

Financial Services Commission of Ontario
Commission des services financiers de l'Ontario



SECTION: Procedures - Commission

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TITLE: Commission Meetings - Purpose and Procedure
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Commission Meetings - Purpose and Procedure

Purpose of the Commission

The Commission is a quasi-judicial administrative tribunal which was established by the *PBA, 1963* and continued by the *PBA, 1990*. The duties of the Commission are set out in sections 96 and 97 of the Act:

- (a) to administer this Act and the regulations;
- (b) to promote the establishment, extension and improvement of pension plans throughout Ontario;
- (c) to advise the Minister in respect of the business of the Commission; and
- (d) to make recommendations to the Minister in respect of the Commission.

97.-(1) ...to conduct surveys and research programs and to compile statistical information related to pensions and pension plans.

Composition of the Commission

Subsection 93(2) of the Act states that the Commission shall be composed of not fewer than five and not more than nine members and subsection 93(8) states that a majority of the Commission members, including the head or deputy head, constitutes a majority. A majority vote prevails.

Schedule of Commission Meetings

Commission meetings are held regularly and generally occur on the last Thursday of each month except August. Commission meeting dates are scheduled a year in advance and the dates are published in the *PCO Bulletin* along with the deadlines by which submissions for matters to be heard at specified meetings must be filed.

Commission Meeting Agenda

Meetings are generally composed of three parts and functions: adjudication, information sharing and approval of policies and procedures.

- 1) Adjudicative Function - The Commission considers matters over which it has decision making authority under the Act, and applications under this function are considered as follows:
 - application for a refund of employee contributions (subsection 63(7) and (8) and clause 90(1)(c) of the Act);
 - application for the payment of surplus funds to an employer (sections 78 and 79 of the Act and sections 25, 26 and 27 of the Regulation);
 - application for refund of employer overpayment or other payment (subsection 78(4) of the Act);
 - application for the extension of a time period (section 105 of the Act);
 - application for a declaration that the Guarantee Fund applies to a pension plan (subsection 91(1) of the Act); and
 - application for allocation of money from the Guarantee Fund to the plan (subsection 34(7) of the Regulation).

If it is decided that a non-section 89 application requires more in-depth consideration by the Commission, the matter may be set over to another Commission meeting.

- 2) Other Matters - The Chair and PCO staff provide Commission members with information on other pension related matters of interest.
- 3) Approval of Policies and Procedures - Commission members regularly receive reports and consider recommendations.

Readers may also wish to refer to the *PCO Annual Report for the Fiscal Year Ending March 31, 1995* for a discussion of *The Tribunal - Roles and Responsibilities* (page 7). The article takes a look at the policy-making function of the Commission, the quasi-judicial decision making function of the Commission and the leadership function of the Commission.