

## EB-2018-0270 Decision and Order Frank Kehoe Response

From: Margaret & Frank Kehoe (fm.kehoe@rogers.com)

To: boardsec@ontarioenergyboard.ca

Cc: regulatory@hydrone.com; ckeizer@torys.com; mengelberg@hydroone.com; wmcnally@opsba.org; jay@shepherdruenstein.com; mark@shepherdruenstein.com; preece@pwu.ca; richard.stephenson@paliaroland.com; bkidane@elenchus.ca; kmckenzie@elenchus.ca; tom.ladanyi@rogers.com; jgirvan@uniserve.com; jlawford@piac.ca; bharper.consultant@bell.net; jillyd@live.ca; mauriceamcmillan@gmail.com; mrodger@blg.com; gjackson@orillia.ca; ghipgrave@orilliapower.ca; phurley@orilliapower.ca

Date: Monday, May 25, 2020, 04:54 p.m. EDT

#304- 95 Matchedash St. N.,

Orillia, ON L3V 1C9

Tel: 1-705-325-6608

Email: [fm.kehoe@rogers.com](mailto:fm.kehoe@rogers.com)

May 25th 2020

Shelly-Anne Connell  
Ontario Energy Board Secretary

2300 Yonge St., 27<sup>th</sup> Floor

Toronto, ON M4P 1E4

Subject: **Energy Board Decision and Order EB- 2018-0270 Dated April 30<sup>th</sup> 2020**

Dear Secretary

I, Frank Kehoe, must apologize for my misconception that the Ontario Energy Board operated for the protection and best interest of the electrical consumers. In my mind, this is not the case as it appears the recent decision and ruling of the Energy Board does not support our Canadian democracy or rule of law. The board has not taken into consideration the material copied to the board that I forwarded to the Provincial Attorney General Ministry dated June 10<sup>th</sup> 2019.

Facts:

1. When the Town of Orillia went into the electrical business there was a stipulation of the backers of the debt that the project debt over the figure approved by the legislature that the rates alone be the only measure to be used to pay the debt. This was the requirement made at the time. However, this Town Council chose to dip into the reserve and maintenance funds which prompted the backers and electrical consumers to go back to the province so as to put a stop to this beach of promise.
2. With the province backing the new council then put the management under electoral law to a vote of Orillia's eligible electorate who then approved the complete removal of the electrical asset from council control and put it under a management body to be elected
3. The ownership of the new utility remained with the Town of Orillia and the elected board, held in trust that ownership free free from any council involvement. The vote of electors and former management transfer took place prior to the Province putting in place a new separate legislation to now be called the Public Utilities Act, (assented to 5th May 1913).
4. When the new act came into existence, it gave full protection to the Orillia electorate and the newly elected board of directors, now to be called a commission.

**Section 36(1)** A commission established under this part shall be a body corporate and shall consist of three or five members as provided by law of whom the head of the council shall ex-officio be one and the others shall be elected at the same time and place and in the same manner as the head of council.

**Section 39(1)** A commission may by by-law passed with the assent of the Municipal Electors repeal any by-law passed under **Section 34**.

5. A couple of years after the new elected board came into existence, the Ontario Hydro Electric Power Commission wrote town council with an offer to purchase the Orillia Electrical Utility. The town council advised H.E.P.C. that they did not have the legal authority to sell but if the Orillia electorate in an electoral vote would approve the sale in another municipal referendum then the council could sell to H.E.P.C. The vote took place and the electorate rejected the sale by a large majority.

**Elections and or Referendums :**

**Nothing is more important in our Canadian democratic system than its electoral process. Through elections and referendums, the people express their will or create laws on issues and as well choose their leaders.**

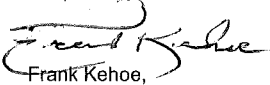
6. For reasons of clarity, it is necessary for the board to read and comprehend the full letter as addressed to the Attorney General Ministry, June 10th 2019 as well as its attachments.

The major emphasis will of course relate to the Section 67(1) which in my opinion, is illegal by federal laws and the Charter of Rights and Freedoms, constitution, and Canadian Bill of Rights.

The Attorney Generals Ministry as well as the courts are on lock down as well as the writer. The Energy Board should also be placed on hold until as such time as we have provincial approval to travel and to properly prepare an appeal or have a decision from the Attorney Generals Ministry particularly on Section 67(1).

if the provincial legality on the rights of the Orillia electorate be ignored by the Energy Board, then Frank Kehoe as an intervenor **WILL** appeal through the courts.

Respectfully submitted



Frank Kehoe,

Intervenor

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**Margaret & Frank Kehoe**

304-95 Matchedash Street North  
Orillia ON L3V 4T9  
Ph: (705) 325-6608  
Fax: (705) 325-3463



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Frank Kehoe  
304 – 95 Matchedash St. N.  
Orillia, ON L3V 4T9  
705-325-6608  
Fm.kehoe@rogers.com

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May 21, 2020

Shelly-Anne Connell  
Ontario Energy Board Secretary  
2300 Yonge St., 27<sup>th</sup> Floor  
Toronto, ON  
M4P 1E4

Re: April 30 2020 Decision of Ontario Energy Board EB-2018-0270

I Frank Kehoe, an Intervenor on EB-2018-0270, would like to say that with the current pandemic I am in a lock down position with no access to secretarial help or legal representation as they are also in lock down. My comments of the legality of the Orillia City Council selling the Orillia Power Distribution is contained, for the most part, in the attached letter. With my wife and I both in our <sup>late</sup> eighties working from an iPad, we are unable to devote the time required to show that the Orillia City Council lacked the authority to sell the city owned Hydro Distribution without the approval of its voting electorate. When I have access to a scanner I will forward a copy of the first Public Utilities Act that followed the peoples referendum that removed the Orillia owned utility from Town Council control.

I am forwarding the same letter that was sent to the Attorney General Ministry dated June 10, 2019.

June 10, 2019

*The Hon. Caroline Mulroney  
Minister of Attorney General  
11<sup>th</sup> Floor, 720 Bay Street  
Toronto, ON  
M7A 2S9*

*Dear Minister:*

*This letter is meant to bring to your attention what I consider serious breaches of our Canadian democracy as implemented by one or more senior cabinet ministers in the years 1996 through 2001. Many of the breaches of the latter years are impacting on the situation as it exists today.*

I want it made emphatically clear that the current government is not responsible in any way for matters of the past. Please recognize that I am in advanced years and my writing skills are not what they used to be hence I apologize for the length of this communication.

