

Energy Probe Compendium

Panel 11

EGI Capx and AMP (including IRP) / 2023 Capital

EB-2022-0200 Phase 1 Oral Hearing

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Tab 1

“High Rise Development at Bayview and Eglinton”

Leaside Life, August 2023

High-rise development at Bayview and Eglinton

In recent years, the City of Toronto has received a significant influx of new development applications for properties in Ward 15 – Don Valley West. There are currently nine active development proposals at the Bayview and Eglinton intersection – eight of which are for high-rise towers with proposed heights ranging from 25 to 46 storeys.

In 2018, City Council approved the Yonge-Eglinton Secondary Plan, which designated Bayview and Eglinton as a mid-rise building area with a prescribed height limit of 8-12 storeys. However, upon the required review and approval by the province, the Minister of Municipal Affairs and Housing significantly increased the permitted building heights to a range of 25-35 storeys. This provincial overhaul of the Secondary Plan has resulted in the number of high-rise residential and mixed-use development applications active in Leaside today.

In March, I attended each of the community consultation meetings held for the above applications, to hear directly from local residents.

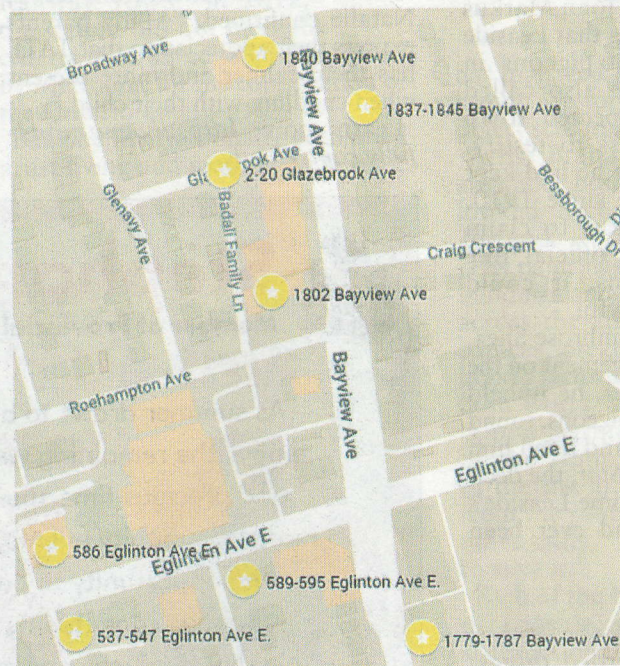
Jaye Robinson
Councillor, Ward 15,
Don Valley West



healthcare services in our neighbourhoods. For example, the application for 586 Eglinton Avenue East proposes to demolish an existing medical office building that provides services to local residents – including many seniors.

Unfortunately, seven of the appli-

Address	Height	Status
1802 Bayview Avenue	46 storeys	New application
589-595 Eglinton Avenue East & 61-67 Mann Avenue	35 storeys	OLT Appeal
1779-1787 Bayview Avenue	35 storeys	OLT Appeal
1840 Bayview Avenue	34 storeys	OLT Appeal
2-20 Glazebrook Avenue	34-storeys	OLT Appeal
1837-1845 Bayview Avenue	32 storeys	OLT Appeal
586 Eglinton Avenue East	32 storeys	OLT Appeal
537-547 Eglinton Avenue East	25 storeys	OLT Appeal



cations listed above have been appealed to the province's Ontario Land Tribunal (OLT) – in many cases, before the required community consultation meeting. Many residents will know that I have been a long-time critic of the OLT, which is the unelected, unaccountable body that makes the final decision on planning appeals in Toronto. When developers appeal to the OLT, they are effectively circumventing the City's planning review process and

the final decision on these applications is taken out of City Council's hands.

