earl Whynot & Associates Graphics Ltd v Nova Scotia (Superintendent of Pensions)</i>	[1991] NSJ No 601 (SC)
<i>Nu-Kote Canada Inc v Royal Trust Corp of Canada</i>	(1991), 4 OR (3d) 336 (Gen Div)
<i>Prudential Securities Group Inc v National Trust Co</i>	[1991] OJ No 1563 (Gen Div)
<i>Talley Canada Inc v Manufacturers Life Insurance Co</i>	[1991] OJ No 977 (Gen Div)
<i>Allegheny International Canada Ltd v Adams</i>	[1992] OJ No 2148 (Gen Div)
<i>Arrowhead Metals Ltd v Royal Trust Company</i>	(1992) 3(1) Pension Bulletin 19 (PCO)
<i>Nashua Photo Ltd v Arvaisis</i>	[1992] OJ No 419 (Gen Div)
<i>Nashua Photo Ltd v Marshman</i>	(1992), 89 DLR (4th) 592 (Ont Ct Gen Div)
<i>Amoco Canada Petroleum Co v Alberta (Superintendent of Pensions)</i>	[1992] AJ No 543 (QB)
<i>Woodward's Ltd v Montreal Trust Co of Canada</i>	(1992), 97 DLR (4th) 516 (BCSC)
<i>Royal Bank of Canada (Re)</i>	[1993] PEIJ No 61 (SCTD)
<i>International Playing Card Co v CAW, Local 195</i>	(1994), 4 CCPB 317 (PCO)
<i>Schmidt v Air Products Canada Ltd</i>	(1994), 115 DLR (4th) 631 (SCC)
<i>Crownx Inc v Edwards</i>	(1994), 120 DLR (4th) 270 (Ont CA), aff'g (1991), 7 OR (3d) 27 (Gen Div)
<i>Ferro Canadian Employees' Pension Plan, Re</i>	(1995), 15 CCPB 12 (PCO)

Style of Cause	Citation
<i>Joy Technologies Canada Inc v Montreal Trust Co of Canada</i>	(1995), 12 CCPB 182 (Ont Ct Gen Div)
<i>Das v Ontario (Pension Commission)</i>	(1996), 13 CCPB 91 (Ont Div Ct)
<i>Central Guaranty Trust Co (Liquidator of) v Spectrum Pension Plan (5)</i>	(1997), 149 DLR (4th) 200 (NSCA)
<i>Bundy of Canada Ltd v Canada Trust Co</i>	[1997] OJ No 1409 (CA), aff'g [1993] OJ No 766 (Gen Div)
<i>CUPE, Local 185 v Etobicoke (City)</i>	(1998), 17 CCPB 278 (Ont Div Ct)
<i>Howitt v Howden Group Canada Ltd</i>	(1999), 170 DLR (4th) 423 (Ont CA)
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