

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

BETWEEN:

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

AND IN THE MATTER OF THE COMPROMISE OR ARRANGEMENT OF ORIGINAL
TRADERS ENERGY LTD. and 2496750 ONTARIO INC.

Applicants

**REPLY MOTION RECORD OF THE COURT-APPOINTED
MONITOR, KPMG INC.**
(Mareva Injunction, returnable December 21, 2023)

December 4, 2023

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TO: THE SERVICE LIST

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TAB 1

ORIGINAL TRADERS ENERGY LTD. ET AL.

**SUPPLEMENT TO THE SIXTH REPORT OF KPMG INC.,
IN ITS CAPACITY AS COURT-APPOINTED MONITOR**

December 4, 2023

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Appendix “F” – Email chain between Monitor and Pettinelli ended April 10, 2023

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Appendix “H” – OTE Group Org Chart dated October 2021

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Appendix “S” – Letter from Counsel to Mareva Respondents dated September 29, 2023

Appendix “T” – Letter from Counsel to Monitor dated October 3, 2023

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**AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF
ORIGINAL TRADERS ENERGY LTD. AND 2496750 ONTARIO INC.**

**SUPPLEMENT TO THE SIXTH REPORT OF KPMG INC.
In its capacity as Court-Appointed Monitor of the OTE Group**

December 4, 2023

I. INTRODUCTION

1. This supplementary report (the “**Supplemental Sixth Report**”) supplements the Sixth Report dated November 8, 2023 (the “**Sixth Report**”) of KPMG Inc. in its capacity as the Court-appointed Monitor of the OTE Group (in such capacity, the “**Monitor**”). This Supplemental Sixth Report should be read in conjunction with the Sixth Report as information contained in the Sixth Report has not been repeated herein to avoid duplication. Capitalized terms not otherwise defined herein have the meanings set out in the Sixth Report. A copy of the Sixth Report, without appendices, is attached hereto at **Appendix “A”**. Background information in respect of the OTE Group and this insolvency proceeding is contained in the Monitor’s prior Reports to the Court, including its pre-filing report, all of which are posted on the Monitor’s public website in accordance with the Amended and Restated Initial Order: <https://kpmg.com/ca/en/home/services/advisory/deal-advisory/creditorlinks/original-traders-energy-group.html>.

II. ROLE OF THE MONITOR IN INVESTIGATING MISAPPROPRIATIONS

2. The OTE Group was granted protection under the CCAA pursuant to the Initial Order issued by this Court on January 30, 2023. The Initial Order appointed KPMG Inc. as the Monitor of the OTE Group. At the time of the filing, it was noted that there were significant books and records missing from the OTE Group.
3. The Monitor is the Court’s officer in this CCAA proceeding. It is not a litigant, nor is it an agent or representative of the CCAA debtors or any other party. The Monitor has no personal stake or interest in this proceeding. It acts as the Court’s eyes and ears and carries out its duties pursuant to the CCAA and the Court’s Orders, including its duties in connection with investigating illegal preferences, transfers at undervalue, fraudulent transactions and misappropriations of the OTE Group’s funds and property (collectively, the “**Misappropriations**”). The Monitor has at all times acted, and continues to act, impartially and in what it views to be the best interests of the OTE Group and its creditors and stakeholders, including to preserve and protect the assets and claims of the OTE Group and the traceable products of those assets.
4. By Order dated October 12, 2023, the Monitor was granted enhanced powers that enabled it to, among other things, oversee the business of the OTE Group and protect and preserve its property. The Monitor is continuing its investigation of hundreds of transactions involving multiple parties in an effort to uncover Misappropriations and trace and recover funds and assets for the benefit of the OTE Group’s creditors, including Ontario and Federal tax authorities, suppliers, former

employees and stakeholders in aboriginal communities. Those creditors have submitted claims in excess of \$204 million (which as discussed further below, does not include the as yet unquantified claim of the Canada Revenue Agency (the “**CRA**”), based upon the proofs of claim that the Monitor has received to date. It was in the context of its investigation into Misappropriations and other highly troubling conduct that the Monitor concluded that it was necessary and appropriate to seek injunctive relief from the Court in respect of the Mareva Respondents. Nothing the Monitor has read or learned since filing its Sixth Report has changed that conclusion, but rather has reinforced it. The Monitor is continuing to investigate other transactions and other parties, and if necessary and appropriate may seek future directions and remedies from the Court.

III. RELEVANT BACKGROUND TO MAREVA MOTION

5. On March 15, 2023, this Court (Osborne J.) granted a *Mareva* injunction as part of an Order (the “**Initial Mareva Order**”) restraining Glenn Page (“**Page**”), Mandy Cox (“**Cox**”), and Page’s company 2658658 Ontario Inc. (“**265**”, and collectively, the “**Mareva Respondents**”) from selling, removing, dissipating, alienating, transferring, assigning, encumbering or similarly dealing with a seventy-foot yacht (the “**Italian Yacht**”) purchased using OTE Group funds. The motion for the Initial Mareva Order was brought by the OTE Group, prior to the Monitor obtaining enhanced powers in October 2023. The Monitor independently supported the relief sought. The Court issued two endorsements in connection with the Initial Mareva Order on March 21 and 28, 2023. The Monitor’s Second Report includes further details on the circumstances that led to the Initial Mareva Order.
6. As noted, on October 12, 2023, the Monitor was granted enhanced powers to oversee the business of the OTE Group and protect and preserve its assets.
7. After the October 12 Order was granted, the Monitor intensified its inquiries and investigation into transactions undertaken in respect of the business or involving OTE Group funds or assets. By early November, the Monitor concluded that numerous Misappropriations had taken place during the period that Glenn Page was the senior executive of the business. On November 8, 2023, the Monitor issued its Sixth Report. The Sixth Report provided a detailed review of the Monitor’s ongoing confidential investigations into the Misappropriations. As noted in the Sixth Report, the Monitor obtained evidence that substantial payments had been improperly made, and assets had been improperly transferred, by the OTE Group to or for the improper benefit of the Mareva Respondents, and potentially others.

8. The Monitor was and is concerned that the Mareva Respondents have moved or dissipated, are likely to move or dissipate, and/or will attempt to move or dissipate assets (including funds) of, or emanating from, or traceable to, the OTE Group, as well as other assets of or in the possession of the Mareva Respondents, in order to attempt to put them beyond the reach of the OTE Group as an owner, beneficiary, claimant or creditor. As such, the Monitor has sought from the Court a Mareva injunction against the Mareva Respondents in the form of Order appended to the Monitor's motion record (the "**Mareva Order**"), or in such other form as the Court may direct. Having obtained the enhanced powers set out in the October 12 Order, and having conducted further investigations into transactions involving the OTE Group, the Monitor believes that a protection and preservation order is necessary and appropriate, in order to preserve and protect the OTE Group's property and claims for the benefit of its creditors, particularly in light of having recently learned that Page and Cox have obtained St. Lucian citizenship and a residence there, and sold their only residence in Canada. St. Lucia has no extradition treaty with Canada.
9. Following the Court's order on November 10, 2023, the Mareva Respondents have delivered responding affidavits. The Monitor has also received a list of questions and substantial document requests from the Mareva Respondents, which the Monitor responded to on November 27, 2023 (that response, the "**Monitor's Information Response**"). Concurrently with the provision of the Monitor's Information Response, counsel to the Mareva Respondents received access to a virtual data room set up by the Monitor containing the documents requested. The Monitor's Information Response is attached hereto at **Appendix "B"**. The Mareva motion is now returnable before the Court on December 21, 2023, following the Court's direction on a Chambers appointment on December 1, 2023.

IV. PURPOSE OF THIS SUPPLEMENTAL REPORT

10. As discussed above and in the Monitor's Sixth Report, the Monitor's investigation remains ongoing. The Sixth Report presented the Monitor's perspective based on the evidence that it had obtained to date. As noted therein, the Monitor started its investigation with limited and missing books and records, and as noted at paragraph 123 of Page's affidavit, Microsoft email accounts for four key OTE Group employees were deleted at Page's request, prior to the Monitor's appointment (although Page states in his affidavit that he asked a contractor to archive them, no such archived email accounts for these employees have been provided to the Monitor by Page or anyone else, save for the USB key subsequently provided by Page on or about July 21, 2023 containing emails from his OTE email address, as referenced in paragraph 26 of the Sixth Report). The Monitor has

had to engage in a substantial amount of work, including information requests, review of bank records, and follow-up requests from third parties for copies of records and source documents in order to investigate the OTE Group's historical payments and financial transactions. There are substantial transactions that the Monitor has flagged that it continues to review, and the Monitor will provide an update to the Court in the future, including recommendations on appropriate actions against any other parties that potentially engaged in Misappropriations or impropriety, to protect and recover property for the benefit of the OTE Group's creditors and stakeholders.

11. The Mareva Respondents served materials on November 24, 2023, including affidavits sworn by Page and Cox (the “**Page Affidavit**” and the “**Cox Affidavit**”, respectively). The Mareva Respondents do not adequately address the findings presented in the Sixth Report, and the Monitor does not view many of the responses as tenable in light of the significant evidence of wrongdoing by the Mareva Respondents.
12. While the Monitor will not respond to every point raised by the Mareva Respondents, the Monitor provides this Supplemental Sixth Report to address certain points raised in the materials of the Mareva Respondents, subject to examining Page, Cox, and potentially other relevant individuals. The Monitor believes that there is strong *prima facie* evidence of fraudulent conduct on the part of the Mareva Respondents, and that a Mareva Order is necessary and appropriate in the circumstances.

V. MAREVA RESPONDENTS’ STATED REASONS FOR MISAPPROPRIATIONS

13. The evidence of fraud and Misappropriations by the Mareva Respondents is not limited to one or two incidents, but rather well over a hundred payments and transactions to or for the benefit of the Mareva Respondents and their related persons and entities, amounting to more than \$16.6 million (as detailed in paragraph 68 and Appendix “C” of the Sixth Report).
14. The Sixth Report identified over \$16.6 million of improper payments or transfers to or to the benefit of Page and related entities (which includes entities connected to both Page and Cox, and benefits that appear to have flowed to both). As noted in the Monitor’s Information Response, the Monitor has since confirmed that approximately \$325,000 was paid back to the OTE Group by entities related to Page, but the amounts improperly received by or for to the benefit of Page between February 22, 2019 and June 24, 2022 continue to amount to over \$16.3 million. Substantial amounts of payments to known beneficiaries remain under review, and as noted in the Sixth Report, over

\$59 million additional payments or transactions have been identified for which no supporting documentation has yet been identified.

15. After reviewing the materials filed by the Mareva Respondents, the Monitor remains clearly of the view that the Mareva Respondents fraudulently and improperly took or misused corporate funds of the OTE Group for their personal benefit, and that there is a serious risk of prejudice and harm to the OTE Group and its stakeholders if a protection and preservation order is not issued.
16. The Mareva Respondents do not deny that the payments attributed to them in the Sixth Report were made, and for the most part agree that these payments directly benefitted themselves or related entities. Cox states in her affidavit that she understood Page to be a wealthy individual and that his expenditures were consistent with her understanding of his lifestyle. Page points to amounts received by other individuals in the OTE Group (which the Monitor is continuing to investigate) and seeks to characterize and justify the payments he and his related entities received as somehow either benefitting the OTE Group or as legitimate partnership distributions applied to his personal expenses. Very little documentary or contemporaneous evidence is provided by the Mareva Respondents in support of these purported justifications, which the Monitor believes are simply not tenable.