The Leaside Residents Association, Broadway Area Residents Association, South Eglinton Davisville Residents' Association, and Bayview Broadway Good Planning Inc. are actively involved in many of the major development applications in this area and are a fantastic resource for residents who are looking to get involved. More information on these and all active applications in Ward 15 can be found on my Development Map. ■

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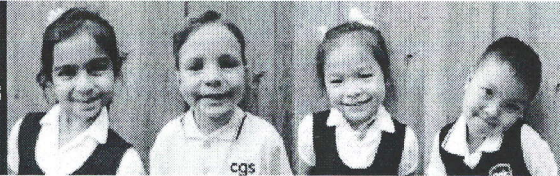
During these meetings, residents from across Leaside raised concerns related to the capacity of local infrastructure and amenities, such as schools, green spaces, and our transportation network. It is imperative that infrastructure keep pace with new development in high-growth neighbourhoods – this is an issue I am continuing to raise at each and every consultation meeting and on the floor of City Council.

This spring, I successfully moved a motion that directs the City to work with the province and healthcare stakeholders to keep valuable

Tab 2

“Surprise, Leaside! 25-floor Tower at Bayview and Broadway”

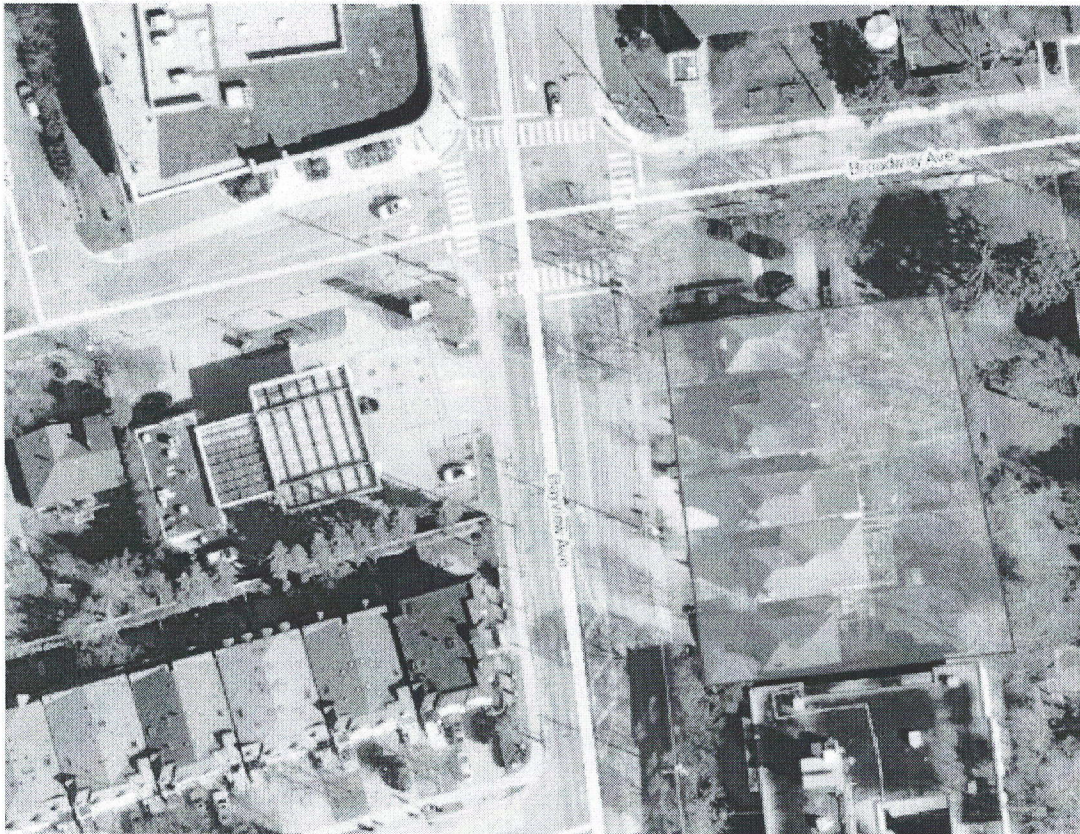
The South Bayview Bulldog, November 20, 2021



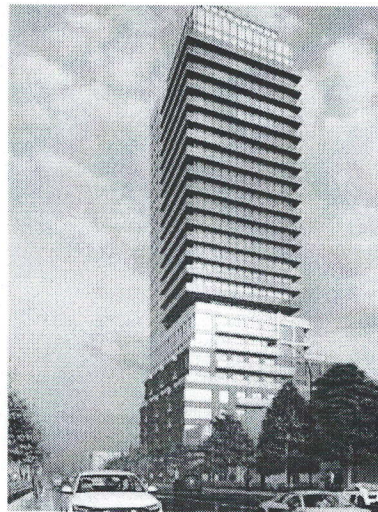
cgsschool.com
670 Eglinton Ave East
416.423.5017