Canadians at large, especially our Provincial Lieutenant Governor and myself, strongly believe that no issue in government that adds to the destruction of the integrity of our Canadian democracy should be left unchecked which is why I am writing this letter.

Our Lieutenant Governor The Hon. Elizabeth Dowdeswell must take a great deal of credit for devoting three rooms of her suite at Queen's Park for the postings of "Speaking of Democracy". Close to twenty-four heads of democratic nations, former Canadian Governor Generals, Head Justices and Justices of the Supreme Court of Canada and a number of people of note stated their comments on the topic of democracy in the postings. I had the distinct pleasure of attending the presentation on May 9, 2019. I am attaching a copy of her hand out Speaking of Democracy that you may care to distribute to your staff. The exhibition can be viewed at <http://arts.lgontario.ca/democracy-democratie>.

Before addressing the main topics of what I and others consider a serious provincial breach of our Canadian democracy I must first give some background history: The year is 1897 nine years before the Legislature created the Hydro Electric Power Commission of Ontario (HEPC). Two industrial men of vision convinced the then Orillia town council that Orillia could become a magnet to attract industry and give their citizens access to the electricity convenience in their homes and businesses. The Council of the day were then convinced to now seek the approval of the Legislature for authority to borrow the monies required to build such a project. The legislature gave credit for this early vision but also expressed that the borrowed money as requested for a project of this nature would likely be twice the money so requested hence placed some conditions. The main condition was that the town call a plebiscite / referendum for their approval of their citizens to build a dam and power generation plant at Ragid Rapids on the Severn River and transport the electrical energy 18 miles to Orillia.

No municipal owned utility on the continent had ever transported electrical energy over that vast distance and it was not sure if it was possible. The peoples referendum took place in 1898 and past by a large majority. The construction started in 1899. Key industrialists agreed to back any over-run from the figures approved conditional on two things – that rates set to the electrical consumers were the only pay back against the debt incurred and that the council would leave the utility in tack and not use the utility to off-set the tax base of the town. Both of which were agreed to.

The first electrical energy flowed to Orillia in January of 1902 – 117 years ago. During the construction stage the people of Orillia banded together from all areas of the town to give much needed volunteer labour related to the clearing and grubbing on the transmission line right away as well as digging of the post holes for the transmission line and as well as supplying approximately thirty horses together with their feed. The wives of the volunteers supplied sandwiches and pies and other food to the workers. The names of the volunteers were posted in areas of the Main Street and some merchants gave price reductions on their merchandise to those community minded volunteers.

*Orillia was given the distinct honour as being the first municipally owned utility to then pioneer long distance transmission of electrical energy and after that happening a dozen of the municipal entities in the province said*

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*why not us. Niagara Falls was the biggest single source of hydro electricity potential but these rights to electricity were then held in private hands.*

The year is now 1911 and it was discovered that the council had been dipping into the new utility revenue by depleting some contingency and reserve funding so as to supplement the general revenue account to show that the council were doing a great job to hold the line on tax increases.

The industrialist and most of the electrical consumers were livid with this breach of promise. Key industrialists which included two members of parliament, Orillia's J.B. Tudhope and London's Adam Beck who attended at the Premiers Office at the legislature with a deputation from Orillia. The sitting Premier Sir James Whitney then gave his assurance that if the question was to go back to the Orillia electorate in a formal referendum the Province would back the outcome.

The 1912 Council election was what people referred to as the Electricity Council. The new 1912 Council composed the appropriate by-law (557) to be voted on in 1913 to now create a separate Municipal Corporation independent of Town Council to administer and manage the utility free of all council interference. The vote for this separation was carried by 62% of the eligible electors supporting it.

Months after the Orillia vote the legislature brought into law the first Public Utilities Act. The Act totally supported the rights of the electorate who decided the referendum issue. The Public Utilities Act was ascended to on the 6<sup>th</sup> of May 1913 and stayed in place with amendments for the next 87 years. Two years after the Orillia referendum the new HEPC made a large financial offer to the town council to purchase the Orillia utility so a mandatory third referendum was called and the sale was defeated by a large majority.

The year is 1915 and the Provincial Legislator passed into law the Town of Orillia Act which reads in part:

**“The legislature of the Province of Ontario passed the 1915 Town of Orillia Act and section 11(1) of the Act merely confirms the aforementioned.**

**“11(1) – subject to subsection 2, all the powers, rights and privileges with regard to the government of the Orillia Power Transmission plant or the generation, distribution and sale of electrical power and light heretofore or hereafter granted by any special Acts to the council or Corporation of the Town of Orillia shall, WHILE THE BYLAW APPOINTING SUCH COMMISSION REMAINS IN FORCE, BE EXERCISED BY THE ORILLIA WATER, LIGHT AND POWER COMMISSION, AND NOT BY THE COUNCIL OF THE CORPORATION.”**

**(2) Nothing contained in this section shall divest the council of its authority with reference to providing the money required for such works, and the treasurer of the municipality shall, upon the certificate of the Commission, pay out any money so provided.”**

The year is now 1996 and now comes a **sad day for the integrity of democracy** with an absolute betrayal of the citizens of Orillia and other like municipalities when one or more provincial elected cabinet ministers secretly inserts a clause on a brand new 225 page document of legislation described as an act to achieve fiscal savings and promote economic prosperity through public sector restructuring, streamlining end efficiencies and

to implement other aspects of the government's economic agenda (the short title of this act is the Savings and Restructuring Act 1996).

Our provincial leadership elite may still want to believe in abiding by democratic principles – they certainly profess that they do. In the case of electricity legislation, a small minority have shown themselves all too willing to violate their principles to gain or retain a certain power. So, in this new conspicuous act, certain draconian elected people secretly inserted a single clause to try to reverse the electoral power of the people of Orillia and possibly other like municipalities who democratically cast their vote in a dually called legal referendum to keep the people's municipal controlled ownership by their elected representatives free of council involvement.

This oligarchy insertion into the new Savings and Restructuring Act Schedule M, Chapter 1, Item 33, page 172 introduces the following:

**33. The Public Utilities Act is amended by adding the following section:**

**By-law waiving the assent of the electors      67. (1) A municipal corporation may pass a by-law to eliminate the requirement to obtain the assent of the electors before the corporation exercises a power under this Act.**

**Exception      (2) Subsection (1) does not apply to a municipal corporation exercising its power with respect to natural gas.**

**The insertion of this clause if legal would be a certain slap in the face of our Canadian Constitution and betrayal of our Canadian Democracy and of the rights and freedoms of its citizens and represents a serious breach of other legislation in place.** This single clause is a betrayal of the absolute commitment and promise given Orillians and the legislation that was put in place to protect their municipal utility as voted on by the Orillia electorate.