Page Admits Sending the Forged Financial Statements to the RBC

17. The Monitor's Sixth Report states at paragraph 30 its understanding that Page provided the Royal Bank of Canada ("RBC") unaudited 2021 financial statements of OTE LP that appeared to be on the letterhead of the Hamilton accountancy firm Pettinelli Mastroluisi LLP ("Pettinelli"), but which Anthony De Luca, an accountant and partner at Pettinelli, has confirmed were not prepared by the Pettinelli firm. Page denies forging the statements but admits that his recollection is that he did provide these statements to RBC in early June 2022. He states that he believes he received the financial statements from an employee of GPMC2 who he identifies only as "Kerri". Page states at paragraph 112 of his affidavit that Kerri "consolidated data onto the Pettinelli letterhead and sent it to me by email while I was away", and that he believes, but cannot be sure, that Kerri sent the email with the draft financial statements. He asserts that it is his belief that he was in Italy at the time of receipt, and that he simply forwarded the attachment to RBC without reviewing it.
18. On December 1, 2023, the Monitor was provided a copy of an email sent from "glenn@gpmcholdings.ca" to Silvio Caselli, an employee of RBC, on June 6, 2022, attaching the forged financial statements purporting to be prepared by Pettinelli. The email is signed "Glenn

Page, President, GPMC Holdings Inc.”. Page’s email forwards an attachment that was sent from a copier (that appears to relate to GPMC) to Glenn Page, and Page states in his email to Caselli of RBC “Well guess what got dropped off … I scanned them”. That email is attached hereto at **Appendix “C”**. Contrary to Page’s stated recollection, there is no email to Page from “Kerri”. Further, contrary to his recollection that he was in Italy, Page indicates in the email to RBC that he scanned the documents himself. Other emails indicate that Page had a meeting with Silvio of RBC on June 7, 2023 to discuss these financial statements – see **Appendix “D”**.

19. Page’s June 6, 2022 email to Caselli at RBC was not sent from an OTE account, but a GPMC account. Page states at paragraph 89 of his affidavit that GPMC2 deleted all records related to OTE LP and OTE Logistics LP from its server, but he did not state that emails related to the OTE Group have been deleted. Page still has access to this email account (an email account that the Monitor does not have access to), yet he states in his affidavit at paragraph 112 that he “cannot be sure” whether “Kerri” had forwarded him the email, and he cannot recall sending the email.
20. The Monitor has been informed by Mr. Deluca that while Pettinelli was retained to assist in the preparation of OTE financial statements for 2020 and prior years, Page never retained them to prepare OTE financial statements for the 2021 or 2022 fiscal years. As President of OTE LP, Page would have had knowledge of the fact Pettinelli was not currently engaged to assist with the review or preparation of the 2021 financial statements. The forged financial statements are not only on Pettinelli letterhead, but they also bear the signature of the Pettinelli firm. The forged financial statements are attached hereto at **Appendix “E”**. Mr. Deluca has confirmed to the Monitor by email that these statements were never prepared or signed by the Pettinelli firm. That email is attached hereto at **Appendix “F”**.
21. In summary, there now appears to be no real dispute that RBC was provided with fictitious financial statements by Page. Rather than being forthright and assisting with a court officer’s investigation, the Monitor believes that Page continues to attempt to obscure the truth.

Purported Distributions

22. Page claims that various of the payments made by the OTE Group entities to him or to purchase assets and services for his, or his and Cox’s, benefit were legitimate partnership distributions to which he was entitled. Some of these payments were in the form of funds from the OTE bank account which went directly to Page’s bank account, and the largest share were made by the OTE Group entities to suppliers of goods and services for Page’s, or Page’s and Cox’s, personal benefit,

including among other things: the purchase of the Italian Yacht; yacht-related expenses; the BodyHoliday Spa in St. Lucia; the purchase of appliances for Page and Cox's home in St. Lucia (which, at paragraph 157 of his affidavit, Page clarified is the "facility" he referred to in correspondence with RBC); construction relating to Page and Cox's personal residence in Waterdown Ontario; the installation of a swimming pool at Page and Cox's Waterdown home; Page and Cox's wedding in Italy; and Page and Cox's purchase of an RV/cottage. The Monitor's description of these transactions is set out in the Sixth Report at paragraph 69 and the appendices referenced therein.

23. Although Page claims that he was entitled to these payments and benefits as partnership distributions and attempts to allocate responsibility for the payment of purported partnership distributions to other individuals associated with the OTE Group, Page and Cox do not deny receiving the benefit of these distributions, nor does Page deny that he was the President and a director of OTE LP at the time these distributions occurred, and thus had fiduciary obligations.
24. The purported justification for the OTE Group payments and purchases to the benefit of Page and/or Cox advanced in the Page and Cox Affidavits is essentially the same argument put forward by the Mareva Respondents at the hearing for the Initial Mareva Order before Justice Osborne. At that time, the Mareva Respondents did not deny that the OTE Group's funds were used to pay for the Italian Yacht, but instead argued that these payments were legitimate distributions of partnership profits to which Page was entitled. Justice Osborne rejected this purported justification "in the complete absence of any evidence to corroborate the suggestion" and found that there was a strong *prima facie* case of fraud in relation to the OTE Group payments for the Yacht. He also found that there was "no evidence that the partnership had, at the time of the impugned transfers, sufficient profits to fund such distributions in any event", and in the alternative found that even if the Mareva Respondents were entitled to distributions of profit at the relevant time, it did not follow "that they are somehow entitled to simply take funds and apply them for their own uses". Justice Osborne's endorsement is attached hereto at **Appendix "G"**.
25. The Mareva Respondents have still yet to produce any documents that in any way demonstrate they were entitled to the benefit of the OTE Group payments as legitimate distributions, nor that the payments and assets they received were in fact legitimately approved or made as limited partnership distributions. They have also not demonstrated that either OTE LP or OTE Logistics LP had sufficient profits and cashflows to make distributions remotely of this magnitude in light of the evident tax liabilities that were accruing and not being paid during the relevant periods, during

which Page was a director and senior executive. Those tax liabilities form part of the claims asserted by the Minister of Finance and CRA. The Page Affidavit discusses how Page recalls distributions were approved, and provides a handful emails on the subject. The Page Affidavit also presents unaudited financial statements showing Partners' Surplus and Partner's Capital. However, despite being the President and a director of OTE LP at all relevant times, Page has not produced any resolutions authorizing any of the partnership distributions. Attached hereto as **Appendix "H"** is a PowerPoint presentation outlining Page's former position as President of OTE LP while an officer/director of other entities that supplied and purchased fuel to and from the OTE Group (including OTE USA and Gen 7). The metadata for the presentation states it was created by Page.

26. The Monitor has been provided: (i) T5013 tax slips for distributions to OTE GP and the OTE LP limited partners for the year 2019, and (ii) T5013 tax slips for distributions to OTE GP for the years 2018 and 2020. The Monitor is continuing to review and consider these tax slips, but notes that over \$15.7 million of the payments benefiting Page occurred from 2020-2022, years for which the Monitor has not been provided the relevant slips. The tax slips that have been provided to the Monitor are attached hereto at **Appendix "I"**. In 2019, 265 (through which Page held his partnership interest in OTE LP) had partnership income of approximately \$1.15 million. If Page's assertion that the OTE Group payments for the personal benefit of himself or his related entities, or himself and Cox, represented the receipt of legitimate OTE LP partnership distributions, 265's partnership income should have greatly increased the years 2020-2022 and Page should have the tax slips to support these distributions. Moreover, Page has not provided the Monitor with appropriate support to explain why a supposedly legitimate profit distribution would be classified as an expense in the OTE Group's books and records – as noted below – as opposed to a distribution to relevant parties.
27. The Mareva Respondents claim that they do not have access to relevant books and records. However, Page has also declined or failed to provide any tax slips or tax returns for himself or his related corporations evidencing that he in fact accounted for and paid tax on all of the distributions of cash and assets as partnership distributions. If all of the payments were legitimate profit distributions, Page and his related entities would have received corresponding tax slips that they would have included as part of their tax returns. 265, Page and his related entities would have been required to include the distributions in their income and pay tax thereon if they were acting in an honest and forthright manner. Page has provided no evidence of having properly treated the payments and benefits received by him as income and his attempt to now characterize them as such cannot be treated as credible.

28. Page notes at paragraph 93 of his affidavit that partnership distributions would be allocated to a “particular expense line item”. As noted in the Sixth Report, Page instructed staff at the OTE Group to charge certain personal expenses as business expenses using expense codes including “Blending Repairs & Maintenance” and “Repairs”. An example of journal entries from BookWorks corroborating such coding requests are attached hereto at **Appendix “J”**. Page says only that the expenses on his home were not unusual and asserts that Scott Hill had the same practice. Having OTE Group entities treat these admitted payments of Page’s personal expenses as business expenses (which Page does not seem to deny in his affidavit), and not bringing the benefit of these payments within Page’s own declared income, appears to be an attempt to deceive the tax authorities, which are creditors of the OTE Group.
29. As Justice Osborne found at the time of the Initial Mareva Order, the Mareva Respondents have also failed to demonstrate that either OTE LP or OTE Logistics LP had sufficient profits and cashflows to make any such distributions in any event – particularly in light of the tax liabilities that were accruing and not being paid to the taxing authorities during the relevant periods. Importantly, the Ontario *Limited Partnerships Act*, R.S.O. 1990, c. L.16 (the “**LPA**”), provides at section 11(2):

No payment of a share of the profits or other compensation by way of income shall be made to a limited partner from the assets of the limited partnership or of a general partner if the payment would reduce the assets of the limited partnership to an amount insufficient to discharge the liabilities of the limited partnership to persons who are not general or limited partners.
30. As noted in the Sixth Report, the Ministry of Finance (Ontario) (the “**MOF**”) has submitted a claim of approximately \$127 million against the OTE Group in respect of unremitted fuel and gas taxes subject to the ongoing fuel and gas tax audits. The MOF claim is attached hereto at **Appendix “K”**. The Canada Revenue Agency has also submitted a claim that is as yet unquantified. The CRA claim is attached hereto at **Appendix “L”**. The Monitor has reviewed CRA assessments stating that over \$170 million is owing to the CRA as of September 30, 2023, which the Monitor understands based upon subsequent discussions with CRA is expected to increase to over \$200 million. The CRA assessments are attached hereto at **Appendices “M” and “N”**.
31. The Monitor was provided a breakdown of the MOF claim by period. After receiving the breakdown, the Monitor compiled the MOF balances and CRA assessments into a yearly summary, attached at **Appendix “O”**. Based on the summary, volumes were significantly under-reported, resulting in the following combined MOF and CRA tax balances owing by calendar year:

- (a) 2019 - \$20,630,068.
- (b) 2020 - \$47,615,974.
- (c) 2021 - \$107,497,231.
- (d) 2022 – \$134,103,437.

32. Not only is there no tenable evidence that the amounts paid by OTE Group for the benefit of Page and related persons and entities were distributions made to Page and his related entities that were approved, made or documented as limited partnership distributions, the financial statements produced for the relevant periods do not account for the massive tax liabilities that the MOF and CRA state are owing to those taxing authorities. There is no evidence that any solvency analysis was undertaken at any time with respect to these distributions, or that the OTE Group, of which Page was President and a director, did any appropriate diligence to confirm that the OTE Group had the profits to make distributions without contravening the solvency requirements in the LPA. These asserted “distributions” appear to be nothing more than direct Misappropriations. The claim asserted by Page that other members of the OTE Group may have received the benefit of certain payments (apparently in much lesser amounts than Page) is not a justification for Page’s misconduct, particularly given Page’s role as director and President at all relevant times.

AirSprint

33. The Monitor’s Sixth Report and the Monitor’s Third Report identify numerous payments to AirSprint that were wired directly from the OTE Group bank account between March 2021 and June 2022 in the aggregate amount of approximately CAD\$10.5 million (CAD\$1.1 million plus US\$6.9 million converted at the exchange rate as at October 3, 2023). As noted at paragraph 69(i) of the Sixth Report, an estimated \$9 million of this relates to purchase agreements of property interests in private jets between AirSprint and 265 (Page and Cox’s company). Although the Court has since made orders for the sale of those property interests, with the ultimate beneficiary of those proceeds to be determined in future, that does not change the fact that Page acted highly inappropriately in causing the payment of more than \$9 million by OTE Group to acquire for 265 (owned by Page and Cox) property interests in private jets. The remaining \$1.5 million relates to operating costs paid by the OTE Group for travel that is currently being investigated by the Monitor

to determine the purpose of the trips and attempt and recoup funds from the beneficiaries of any aircraft interests used for personal travel on aircraft paid for by the OTE Group.

