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May 12, 2014

Reply To: Thomas Brett
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Our File No. 133319

VIA RESS, EMAIL AND REGULAR MAIL

Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, Ontario
M4P 1E4

Attention: Kirsten Walli
Board Secretary

Dear Ms. Walli:

**Re: Cost Claim of Building Owners and Managers Association,
Greater Toronto (BOMA)
Board File No. EB-2013-0109**

Please find attached BOMA's Cost Claim.

Yours truly,

FOGLER, RUBINOFF LLP

Thomas Brett
TB/dd

cc: Munir Madhavji (by e-mail)
Kristi Sebalj (by e-mail)
Karen Hockin (by e-mail)
Marion Fraser (by e-mail)
Chris Conway (by e-mail)

Ontario Energy Board COST CLAIM FOR HEARINGS



Affidavit and Summary of Fees and Disbursements

This form should be used by a party to a hearing before the Board to identify the fees and disbursements that form the party's cost claim. Paper and electronic copies of this form and itemized receipts must be filed with the Board and served on one or more other parties as directed by the Board in the applicable Board order. Please ensure all required fields are filled in and the Affidavit portion is signed and sworn or affirmed.

Instructions

- Required data input is indicated by yellow-shaded fields. Formulas are present in the document to assist with the calculation of the cost claim.

- All claims must be in Canadian dollars. If applicable, state exchange rate and country of initial currency.

Rate: _____

Country: _____

- A separate "Detail of Fees and Disbursements Being Claimed" (comprising a "Statement of Fees Being Claimed" and a "Statement of Disbursements Being Claimed") is required for each consultant or lawyer/articling student/paralegal. However, only one "Summary of Fees and Disbursements" covering the whole of the party's cost claim should be provided.

- The cost claim must be supported by a completed Affidavit signed by a representative of the party.

- A CV for each consultant must be attached unless, for a given consultant, a CV has been provided to the Board in another process within the last 24 months.

- Except as provided in section 7.03 of the Practice Direction on Cost Awards, itemized receipts must be provided.

File # EB- 2013-0109

Process: Union 2012 Earnings Sharing

Party: BOMA

Affiant's Name: Tom Brett

HST Number: R119420859

HST Rate Ontario: 13.00%

Full Registrant ☒

Qualifying Non-Profit ☐

Unregistered ☐

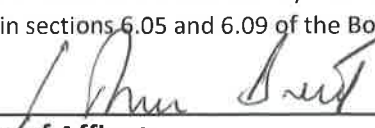
Tax Exempt ☐

Other ☐


Affidavit

I, Tom Brett, of the City/Town of Toronto
in the Province/State of Ontario, swear or affirm that:

1. I am a representative of the above-noted party (the "Party") and as such have knowledge of the matters attested to herein.
2. I have examined all of the documentation in support of this cost claim, including the attached "Summary of Fees and Disbursements Being Claimed", "Statement(s) of Fees Being Claimed" and "Statement(s) of Disbursements Being Claimed".
3. The attached "Summary of Fees and Disbursements Being Claimed", "Statement(s) of Fees Being Claimed" and "Statement(s) of Disbursements Being Claimed" include only costs incurred and time spent directly for the purposes of the Party's participation in the Ontario Energy Board process referred to above.
4. This cost claim does not include any costs for work done, or time spent, by a person that is an employee or officer of the Party as described in sections 6.05 and 6.09 of the Board's Practice Direction on Cost Awards.


Signature of Affiant

Sworn or affirmed before me at the City/Town of Toronto,
in the Province/State of Ontario, on Mar. 26/14,
(date)


Commissioner for taking Affidavits

Ontario Energy Board
COST CLAIM FOR HEARINGS
Affidavit and Summary of Fees and Disbursements



File # EB- 2013-0109

Process: Union 2012 Earnings Sharing

Party: BOMA

Summary of Fees and Disbursements Being Claimed

Legal/consultant fees	\$32,835.00
Disbursements	0.00
HST	4,268.55
Total Cost Claim	\$37,103.55

Ontario Energy Board

COST CLAIM FOR HEARINGS

Detail of Fees and Disbursements Being Claimed



File # EB- <u>2013-0109</u>		Process: <u>Union 2012 Earnings Sharing</u>	
Party: <u>BOMA</u>		Name: <u>Tom Brett</u>	
		Completed Years Practising/Years of relevant experience	
Counsel/Articling Student/Paralegal:	<input checked="" type="checkbox"/>	<u>35</u>	
Consultant:	<input type="checkbox"/>		
CV attached:	<input type="checkbox"/>	CV not required:	<input checked="" type="checkbox"/>