I am not a lawyer but strongly believe in Canadian democracy and the rule of law and the work of our leaders in the definition of the importance of **citizen involvement and transparency** in the making and enforcement of this principal of our Democracy. I am extremely proud of our Ontario Lieutenant Governor **The Hon. Elizabeth Dowdeswell** for posting the democracy material for display in three rooms of her legislative suite open for public viewing.

One of the displays that I think appropriate is The Honourable Rosalie Abella Justice of the Supreme Court of Canada. Her quote from the Lieutenant Governor's handbook reads as follows: (The biography of Rosalie Abella is attached for your viewing.)

***“For me, the components of democracy are most starkly revealed in comparison to its antonym, totalitarianism. What democratic societies promote – and repressive ones do not – are the rights of its citizens and their participation in decision-making about the rules they will be governed by. Democracy promotes choice, voice and access to rights. Totalitarianism promotes none of those.”***

As previously mentioned where a draconian senior elected member of the legislature manages to insert Section 67(1) that is completely opposite to Section 45(1).

**45.-(1) The council may, by by-law passed with the assent of the municipal electors, repeal any by-law passed under sections 38, 39 and 40.**

Section 45(1) of the Public Utilities Act remained intact until December of 2001. Certainly there was a conflict in this legislation that may or may not have been intentional. For my belief Section 67(1) did not over-rule the promises made by Sir James Whitney and the supported role of Orillia's electorate on the two previous referendums nor did it over-ride the 1915 Town of Orillia Act and is certainly **in conflict with our Canadian democracy.**

The City of Orillia senior staff jumped on the situation that 67(1) took away the legal requirement to go back to its electorate for any changes or amendments to By-law 557. **This process, if it were legal, would be the biggest slap in the face to Canadian democracy ever enacted in Ontario which took away the rights of the Orillia electorate and totally breached Canadian democracy principles.** City By-law 2000-145 is attached using Section 67(1).

The next breach of democracy in my opinion comes in what is called the Electricity Act 1998 under Section 142 and is included on the next page.

The Orillia Electricity Corporation (Commission) came into existence prior to the Public Utilities Act and operated as an independent entity for fifty years selling a portion of its power to HECP. The Orillia Power Corporation (Commission) by legislation had the legislative authority to operate in multiple townships together with the authority to operate within a 25 mile radius of Orillia. This utility had the respect of all townships it operated in. The citizens of Orillia shared the pride in its municipal ownership separate and apart from the town or city. The Electricity Act gave no recognition of this and was stacked for a separate provincial purpose.

## Section 142 of The Electricity Act 1998

### **Incorporation of municipal electricity businesses**

**142. (1)** One or more municipal corporations may cause a corporation to be incorporated under the *Business Corporations Act* for the purpose of generating, transmitting, distributing or retailing electricity. 1998, c. 15, Sched. A, s. 142 (1).

### **Holding companies**

**(1.1)** A corporation that one or more municipal corporations caused to be incorporated under the *Business Corporations Act* after November 6, 1998 and before May 2, 2003 to acquire, hold, dispose of and otherwise deal with shares of a corporation that was incorporated pursuant to this section shall be considered to be a corporation incorporated pursuant to this section. 2004, c. 31, Sched. 11, s. 7.

### **Conversion of existing electricity businesses**

**(2)** Not later than the second anniversary of the day this section comes into force, every municipal corporation that generates, transmits, distributes or retails electricity, directly or indirectly, shall cause a corporation to be incorporated under subsection (1) for the purpose of carrying on those activities. 1998, c. 15, Sched. A, s. 142 (2).

### **Two or more municipal corporations**

**(3)** Two or more municipal corporations may incorporate a single corporation for the purpose of complying with subsection (2). 1998, c. 15, Sched. A, s. 142 (3).

### **Ownership**

**(4)** The municipal corporation or corporations that incorporate a corporation pursuant to this section shall subscribe for all the initial shares issued by the corporation that are voting securities. 1998, c. 15, Sched. A, s. 142 (4).

### **Same**

**(5)** A municipal corporation may acquire, hold, dispose of and otherwise deal with shares of a corporation incorporated pursuant to this section that carries on business in the municipality. 2002, c. 1, Sched. A, s. 30.

### **Not a local board, etc.**

**(6)** A corporation incorporated pursuant to this section shall be deemed not to be a local board, public utilities commission or hydro-electric commission for the purposes of any Act. 1998, c. 15, Sched. A, s. 142 (6).

**(7)** Repealed: 2004, c. 23, Sched. A, s. 57.

As a 19 year member of the elected Board of Directors a portion of which I Chaired I was aware that certain clauses existed in this legislation particularly the clauses that pertained to creating new corporations acting under the Corporations Act from the existing Corporation Orillia Water Light and Power Corporation (Commission). The elected Board of Directors had at this point never seen the written legislation or were ever told that the legislation would give the council alleged rights to sell Orillia's cherished electricity asset that had served Orillians for 98 years and had over periods of time the cheapest electricity rates in North America,



cheapest in all of Canada and for most of its existence the cheapest rates in Ontario which of course included HEPC.

It was fourteen years later when there was a rumour coming from an Orillia Council member that the Council was considering selling the Orillia Water Light and Power Corporation. The writer then started to investigate the behind the scenes tactics and copies of legislation, by-laws, meeting minutes of council and other relevant documents that represents **in my opinion** municipal treason of its citizens and the betrayal of all the Orillia electrical consumers. **This situation is a complete breach of our Canadian Democracy.** We as the elected Board members were told that the transfer to a new corporation would require at minimum a transfer document or bill of sale signed and approved by resolution under the corporate seal of the Orillia Water Light & Power Corporation (Commission). None of these transfer documents were ever placed before the Board of Directors **(attached is a Sworn Signed Affidavit of the Commission Board of Directors).**

**The legislature in this situation appears to not care about Canadian democracy and the removal of all transparency as shown in S.253(2) of the Ontario Municipal Act, Part VI attached.** The move to new corporations may satisfy the lobby groups, unions and others but it now allows hydro corporations as well as municipal hydro corporations to operate in **complete secrecy** with no more newspaper articles against the workings of the provincial owned former Ontario Hydro or other utilities. **Freedom of information is no longer legally available and all transparency is a thing of the past.** The new corporations can or must now pay dividends, however no longer to the consumers but now to the alleged new owners controlled by City Council. The corporations can now create debt on the books where there was no debt (in Orillia's case there was a large surplus). The new corporations can now pay massive interest on this alleged new debt to the city coffers **without the knowledge of probably 99% or greater of all the electrical consumers.**

Orillia that has a disproportion number of poor and people on low or fixed income particularly seniors that need help to meet rent and food. Orillia has approximately 13,400 electrical metered customers. High electricity billing that includes interest on the new corporations debt together with the exceptionally high dividends paid to the city eats heavily on the income for many particularly in the winter months where they must substitute food costs for heat.