34. Page does not refute that 265 obtained over \$9 million of fractional aircraft interests from AirSprint using OTE Group funds. He also does not refute that these interests should have been for the benefit of the OTE Group, not for the benefit of his and Cox's personal company. At Exhibit "KK" to Page's affidavit, aircraft assets are listed on 265's balance sheet. Page's only explanation for his misconduct in respect of the AirSprint purchases is that concerns were expressed that another OTE LP partner, Miles Hill, would otherwise use the aircraft interests for personal travel. Page states that it was agreed that "it would be prudent to purchase fractional aircraft hours due to the increase in travel for business purposes" (a very dubious assertion in the first place, from the Monitor's perspective), but claims at paragraph 161 of his affidavit that this was purchased directly by his and Cox's company 265 due to concerns that Miles Hill would "recklessly use up the flight hours for personal reasons" (records referenced in the Sixth Report in fact reflect that Page and Cox use far more flight hours than any other individuals involved). Page's purported explanation for his and Cox's company, 265, holding more than \$9 million of fractional property interests in private jets paid for entirely by OTE Group makes no rational sense, and notably there were no agreements in place under which 265 held the interests for the benefit of OTE Group or under which 265 was obliged to repay the funds paid by OTE Group for this purpose.
35. The Monitor has also reviewed a notice of sale in respect of fractional aircraft interests dated November 10, 2022 executed by 1000267493 Ontario Inc. ("493") and signed by Page and Cox. That notice of sale is attached hereto at **Appendix "P"**. Page and Cox have not discussed this company in their affidavits, and do not explain why an apparently personally-controlled entity would attempt to sell these interests many months after Page and Cox had left the OTE Group. On January 17, 2023, after AirSprint became aware of the statement of claim filed by the OTE Group against Page (the "**Claim**"), a trust agreement governing the proceeds of the sale of fractional interests was executed. That trust agreement is attached hereto at **Appendix "Q"**. As noted in the Sixth Report and above, an Order was granted by this Court on July 17, 2023 directing that \$5.4 million dollars of sale proceeds from fractional interests be remitted to the Monitor. The Monitor became aware of these proceeds and the attempted sale through AirSprint, not through any disclosure from the Mareva Respondents.
36. In respect of the reimbursement for travel on private jets, Page states that the OTE Group would pay for the fractional interests of the aircraft and the company or individuals that took a flight would

pay for their usage directly. Page also states that the aircraft were typically used for business purposes, and sometimes for personal reasons. He stated that following such flights, 265 would invoice the entities responsible for such flights. However, Page does not indicate that 265 ever reimbursed the OTE Group, nor is there any evidence of such reimbursement, despite the aircraft interests having been paid for by the OTE Group.

37. As noted in the Sixth Report, Page and Cox took a total of 138 and 101 flights, respectively. Page does not address in his affidavit whether he used the aircraft for personal reasons, however the flight records reviewed by the Monitor indicate that Page and Cox took numerous trips to destinations where OTE Group had no business interests, including but not limited to trips to Florida, Hawaii, Arizona, North Carolina, Maryland, Massachusetts, Newfoundland, Winnipeg, British Columbia, St. Lucia, Turks and Caicos, and Spain (several of which are vacation destinations). A summary of these trips is attached hereto at **Appendix “R”**. Page and Cox have provided no evidence to refute that these were personal trips, and no evidence that the OTE Group was ultimately reimbursed for any of these trips.
38. Page and Cox have also refused or failed to respond to the Monitor’s letter sent on September 15, 2023 requesting information about the nature of these flights. In separate letters from counsel to Page and Cox dated September 29, 2023, both asserted that the Monitor had not demonstrated that it had authority to demand this information pursuant to the Court Order dated April 27, 2023. Counsel took issue with this information being provided by any party and did not provide the information on behalf of the Mareva Respondents. The Monitor’s counsel responded on October 3, 2023, noting its disagreement with the position of the Mareva Respondents. These letters among counsel, which were included as appendices to the Supplemental Fifth Report, are appended hereto at **Appendices “S” and “T”**. The Mareva Respondents have still not provided the information requested.
39. The only tenable evidence that is before the Court is that Page and Cox misappropriated funds from the OTE Group by arranging to hold fractional private jet interests paid for by OTE Group in their personal holding companies, and then attempted to have the proceeds of sale from the sale of the remaining aircraft interests paid to their personal holding companies. Page and Cox also

misappropriated funds from the OTE Group for their personal benefit via personal trips taken on private jets funded by the OTE Group.

Italian Yacht

40. Page does not deny purchasing the Italian Yacht for his own benefit. He claims in his affidavit that 265 purchased the Italian Yacht from Pride Marine using his legitimate partnership distributions, as well as a chattel mortgage formerly held by Essex Lease Financial Corporation, a recurrent financial provider for equipment purchased by the OTE Group. He denies forging Miles Hill's signature on the loan agreement executed in connection therewith, but he does not know who signed the document or provide any further explanation in this regard.
41. Page also does not deny that on October 20, 2022, he caused the Italian Yacht to be transferred to his Cayman Islands company, CWC International Inc. He states that the reason for the transfer was that he and Cox wanted to "test the waters for a chartering business". He does not address that this transfer occurred eight days after the Claim was issued against him alleging that he and Cox had improperly purchased the Italian Yacht using OTE Group funds (and alleging that he used forged corporate documents to do so).
42. The endorsement of Justice Osborne dated March 15, 2023 notes the efforts undertaken by the Mareva Respondents to obscure the identity and location of the Italian Yacht. The Italian Yacht had been renamed and was listed for sale at the time of the hearing of motion for the Initial Mareva. Its GPS locator was also inactive such that the location of the vessel could not be determined, but it was understood at that time to be at sea en route to the Bahamas. Page does not deny that he had instructed the captain of the Italian Yacht to do so, and states that the objective was for the Italian Yacht to ultimately arrive in St. Lucia in advance of the coming hurricane season. Page does not deny that he did not inform the OTE Group or the Monitor before providing the instructions to move a key asset at the center of a legal dispute out of jurisdiction and into international waters.
43. As noted above under the discussion concerning the absence of documentary or contemporaneous evidence to support Page's assertion that OTE Group payments for his, or his and Cox's, personal benefit were a form of partnership distributions, Page has equally not demonstrated that the funds paid by the OTE Group for the purchase of the Italian Yacht were in fact limited partnership distributions that were properly authorized or documented by any of the OTE Group entities, nor that any of the OTE Group entities were legally able to make under the LPA, nor that Page was entitled to and declared in his income tax returns. Page has also failed to tenably explain the various

actions taken by him and Cox seemingly to abscond with or obscure the identity of Italian Yacht and obstructing the OTE Group's attempts to recover this asset for the benefit of creditors in its CCAA proceedings.

Mareva Respondents Participation in these Proceedings

44. Page and Cox both claim that they have been cooperative and reasonable during these proceedings, and Page states that he is an “active participant” that has done nothing to cover his tracks.
45. In reality, neither Page nor Cox have been forthright or transparent with the Monitor. As noted:
 - (a) Early in these proceedings, Page caused the Italian Yacht to be moved without alerting the Monitor, despite being aware of the OTE Group’s position that the Italian Yacht was improperly purchased using funds paid by the OTE Group.
 - (b) Page did not inform the Monitor that fractional private jet interests were in fact held by personal companies and that he had entered into a contract with AirSprint to sell the remaining fractional aircraft interests and pay the proceeds to his and Cox’s holding company – this information was provided to the Monitor by AirSprint and is now not denied by Page.
 - (c) Page and Cox have refused or failed to respond to the Monitor’s request for information regarding what appears to be significant personal travel funded by the OTE Group, despite now admitting that passengers were supposed to pay reimbursement for personal travel. In fact, as discussed above, when the Monitor sent letters to all of the passengers who had traveled on the AirSprint aircraft funded by the OTE Group demanding that they inform the Monitor of the purpose of their travel (i.e. whether it was for business or pleasure), Page’s and Cox’s counsel wrote to the Monitor’s counsel and took the position that the Monitor was not entitled to request such information from any of the passengers.
 - (d) Page did not inform the Monitor that what he now claims are partnership distributions were applied directly to personal expenses of himself and Cox (Italian Yacht, home renovations, swimming pool, Italian wedding, BodyHoliday Spa) and were sometimes fraudulently recorded as corporate expenses – this was discovered by the Monitor’s investigation, as set out in paragraph 69 of the Sixth Report and the appendices thereto.

- (e) Page did not inform the Monitor that he had sent forged financial statements falsely bearing the Pettinelli letterhead and signature to RBC, on which RBC had made follow-up enquiries – this was also discovered by the Monitor's investigation.

46. Despite having received Information Requests and knowing that the Monitor was investigating matters for the benefit of the OTE Group and its creditors and stakeholders, Page and Cox appear to have withheld information from the Monitor that was only provided recently in response to the Monitor's motion for a Mareva Order. New documents belatedly provided include:

- (a) Accusations against Scott Hill relating to Carriage View Construction.
- (b) Essex Lease Financial Corporation payout documents.
- (c) Certain Payment Manager Activity Reports.
- (d) Certain emails including those noted in Page's affidavit at exhibits LL and QQ.
- (e) The email noted in exhibit OO and the documents referenced in the email as being in Page's possession.
- (f) Details relating to the termination of Paula Anderson.

47. In summary, much of the material information relied on by the Monitor in respect of this motion has been uncovered only as a result of the Monitor's investigation and not through cooperation or assistance from the Mareva Respondents.

Monitor Responses to Information Requests

48. The Mareva Respondents also assert that the Monitor failed to reply to information requests on a timely basis. The Monitor notes that much of the information requested made by counsel for the Mareva Respondents and OTE USA (which as noted in Page's affidavit, is a company related to Glenn Page) in fact related to the conduct of the CCAA proceedings and the Monitor's investigations and inquiries into matters unrelated to the historical payments and transactions involving the Mareva Respondents.

49. It would of course be improper for the Monitor to share information with any party on matters relating to or discovered in the course of its investigations until such time as it is ready to report to the Court and seek remedies in respect of those misappropriations, as such communications and

sharing of information could hinder and prejudice the Monitor’s investigations, to the detriment of the OTE Group’s creditors and stakeholders.

50. In connection with the Monitor’s motion for the Mareva Order, on November 15, 2023, the Monitor received a detailed list of questions and document requests from the Mareva Respondents. The Monitor diligently reviewed the requests, organized the information, and prepared detailed responses to the questions. It provided a copy of the USB key with Page’s emails to his counsel on the morning of November 22, 2023, and provided the Monitor’s Information Response and access to the virtual data room on November 27, 2023 (the date provided on the schedule agreed to between the parties). Where the Monitor believed that certain requested information was not relevant to the Mareva motion or could impede or prejudice the Monitor’s ongoing investigation into other matters, the Monitor noted that in its response.

VI. NECESSITY OF RELIEF SOUGHT

51. As described above and in respect of matters in the Sixth Report, the Monitor has firmly concluded that the Mareva Respondents have engaged in fraudulent transactions and other Misappropriations to the significant prejudice of the OTE Group and its creditors and stakeholders. There is evidence that the Mareva Respondents previously attempted to abscond with the Italian Yacht, or at minimum, that they instructed it to be moved to St. Lucia (where the Monitor has recently learned Page and Cox have become citizens and have their only residence) without informing the Monitor or the OTE Group, and that they continued to sail it to the Bahamas despite being ordered by the Court to return it to Florida waters forthwith.
52. The Mareva Respondents have also sold their only home in Canada. Page and Cox did not disclose to the Monitor that they were selling or had sold their home, despite the fact that the house (excluding the land) was significantly paid for using OTE Group funds. Although the funds from that sale will be held in trust pursuant to the November 10 Order of the Court, the Monitor remains concerned that the Mareva Respondents will abscond with other funds and assets before the Monitor can seek recovery before the Court. As discussed above and in the Sixth Report, there remains millions of dollars of transactions without supporting documentation that the Monitor is continuing to investigate. The Mareva Respondents have not been forthright to date regarding improper payments and Misappropriations from the OTE Group to Page and/or Cox or for their benefit, and the Monitor is very concerned based on the evidence above and in the Sixth Report, and a continual lack of probity and transparency by the Mareva Respondents, that there is a very significant risk of further dissipation, movement or secreting of assets.