Statement of Fees Being Claimed

	Hours	Hourly rate	Subtotal	HST	Total
Preparation	36.60	\$330.00	\$12,078.00	\$1,570.14	\$13,648.14
Attendance - Technical Conference			\$0.00	\$0.00	\$0.00
Attendance - Settlement Conference	4.00	\$330.00	\$1,320.00	\$171.60	\$1,491.60
Attendance - Oral Hearing	14.00	\$330.00	\$4,620.00	\$600.60	\$5,220.60
Argument	27.90	\$330.00	\$9,207.00	\$1,196.91	\$10,403.91
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
TOTAL LEGAL/CONSULTANT FEES					
			\$27,225.00	\$3,539.25	\$30,764.25

Statement of Disbursements Being Claimed

	Net Cost	HST	Total
Photocopies		\$0.00	\$0.00
Printing		\$0.00	\$0.00
Fax		\$0.00	\$0.00
Courier		\$0.00	\$0.00
Telephone		\$0.00	\$0.00
Postage		\$0.00	\$0.00
Transcripts		\$0.00	\$0.00
Travel: Air		\$0.00	\$0.00
Travel: Car		\$0.00	\$0.00
Travel: Rail		\$0.00	\$0.00
Travel (Other):		\$0.00	\$0.00
Parking		included	\$0.00
Taxi or Airport Limo		\$0.00	\$0.00
Accommodation		\$0.00	\$0.00
Meals		\$0.00	\$0.00
Other:		\$0.00	\$0.00
TOTAL DISBURSEMENTS:			
	\$0.00	\$0.00	\$0.00

Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2013-0109</u>	Process: <u>Union 2012 Earnings Sharing</u>
Party: <u>BOMA</u>	Name: <u>Marion Fraser</u>
Completed Years Practising/Years of relevant experience <u>33</u>	
Counsel/Articling Student/Paralegal: <input checked="" type="checkbox"/>	
Consultant: <input type="checkbox"/>	
CV attached: <input type="checkbox"/>	CV not required: <input checked="" type="checkbox"/>

Statement of Fees Being Claimed

	Hours	Hourly rate	Subtotal	HST	Total
Preparation	11.00	\$330.00	\$3,630.00	\$471.90	\$4,101.90
Attendance - Technical Conference			\$0.00	\$0.00	\$0.00
Attendance - Settlement Conference			\$0.00	\$0.00	\$0.00
Attendance - Oral Hearing			\$0.00	\$0.00	\$0.00
Argument	6.00	\$330.00	\$1,980.00	\$257.40	\$2,237.40
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
TOTAL LEGAL/CONSULTANT FEES					
			\$5,610.00	\$729.30	\$6,339.30

Statement of Disbursements Being Claimed

	Net Cost	HST	Total
Photocopies		\$0.00	\$0.00
Printing		\$0.00	\$0.00
Fax		\$0.00	\$0.00
Courier		\$0.00	\$0.00
Telephone		\$0.00	\$0.00
Postage		\$0.00	\$0.00
Transcripts		\$0.00	\$0.00
Travel: Air		\$0.00	\$0.00
Travel: Car		\$0.00	\$0.00
Travel: Rail		\$0.00	\$0.00
Travel (Other):		\$0.00	\$0.00
Parking		included	\$0.00
Taxi or Airport Limo		\$0.00	\$0.00
Accommodation		\$0.00	\$0.00
Meals		\$0.00	\$0.00
Other:		\$0.00	\$0.00
TOTAL DISBURSEMENTS:			
	\$0.00	\$0.00	\$0.00

Prebill # 728201 Session: 405074 Bill to: 13/Dec/13

F1588
Fraser & Company

CLIENT LAWYER: Brett, Thomas
MATTER LAWYER: Brett, Thomas
LAWYER ON BILL: Brett, Thomas
LAST BILL DATE: NONE

133319
BOMA – Union Gas Limited, 2012
Earnings Sharing and Disposition
of Deferral Accounts and Other
Balances; Board File No. EB-
2013-0109

FOGLER, RUBINOFF LLP

PAYOR NAME & ADDRESS
Fraser & Company
502-33 Harbour Square
Toronto, ON
M5J 2G2
Canada
Attn: Marion Fraser