With the new corporations the City Council now is permitted to extract massive amounts of money from electrical consumers (in the private sector this could be easily called extortion or loan sharking).

In the non-electrical charges the new corporations reporting to City Council extract between 1.3 million dollars to 1.6 million dollars in what is called dividends and close to or slightly more than 1 million dollars in interest payments yearly from its electrical consumers. **The electrical consumers are barred and not permitted to pay anything against the principle of this alleged artificial debt until year 2030 at which time they will still owe the same alleged debt as they did in year 2000.** The corporations pay other expenditures when requested by city officials such as paying for new roofs on city buildings and rental fees for solar panels on other city buildings and other sundry items. ***The new corporations do not show any of the aforementioned fees on the consumer's monthly electricity bill.*** So for the roughly 2.5 million dollars that flows yearly to the city there is no figure relating to this expenditure. **However on the consumer's electricity bill the new corporations charge the electrical consumers HST.**

Frank Kehoe  
304 – 95 Matchedash St. N.  
Orillia, ON L3V 4T9  
705-325-6608  
Fm.kehoe@rogers.com

For Orillians that have been electrical customers from the year 2000 to 2019 the city has extracted approximately 55 million dollars without the general people's knowledge. From the approximately 13,400 Orillia electrical consumers this money has flowed into the general revenue of the city.

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### **The Math Excluding Electricity Kilowatts Consumed and Distribution Charges**

For Orillians that have been electrical consumers from year 2000 to 2019 the City's reporting indicates a figure of 51.2 million dollars which includes roughly 6 million dollars of City contribution to the hospital and university that has flowed to the City from Orillia electrical consumers. The author questions this figure as being inaccurate or much too low. However using this figure of 51.2 million dollars and dividing this by the 13,400 metered Orillia electrical customers is equal to \$3,820.90 plus **HST of \$496.72** for a total of **\$4,317.61** as the average all the consumers have paid to the City of Orillia over a 19 year period.

When you reflect the average figure for all consumers over a one year period the \$4,317.61 is divided over 19 years. The yearly average including HST is **\$227.24** per consumer.

When you take the average yearly figure of \$227.24 including HST the monthly amount for the average consumer is **\$18.94**.

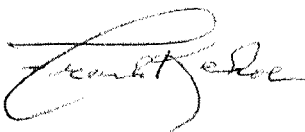
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It is fairly easy to ascertain that the people of Orillia have been grossly disadvantaged in this regard. Canadian democracy in so many cases in the aforementioned have been completely ignored and all transparency eliminated. We are in a period of deteriorating democracy and you and your Ministry are in a position to make the required changes to honour Canadian democracy and re-introduce transparency abiding by the rights and freedoms to protect the vote of the electors particularly in referendums.

I am forwarding a copy of this letter to The Hon. Elizabeth Dowdeswell, Lieutenant Governor of Ontario and the people who assisted her in assembling the display on "Speaking of Democracy" as well as the Premier of Ontario Doug Ford and our Member of Parliament Jill Dunlop.

I respectfully request a response and your help in this matter to reinforce democracy and transparency.

Respectfully Yours



Frank Kehoe

S. 253(2)

Ontario Municipal Act, Part VI

- a draft of a by-law or a draft of a private bill (s. 6(1)(a));
- the substance of deliberations of authorized *in camera* council or board meetings, including committee meetings (s. 6(1)(b));
- advice or recommendations of an officer, employee or consultant (s. 7);\*
- sensitive police data (ss. 8-8.2);
- confidential information received from other governments (s. 9);\*
- trade secret or scientific, technical, commercial, financial or labour relations information received in confidence (s. 10);\*
- information that would be economically damaging to the municipality or others if released (s. 11);\*
- information subject to solicitor-client privilege, which would include communications between the councillors and officers on the one hand and municipal and outside lawyers on the other (s. 12);
- information whose disclosure could reasonably be expected to seriously threaten the safety or health of an individual (s. 13);\*
- personal information related to individuals other than the applicant (s. 14);\*
- information already or soon to be made public (s. 15).

Note that the above exemptions marked with an asterix do not apply and disclosure is mandatory if the compelling public interest in disclosure clearly outweighs the purpose of the exemption (s. 16). The MFIPPA also sets out the procedure for making a request for information (ss. 17-23).

An investigator retained by the municipality as an independent contractor to report on the fairness of the municipality's process for tendering a particular contract was not subject to MFIPPA: *David v. Ontario (Adjudicator, Information & Privacy Commissioner)* (2006), 2006 CarswellOnt 6755 (Div. Ct.)

A company incorporated under the *Business Corporations Act* by a municipality authorized by a private act is not subject to MFIPPA: *City of Toronto Economic Development Corp. v. Ontario (Information & Privacy Commissioner)* (2006), 2006 CarswellOnt 7302 (Div. Ct.), additional reasons at (2006), 2006 CarswellOnt 8311 (Div. Ct.).

In the absence of statutory authority requiring that the Board of Commissioners of Police make information available to the public, the court has no power to so order. A police commission can best retain the confidence of the public by making available all information relating to the government and operation of a police force except that with respect to which secrecy is essential for properly carrying out the duties of such force. *Obiter*: While a news reporter, as a reporter, is not entitled to information save that which is open to any member of the public, his or her special interest in acquiring information for dissemination to the public may provide standing to prosecute proceedings to obtain information open to the public, which another member of the public might not have: *McAuliffe v. Toronto (Metropolitan) Commissioners of Police* (1975), 9 O.R. (2d) 583, 61 D.L.R. (3d) 223 (Div. Ct.).

The prohibition in the Rules of Professional Conduct against counsel for an opposing party approaching directors, officers, or persons likely involved in the decision-

## SUPREME COURT OF CANADA

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### The Honourable Rosalie Silberman Abella



[View image details of the Hon. Rosalie Silberman Abella](#)

Justice Abella was appointed to the Supreme Court of Canada in 2004. She is the first Jewish woman appointed to the Court.