53. Importantly, both Page and Cox have confirmed in their affidavits that they have citizenship in St. Lucia. Page has not confirmed whether he has Canadian citizenship, and neither have confirmed whether they are presently in the country. Both Page and Cox are aware that they may have very significant liabilities as a result of the Claim and other claims that may arise from these CCAA Proceedings, including claims exceeding \$200 million asserted by tax authorities, and other claims for fraud.
54. With the sale of the Waterdown house, neither Page nor Cox will have an owned residence in Canada. On the eve of the motion for a Mareva Order, Page now points to a “sublease” of a condominium (at Exhibit “K” to his affidavit) that he has entered with his brother, Brian Page, as evidence that he will continue to have roots in Canada, as well as his stated intent to build a new house that he says will take “years”.
55. The Mareva Respondents have a track record of failing to be forthright with the Monitor and ignoring or failing to fully comply with certain of the Court’s previous orders. With the now-closed sale of the Waterdown home, Page and Cox will have few remaining financial ties to keep them in Canada, a clear motivation to attempt to put themselves beyond the reach of Canadian authorities including taxing authorities, as well as creditors and claimants; they also have citizenship and their only known owned home in another jurisdiction (St. Lucia) which has no extradition or tax treaties with Canada.
56. The Monitor has been able to advance its ongoing investigation to report to the Court on the overwhelming evidence of more than a hundred transactions evidencing fraud and misappropriation on the part of the Mareva Respondents for more than \$16 million. There is a very real risk that the OTE Group’s creditors and stakeholders will be severely prejudiced if a protection and preservation order is not made against the Mareva Respondents in this case. The Monitor as the Court’s officer seeks the order for the benefit of those creditors and stakeholders.

VII. MONITOR’S CONCLUSIONS

57. The Monitor has prepared this Report, along with all others, in its capacity as an officer of the Court. The Monitor is not a litigant and has no personal interest in these proceedings. It continues to act strictly in the best interests of the OTE Group and its stakeholders, and as the eyes and ears of the Court. For the above reasons, the Monitor strongly believes that the Mareva Order is not just necessary and appropriate, but is essential for the benefit of the OTE Group’s stakeholders. The Monitor therefore respectfully requests that this Court issue the Mareva Order.

All of which is respectfully submitted this 4th day of December 2023.

KPMG Inc.
In its capacity as Monitor of
Original Traders Energy Group
And not in its personal or corporate capacity

Per:



Paul van Eyk
CPA, CA-IFA, CIRP, LIT, Fellow of INSOL
President



Duncan Lau
CPA, CMA, CIRP
Senior Vice President

IN THE MATTER OF *THE COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, C. C-36, AS AMENDED
AND IN THE MATTER OF THE COMPROMISE OR ARRANGEMENT OF ORIGINAL TRADERS ENERGY LTD. and 2496750 ONTARIO INC.
Court File No. CV-23-00693758-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceeding commenced at Toronto

**SUPPLEMENT TO THE
SIXTH REPORT OF THE MONITOR**

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APPENDIX “A”

ORIGINAL TRADERS ENERGY LTD. ET AL.

**SIXTH REPORT OF KPMG INC.,
IN ITS CAPACITY AS COURT-APPOINTED MONITOR**

November 8, 2023

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APPENDIX “S” – Copy of parcel register

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

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

**AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF
ORIGINAL TRADERS ENERGY LTD. AND 2496750 ONTARIO INC.**

**SIXTH REPORT OF KPMG INC.
In its capacity as Court-Appointed Monitor of the OTE Group**

November 8, 2023

I. INTRODUCTION

1. Original Traders Energy Ltd. (“**OTE GP**”) and 2496750 Ontario Inc. (“**249 Ontario**”) (together, the “**Applicants**”) are both corporations incorporated under the *Business Corporations Act* (Ontario). OTE Logistics LP (“**OTE Logistics**”) and Original Traders Energy LP (“**OTE LP**” and together with OTE Logistics, the “**Limited Partnerships**”) are both limited partnerships formed under the *Limited Partnerships Act* (Ontario). OTE GP is the general partner of OTE LP and 249 Ontario is the general partner of OTE Logistics.
2. On January 30, 2023 (the “**Filing Date**”), the Applicants were granted relief under the *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the “**CCAA**”) by Order (the “**Initial Order**”) of the Ontario Superior Court of Justice (Commercial List) (the “**Court**”). The relief granted under the Initial Order included a stay of proceedings in favour of the Applicants from January 30, 2023, until February 9, 2023 (the “**Initial Stay**”); the appointment of KPMG Inc. (“**KPMG**”) as the monitor in these proceedings (in such capacity, the “**Monitor**”); and other related relief. These proceedings under the CCAA are referred to herein as the “**CCAA Proceedings**”.
3. The Limited Partnerships are not Applicants in these CCAA Proceedings. However, the Initial Order extended the same protections granted to the Applicants to the Limited Partnerships, on the grounds that the Limited Partnerships are related to and carry-on operations that are integral to the business of the Applicants. The term “**OTE Group**” throughout this report refers to the Applicants and Limited Partnerships collectively.
4. The OTE Group has been engaged in the business of purchasing, blending, supplying and transporting fuel to petroleum stations and First Nations communities across Ontario. The OTE Group has operated from leased premises situated on First Nations lands in Ontario, including a head office and blending facility located at the Six Nations of the Grand River Territory and a blending location located on each of the Territory of the Tyendinaga Mohawks of Bay of Quinte of Shannonville and the Atikameksheng Anishnawbek Territory of Naughton.
5. Further background information with respect to the OTE Group’s business, operations, products and causes of insolvency prior to the commencement of the CCAA Proceedings is provided in the report of KPMG as the proposed Monitor, dated January 30, 2023 (the “**Pre-Filing Report**”), filed with the Court in connection with the application for the Initial Order.

6. The Initial Order also granted the Monitor certain enhanced investigatory powers, including compelling the production of any books, records, accountings, documents, correspondences, or papers relating to the OTE Group, electronically stored or otherwise (the “**Requested Information**”) from any person having possession, custody or control thereof, and conducting investigations, including examinations under oath of any person reasonably thought to have knowledge relating to the Requested Information.
7. Copies of materials filed with the Court and other materials pertaining to the CCAA Proceedings, including all reports issued by the Monitor in these proceedings, are available on the Monitor’s website (<http://home.kpmg/ca/OTEGroup>) (the “**Monitor’s Website**”).
8. On February 9, 2023, in addition to continuing the relief already granted under the Initial Order, the OTE Group was granted further relief under the CCAA by Order of the Court (the “**Amended and Restated Initial Order**”). The relief granted under the Amended and Restated Initial Order, among other things:
 - (i) extended the Initial Stay, as defined in the Initial Order, to April 28, 2023;
 - (ii) amended the breadth of the Initial Stay to require regulatory agencies to provide no less than ten (10) days notice if seeking leave of the Court to vary the stay in relation to the possible revocation of licenses; and
 - (iii) increased the Directors’ Charge to \$2,250,000.
9. The Amended and Restated Initial Order also continued to extend all protections in favour of the Applicants to the Limited Partnerships. The Monitor filed its First Report with the Court dated February 9, 2023, in connection with the OTE Group’s application for the Amended and Restated Initial Order.
10. On March 15, 2023, the Court (the Honourable Justice Osborne) granted a *Mareva* injunction as part of an Order (the “**Initial Mareva Order**”) which restrained Glenn Page (“**Page**”), Page’s wife Mandy Cox (“**Cox**”) and Page’s company 2658658 Ontario Inc. (“**265**”, and collectively, the “**Mareva Respondents**”) from selling, removing, dissipating, alienating, transferring, assigning, encumbering or similarly dealing with a seventy-foot yacht from the Italian shipbuilder Azimut Benetti, named “Cuz We Can” (the “**Italian Yacht**”), more particularly described in Schedule “A” of the Initial Mareva Order. On March 21, 2023 and March 28, 2023, Justice Osborne granted certain endorsements (collectively, the “**Initial Mareva Endorsements**”) related to the Initial Mareva Order. In the Initial

Mareva Endorsements, Justice Osborne also noted the Applicants' intention to commence proceedings pursuant to Chapter 15 of the U.S. Bankruptcy Code in the United States to recognize and enforce orders made by the Ontario Court.

11. On April 27, 2023, the Court made the following Orders:

- (i) an Order (the "**Information Order**"), among other things, authorizing and directing AirSprint Inc. ("**AirSprint**"), a company that sells and manages fractional ownership interests in private jets and which had been paid funds from the OTE Group's bank account, to provide the information requested by the Monitor or its counsel in connection with the Amended and Restated Initial Order and any other Order of this Court, related to: (a) the OTE Group, (b) any of the OTE Group's directors or officers (together with the OTE Group, the "**OTE Group Affiliates**"), or (c) any third party owned, controlled by, or otherwise related to the OTE Group Affiliates (the "**Information**"), notwithstanding that the Information may include "personal information" as defined in the *Personal Information Protection and Electronic Documents Act*, S.C. 2000, c. 5;
- (ii) an Order (the "**Stay Extension Order**"), among other things, extending the Stay Period (as defined in paragraph 16 of the Initial Order) to August 4, 2023; and
- (iii) an Order (the "**Claims Procedure Order**") approving and authorizing the Monitor to conduct a claims procedure (the "**Claims Procedure**") to call for, assess and determine claims against the OTE Group, and authorizing, directing, and empowering the Monitor to administer the Claims Procedure in accordance with the terms of the Claims Procedure Order.

12. Proceedings under Chapter 15 of the U.S. Bankruptcy Code, 11 U.S.C. §§ 101-1532 (the "**US Bankruptcy Code**") were also commenced in respect of the OTE Group. On May 15, 2023, the United States Bankruptcy Court Southern District of Florida (Fort Lauderdale Division) granted a motion for provisional relief under s. 1519 and 1520 of the US Bankruptcy Code. In connection therewith, the U.S. Court entered an Order for provisional relief to protect assets of the OTE Group and to impose an automatic stay of proceedings in the United States in accordance with the ongoing Canadian CCAA Proceedings.

13. On May 31, 2023, the United States Bankruptcy Court, Southern District of Florida (West Palm Beach Division), granted an Order recognizing the CCAA Proceedings as a "foreign main proceeding" within the meaning of 11 U.S.C. § 1502 of the U.S. Bankruptcy Code, and granted certain other relief,

including recognizing the Initial Order, the Amended and Restated Initial Order, and the Initial Mareva Order. The aforementioned Orders are available on the Monitor’s Website.