Surprise, Leaside! 25-floor tower at Bayview and Broadway

by The Bulldog • November 20, 2021



Surprise, North Leaside. The latest LRT-inspired tower proposal is a 25-storey mixed-use condominium building at the designated address of 1837 Bayview Ave on the southeast corner of Broadway Ave. Urban Toronto



1837-1845 Bayview Update

The Gupta Group has proposed a 25-storey mixed-use building for the southeast corner of Bayview and Broadway, currently occupied by 6 single-family residences. The developer has asked that the site be rezoned from its current Residential Detached zoning, with a height limit of 8.5M, to allow an 83.5M high building with an additional 7.4M mechanical penthouse. A total of 288 dwelling units and 256 square metres of non-residential uses are proposed, with a density of 8.695 times the area of the site.

The developer has not responded to any of the City's (or residents') concerns and appealed to the Ontario Land Tribunal, with a 14-day hearing scheduled to start on October 17, 2023.



Leaside Residents Association

← City, drugstores ready to vaccinate kids with shots here soon

Saturday 649 yields tidy \$7.5 million win for Ontario player →



The Weather Network



SEARCH THE BULLDOG

Tab 3

EB-2022-0024 Elexicon Energy Inc. Decision and Order – Phase 2

July 6, 2023



Ontario | Commission
Energy | de l'énergie
Board | de l'Ontario

DECISION AND ORDER - PHASE 2

EB-2022-0024

ELEXICON ENERGY INC.

Application for rates and other charges to be effective January 1, 2023

BEFORE: Allison Duff
Presiding Commissioner

Michael Janigan
Commissioner

July 6, 2023

5 SUSTAINABLE BROOKLIN

5.1 Summary of the Proposed Sustainable Brooklin Project

The Sustainable Brooklin project involves the construction of two 27.6kV feeders over a distance of approximately 10 kilometers from the Whitby transmission station to a connection point from which to connect a planned sub-division in North Brooklin. The two feeders would be constructed on two separate pole lines. Each pole line has the capacity to accommodate two additional feeders, for a total of three feeders. Elexicon Energy's application includes a request for an exemption from section 3.2 of the Distribution System Code (DSC)⁵², which requires collecting a capital contribution from the local developers towards the cost of constructing and operating the Sustainable Brooklin line.

Capital contributions would need to be paid by members of the Brooklin Landowners Group Inc. (Brooklin Landowners) which are first movers in the development of the North Brooklin Community. The Brooklin Landowners is an umbrella development company that comprises of 13 developers representing 30 of the 90 individual landowners in North Brooklin and owners of 60 of the 123 parcels of land in this community.⁵³

Elexicon Energy requested 22 exemptions from the DSC including the requirement of capital contributions from the customer, which is the Brooklin Landowners for the project. In exchange for capital contributions, the developers would build DER-ready homes that include rough-ins for solar panels and battery systems as well as for electric vehicle chargers. The estimated cost for the rough-ins to accommodate DERs and electric vehicles in the new community is \$2,260 per home. Over a twenty-year horizon, it is estimated that approximately 10,000 homes will be built and that the total cost of the rough-in to the builders would be approximately \$23M.

Instead of collecting a capital contribution as per the DSC, Elexicon Energy requests funding of the Sustainable Brooklin expansion project through an ICM and states that the DSC exemption and the ICM funding request are inextricably linked.

Project Costs and Project Design

The incremental capital funding request is for \$26.7M and represents the cost of the two feeders from the Whitby transmission station to a connection point from which to

⁵² The Distribution System Code sets the minimum conditions that a distributor must meet in carrying out its obligations to distribute electricity under its licence.

⁵³ Brooklin Landowners Submission, p. 3

Tab 4

EB-2022-0024 Elexicon Energy Inc.

Technical Conference Transcript

January 18, 2023

EB-2022-0024

THE ONTARIO ENERGY BOARD

Elexicon Energy Inc.