She attended the University of Toronto, where she earned a B.A. in 1967 and an LL.B. in 1970. In 1964 she graduated from the Royal Conservatory of Music in classical piano. She was called to the Ontario Bar in 1972 and practised civil and criminal litigation until 1976 when she was appointed to the Ontario Family Court at the age of 29, the youngest and first pregnant person appointed to the judiciary in Canada. She was appointed to the Ontario Court of Appeal in 1992.

She was the sole Commissioner of the 1984 federal Royal Commission on Equality in Employment, creating the term and concept of "employment equity". The theories of "equality" and "discrimination" she developed in her Report were adopted by the Supreme Court of Canada in its first decision dealing with equality rights under the *Canadian Charter of Rights and Freedoms* in 1989. The report has been implemented by the governments of Canada, New Zealand, Northern Ireland and South Africa. She subsequently served as Chair of the Ontario Labour Relations Board (1984 to 1989), Chair of the Ontario Law Reform Commission (1989 to 1992), and Boulton Visiting Professor at the Faculty of Law of McGill University (1988 to 1992). She also served as a commissioner on the Ontario Human Rights Commission; as a member of the Ontario Public Service Labour Relations Tribunal; as Co-Chair of the University of Toronto Academic Discipline Tribunal; as a member of the Premier's Advisory Committee on Confederation; and as Chair of the Study on Access to Legal Services by the Disabled.

She has written over 90 articles and written or co-edited four books. She was made a Senior Fellow of Massey College in 1989, a Fellow of the Royal Society of Canada in 1997, a Fellow of the American Academy of Arts and Sciences in 2007 and elected to the American Philosophical Society in 2018. She has given, among others, the Harlan Lecture at Princeton, the Ryan Lecture at Georgetown, the Winchester Lecture at Oxford, the Anderson Lecture at Yale, and was the Bullock Chair at the Hebrew University, the Mackenzie King Distinguished Visiting Professor at Harvard, the Floersheimer Distinguished Jurist in Residence at Cardozo, a Distinguished Visiting Faculty at the University of Toronto Law School, and Bright International Jurist in Residence at the University of Hawaii School of Law.

She was a Judge of the Giller Literary Prize; Chair of the Rhodes Selection Committee for Ontario; director of the Institute for Research on Public Policy; moderator of the English Language Leaders' Debate in 1988; a member of the Canadian Judicial Council's Inquiry on Donald Marshall, Jr.; Program Chair of the Governor General's Canadian

5/30/2019

Supreme Court of Canada - Biography - Rosalie Silberman Abella

Study Conference; Chief Rapporteur in Halifax and Co-Chair in Vancouver of the 1992 Renewal of Canada Conferences; Trustee of the McGill Institute for the Study of Canada; Governor of the International Board of Governors of the Hebrew University; and Vice-Chair of the Board of Governors of the National Judicial Institute.

Justice Abella has been active in Canadian judicial education, organizing the first judicial seminar in which all levels of the judiciary participated, the first judicial seminar in which persons outside the legal profession were invited to participate, the first national education program for administrative tribunals, and the first national conference for Canada's female judges.

Justice Abella was awarded the Distinguished Alumnus Award of the University of Toronto Faculty of Law; the Alumni of Influence Award from University College; the Distinguished Service Award of the Canadian Bar Association (Ontario); the International Justice Prize of the Peter Gruber Foundation; the Human Relations Award of the Canadian Council of Christians and Jews; the Honourable Walter S. Tarnopolsky Human Rights Award; the Bora Laskin Award for Distinguished Service in Labour Law; the Global Jurist of the Year from Northwestern Pritzker School of Law; the Ethical Leadership Award from the Faculty of Management at Dalhousie University; the Calgary Peace Prize; the Women in Law Lifetime Achievement Award; the Goler T. Butcher Medal for International Human Rights from the American Society of International Law; and is an Honourary Bencher of Middle Temple. She has 39 honorary degrees.

Justice Abella was born in a Displaced Person's Camp in Stuttgart, Germany on July 1, 1946. Her family came to Canada as refugees in 1950. She is the first refugee appointed to the bench in Canada. She is married to Canadian historian Irving Abella and they have two sons, Jacob and Zachary, both lawyers.

Date modified: 2019-03-18

CANADA	)	IN THE MATTER OF
PROVINCE OF ONTARIO	)	
	)	ORILLIA WATER, LIGHT and POWER CORPORATION
	)	COMMISSION
	)	
	)	
	)	
	)	
	)	
TO WIT:	)	

We, GORDON A. PYE, FRANK J. KEHOE, KENNETH E. McLAUGHLIN and DANIEL K. VALLEY, all of the City of Orillia, in the County of Simcoe, **MAKE OATH AND SAY AS FOLLOWS:**

1. We the Executive and elected Board of Directors of the Municipal Corporation formally called the Orillia Water Light and Power Corporation (Commission) hereby attest that the aforementioned Municipal Corporation was established in the year 1913 by a duly called referendum vote of the eligible voting Orillia electorate.
2. The purpose of the referendum was to give complete separation from the then Town Council.
3. The election was conducted under the rules of the Election Act of the time totally conforming with Canadian democracy principles and the rights and freedoms of its voting citizens.
4. The legally established Board of Directors hereby swear that in the year 2000 key members of the Orillia Council and/or municipal staff acted in secrecy mode and improperly outside of their authority excluded the legal Board of Directors (Commission) in all matters pertaining to the formation of completely new Corporations as well as the transfer of the Municipal Corporations assets to the control of the Council of the City of Orillia.
5. We verily believe that to justify not involving the Board of Directors un-named people took it on themselves to justify their authority to exclude the standing Board of Directors.
6. We verily believe that to make this possible Commission employees took it on themselves to grossly adjust the regular meeting minutes of the Orillia Water Light & Power Commission conducted Tuesday October 10, 2000 commencing at 5 p.m.
7. We verily believe that on motion #4 moved by Kenneth E. McLaughlin, members of the OWLP staff changed the recorded vote to indicate that Frank J. Kehoe abstained which was totally untrue. The purpose of this vote was a requirement to reverse a previous vote in the meeting of September 12, 2000. It required the full Commission Executive to pass the resolution in order that the Executive could vote on the following resolution #5 "That, the Commission authorize the payment of a dividend to all of its customers as of September 30/2000. The dividend authorized is to be \$1,000,000 – one million dollars distributed to existing customers based on their consumption of energy (electric) over the last 12 months. While the Commission

recognizes the problems related to an exact calculation, the dividend shall be no less than one million dollars and not more than 1 million and fifty thousand dollars." The recorded vote passed with the exception of one Commission member opposing hence the motion was carried by four to one. The dividend however with this possible fraud did not take place even though it was duly authorized by the majority of the Executive.