14. On July 17, 2023, the Court made the following Orders:
 - (i) an Order (the “**Second Stay Extension Order**”), among other things, extending the Stay Period (as defined in paragraph 16 of the Initial Order) to November 3, 2023; and
 - (ii) an Order (the “**Yacht Sale and AirSprint Proceeds Order**”) authorizing and directing the Monitor to conduct a sales process for the Italian Yacht (“**Yacht Sale Process**”) and directing AirSprint to remit to the Monitor any funds, proceeds of sale or use of any aircraft or fractional ownership or other interests therein in which the OTE Group has claimed an interest (the “**OTE Claimed AirSprint Property**”).
15. The Monitor filed a report with the Court dated September 28, 2023 (the “**Fifth Report**”) in support of a motion brought by the OTE Group for an extension of the stay period, approval of amendments to the Claims Procedure and approval of the bid process for the assets and undertakings of the OTE Group. On October 6, 2023, the Monitor filed a supplement to the Fifth Report (the “**Supplemental Fifth Report**”), among other things, seeking an Order approving an amended bid process and providing the Monitor with enhanced powers in connection with the business and property of the OTE Group to address concerns raised by certain stakeholders of the OTE Group.
16. On October 12, 2023, following the adjournment of several motions that were previously brought before the Court and originally scheduled to be heard on October 4, the Court issued the following Orders (which were ultimately consented to or unopposed by the relevant stakeholders):
 - (i) an Order (the “**Monitor’s Enhanced Powers and Amended Bid Process Approval Order**”), among other things, providing the Monitor with enhanced powers in connection with the business and property of the OTE Group, and approving an amended bid process for the sale of the assets of the OTE Group to be carried out by the Monitor; and
 - (ii) an Order (the “**Third Stay Extension Order**”), among other things, extending the stay period to April 26, 2024, approving certain amendments to the Claims Procedure, and approving the activities of the Monitor.

II. PURPOSE OF REPORT

17. As discussed further below, the Monitor's investigation to date, including most recently based on the Monitor's enhanced powers under the Monitor's Enhanced Powers and Amended Bid Process Approval Order, has uncovered evidence that substantial payments have been improperly made, and assets including without limitation cash have been improperly transferred, by the OTE Group to or for the improper benefit of Page, Cox and 265, as well as others. The Monitor is very concerned that the Mareva Respondents have moved or dissipated, are likely to move or dissipate, and/or will attempt to move or dissipate assets (including funds) of, or emanating from, or traceable to, the OTE Group, as well as other assets of or in the possession of the Mareva Respondents, in order to attempt to put them beyond the reach of the OTE Group as an owner, beneficiary, claimant or creditor. As such, the Monitor is seeking an order (the "**Mareva Order**"), among other things:

- (i) extending the provisions of the Initial Mareva Order to apply to all of the assets of the Mareva Respondents, wheresover located, based on the provisions of this Court's model Mareva Order;
- (ii) expanding the Initial Mareva Order to restrain the Mareva Respondents and anyone else acting on their behalf or in conjunction with any of them directly or indirectly, and all other persons to whom notice of such an Order may be given, from selling, removing, dissipating, alienating, transferring, assigning, encumbering, or similarly dealing with any of the Mareva Respondents' assets, including without limitation real property, bank accounts, insurance policies, annuities and other assets held by them or by any other person or entity on their behalf, wherever so located, without leave of this Court;
- (iii) expanding the Initial Mareva Order to require the Mareva Respondents to each prepare and provide to the Monitor a sworn affidavit within ten days describing the nature, value and location of their assets wheresover located, whether in their own name or not and whether solely or jointly owned or whether held in trust for any other party;
- (iv) under Rule 40.03 of the Rules of Civil Procedure, dispensing the requirement that the Monitor, as an officer of the Court, provide an undertaking as to damages in respect of the Mareva Order;
- (v) dispensing with service of the notice of motion and permitting this matter to be heard on short or no notice; and
- (vi) directing costs of the motion on an appropriate scale.

18. The Monitor also intends to seek directions from the Court regarding the appropriate next steps to be taken with respect to individuals other than the Mareva Respondents that are alleged to have improperly received payments or assets including cash from the OTE Group.
19. The purpose of this Sixth Report is to provide to the Court with:
 - (i) an update on the Claims Procedure, in particular the claims filed to date;
 - (ii) information pertaining to the Monitor's investigation, asset tracing and recovery activities carried out pursuant to the Monitor's powers under the orders of the Court and the CCAA, including the Monitor's progress related to: (a) the Yacht Sale Process; (b) recovery of OTE Claimed AirSprint Property; and (c) recovery efforts with respect to funds paid to BodyHoliday spa in St. Lucia ("BodyHoliday");
 - (iii) a summary of the Monitor's review to date of historical bank statements from May 1, 2018 to July 31, 2023 to establish a better understanding of financial transactions in light of the OTE Group's missing books and records and review any suspicious transactions that appear to be unrelated to OTE's business activities; and
 - (iv) the Monitor's views as to why the relief sought is necessary and appropriate in the circumstances.

III. TERMS OF REFERENCE

20. In preparing the Sixth Report, the Monitor has relied on information and documents provided by the OTE Group and their advisors, including unaudited financial information, declarations, in addition to information and documents obtained from third parties that responded to the Monitor's Information Request Letters, which are defined herein and other information obtained by the Monitor (collectively, the "**Information Received**"). In accordance with industry practice, except as otherwise described in the Second Report of the Monitor dated March 13, 2023 (the "**Second Report**"), KPMG has reviewed the Information Received for reasonableness, internal consistency and use in the context in which it was provided. However, the Monitor has not audited or otherwise attempted to verify the accuracy or completeness of the Information Received in a manner that would wholly or partially comply with Generally Accepted Auditing Standards ("**GAAS**") pursuant to the *Chartered Professional Accountants of Canada Handbook* and, accordingly, the Monitor expresses no opinion or other form of assurance contemplated under GAAS in respect of the Information Received.

21. That said, the Monitor has taken all reasonable steps available to it, much of which is described below, to verify the information presented in this Report as it pertains to the relief now sought against the Mareva Respondents.
22. Unless otherwise stated, all monetary amounts noted herein are expressed in Canadian dollars.

IV. BACKGROUND

23. At the time of the application for the Initial Order, the OTE Group was missing a significant amount of its business and financial records, and certain property and funds of the OTE Group appeared to have been misappropriated. Accordingly, as noted above, the Monitor was granted certain expanded investigatory powers in the Initial Order and the Amended and Restated Initial Order. The Monitor was granted additional powers under the Monitor's Enhanced Powers and Amended Bid Process Approval Order on October 12, 2023. The Monitor has been conducting its investigation for the benefit of the OTE Group's stakeholders.

V. QUALITY OF BOOKS AND RECORDS

24. As described in the Supplemental Fifth Report, at the commencement of the CCAA Proceedings, the quality of the OTE Group's books and records were negatively impacted by the following:
 - (i) The business records of the OTE Group generally had not been maintained at the head office of OTE LP prior to the date of the filing. The Monitor has determined that these records were primarily in the possession of Page and others directed by him at an office set up in Burlington, Ontario. The Monitor believes that the OTE Group's personnel did not have access to that office or to many business records which were under the control of Page, including accounting, payroll, purchasing, logistics, IT services, document creation and retention, and email communications;
 - (ii) OTE Group's personnel were locked out of their business information systems, which continued to be controlled by Page and others directed by him after Page's departure on July 14, 2022, until early September 2022. Although the OTE Group's personnel had operational access to those systems prior to Page's resignation, their user credentials and authorizations were ultimately in Page's control and, as the Monitor has learned, were terminated by Page following his departure. After his departure, Page and others directed by him frustrated and delayed efforts by the OTE Group's personnel to obtain user credentials and authorizations to control and maintain those systems; and

- (iii) When the OTE Group's personnel were able to obtain user credentials for and control over its business information systems, it was discovered that Page and others directed by him had deleted the contents of their e-mail inboxes for OTE LP and OTE Logistics.

25. Shortly after the CCAA Filing Date, in an effort to establish a more complete set of books and records, the Monitor sent 38 letters (the "**Information Request Letters**") to 38 parties (collectively, the "**Requested Parties**") who may have been in possession, custody or control of any books, records, accountings, documents, correspondences or papers, electronically stored or otherwise, relating to the OTE Group (the "**Requested Information**").

26. As at the date of this Report, the Monitor has received 31 responses in connection with the Information Request Letters, with one respondent, in a number of cases, responding on behalf of other parties. The responses consisted of the following:

- (i) A USB drive provided by Page on or about July 21, 2023 containing a Microsoft Outlook data file of the e-mail account used during Page's employment with the OTE Group that the Monitor advised was found by Page when trading in a vehicle;
- (ii) Information obtained by the Monitor directly from Pride Marine Group ("**Pride Marine**") pertaining to the Italian Yacht, particularly wire transfer details, purchase details, and related agreements as discussed below;
- (iii) Information from AirSprint with respect to the OTE Claimed AirSprint Property, as discussed below;
- (iv) Certain documents relating to the 2017 to 2021 review engagements performed preceding the commencement of CCAA Proceedings by the auditors of OTE LP, Pettinelli Mastroluisi LLP ("**Pettinelli**");
- (v) Certain documents previously discovered as part of an investigation performed by AM Law;
- (vi) Certain physical books and records, provided by Page, containing a random assortment of documentation, including contracts/agreements, e-mails, invoices, and historical financial statements;
- (vii) An assortment of books and records (finance and tax documentation, driver logistics, marketing, HR/administrative, contracts/agreements, e-mails, invoices/bills of lading/fuel price

lists, etc.) provided by certain law firms, namely Thornton Grout Finnigan LLP, Lenczner Slaght LLP, Goldman Sloan Nash & Haber LLP and Goldblatt Partners LLP, representing Page, Cox, Page's brother Brian Page, and Kellie Hodgins; and

(viii) Contracting summaries and consulting agreements from Claybar Contracting Inc. and CCD Investments Inc.

27. The OTE Group utilizes an operational and accounting software operated by BookWorks (the **“BookWorks System”**) which houses the OTE Group’s accounting data. The Monitor understands that the BookWorks System was initially a software program used by fuel distribution companies to manage their operations and was later updated with bookkeeping and other accounting functions. At the onset of the CCAA Proceedings and through the Requested Information, the Monitor has received data extracts of the general ledger which contained accounting transactions from October 1, 2018 to December 31, 2023. The Monitor also had access to the BookWorks System through OTE Group personnel since prior to the commencement of the CCAA Proceedings. The Monitor obtained direct access to the BookWorks System after it was granted enhanced powers by this Court on October 12, 2023.

28. The missing books and records discussed above relate mainly to supporting and source documents underlying the financial information. Although the BookWorks System contains accounting data, it is merely a ledger-based accounting system that records financial entries. The nature of certain entries cannot be determined without the underlying purchase orders, invoices or authorization. Additionally, it appears that certain balances and accounts on the BookWorks System, in particular, relating to cost of goods sold, inventory purchases and foreign exchange, have not been reconciled and adjusting entries have not been recorded or have been recorded incorrectly.

29. As a result of the issues noted above, the Monitor is unable to determine the completeness or accuracy of the historical accounting information within the BookWorks System and the Monitor does not have confidence in the accuracy or correctness of the BookWorks System in cases where further evidence or source documents are not available. Accordingly, the Monitor is undertaking a review of historical transactions based on the OTE Group’s bank statements as discussed below.

VI. FRAUDULENT FINANCIAL STATEMENTS PROVIDED BY PAGE

30. Finally, the Monitor also understands that, on June 6, 2022, Page provided to Royal Bank of Canada (“RBC”), a secured creditor of the OTE Group, certain unaudited statements of OTE LP dated

December 31, 2021 in response to its request for financial disclosure. Those financial statements appeared to be on the letterhead of Pettinelli. However, Tony De Luca, Partner at Pettinelli confirmed to the Monitor on or around April 10, 2023 that Pettinelli never issued such financial statements. The Monitor believes that the financial statements presented to RBC on Pettinelli's letterhead are fraudulent given that they were never created by Pettinelli.

VII. ONTARIO PROVINCIAL POLICE INVESTIGATION

31. The Monitor has been contacted by the Ontario Provincial Police (the “**OPP**”) in respect of the OPP’s investigation relating to Glenn Page and missing computer data. The Monitor does not currently have further details regarding the OPP’s investigation.