Application for electricity distribution rates
and other charges effective January 1, 2023

Technical Conference held by videoconference
from 2300 Yonge Street,
25th Floor, Toronto, Ontario,
on Tuesday, January 18, 2023
commencing at 9:30 a.m.

TECHNICAL CONFERENCE

A P P E A R A N C E S

LAWREN MURRAY	Board Counsel
BIRGIT ARMSTRONG	Board Staff
DONALD LAU	
STEPHEN CAIN	
ASHLEY SANASIE	
JULIA NOWICKI	
JOHN VELLONE	Ellexicon Energy Inc.
COLM BOYLE	
STEPHEN VETSIS	
EMMANUAL ARULSEEIAN	
BRANDON OTT	
HELEN NEWLAND	Brooklin Landowners Group (BLG)
KATE WILTSIE	
MATTHEW CORY	
TOM LADANYI	Coalition of Concerned Manufacturers and Businesses of Canada (CCMBC)
JULIE GIRVAN	Consumers Council of Canada (CCC) / Vulnerable Energy Consumers Coalition (VECC)
NICK DAUBE	Distributed Resource Coalition (DRC)
KENT ELSON	Environmental Defence (ED)
DAN ROSENBLUTH	Power Workers' Union (PWU)
JAY SHEPHERD	School Energy Coalition (SEC)

I N D E X O F P R O C E E D I N G S

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Examination by Ms. Girvan	16
--- Recess taken at 11:03 a.m.	44
--- On resuming at 11:15 a.m.	44
Examination by Mr. Shepherd	58
--- Luncheon recess taken at 12:06 p.m.	71
--- On resuming at 12:55 p.m.	71
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Examination by Mr. Ladanyi	126
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Examination by Ms. Armstrong	178
Examination by Ms. Girvan	183
--- Whereupon the hearing concluded at 4:30 p.m.	193

1 many terms here because we have trunk and distributing and
2 everyone -- every agency uses a different term. But trunk
3 services for sewer and water are provided by the Region of
4 Durham, and then the local municipality, once the developer
5 constructs them and turns them over, conveys them to the
6 municipality, will ultimately own and operate everything
7 except the direct service connections to the houses so the
8 ones in the local streets.

9 So the region -- that's why the region and the town
10 lead on the planning side and determine where growth will
11 go, because they have to do their own master planning that
12 goes out sometimes 50 years, to anticipate where
13 infrastructure is required and make sure that it is planned
14 for and accommodated in time for when growth is going to be
15 delivered.

16 MR. LADANYI: So when a developer gets all of these
17 approvals, the developer starts putting in these services.
18 Sometime before they build the houses. They put in sewers.
19 And I guess the roads and -- do they install gas? Or does
20 Enbridge install gas?

21 MR. CORY: So the developer typically never installs
22 the trunk services, the big pipes and the big wires that
23 can convey everything.

24 Although they can. Especially if the region and town
25 have limited capacity, there's front end agreements that
26 are often entered into where developers will, to speed
27 things up and get things going, undertake to build those
28 things on their behalf and get what development charge

1 credit.

2 So in the planning side, developers, the main levy,
3 the main taxes that are charged for developers are
4 development charges. Those charges are calculated to
5 account for all of the things you were just talking about,
6 the sewers, sewer pipes, water, everything, and the costs
7 related to that.

8 So if a developer front-ends, in the planning world
9 and the municipal world those costs, they would expect to
10 have a credit when they go to pay their development charges
11 in recompense for that.

12 MR. LADANYI: So the sewers and water mains and
13 streets will be built by the developers, would they?

14 MR. CORY: Yes. At the local level everything, storm
15 water management ponds. At least the park lands, not
16 necessarily the facilities in the parks. The school sites.
17 The commercial --

18 MR. LADANYI: Gas pipes. Would you lay gas pipes in
19 streets? You mentioned trunk. I'm talking about in the
20 actual street.

21 MR. CORY: The developer delivers everything in the
22 street, including the local electricity distribution, yes.

23 MR. LADANYI: There is something called joint
24 trenching or as many of the services as possible are put in
25 the same trench at the same time to save costs, is that
26 right?

27 MR. CORY: That's correct. Except for the water and
28 sewer. They go in the centre of the road.

Tab 5

EB-2022-0024 Elexicon Energy Inc.