8. We do verily believe that Motion #6 supposedly moved by Kenneth E. McLaughlin is a complete fraud. "Be it resolved that, the signing offices of the Orillia Water Light and Power Commission be authorized to sign and execute the "General Conveyance, Assignment and Bill of Sale" agreement attached." "Carried".
9. This motion # 6 never appeared in our meeting of October 10<sup>th</sup>, 2000 nor in any other meeting of this Commission, nor was agreed to in any way by the Board of Directors (Commissioners) and represents a monumental distortion that we as a Board consider as possible fraud.
10. We have been advised by a legal representative that under the rule of law a new corporation or corporations would require at minimum a transfer document or Bill of Sale from the existing corporation to new corporations. It is our opinion, as nobody on the Executive Board (Commission) are lawyers we fully expect that the rule of law be upheld.

SEVERALLY SWORN before me )  
at the City of Orillia, )  
in the County of Simcoe. )  
this 21 day of May, 2019. )

  
Gordon A. Pye

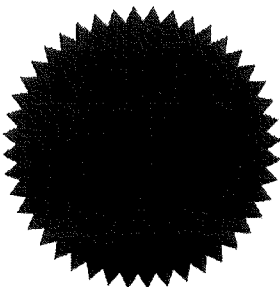
  
Frank J. Kehoe

  
Kenneth E. McLaughlin

  
Daniel K. Valley



A Commissioner, etc.



JUL-09-2004 07:48

CITY OF ORILLIA

P.01/01

**BY-LAW NUMBER 2000-145 OF THE CITY OF ORILLIA**

**A BY-LAW PURSUANT TO SECTION 67(1) OF THE PUBLIC UTILITIES ACT (ONTARIO) TO DISPENSE WITH THE ASSENT OF ELECTORS PRIOR TO DISSOLUTION OF THE ORILLIA WATER, LIGHT AND POWER COMMISSION**

WHEREAS the Orillia Water, Light and Power Commission (the "Commission") was established by special legislation and is deemed to be a commission established under Part III of the Public Utilities Act (Ontario);

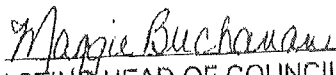
AND WHEREAS The Corporation of the City of Orillia (the "City") proposes to transfer the assets and undertaking under the control and management of the Commission and owned by the City to corporations incorporated pursuant to Section 142 and Section 145 of the Electricity Act, 1998 (Ontario);

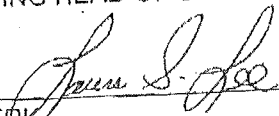
AND WHEREAS upon the completion of the said transfer the Commission is no longer required.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ORILLIA HEREBY ENACTS AS FOLLOWS:

1. THAT any requirement to obtain the assent of the electors before the City exercises its power to dissolve the Commission is hereby dispensed with and eliminated.

BY-LAW read a first, second and third time and finally passed this 16th day of October, 2000.

  
ACTING HEAD OF COUNCIL

  
CLERK



**A BY-LAW TO DISSOLVE THE ORILLIA WATER, LIGHT AND POWER COMMISSION**

WHEREAS the Orillia Water, Light and Power Commission (the "Commission") was established by special legislation and is deemed to be a commission established under Part III of the Public Utilities Act (Ontario);

AND WHEREAS The Corporation of the City of Orillia (the "City") proposes to transfer the assets and undertaking under the control and management of the Commission and owned by the City to corporations incorporated pursuant to Section 142 and Section 145 of the Electricity Act, 1998 (Ontario);

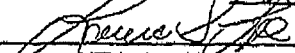
AND WHEREAS upon the completion of the said transfer the Commission is no longer required.

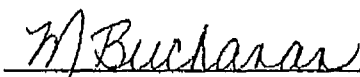
NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ORILLIA HEREBY ENACTS AS FOLLOWS:

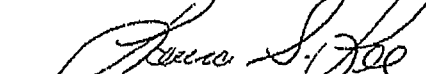
1. THAT the City is authorized to accept a General Conveyance, Assignment and Bill of Sale from the Commission with respect to any assets which it owns, has registered title to, or uses to provide public utility services on behalf of the City.
2. THAT any By-laws heretofore passed by the City or any predecessor thereof establishing the Orillia Water, Light and Power Commission are hereby repealed.
3. THAT Chapter 524 of the City of Orillia Municipal Code is hereby repealed.
4. THAT the Commission is hereby dissolved and ceases to exist.
5. THAT this By-law shall take effect 12:00 a.m. November 1, 2000.

BY-LAW read a first, second and third time and finally passed this 16th day of October, 2000.

CERTIFIED TO BE A TRUE AND CORRECT  
COPY OF BY-LAW NUMBER 2000-146

  
CITY CLERK

  
ACTING HEAD OF COUNCIL

  
CITY CLERK

60

**BY-LAW NUMBER 2000-145 OF THE CITY OF ORILLIA****A BY-LAW PURSUANT TO SECTION 67(1) OF THE PUBLIC UTILITIES ACT (ONTARIO) TO DISPENSE WITH THE ASSENT OF ELECTORS PRIOR TO DISSOLUTION OF THE ORILLIA WATER, LIGHT AND POWER COMMISSION**

WHEREAS the Orillia Water, Light and Power Commission (the "Commission") was established by special legislation and is deemed to be a commission established under Part III of the Public Utilities Act (Ontario);

AND WHEREAS The Corporation of the City of Orillia (the "City") proposes to transfer the assets and undertaking under the control and management of the Commission and owned by the City to corporations incorporated pursuant to Section 142 and Section 145 of the Electricity Act, 1998 (Ontario);

AND WHEREAS upon the completion of the said transfer the Commission is no longer required.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ORILLIA HEREBY ENACTS AS FOLLOWS:

1. THAT any requirement to obtain the assent of the electors before the City exercises its power to dissolve the Commission is hereby dispensed with and eliminated.

BY-LAW read a first, second and third time and finally passed this 16th day of October, 2000.