VIII. AIRSPRINT PROCEEDS UPDATE

32. As discussed in the Monitor’s Third Report, the Monitor discovered that, between March 2021 and June 2022, approximately USD \$6,864,425 and approximately CAD \$1,057,681 was wired by OTE Group entities to AirSprint. The Monitor sent an Information Request Letter to AirSprint on February 23, 2023, requesting further information funds wired by OTE Group to AirSprint.
33. As a result of AirSprint’s concerns with sharing the information it had relating to the OTE Group (the “**AirSprint Information**”) absent Court authorization, the OTE Group, with the support of the Monitor, brought a motion for the Information Order. On April 27, 2023, the Court issued the Information Order, which authorized and directed AirSprint to provide the Monitor with the AirSprint Information relating to the OTE Group Affiliates (as defined in the Information Order) or any third party owned, controlled by, or otherwise related to the OTE Group Affiliates.
34. The Monitor has received information from AirSprint with respect to the OTE Claimed AirSprint Property, which includes summaries of payments received by AirSprint from OTE Group’s bank accounts (the “**AirSprint Payments**”), the OTE Group’s fractional aircraft ownership interests sold and listed for sale, as well as a breakdown of the OTE Group related funds being held in trust by AirSprint from the re-sale of certain fractional aircraft ownership interests purchased with the AirSprint Payments.
35. As set out in its Fourth Report dated July 12, 2023 (the “**Fourth Report**”), the Monitor requested the Court direct that the OTE Claimed AirSprint Property be paid to it in trust pending judicial determination of the claims and entitlements to such proceeds as between the OTE Group entities and the Mareva Respondents or any of them. On July 17, 2023, pursuant to the Yacht Sale and AirSprint

Proceeds Order, the Court ordered that payment be made by AirSprint to the Monitor of the \$5,482,779.85 that was held in trust by AirSprint and any accrued interest thereon. The Monitor is continuing its investigation and is in discussion with AirSprint as to whether additional funds may be recoverable for the OTE Group.

36. In connection with its provision of the AirSprint Information, AirSprint also provided the Monitor with flight manifests identifying the individuals who travelled with the OTE Claimed Airsprint Property (the “**Flight Manifest**”) between April 20, 2021 and February 23, 2023 (the “**Review Period**”).
37. The Monitor reviewed the Flight Manifest and identified persons who traveled on OTE Claimed AirSprint Property during the Review Period.
38. On or about September 15, 2023, the Monitor sent letters (the “**AirSprint Letters**”) to certain persons to allow the Monitor to obtain further information relating to the use of the OTE Claimed AirSprint Property, particularly with respect to the nature of each trip taken and whether it was personal or business related.
39. The Flight Manifest contained a list of 245 flights with 110 individual passengers. Of the 110 passengers on the Flight Manifest, only approximately 10% were employees of the OTE Group. The Monitor identified 23 individuals that covered the 245 flights. For the purposes of efficiency, the AirSprint Letters were sent to 23 individuals as detailed below:

AirSprint Letters Mailing Summary		
Passengers	Flights	Date Sent
ANDREE, HARVEY	6	9/15/2023
BLOIS, DAVID	24	9/15/2023
CAMPBELL, KIMBERLY	8	9/15/2023
CERRUTI, LOU	4	9/18/2023
COX, MANDY	101	9/18/2023
DAY, MATT	1	9/18/2023
DE NOBRIGA, BRIAN	74	9/18/2023
DICOCCO, ANTHONY	4	9/18/2023
FERLAND, ANDY	6	9/18/2023
GOODYEAR, BARRY	2	9/15/2023
GORDON, DAVID	2	9/15/2023
HARVIE, GHISLAIN	8	9/15/2023
HILL, SCOTT	24	9/15/2023
HODGINS, KELLIE	11	9/15/2023
MARTIN, HOPE	8	9/18/2023
MCLEOD, MATHEW	24	9/15/2023
MORRISSEAU, DALE	2	9/15/2023
NOOTCHTAI, CRAIG	2	9/15/2023
PAGE, BRIAN	34	9/15/2023
PAGE, GLENN	138	9/15/2023
PAGE, MATTHEW	8	9/15/2023
SMITH, GRAYSON	13	9/15/2023
STAATS, RANDY	8	9/18/2023

40. Cox and Page were among the 23 employee individuals, and were on 101 and 138 of the 245 flights, respectively.
41. The Flight Manifest also outlined a significant number of flights to locations in which OTE Group does not have any operations as detailed below:

Summary of AirSprint Travel to Non-OTE Business Travel Locations		
	To:	From:
UNITED STATES OF AMERICA	30	30
FLORIDA	12	12
MARYLAND	3	5
NEW JERSEY	4	3
OHIO	2	2
NEVADA	1	1
COLORADO	1	1
ARIZONA	1	1
NORTH CAROLINA	1	1
CALIFORNIA	1	1
KENTUKY	1	1
VERMONT	2	0
SOUTH CAROLINA	0	1
MASSACHUSETTS	0	1
HAWAII	1	0
ST. LUCIA	12	12
ST. LUCIA	12	12
CANADA	9	6
QUEBEC	4	2
BRITISH COLUMBIA	3	2
NOVA SCOTIA	1	1
NEWFOUNDLAND	1	1
TURKS AND CAICOS	1	1
PROVIDENCIALES	1	1
FRANCE	1	1
NOUVELLE-AQUITAINE (BORDEAUX)	1	1
SPAIN	1	0
BALEARIC ISLANDS (PALMA)	1	0
TOTAL	54	50
TOTAL NUMBER OF FLIGHTS	104	

42. As the OTE Group's business operations are situated in Ontario, the Monitor is not aware of any legitimate business reason why aircraft paid for with the OTE Group's funds would have been used for travel to most of the above locations. As noted above, many of the 245 flights appear to destinations where the OTE Group had no business operations. Accordingly, the Monitor's purpose for sending the Airsprint Letters was to determine if the use of aircraft funded by the OTE Group may constitute improper transfers by OTE of funds used to finance aircraft services for the benefit of the named individuals for purposes unrelated to the business of OTE, or otherwise entitle the OTE Group to seek compensation from the passengers for the benefit of the OTE Group's creditors.

43. The Monitor intends to seek reimbursement for any travel determined not to be for legitimate use in relation to OTE's business. The recipients of the AirSprint Letters were provided a deadline of fourteen (14) days from the date of the letter to provide a response, which has now passed. As at the date of this report, the Monitor has received only four responses stating that the nature of travel was business-related. The Monitor received an additional response from one of the above passenger requesting that a response relating to his flights be obtained through Page.
44. On or about September 29, 2023, the Monitor received letters from counsel to the Mareva Respondents asserting that the Monitor does not have the powers to compel the production of information within the AirSprint Letters because such information does not constitute "Requested Information" as set out in the Amended and Restated Initial Order.
45. The Monitor's counsel responded to the Mareva Respondents by letter dated October 3, 2023. In that letter, the Monitor's counsel noted that the Monitor was conducting its investigation for the benefit of the OTE Group's creditors in accordance with the powers given to the Monitor under the CCAA and the *Bankruptcy and Insolvency Act* and prior orders of the Court. The Monitor's counsel noted in particular that:
 - (i) the powers given to the Monitor under the Amended and Restated Initial Order and any other orders of the Court are in addition to any powers of the Monitor pursuant to the CCAA and otherwise at law. As an officer of the Court, the Monitor's role includes reviewing past transactions involving the OTE Group and seeking to recover any funds or property for which OTE Group did not receive any or adequate consideration. The Monitor is empowered to review and investigate such transactions, including without limitation, pursuant to section 36.1 of the CCAA and section 96 of the BIA; and
 - (ii) the Information Order gave the Monitor express authority to use the AirSprint Information "for the purpose of investigating the business and affairs of the OTE Group and pursuing legal proceedings to recover any Property (as defined in the Amended and Restated Initial Order) or seek recourse in respect of any reviewable transactions, payments or preferences, for the general benefit of the OTE Group and its creditors".
46. The Monitor intends to advise the parties who have not responded to the AirSprint Letters that their AirSprint travel is determined to be related to personal matters. As such, the Monitor will be seeking reimbursement, subject to this Court's approval, with respect to their AirSprint travel for the benefit

of the OTE Group's estate. The Monitor intends to seek Court approval of the Monitor's determination of value related to these personal flights related to AirSprint usage at a later date.

IX. ITALIAN YACHT UPDATE

47. As detailed in Second Report, the Monitor understands that 265 purchased the Italian Yacht from Pride Marine substantially using funds wired directly from the OTE Group's bank accounts, and that 265 caused OTE Logistics to guarantee a chattel mortgage held by Essex Lease Financial Corporation ("Essex"), secured on the Italian Yacht.

48. In the course of its investigations, the Monitor received information from one of the Requested Parties, Pride Marine, indicating that approximately USD \$3,218,500 in funds had been transferred from OTE Group (including Gen7 Fuel Management and OTE) bank accounts to fund the purchase of the Italian Yacht by 265 from Pride Marine, as detailed in the chart below:

Summary of Italian Yacht Payments				
Date	Payor	Payee	Payment Currency	USD \$
9/22/2020	ORIGINAL TRADERS ENERGY	Pride of Muskoka Marine Limited	USD	500,000.00
10/9/2020	GEN7 FUEL MANAGEMENT	Pride of Muskoka Marine Limited	USD	100,000.00
11/10/2020	GEN7 FUEL MANAGEMENT	Pride of Muskoka Marine Limited	USD	100,000.00
11/20/2020	GEN7 FUEL MANAGEMENT	Pride of Muskoka Marine Limited	USD	100,000.00
12/8/2020	GEN7 FUEL MANAGEMENT	Pride of Muskoka Marine Limited	USD	100,000.00
12/15/2020	GEN7 FUEL MANAGEMENT	Pride of Muskoka Marine Limited	USD	100,000.00
1/15/2021	GEN7 FUEL MANAGEMENT	Pride of Muskoka Marine Limited	USD	100,000.00
1/20/2021	GEN7 FUEL MANAGEMENT	Pride of Muskoka Marine Limited	USD	100,000.00
2/5/2021	GEN7 FUEL MANAGEMENT	Pride of Muskoka Marine Limited	USD	100,000.00
2/16/2021	GEN7 FUEL MANAGEMENT	Pride of Muskoka Marine Limited	USD	100,000.00
3/9/2021	GEN7 FUEL MANAGEMENT	Pride of Muskoka Marine Limited	USD	100,000.00
3/30/2021	GEN7 FUEL MANAGEMENT	Pride of Muskoka Marine Limited	USD	100,000.00
4/15/2021	GEN7 FUEL MANAGEMENT	Pride of Muskoka Marine Limited	USD	100,000.00
4/28/2021	GEN7 FUEL MANAGEMENT	Pride of Muskoka Marine Limited	USD	100,000.00
5/14/2021	GEN7 FUEL MANAGEMENT	Pride of Muskoka Marine Limited	USD	100,000.00
5/18/2021	GEN7 FUEL MANAGEMENT	Pride of Muskoka Marine Limited	USD	118,500.00
6/7/2021	GEN7 FUEL MANAGEMENT	Pride of Muskoka Marine Limited	USD	100,000.00
6/10/2021	GEN7 FUEL MANAGEMENT	Pride of Muskoka Marine Limited	USD	100,000.00
8/5/2021	ORIGINAL TRADERS ENERGY	Pride of Muskoka Marine Limited	USD	1,000,000.00
Purchase Price Funded by OTE Group			USD	3,218,500.00
8/12/2021	2658658 ONTARIO INC.	Pride of Muskoka Marine Limited	USD	100,000.00
Purchase Price Funded by 265			USD	100,000.00
Total Purchase Price			USD	3,318,500.00
8/26/2021	ORIGINAL TRADERS ENERGY	North Cove Marina	USD	8,400.00
9/20/2021	ORIGINAL TRADERS ENERGY	North Cove Marina	USD	8,400.00
6/9/2022	ORIGINAL TRADERS ENERGY	Azimut Benetti SPA	USD	5,751.00
Other Italian Yacht Related Payments			USD	22,551.00
Grand Total Italian Yacht Payments			USD	3,341,051.00