Hearing Transcript, March 31, 2023

THE ONTARIO ENERGY BOARD

Elexicon Energy Inc.

Application for electricity distribution rates and
other charges effective January 1, 2023

Oral Hearing by videoconference
from 2300 Yonge Street,
25th Floor, Toronto, Ontario,
on Friday, March 31, 2023
commencing at 9:30 a.m.

VOLUME 1

BEFORE:

ALLISON DUFF	Presiding Commissioner
MICHAEL JANIGAN	Commissioner
ANTHONY ZLAHTIC	Commissioner

A P P E A R A N C E S

LAWREN MURRAY
LJUBA DJURDJEVIC

Board Counsel

JULIA NOWICKI
BIRGIT ARMSTRONG
DONALD LAU

Board Staff

JOHN VELLONE
COLM BOYLE
BRANDON OTT

Ellexicon Energy Inc.

HELEN NEWLAND
KATE WILTSE
MATTHEW CORY

Brooklin Landowners Group

JULIE GIRVAN

Consumers Council of Canada (CCC)

TOM LADANYI

Coalition of Concerned
Manufacturers and Businesses of
Canada (CCMBC)

NICHOLAS DAUBE

Distribution Resources Coalition
(DRC)

DAN ROSENBLUTH

Power Workers' Union (PWU)

JAY SHEPHERD

School Energy Coalition (SEC)

SHELLEY GRICE

Vulnerable Energy Consumers
Coalition (VECC)

I N D E X O F P R O C E E D I N G S

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Cross-Examination by Mr. Shepherd	120
--- Recess taken at 2:39 p.m.	150
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--- Recess taken at 3:59 p.m.	184
--- On resuming at 4:15 p.m.	184
--- Whereupon the hearing adjourned at 4:58 p.m.	205

1 movers and who have been draft-plan-approved. I don't know
2 how else to state it to you, but that is just simply the
3 reality of how this works. We can't simply go to anybody
4 who happens to be in the area and require them to give us
5 money to fund this. We have no ability to do that and we
6 don't represent those people.

7 MR. LADANYI: Let's -- okay, let's move to another
8 area. So you are working on other subdivisions in the
9 Greater Toronto Area, are you not?

10 MR. CORY: Many.

11 MR. LADANYI: Very good. And, as far as I know, in
12 virtually all of these subdivisions the homes that are
13 planned have gas service. They have a gas furnace and a
14 gas water heater. Is that right?

15 MR. CORY: Yes. The vast majority do. Unless you're
16 talking about the high-rise work that we do, and those
17 typically have heat pumps in the apartments.

18 MR. LADANYI: So what you're planning for North
19 Brooklin is really the same. You're planning 10,000 to
20 12,000 homes that will have a gas furnace and a gas water
21 heater. That's what I understand from the technical
22 conference.

23 MR. CORY: That is correct, although there is the
24 blend, because there are 14,000 homes overall. The
25 component of the homes that are higher-density, I expect,
26 will have heat pumps, yes

27 MR. LADANYI: Very good. And you have talked to
28 Enbridge about getting gas service to the subdivisions?

1 MR. CORY: Yes, absolutely. We are in talks with them
2 to make sure there is gas available.

3 MR. LADANYI: And Enbridge has not asked for any
4 contribution. Is that right?

5 MR. CORY: No, they have not.

6 MR. LADANYI: Has Enbridge installed any gas lines
7 yet, or nothing?

8 MR. CORY: There are gas lines into -- there is
9 obviously all of the existing Village of Brooklin that we
10 surround that has gas service. In the discussions I have
11 had on the design side with Enbridge, they have identified
12 a need for additional infrastructure and trunks to be
13 installed; however, my understanding in discussions so far
14 is that they have a capital budget and they have an ability
15 to deliver that, and they were planning on delivering that
16 in a timely way.

17 MR. LADANYI: All right. So were you surprised when
18 Elexicon, or I guess it was Whitby before, asked for a
19 contribution to supply electricity service to this
20 development?

21 MR. CORY: Yes. We expected power to be available as
22 a linear extension, as it is in, I think, every other
23 instance I have worked on where there are subdivision
24 approvals or additional development that is contiguous or
25 extending the urban boundary that already exists.