Maggie Buchanan  
ACTING HEAD OF COUNCIL

James S. Lee  
CLERK

**BY-LAW NUMBER 2000-146 OF THE CITY OF ORILLIA****A BY-LAW TO DISSOLVE THE ORILLIA WATER, LIGHT AND POWER COMMISSION**

WHEREAS the Orillia Water, Light and Power Commission (the "Commission") was established by special legislation and is deemed to be a commission established under Part III of the Public Utilities Act (Ontario);

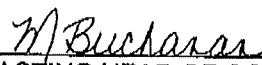
AND WHEREAS The Corporation of the City of Orillia (the "City") proposes to transfer the assets and undertaking under the control and management of the Commission and owned by the City to corporations incorporated pursuant to Section 142 and Section 145 of the Electricity Act, 1998 (Ontario);

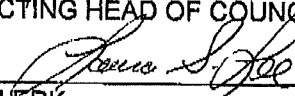
AND WHEREAS upon the completion of the said transfer the Commission is no longer required.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ORILLIA HEREBY ENACTS AS FOLLOWS:

1. THAT the City is authorized to accept a General Conveyance, Assignment and Bill of Sale from the Commission with respect to any assets which it owns, has registered title to, or uses to provide public utility services on behalf of the City.
2. THAT any By-laws heretofore passed by the City or any predecessor thereof establishing the Orillia Water, Light and Power Commission are hereby repealed.
3. THAT Chapter 524 of the City of Orillia Municipal Code is hereby repealed.
4. THAT the Commission is hereby dissolved and ceases to exist.
5. THAT this By-law shall take effect 12:00 a.m. November 1, 2000.

BY-LAW read a first, second and third time and finally passed this 16th day of October, 2000.

  
\_\_\_\_\_  
ACTING HEAD OF COUNCIL

  
\_\_\_\_\_  
CLERK

MINUTES OF THE REGULAR MEETING OF THE ORILLIA WATER, LIGHT AND  
POWER COMMISSION HELD ON TUESDAY, OCTOBER 10<sup>TH</sup>, 2000 AT 5:00 P.M.

1038

Present:      Commission   Gord Pye - Chairman  
                                 Ken McLaughlin  
                                 Frank Kehoe  
                                 Dan Valley  
                                 Paul Spears

                 Staff       John Mattinson - General Manager & Secretary  
                                 Pat Hurley - Treasurer  
                                 Ritchie Udell - Distribution Superintendent  
                                 Brian Burnie - Generation Superintendent  
                                 Helen Tuorila - Recording Secretary

The meeting was called to order by Chairman Pye at 5:10 p.m.

Motion #1

Moved by K. McLaughlin

"That, the minutes of the meeting of September 12<sup>th</sup>, 2000 be adopted as presented."

"Carried"

Motion #2

Moved by F. Kehoe

"That, we approve for payment, accounts for the month of September, 2000 totaling  
CDN \$1,563,449.09."

"Carried"

Motion #3

Moved by K. McLaughlin

"That, the Commission accepts the financial statements for the month of September,  
2000."

"Carried"

Motion #4

Moved by K. McLaughlin

"That, the Commission reconsider Motion #12 of September 12/2000."

Recorded Vote:

Frank Kehoe - abstain  
Paul Spears - "yea"  
Ken McLaughlin - "yea"  
Dan Valley - "yea"  
Gord Pye - "yea"

~~FRANK KEHOE VOTED TO RECONSIDER~~  
DID NOT ABSTAIN -

"Carried"

*Shatter*

Done

## Kehoe appeal.pdf



1039

Commission Meeting – October 10, 2000

## Noted for these minutes:

At the September 12<sup>th</sup>, 2000 Commission meeting, the General Manager was asked to prepare a written report on the implications of issuing a dividend. This report was issued prior to this meeting of October 10, 2000. Prior to the passing of Motion #5, the General Manager and Treasurer of the Commission cautioned the Commissioners and did not recommend the passing of this motion for the following reasons:

- The financial model developed by the Transition Committee contemplated surplus cash being left with the new corporation to help stabilize rates into the future. Giving a rebate at this point and then phasing in gradual rate increases over the next three to five years would not seem logical. Every commissioner with the exception of one accepted the transition committee's financial model.
- Giving a rebate now could result in higher rate increases in the future.
- The budget process is not complete, do not know total expenditures for 2001.
- We have not had an opportunity to review the final version of the Rate Handbook.
- In the past, dividends have been paid as a result of excellent power production at our generating stations. A dry fall, which is entirely possible, could mean year-end production may only be average.
- Any payment of dividends is subject to OEB approval.

Motion #5

Moved by K. McLaughlin

"That, the Commission authorize the payment of a dividend to all of its customers as of September 30/2000. The dividend authorized is to be \$1,000,000 – one million dollars distributed to existing customers based on their consumption of energy (electric) over the last 12 months. While the Commission recognizes the problems related to an exact calculation, the dividend shall be no less than one million dollars and not more than 1 million and fifty thousand dollars."

Recorded Vote: Frank Kehoe – "yea"  
Dan Valley – "yea"  
Ken McLaughlin – "yea"  
Paul Spears – "nay"  
Gord Pye – "yea"

"Carried"

Motion #6

Moved by K. McLaughlin

"Be it resolved that, the signing offices of the Orillia Water Light and Power Commission be authorized to sign and execute the "General Conveyance, Assignment and Bill of Sale" agreement attached."

"Carried"

A motion was put forward to adjourn at 6:25 p.m.

Confirmed

  
Secretary

Chairman

NOT TRUE  
NEVER PART  
OF MEETING

# a Times.

RSDAY, MAY 25, 1916.

## Orillia Will Not Sell.

Hydro By-Law Defeated by Decisive Vote.—Majority 438 Against.

Monday's vote on the Hydro agreement and by-law was decidedly in favor of the town retaining ownership and control of the Electric Power plant. The question was fairly put before the ratepayers, and the case for the Hydro was presented by Sir Adam Beck, Minister of Power. The question was looked into very carefully by many of the ratepayers, and a good deal of information was given out in regard to the cost, maintenance and operation of Orillia's power plant. When the votes were counted Monday evening it was found that an overwhelming majority of the citizens were in favor of retaining the plant, only 79 voting in favor of sale to the Hydro. Details of the voting follows:

### HYDRO AGREEMENT.

No. Poll	For	Against
1 Moore's.....	5	46
2 Ralston's.....	11	89
3 Fire Hall.....	14	91
4 Kerr's.....	16	79
5 Council Chamber	16	85
6 Cooke's.....	6	87
7 Glover's.....	11	40
	79	517

Majority against by-law, 438.