49. On the date of the hearing of the motion for the Initial Mareva Order, the Monitor was informed that the Italian Yacht was being sailed from Florida to the Bahamas. As part of the Initial Mareva Order made on March 15, 2023, the Court ordered that the Italian Yacht be returned to the territorial jurisdiction of the Florida courts forthwith.
50. After the Initial Mareva Order was granted by the Court, the Monitor and its counsel engaged in follow-up correspondence with counsel to the Mareva Respondents (the “**Mareva Respondents’ Counsel**”) to obtain specific details as to the location of the Italian Yacht and other information that, in the Monitor’s view, was necessary in connection with its duties to safeguard the Italian Yacht and investigate the matter further for the benefit of the OTE Group’s creditors.
51. On March 16, 2023, the Monitor was advised by the Mareva Respondents’ Counsel that the Italian Yacht was in the waters of the Bahamas islands, despite Initial Mareva Order requiring that it return forthwith. The Mareva Respondents’ Counsel sent an email to the Monitor stating:

“The vessel is currently in the waters of the Bahamas islands. The captain reported that there are 18 knot winds which are creating 10-16 foot swells. I understand that, in such conditions, it is unsafe to operate the vessel at any speed”
52. The Monitor subsequently requested additional information with respect to the Italian Yacht, including the name and contact details of the captain in possession and control of the Italian Yacht and requesting that the captain be immediately instructed to activate the tracking systems within the Italian Yacht to enable the Monitor to track the location same (the “**Italian Yacht Information**”). The Mareva Respondents failed or refused the Monitor’s request to provide the Italian Yacht Information.
53. On March 23, 2023, the Mareva Respondents’ Counsel notified the Monitor that the Italian Yacht was returned to the territorial waters of Florida, pursuant to the Initial Mareva Order. However, the Mareva Respondents continued to refuse to provide the Italian Yacht Information to the Monitor. Details of the correspondence between the Monitor and the Mareva Respondents’ Counsel are set out in the Supplement to the Second Report of the Monitor dated March 27, 2023.
54. On March 28, 2023, the Court further directed, by way of the Endorsement of Justice Osborne (the “**March 28 Endorsement**”), that the Mareva Respondents provide the Monitor with the Italian Yacht Information and that once it was provided, the Italian Yacht would be moved to a marina located in Hollywood, Florida (the “**Hollywood Marina**”). After the March 28 Endorsement, the Monitor confirmed that all required Italian Yacht Information had been received from the Mareva Respondents,

and the Monitor independently confirmed with representatives of the Hollywood Marina that the Italian Yacht was parked there.

55. As discussed in the Fourth Report, the Monitor requested the Court provide direction that the Monitor commence the Yacht Sale Process to monetize the Italian Yacht in a timely manner. On July 17, 2023, the Court authorized the Yacht Sales process, pursuant to the Yacht Sale and AirSprint Proceeds Order.
56. Pursuant to the Yacht Sale and AirSprint Proceeds Order, the Monitor commenced the Yacht Sale Process. The Monitor was to select one or more boat dealers or brokers (the “**Boat Broker**”) in Florida to market the Italian Yacht for sale. The Monitor has not yet formally engaged the recommended Boat Broker because upon commencement of the search for a Boat Broker, the Monitor was made aware of certain legal issues, particularly with respect to unpaid duties, surrounding the Italian Yacht that would prohibit the sale of same in Florida, USA.
57. The Monitor has retained U.S. marine counsel to investigate the unpaid duties and has been advised by same that the payment of these duties will expedite the Italian Yacht Sale Process.
58. The Monitor’s selection of the Boat Broker is also dependent on the arrangement of insurance for the Italian Yacht. The Monitor was informed by Page’s counsel on September 8, 2023 that existing insurer that insured the Yacht as at the date of the Initial Mareva Order refused to renew the insurance and, in the Monitor’s view, the replacement insurance arranged by Page was not satisfactory in providing adequate coverage that protects the OTE Group against potential loss or damage to the Italian Yacht since it did not include the OTE Group or the Monitor as a loss payee and was from an insurer situated in Trinidad and Tobago unknown to the Monitor.
59. The Monitor has been working with the insurance broker referred by the Recommended Boat Broker to arrange alternate insurance for the Italian Yacht. At the date of this Sixth Report, new insurance has been obtained. The Monitor is continuing in its efforts to prepare the yacht for sale, including working with U.S. counsel to address any regulatory issues.
60. On October 4, 2023, the Court amended the original Initial Mareva Order on the consent of the parties, to delete the requirement for the Mareva Respondents to provide a sworn statement and submit to examinations in respect of the Italian Yacht. The deletion of those paragraphs does not affect the Monitor’s ability to examine the Mareva Respondents pursuant to the Initial Order and Amended and Restated Initial Order or other orders of the Court or otherwise pursuant to its powers under applicable law.

X. PAGE TRANSFERS TITLE AND MORTGAGES YACHT TO RELATED ENTITIES

61. On July 14, 2023, counsel for Page sent a letter to counsel for the Monitor and counsel for the OTE Group. This letter informed counsel that Page had apparently caused 265 to transfer title to the Italian Yacht on October 20, 2022 to GPMC Holdings International Inc. (“**GPMC International**”), for the amount of US\$3,150,000 and that, on the very next day (October 21, 2022), the Italian Yacht was further transferred by GMPC International to CWC International, Inc. (“**CWC**”) for US\$3,000,000, pursuant to a transaction in which GPMC International purportedly loaned CWC the amount of USD\$2,700,000 to facilitate the purchase of the Italian Yacht and placed a mortgage against the Yacht on November 21, 2022. Copies of the certain sale and loan documents purporting to support these transactions were provided via email by Page’s counsel to counsel for the Monitor and the OTE Group on July 15, 2023. The Monitor notes that the Loan Agreement dated October 21, 2022 in respect of this purported transaction is executed by Page as director of GPMC International and by Cox as director of CWC. Therefore, it is the Monitor’s understanding that GMPC International and CWC are owned by or otherwise non-arms’ length to Page and Cox. The July 14 letter is attached hereto as **Appendix “A”**, and the July 15 supporting documentation is attached hereto as **Appendix “B”**.

XI. BODYHOLIDAY SPA RECOVERIES

62. Pursuant to its investigatory powers in the Initial Order and the Amended and Restated Initial Order, the Monitor discovered on or around May 12, 2023 that USD \$1,000,000 was wired to BodyHoliday Spa in St. Lucia on August 26, 2021 with authorization by Page and Cox. On or about May 12, 2023, the Monitor contacted BodyHoliday and its management company SunSwept Resorts (“**SunSwept**”) via e-mail to request additional details with respect to the funds paid by the OTE Group.
63. On May 18, 2023, the Monitor received a response from a representative of SunSwept confirming receipt of USD \$1,000,000 from the OTE Group. Through e-mail correspondence with SunSwept, the Monitor was advised by a SunSwept representative that the OTE Group inadvertently wired a deposit of USD \$1,000,000 instead of USD \$100,000, the amount requested by BodyHoliday.
64. The Monitor was advised by SunSwept that the amount of USD \$575,408 was wired back to the OTE Group once the error was discovered. The Monitor noted, through review of the OTE Group’s bank statements, that the amount was received by OTE Group from BodyHoliday on August 31, 2021.

65. The Monitor was advised by Sunswept that the remaining amount of USD \$424,592 (the “**Remaining Amount**”) was held by BodyHoliday to cover the additional deposits that would have otherwise been required to be paid by the OTE Group for the booking. The Monitor made numerous efforts to contact Sunswept to further understand whether the Remaining Amount was still in the possession of the BodyHoliday or Sunswept, and if not, how the funds were spent and by whom. Moreover, the Monitor has not been able to recover any supporting documentation related to the BodyHoliday matter or the remaining USD \$424,592 noted above. The Monitor is not aware of any legitimate reason in relation to the OTE Group’s business as to why any payments would have been made to the BodyHoliday Spa in St. Lucia, nor any legitimate reason why BodyHoliday or Sunswept should be entitled to keep USD \$424,492. The Monitor believes the above-noted BodyHoliday payments to be an improper personal benefit for Page and Cox, paid by OTE Group at one or both of their direction, unconnected to the business of OTE Group.
66. As at the date of this report, the Monitor has not received any further correspondence from Sunswept or BodyHoliday responding to its request for further information on the Remaining Amount, as Sunswept has claimed that the matter is confidential. The Monitor is continuing to review this matter with counsel to determine what additional steps can be taken to seek to recover these funds and may seek further assistance of the Court in that regard.

XII. BANKING REVIEW UPDATE & POTENTIAL SUSPICIOUS TRANSACTIONS

67. As noted, the Company is missing significant books and records, and some of the accounting records are unreliable. The Monitor is working to recreate the historical business details of the OTE Group based on a complete set of banking information provided to the Monitor by RBC (the “**Historical Transactions Review**”).
68. Based on a preliminary review of payments from the OTE Group’s bank accounts covering the period from May 1, 2018 to July 31, 2022, the Monitor has identified more than \$28 million of payments from OTE Group’s bank accounts thus far that appear to be suspicious (in that they appear not to be for any legitimate business purposes and in some cases require further investigation). A detailed line-by-line summary of these transactions (the “**Detailed Summary**”) was prepared by the Monitor based on, among other things, the books and records of the OTE Group, discussions with Pettinelli, and a review of responses received in respect of the Requested Information. The Detailed Summary is attached at **Appendix “C”** hereto. The table below highlights the suspected beneficiaries of these transactions and details the transaction categories.

Beneficiary Category	Amount	
Suspected fraudulent, improper, or suspicious payments or transfers		
G.Page and related entities		
AirSprint	9,032,298	
Direct Cheques and Bank Wires	1,281,426	
Pride Marine	4,227,335	
Marine related transactions	207,930	
Custom home builders	500,306	
Furnishing / pool / decking / fence / contracting companies	325,627	
St. Lucia resorts	638,579	
Italian wedding	147,692	
RV camping / cottage resorts	142,868	
Receiver General/CRA	79,000	
G.Page and related entities total		16,583,061
Mr Scott Hill		3,160,752
Mr Miles Hill		2,976,335
Other disbursements to known beneficiaries under review		
G.Page and related entities		
Gpmc Holdings (2658658 Ontario Inc)	896,067	
IMA Enterprises Inc.	83,500	
2772618 Ontario Inc.	68,555	
2693472 Ontario Inc.	110,642	
G.Page and related entities total		1,158,763
B.Page and related entities		
Mr Brian Page	142,286	
11222074 Canada Ltd (Brian Page)	47,350	
7069847 Canada Inc. (Brian Page)	32,651	
B.Page and related entities total		222,287
M.Cox and related entities		
Ms Mandy Cox	13,157	
Picassofish (Mandy Cox)	77,401	
M.Cox and related entities total		90,558
Other disbursements to unknown beneficiaries		
Airsprint - Estimated operating costs	1,437,196	
Other related party disbursements	1,506,738	
Custom home builders	425,581	
Furnishing / contracting companies	377,791	
Italian venues / vendors / restaurants	313,392	
Cigarette manufacturers	233,494	
Total other disbursements		4,294,192
Total		28,485,948

* USD transactions have been adjusted for FX as at 10/03/2023 per foreign exchange rate from the Bank of Canada of 1.3711

**These bank disbursements above exclude any review of payroll or credit card payments

69. Further details on the Monitor's basis for identifying the transactions as improper or suspicious on its review are below:

Suspected fraudulent, improper, or suspicious payments or transfers:

- (i) *Payments made to AirSprint:* As discussed in detail above and in previous Reports, between March 2021 and June 2022, approximately USD \$6,864,425 and approximately CAD \$1,057,681 was wired by OTE Group entities to AirSprint, which converted to Canadian dollars amounts to \$10,469,494. Majority of this amount appears to be for non-business travel and fractional ownerships of private jets. An estimated CAD \$9,032,298 has been corroborated by the Monitor and relates to purchase agreements between Airsprint and 2658658 Ontario Inc. / GPMC Holdings Inc. Per the Monitor's understanding, the remaining \$1,437,196 relates to operating costs paid by the OTE Group pertaining to the travel of passengers as discussed above. This amount is currently under review by the Monitor to determine the appropriate beneficiary.
- (ii) *Direct cheques and bank wires to Glenn Page:* The Monitor understands that approximately \$1.3 million was paid directly to Glenn Page. The Monitor is continuing to investigate these disbursements to ascertain the nature and rationale for same to determine if they were made for legitimate business purposes of the OTE Group. Those transactions are identified in the Detailed Summary in **Appendix "C"**.
- (iii) *Payments made to Pride Marine:* As further discussed above, approximately USD \$3,218,500 was transferred from OTE Group bank accounts to fund the purchase of the Italian Yacht by 265 from Pride Marine. The Monitor notes that this information was presented to the Court in respect of the Initial Mareva Order granted in respect of the Italian Yacht, and the Monitor's findings were reflected in the endorsement of Justice Osborne.
- (iv) *Marine-related transactions:* Over \$207,000 of marine-related transactions were funded from OTE Group accounts. This includes wire transfer to NorthCove Marina and to Azimut Benetti, the builder of the Italian Yacht. Glenn Page also instructed that payments be made to Bayland Enterprises, a marine systems provider, from OTE, and for the amounts to be charged to "**R&D**". Finally, payments were made from OTE Group accounts in respect of several invoices from ICBM, Inc. Based on emails between Page and G.L. Harvie, it appears that ICBM, Inc. is an operating company for G.L. Harvie and relate to a scope of work through which Harvie was to maintain and captain the Italian Yacht. All transactions are identified in the Detailed

Summary. The correspondence and receipts related to Bayland Enterprises are attached hereto at **Appendix “D”**, and the correspondence and invoices related to ICBM, Inc. are attached hereto at **Appendix “E”**.