26 MR. LADANYI: Could we have on the screen undertaking
27 JT 1.8. Sorry, I have got the wrong one. Just give me a
28 second. Bear with me, because this hearing is going in a

Tab 6

Malone, Given, Parsons Letter to Elexicon, June 9, 2021

Brooklin Landowners Group

**Supplementary Responses to Interrogatories from the
Coalition of Concerned Manufacturers and Businesses of Canada
Interrogatory CCMBC-20, attachment, Submitted: January 9, 2023**

June 9, 2021

MGP File: 17-2666

Elexicon Energy

Norm Fraser, Interim President and CEO
55 Taunton Road East
Ajax, ON L1T 3V3

via email: nfraser@elexiconenergy.com

Dear Mr. Fraser:

**RE: Brooklin Landowners Group Inc.
Electricity Infrastructure Delivery to North Brooklin**

Malone Given Parsons ("MGP") represents the Brooklin Landowners Group Inc. ("BLG"), who collectively own approximately 466 hectares of developable land in the north part of the Brooklin Community Secondary Plan ("BCSP") area. Our group has been working cooperatively since 2019 with the Town and Elexicon staff to deliver electricity service to North Brooklin in a timely fashion.

Following the approval of BCSP in 2018, BLG began discussions with Elexicon Energy ("Elexicon", previously Whitby Hydro) in 2019 (following initial discussion with Whitby Hydro in 2018) with the intent to arrange the design and delivery of electricity infrastructure to the Brooklin community in order to meet the development schedule of first home construction and energization in 2020. During those initial discussions with Elexicon, BLG was told that there has been no short and/or long-term planning for delivery of electricity service by Elexicon. This is despite the significant amount of anticipated growth expected in this area, growth which has been approved and anticipated since 2013.

In addition, Elexicon advised there is no capacity within its existing system to support any growth within North Brooklin and the hydro poles from its existing hydro station on Lakeridge Road are fully loaded. Any new development requires an entirely new 27.6 kV service be designed and constructed to the North Brooklin community.

BLG has frequently expressed its ongoing concern with the lack of planning and commitment to deliver the required infrastructure by Elexicon to support long-planned growth in the Town. Instead of planning capacity additions to support that growth, Elexicon has taken the position that any new capacity will be treated as an expansion of its system at the request of new customers, and is therefore to be paid for by the developers and ultimately new homeowners in North Brooklin.

While we disagree with this position, we have proceeded to work cooperatively with Elexicon to design, tender, and construct the new electricity service to North Brooklin to Elexicon's satisfaction to expedite delivery of service to an area that is expected to add 56,000 people in the near and medium term. With the routing of the new system confirmed and our cost estimate prepared, we have requested that Elexicon provide us with its economic analysis and offer to connect, and are still awaiting this information.

It should be noted that, if this is an expansion, even at the initial cost estimates this may be the largest developer funded expansion for a local distribution infrastructure in the history of the Province.

BLG and MQ Energy (our electricity consultant) have continued to work with Elexicon through 2020-2021. Numerous design and working group meetings were held at the suggestion of Elexicon to advance the design and delivery of the required infrastructure. We are currently working towards an estimated first energization date no earlier than Q2 2022.

In the last two months significant issues have arisen that challenge our ability to advance the project, even in its delayed timeframes.

Within the past few weeks, our consultant was made aware by Elexicon staff that as-built information is not available from Elexicon with regard to the condition of its existing infrastructure coming from the Lakeridge TS station. This information is critical to the design work we are undertaking for the extension of services to North Brooklin. Instead of providing the information to us, Elexicon has asked us to undertake an assessment (at our cost) and testing of the Elexicon infrastructure from the station, including arranging with Hydro One to test infrastructure within the station itself. It is to be noted that previously it was discussed and agreed with Elexicon that BLG will be responsible for designing and constructing the Hydro infrastructures from Lake Ridge Road at the Whitby TS Egress and connect to the existing hydro infrastructure at Lake Ridge Road.

Elexicon should have provided this information to us early in our design process, or disclosed to us at the outset that the utility's asset condition information has significant gaps. The lack of this most basic work is impacting the timing and cost of delivering the hydro infrastructure to North Brooklin.