Page 1

PAYOR: F1588 MAIN
BILL: F1588 MAIN

ACCOUNT APPROVAL


Thomas Brett

☐ FINAL BILL: MATTER WILL BE MADE INACTIVE

UNBILLED TIME

<u>LAST ENTRY</u>	<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>AMOUNT</u>	<u>FEE CREDIT ALLOCATION</u>	<u>CODE</u>	<u>INIT</u>
26/Nov/13	Thomas Brett	82.50	27,225.00	<input type="checkbox"/> AS DOCKETED	415	TB
TOTAL UNBILLED FEES		82.50	27,225.00	<input type="checkbox"/> WRITE OFF		
PREMIUM (WRITE DOWN)						
TOTAL FEES THIS BILL			27,225.00			

TRUST SUMMARY – A Trust was not opened on this Matter

FOGLER, RUBINOFF
BILLING STATEMENT TO 13/Dec/13

F1588 **133319**
 Fraser & Company
 BOMA – Union Gas Limited, 2012
 Earnings Sharing and Disposition of
 Deferral Accounts and Other Balances;
 Board File No. EB-2013-0109
 Prebill No.: 728201
 Session ID: 405074

LAST BILL DATE: NONE
 LAST BILLED TO DATE: NONE

 FILE LAWYER: Brett, Thomas
 ASSIGNED LAWYER: Brett, Thomas

CLIENT ADDRESS
 Fraser & Company
 502-33 Harbour Square
 Toronto, ON M5J 2G2
 CANADA

BILLING ADDRESS
 502-33 Harbour Square
 Toronto, ON
 M5J 2G2

 Fraser, Marion

DETAIL OF UNBILLED TIME

<u>DATE</u>	<u>TIME ID</u>	<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>RATE</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
06/Jul/13	2256934	415 TB	3.00	330.00	990.00	Reviewing evidence
07/Jul/13	2256935	415 TB	3.50	330.00	1,155.00	Reviewing evidence
09/Jul/13	2256932	415 TB	3.00	330.00	990.00	Reviewing evidence; Preparing Interrogatories
30/Jul/13	2269245	415 TB	6.00	330.00	1,980.00	Reviewing Union evidence and supporting materials; Telephone discussion with Rick Birmingham
31/Jul/13	2269246	415 TB	6.00	330.00	1,980.00	Reviewing Union Interrogatory Responses; Preparing for Settlement Conference
01/Aug/13	2269247	415 TB	1.50	330.00	495.00	Preparation for Settlement Conference
01/Aug/13	2269248	415 TB	4.00	330.00	1,320.00	Attending Settlement Conference (teleconference)
06/Aug/13	2269547	415 TB	1.00	330.00	330.00	Reviewing letters and comments by others; Reviewing formulate amendment
07/Aug/13	2269954	415 TB	0.30	330.00	99.00	Reviewing letter to OEB and comments and final wording of overview
08/Aug/13	2270740	415 TB	0.30	330.00	99.00	Reviewing final letter and comments
21/Oct/13	2314857	415 TB	6.00	330.00	1,980.00	Preparation of cross-examinations; Reviewing materials
22/Oct/13	2314864	415 TB	2.00	330.00	660.00	Preparation for Hearing
22/Oct/13	2314865	415 TB	7.00	330.00	2,310.00	Attending Hearing
23/Oct/13	2314867	415 TB	2.00	330.00	660.00	Preparation for Hearing
23/Oct/13	2314868	415 TB	7.00	330.00	2,310.00	Attending Hearing
24/Oct/13	2314871	415 TB	2.00	330.00	660.00	Reviewing Transcripts
18/Nov/13	2324094	415 TB	2.00	330.00	660.00	Drafting Argument
19/Nov/13	2324100	415 TB	6.00	330.00	1,980.00	Drafting Argument
20/Nov/13	2324104	415 TB	2.00	330.00	660.00	Drafting Argument
22/Nov/13	2326901	415 TB	6.00	330.00	1,980.00	Drafting Argument
23/Nov/13	2326906	415 TB	2.00	330.00	660.00	Drafting Argument
25/Nov/13	2326918	415 TB	5.50	330.00	1,815.00	Preparation of Argument
26/Nov/13	2329003	415 TB	4.40	330.00	1,452.00	Preparation of Argument
TOTAL TIME			82.50		27,225.00	

DOCKET

EB-2013-0109				Union Gas				
Board File Number				Party Name				
				Fraser & Company				
Date	Explanation	Consultant	Preparation	Attendance TC	Attendance SC	Attendance OH	Argument	Total
21-Nov-13	Preparation	MEF	5					5
22-Nov-13	Preparation	MEF	6					6
25-Nov-23	Argument	MEF					6	6
								0
Total			11	0	0	0	6	17