

FINANCIAL SERVICES TRIBUNAL

IN THE MATTER OF the *Pensions Benefits Act*, 1990, c.P.8, as amended (the “*Act*”);

AND IN THE MATTER OF a Proposal of the Superintendent of Financial Services to Refuse to Make an Order under section of 87 of the *Act* respecting a request by Mr. Hugo Jaik relating to the Electrical Industry of Ottawa Pension Plan, Registration No. 0586396 (the “*Plan*”);

AND IN THE MATTER OF a Request for Review of the Order of the Tribunal in this matter dated July 11, 2005.

B E T W E E N:

HUGO JAIK

Applicant

- and -

**SUPERINTENDENT OF FINANCIAL SERVICES
and THE BOARD OF TRUSTEES OF THE ELECTRICAL INDUSTRY
OF OTTAWA PENSION PLAN**

Respondents

BEFORE:

Ms. Anne Corbett
Vice Chair of the Tribunal and Chair of the Panel

Ms. Heather Gavin
Member of the Tribunal and of the Panel

Mr. John Solursh
Vice Chair of the Tribunal and Member of the Panel

WRITTEN SUBMISSIONS:

Mr. Hugo Jaik
Self-Represented

For the Superintendent of Financial Services
Ms. Deborah McPhail

REASONS FOR DECISION

Nature of the Request:

The Applicant, Hugo Jaik has requested the panel to reconsider its order it made in this matter dated July 11, 2005 (the “Order”) in accordance with Part XI of the *Rules of Practices and Procedure for Proceedings before the Financial Services Tribunal*, dated August 1, 2004 (the “Rules”).

Written Material Filed:

The Panel’s consideration of the Applicant’s Request for Review of the Order was conducted in writing pursuant to Rule 51.

In support of his request for this panel to review the Order Mr. Jaik filed with the Tribunal:

- (a) a letter dated July 22, 2005 from him requesting a reconsideration of the Tribunal’s decision in this matter;
- (b) a letter dated July 25, 2005 from him providing more information in accordance with a discussion Mr. Jaik had with the Registrar of the Tribunal regarding the requirement of the Rules; and
- (c) a letter dated July 29, 2005 from him in setting out more information for purposes of complying with the Rules.

The Superintendent of Financial Institutions filed with the Tribunal a written submission dated August 8, 2005 in response to the Applicant’s Request for Review which sets out the Superintendent’s position that the Request for Review of the Order should be dismissed.

Timeliness of Applicant's Request for Review:

The Applicant's Request for Review under the Rules was filed a few days later than the 10 day time period specified in Rule 49.04. His submissions set out his reasons for the late filing. The Superintendent has not objected to the late filing. Accordingly, we agreed to consider Mr. Jaik's Request for Review pursuant to Rule 49.02.

Analysis and Conclusions:

Rule 50.01 provides that in deciding whether it is advisable to review all or part of an order, a panel of the Tribunal may consider "any relevant circumstances, including:

- (a) whether there is a material error of law or fact such that the panel or member would likely have reached a different decision but for that error;
- (b) the extent to which any party or any other person has relied on the order;
- (c) whether the order is under appeal or is the subject of a judicial review application;
and
- (d) whether the public interest in finality of orders is outweighed by the prejudice to the requester."

We have considered, in the context of our Order and Rule 50.01, the material filed by the Applicant in support of this application for review as well as the submissions of the Superintendent. We also have taken into account the material filed on or before the hearing of the matter on January 24, 2005.

We have concluded that the material filed by the Applicant does not identify any relevant circumstances including a material error of law or fact such that the panel would likely have reached a different decision but for such error.

More specifically, there is nothing in the filed material that would lead us to conclude that any further review of the Order should be undertaken or that any further review would lead us to a different decision than the decision reflected in the Order.

Decision:

The Applicant's Request for Review is denied and the July 11, 2005 Order of this panel is confirmed.

DATED at the City of Toronto this 30th day of September, 2005.

"Anne Corbett"
Anne Corbett
Vice Chair of the Tribunal and Member of the Panel

"Heather Gavin"
Heather Gavin
Member of the Tribunal and of the Panel

"John M. Solursh"
John Solursh
Vice Chair of the Tribunal and Member of the Panel