This is extremely concerning to us; we were initially assured by Elexicon staff that all existing information, including the design and delivery of infrastructure from the station to the connection point at Lakeridge Road, would be provided to us by Elexicon to expedite our design process. We have had weekly meetings with Elexicon for the last year to coordinate the design of the system and address any other project related matters. This fundamental issue has only been raised well into the design process.

In yet another surprise, we were issued an \$71,398.33 invoice from Elexicon staff to BLG charging for the Elexicon staff time spent in our coordination meetings between 2020-2021. The invoice was issued with no detail or backup information. In follow up inquiries we have been told by Elexicon staff that they have decided to institute a new practice of charging for their staff time, and that there will be no supporting material behind the invoice.

Furthermore, we have been told that if we do not pay these amounts to Elexicon they will not be able to continue meeting with us. The 'invoice' (attached to this letter) was issued mid-process without any prior understanding in place nor without any agreement with the landowners to charge for this time. Moreover, Elexicon appears to have claimed for itself the initial design deposit amount (\$25,000) provided by the BLG to Elexicon intended for covering the costs of third-party review of our design. This practice is completely unacceptable.

Currently, draft plan of subdivision applications are being processed and approved by the Town of Whitby without certainty from Elexicon that the required electricity infrastructure will be in place in time for first home construction to occur as scheduled (which could be as early as Fall 2020). At the current schedule, it is likely that energization of new housing in North Brooklin could be a year or more away, despite our best efforts to expedite the project.

We are left in the shocking situation of North Brooklin being the only planned growth area in the Greater Toronto Area that cannot accommodate new development because of a lack of required electricity infrastructure. We do not experience similar problems dealing with other electricity distributors, most of whom welcome customer growth, and work diligently with their local municipalities – often their shareholders as well – to facilitate new development.

As you can appreciate, the delays in delivering electricity infrastructure and capacity to the community will result in an increased cost and delay in providing much needed housing. This is not consistent with the Province's housing action plan, nor will it allow the Town to achieve its growth and financial forecasts.

Given these significant concerns, the BLG requests a meeting with the Chair of the Board and senior executives of Elexicon, and the Mayor and CAO of the Town of Whitby, to discuss these issues and agree to the path forward on this project.

I would like to thank you for your immediate attention to this and ask that you please contact me after review of this letter to schedule a meeting.

Yours very truly,

MALONE GIVEN PARSONS LTD.

A handwritten signature in black ink, appearing to read 'Matthew Cory', enclosed within a circular scribble.

Matthew Cory, MCIP, RPP, PLE, PMP,

BLG Group Manager and Principal

cc: Karen Fisher, Board Chair, Elexicon Energy
Mayor Don Mitchell, Town of Whitby
Matthew Gaskell, Town of Whitby
Brooklin Landowners Group Inc.
Jay Shepherd, Shepherd Rubenstein



Invoice

100 Taunton Road East, PO BOX 59
Whitby, Ontario L1N 5R8

Tel: 905 427-9870
Tel: 1 888 445-2881
Fax: 905 619-0210
elexiconenergy.com

Brooklin Landowners Group Inc.
30 Centurian Drive Suite 100

Markham, Ontario L3R 8B8
Attn: Julie Bottos

Work Order #	WCA200103	Customer #	BROLAN	Invoice #	JC300193
P.O. #		L/C. #		Invoice Date	04/06/2021

Interim Invoice #1

Actual costs incurred to March 31, 2021 for the review of engineering design and proposal for Brooklin North Development.

For further information please contact Qing Liu at qliu@elexiconenergy.com or
Peter Senkiw at psenkiw@elexiconenergy.com.

Total Costs	\$63,184.36
HST	\$ 8,213.97

PLEASE REPORT IN WRITING ANY ERRORS
OR IRREGULARITIES FOUND ON THIS INVOICE
WITHIN 60 DAYS OF THIS INVOICE DATE,
OTHERWISE INVOICE WILL BE DEEMED CORRECT.

Subtotal	\$ 71,398.33
Less Retainer	(\$25,000.00)
Invoice Total	\$46,398.33

Please remit payment to Elexicon Energy

HST # 88628 2920 RT0001 Net 30 Days