Court File No. CV-21-00656040-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

THE HONOURABLE CHIEF	)	WEDNESDAY, THE 17th
	)	
JUSTICE MORAWETZ	)	DAY OF MARCH, 2021

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF **LAURENTIAN UNIVERSITY OF SUDBURY**

Applicant

ORDER

(Re: Pension)

THIS MOTION, brought by Laurentian University of Sudbury ("**LU**") pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the "**CCAA**"), for an order: (a) applying the Transfer Ratio (as defined below) to commuted value transfer requests from all Interim CV Applicants (as defined below); and (b) confirming that the PBGF Assessment Payment and the Incremental PBGF Assessment Payment (both as defined below) are stayed pursuant to the terms of the Amended and Restated Initial Order, was heard this day by videoconference via Zoom in Toronto, Ontario due to the COVID-19 pandemic.

ON READING the Notice of Motion of LU dated March 8, 2021, the affidavit of Dr. Robert Haché sworn January 30, 2021 and the Exhibits thereto (the "**Initial Haché Affidavit**") that was previously filed in this proceeding, the Affidavit of Bobbie-Jo Brinkman sworn March 8, 2021 and the Exhibits thereto and the Second Report of the Monitor dated March 11, 2021 and on hearing the submissions of counsel in attendance and the following Interim CV Applicants, Caleb Leduc, Brady Zapalski, Ann Pegoraro, William Oxley and Sheila McGillis, with no one appearing for any other person on the service list or the remaining Interim CV Applicants (as defined below), although duly served as appears from the Affidavit of Service of Derek Harland sworn March 10, 2021,

Service and Definitions

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion is hereby validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

2. **THIS COURT ORDERS** that capitalized terms used herein that are not otherwise defined shall have the meaning ascribed to them in the Initial Haché Affidavit.

Application of the Transfer Ratio for Commuted Value Transfers

3. **THIS COURT ORDERS AND DECLARES** that LU, in its capacity as an Applicant herein and as sponsor and administrator of the Pension Plan (as such term is defined in the Initial Haché Affidavit), shall be permitted to transfer commuted values from the Pension Plan based on a transfer ratio equal to 65.8% (the "**Transfer Ratio**"), being the transfer ratio contained in the most recently filed actuarial valuation report for the Pension Plan (effective as of January 1, 2020 and filed with the Financial Services Regulatory Authority of Ontario in December 2020), in accordance with the Ontario *Pension Benefits Act* and the regulations thereto (the "**PBA**") for any individual who has received a retirement or termination statement and election form from LU indicating that he or she may elect to receive a 100% commuted value transfer from the Pension Plan and for whom such transfers have not yet been made (the "**Interim CV Applicants**").

4. **THIS COURT DECLARES AND ORDERS** that any Interim CV Applicant who has elected a commuted value transfer shall be given a re-election form, which form must be submitted in writing to LU within 30 days of notice of this Order, to elect to either receive an immediate or deferred pension, as applicable, or a commuted value transfer based on the Transfer Ratio. Each such Interim CV Applicant shall receive a copy of this Order from LU, and be advised of the 30-day period within which such election shall be made in writing to LU. Any such Interim CV Applicant who does not make an election in writing to LU within 30 days of the date upon which notice of this Order is provided to them, shall be deemed to have withdrawn their application for

a transfer of their commuted value and shall retain their entitlement to a deferred pension from the Pension Plan.

5. **THIS COURT ORDERS AND DECLARES** that, notwithstanding anything in this Order, any future adjustments to the applicable Transfer Ratio for the purpose of commuted value transfers shall be established in accordance with the PBA, or by further Order of this Court.

Stay of Pension Benefits Guarantee Fund Assessment Payment

6. **THIS COURT ORDERS AND CONFIRMS** that, for greater certainty, the payment due on March 30, 2021 in the amount of $842,018.34 in respect of LU's *pro rata* portion of assessment fees payable to the Pension Benefits Guarantee Fund relating to the Pension Plan for the pre-filing period of July 1, 2019 to June 30, 2020, plus any interest and penalties thereon (the "**PBGF Assessment Payment**") and any incremental amount owing by LU in respect of its *pro rata* portion of assessment fees payable to the Pension Benefits Guarantee Fund relating to the Pension Plan for the pre-filing period of July 1, 2018 to June 30, 2019 due to the filing in December 2020 of a new actuarial valuation report for the Pension Plan, plus any interest and penalties thereon (the "**Incremental PBGF Assessment Payment**"), is stayed and suspended in accordance with paragraph 12 of the Amended and Restated Initial Order of this Court dated February 11, 2021.

7. **THIS COURT ORDERS** that none of LU or any of its directors, officers, employees, agents, advisors or consultants shall incur any obligation or liability as a result of the stay and suspension of the PBGF Assessment Payment and the Incremental PBGF Assessment Payment in accordance with the terms of this Order. For greater certainty, nothing in this Order shall preclude the Financial Services Regulatory Authority from asserting a claim against LU in respect of the PBGF Assessment Payment or the Incremental PBGF Assessment Payment.

General

8. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body, having jurisdiction in Canada or in the United States of America to give effect to this Order and to assist LU the Monitor and their respective agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to LU and to the Monitor, as an officer of the Court, as may be necessary or desirable to give effect to this Order,

to grant representative status to the Monitor in any foreign proceeding, or to assist LU and the Monitor and their respective agents in carrying out the terms of this Order.

CHIEF JUSTICE G.B. MORAWETZ

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT,* R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF **LAURENTIAN UNIVERSITY OF SUDBURY**

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Proceedings commenced at Toronto

ORDER
(Pension Order)

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