On the other ballot "Shall Orillia purchase power from the Hydro?" the vote was equally emphatic:

No. Poll	Yes	No
1 Moore's.....	5	46
2 Ralston's.....	11	89
3 Fire Hall.....	16	84
4 Kerr's.....	15	78
5 Council Chamber	16	79
6 Cooke's.....	9	84
7 Glover's.....	11	38
	82	495

Majority against, 413.

Municipal ownership has obtained a firm foothold in Orillia, probably owing to the fact that Orillia was the pioneer municipality to develop water power for electric purposes, and also to the fact that the Orillia power plant has paid its way, notwithstanding the many vicissitudes through which it has passed. A good deal of credit is due to the Commission also, because under its management the system has been put on a very satisfactory basis and the reductions in rates from time to time have been very popular.

Now that the people have determined that the plant shall remain entirely within their control, the question is naturally asked what is the next step? First, the town must undertake at once the equipment of new power house at Swift Rapids. This will entail an expenditure of between \$50,000 to \$80,000, but the amount is fully warranted because Orillia will then have 3,200 horse power instead of 1,500, which is the present capacity of the Ragged Rapids plant.

The Swift Rapids dam is about completed, and the power house foundations all in. The work is being done for the Dominion Government by The Inland Construction Co. The new Power house should easily be up by the time the machinery will be ready for installation.

The question is also asked, will the

The question is also asked, will the estimated cost of power developed by Orillia at Swift Rapids be higher or lower than the estimate of \$11.15 given by the Hydro? If Orillia can utilize the whole of the 3,200 h.p. generated by the two units which it is proposed to install, the cost per horse power will be about \$9.49. This estimate is based not on the Hydro valuation of \$226,000, which was too low, but on a valuation of \$282,617, plus \$90,000 for the new equipment. That is, with 3,200 h.p., costing at the power house \$9.49, and sold at present rates, the Commission will be able to pay all charges of maintenance, operation, water franchise, depreciation, and interest and sinking fund on \$372,617. This beats anything offered by the Hydro with its promise of power at cost. \$11.15 was the best promise made, but there was a good deal of uncertainty about what cost would be, power factor and other uncontrollable considerations entering in which were just as liable to increase as to decrease cost. It is only fair, however, to say that should Orillia be unable to utilize the 3,200 h.p. generated that the cost per h.p. will be increased above the \$9.49 mentioned. But past experience warrants the assumption that Orillia's demand for power will increase rather than decrease, and that it will not be many years before a third unit will require to be installed, which will still further reduce the initial cost of power.

Some interesting comparisons are made in the following table regarding the cost of domestic meter lighting service in Orillia and elsewhere. Taking 12 lights installed in Orillia, and a floor space charge of 1600 ft. in Hydro towns as a basis, for a monthly consumption of 20 k.w.h. and 50 k.w.h., the cost is as follows:

	20 k.w.h.	50 k.w.h.
Orillia.....	\$1.28	\$1.70
Acton.....	1.45	2.95
Barrie.....	1.35	2.70
Beaverton.....	1.25	2.45
Barlin.....	.95	1.70
Brampton.....	.45	1.70
Coldwater.....	1.25	2.45
Collingwood.....	1.25	2.45
Greenmore.....	1.85	3.95
Elmvale.....	1.35	2.70
Hamilton.....	.95	1.70
Midland.....	.95	1.70
Ottawa.....	.89	1.55
Penetanguishene.....	1.05	1.95
Peterborough.....	.95	1.70
St. Catharines.....	.90	1.68
St. Marys.....	1.35	2.70
Stayner.....	1.95	2.70
Sunderland.....	1.65	3.45
Toronto.....	1.01	1.85
Windsor.....	1.25	2.45
Woodville.....	1.65	3.45

All rates are subject to 10 per cent. discount, same as in Orillia.

Orillia's flat rate service, taking into consideration the amount of current used, is considerably lower than its meter rate.

Commissions  
established

**39.** A commission established under *The Municipal Light and Heat Act* or *The Municipal Waterworks Act*, being chapters 234 and 235 of the Revised Statutes of Ontario, 1897, or under a special Act for the construction or the control and management of works for the manufacture, production or supply of any public utility shall be deemed to be a commission established under this Part and the provisions of this Part apply to it. R.S.O. 1980, c. 423, s. 38.

OK  
2001

## Section 45 (1)

Repeal of  
by-law

**45.—(1)** The council may, by by-law passed with the assent of the municipal electors, repeal any by-law passed under sections 38, 39 and 40.

OK  
2001




 Ministry of  
 Consumer and  
 Ontario Commercial Relations  
**CERTIFICATE**  
 This is to certify that these  
 articles are effective on

Ministère de  
la Consommation  
et du Commerce

**CERTIFICAT**  
Ceci certifie que les présents  
statuts entrent en vigueur le

Ontario Corporation Number  
Numéro de la compagnie en Ontario

1446921

1.

**OCTOBER 26 OCTOBRE, 2000**

SAME DATE  
 AS ORILLIA POWER  
 DISTRIBUTION CORP

Director / Directrice  
Business Corporations Act / Loi sur les sociétés par actions

**ARTICLES OF INCORPORATION**  
**STATUTS CONSTITUTIFS**

Form 1  
Business  
Corporations  
Act

Formule  
numéro 1  
Loi sur les  
compagnies

1. The name of the corporation is: *Dénomination sociale de la compagnie:*

[illegible]

2. The address of the registered office is: *Adresse du siège social:*

360 West Street South

P. O. Box 398

(Street & Number, or R.R. Number & if Multi-Office Building give Room No.)  
(Rue et numéro, ou numéro de la R.R. et, s'il s'agit d'édifice à bureaux, numéro du bureau)

Orillia, Ontario

L	3	V	6	J	9
---	---	---	---	---	---

(Name of Municipality or Post Office)  
(Nom de la municipalité ou du bureau de poste)

(Postal Code/Code postal)

3. Number (or minimum and maximum number) of directors is: *Nombre (ou nombres minimal et maximal) d'administrateurs:*

A minimum of one and a maximum of five

4. The first director(s) is/are: *Premier(s) administrateur(s):*

Resident  
Canadian  
State  
Yes or No  
*Résident  
Canadien  
Oui/Non*

First name, initials and surname  
*Prénom, initiales et nom de famille*

Address for service, giving Street & No. or R.R. No., Municipality and Postal Code  
*Domicile élu, y compris la rue et le numéro, le numéro de la R.R., ou le nom de la municipalité et le code postal*

Donald G. Gibson

Box 48, Suite 4700  
Toronto Dominion Bank Tower  
Toronto, Ontario  
M5K 1E6

Yes