(v) *Custom home builders:* Page and Cox’s home address is 118 Main Street North, Waterdown, Ontario (“**118 Main Street**”). Over \$500,000 of OTE Group funds have been paid to Tru Custom Homes Inc. (“**Tru Custom**”) in respect of work completed on 118 Main Street. Correspondence and documents identified by the Monitor include a Construction Management Agreement between Page and Tru Custom contemplating the construction of 118 Main Street; a progress payment schedule in respect of same; emails from Page indicating that he had made payments from the OTE Group’s business account; and emails from Page instructing OTE Group employees to charge cheques to Tru Custom to “Blending Repairs & maintenance” and to “Repairs”, despite these clearly being personal expenses. The transactions are each identified in the Detailed Summary, and the correspondence and related documents are attached hereto at **Appendix “F”**.

(vi) *Furnishing, Pool, Decking, Fence and Contracting Companies:* Payments totaling over \$325,000 were made from OTE Group accounts to the following companies:

- Oasis Pools Ltd.: Emails from Oasis Pools Ltd. addressed to “Ms. Cox & Mr. Page” or to “Cox / Page Residence” show Page agreeing to make payments in respect of a pool and related add-ons. In other emails, Page instructed that these payments be charged to OTE Group accounts. The relevant emails are attached hereto at **Appendix “G”**.
- Subzero-Wolf Canada: Emails from Page indicate that Page ordered a delivery from Subzero-Wolf Canada, a luxury appliance store, to 118 Main Street. That email is attached hereto at **Appendix “H”**.
- Closet Envy: In emails with Closet Envy, Page indicates that he wants to convert “the cabinet in the master walking” [sic], indicating that the closet installation will take place in his home. That email is attached hereto at **Appendix “I”**.
- Other: In an email dated June 24, 2020, Page tells an OTE Group employee that “We will be doing a distribution this week but I need cheques as usual”, and goes on to request cheques for Home Leisure, The Deck Store, and Rustic Design. Similarly, in an email dated August 19, 2020, in connection with another distribution, Page requests cheques for

Rosehill Cellars (a wine cellar company) and Eden Tile (among others). All of these amounts were ultimately paid by the OTE Group. The Monitor is not aware of any legitimate business purpose for these payments. The June 24 email is attached hereto at **Appendix “J”**, and the August 19 email is attached hereto at **Appendix “K”**.

- (vii) *St. Lucia Resorts*: Over \$638,000 was paid in respect of resorts in St. Lucia. The payments to BodyHoliday are discussed in detail above. Payment was also made to RJB Hotel Supplies. In an email to RBC, Page indicated that the payment was in respect of a facility being built in St. Lucia. The Monitor is unaware of any OTE Group operations or facilities in St. Lucia. The email from Page is attached hereto at **Appendix “L”**.
- (viii) *Italian Wedding*: Over \$147,000 was spent in respect of a wedding in Italy. The Monitor understands that Page and Cox were married in Italy on or about June 18, 2022, and has reviewed email correspondence from Page sent in advance of this time coordinating the wedding and an order confirmation with the restaurant, Davittorio. An Instagram post by Varna Studios Ltd., a destination wedding photographer, shows a picture from that wedding. Various vendors in Italy received payments from the OTE Group during this time, and most of these vendors were tagged in another Instagram post by Varna Studios Ltd. The correspondence, order confirmation, and Instagram posts are attached hereto at **Appendix “M”**.
- (ix) *RV Camping / Cottage Resorts*: Payments totaling over \$142,000 were made to Parkbridge Lifestyle. Email correspondence and the related invoice appear to indicate that these payments were made in respect of an RV/cottage for Page. The correspondence and invoice are attached hereto at **Appendix “N”**.
- (x) *Payments made to Receiver General/CRA*: The Monitor understands that a payment of \$79,000 was made directly to the Receiver General/CRA on behalf of Glenn Page, likely pertaining to his income taxes owing to the CRA. This was identified by the Monitor through the related wire details which referenced Page’s social insurance number. The wire details are attached hereto at **Appendix “O”**.
- (xi) *Payments Scott Hill and Miles Hill*: In total, over \$6.13 million was paid to Scott Hill and Miles Hill from the OTE Group bank accounts. The Monitor is continuing to investigate these disbursements to ascertain the nature and rationale for same to determine if they were made for legitimate business purposes of the OTE Group.

Other disbursements to known beneficiaries under review:

- (xii) *Payments made to companies related to Glenn Page:* In total, over \$1.1 million was paid to 265, IMA Enterprises Inc., 2772618 Ontario Inc., and 2693472 Ontario Inc. for which the Monitor is continuing to investigate the nature and rationale for payments to determine if it was paid for legitimate business purposes. Glenn Page is listed as a director and officer of each of these entities (and Cox is also a director of 265). These transactions are identified in the Detailed Summary, and the corporate profile reports for each of these entities are attached hereto at **Appendix “P”**.
- (xiii) *Payments to Brian Page and related parties:* In total, over \$222,000 was paid from OTE Group accounts to Page’s brother Brian Page and two companies of which he is a director, 11222074 Canada Ltd. and 7069847 Canada Inc. Corporate profile searches for these companies are attached hereto at **Appendix “Q”**. The Monitor is continuing their investigation to better understand the nature and reason for payments to determine if it was paid for legitimate business purposes.
- (xiv) *Payments to Cox and related parties:* In total, over \$90,000 was paid from OTE Group accounts to Cox and Picassofish, a company of which Cox is a director and officer (along with Page). The corporate profile search for Picassofish is attached hereto at **Appendix “R”**. The Monitor is continuing to investigate these disbursements to ascertain the nature and rationale for same to determine if they were made for legitimate business purposes of the OTE Group.

Other disbursements to unknown beneficiaries:

- (xv) During its review, the Monitor identified additional disbursements, in the amount of \$4.3 million, to payees such as cigarette manufacturers, Italian vendors and other related parties that appear to be improper or unrelated to the business of the OTE Group. The Monitor continues to investigate these disbursements to determine the beneficiary of these disbursements and confirm the purpose of same.

70. In many cases, the Monitor notes that the email correspondence reviewed suggests that Page was electing to have the OTE Group pay vendors on his behalf for personal projects, rather than having such amounts paid to him as distributions.

Additional Disbursements Under Investigation

71. The Monitor has also identified a list of additional disbursements related to 493 transactions, in the amount of approximately \$59 million, *in addition to the summary above*, for which no supporting documentation has been located by the OTE Group or the Monitor. This further confirms that the OTE Group is missing significant books and records and that neither the limited Requested Information received from the Requested Parties nor the BookWorks system provide sufficient information to substantiate these 493 transactions as being for legitimate business purposes in relation to the OTE Group's business.
72. The Monitor has formally requested the support of RBC for the purposes of obtaining supporting payment details with respect to these disbursements so that the Monitor can continue investigating whether or not all such payments were for legitimate purposes in relation to the OTE Group's business.
73. At the date of this Report, the Historical Transactions Review is ongoing and additional suspicious transactions may be further discovered. The goal of the Historical Transactions Review is to better establish and/or identify:
 - (i) a complete set of the books and records;
 - (ii) the historic profitability of the business;
 - (iii) the historic sources and uses of cash; and
 - (iv) possible reviewable transactions, including without limitation, transfers at undervalue, preferences and/or misappropriated funds and assets.

XIII. SALE OF 118 MAIN STREET

74. During the Monitor's investigation, it was recently discovered that Page's and Cox's home has been sold. Public sources such a Zolo, a Canadian real estate marketplace, state that 118 Main Street was listed for sale on August 14, 2023. The sources also state that the home was sold for \$3.8M on September 4, 2023.
75. The Monitor reviewed the parcel register for the home, which as at November 8, 2023 indicates the home is still under Page's and Cox's name. The parcel register also indicates that the charge that Page and Cox previously registered against the home was discharged a year ago, in November 2022. A copy of the parcel register is attached hereto at **Appendix "S"**.

76. The Monitor is concerned that the closing date for the sale of the home is imminent. In all of the circumstances, including Page's and Cox's past conduct in respect of the improper transfers of OTE assets and cash, and their likely knowledge that the Monitor is conducting further investigations and seeking information and protective orders, the Monitor also believes that there is a significant risk that Page and Cox are likely to move, dissipate or attempt to hide the proceeds from the sale of the home, when the sale closes imminently.

XIV. RELIEF SOUGHT

77. Based on the improper and suspicious payments and transactions detailed above, the Monitor believes it is necessary and appropriate in the circumstances to seek the Mareva Order. The Monitor believes that there is a strong *prima facie* case of fraud against the Mareva Respondents. There is plain evidence that very significant funds were improperly diverted from the OTE Group to or for the benefit of the Mareva Respondents. The Mareva Respondents, and particularly Page, have attempted to compromise OTE Group's books and records. Given the improper and fraudulent manner in which funds were extracted from the OTE Group, the Monitor believes that there is a real risk that the Mareva Respondents will abscond with or attempt to transfer or hide these funds or assets obtained with them, or other assets held by the Mareva Respondents, and/or dissipate (or continue to dissipate) their assets or assets held on their behalf, in order to avoid enforcement of any remedies, orders or judgments that may be granted against them. This risk is compounded by the recent sale of Page and Cox's home.

78. There is no known prejudice that would be suffered by the Mareva Respondents if the assets were frozen on an interim basis to allow the Monitor to further investigate as well as trace funds and assets transferred from the OTE Group to the improper benefit of the Mareva Respondents. On the other hand, if the assets and funds are not preserved and frozen on an interim basis, the OTE Group and its stakeholders may suffer substantial and irreparable harm, including harm that cannot be cured or compensated for in damages because the Mareva Respondents will have moved their assets beyond this Court's reach, or otherwise dissipated them. In connection with its role as a Court officer and its duty to protect and preserve the property of the OTE Group (including as provided in the Monitor's Enhanced Powers and Amended Bid Process Approval Order), the Monitor believes that the Order sought is necessary and appropriate in the circumstances, and in the best interests of the OTE Group and its stakeholders.

79. Given that the Monitor as an officer of the Court is seeking the relief for the benefit of the stakeholders of OTE Group, and not for its own benefit, and in all the circumstances, the Monitor asks that it be

relieved under Rule 40.03 of the *Rules of Civil Procedure* of any obligation to provide an undertaking as to damages.

80. In all the circumstances, the Monitor believes it is just and equitable for a freezing order to be issued.

XV. CLAIMS PROCEDURE UPDATE¹

80. Pursuant to the Claims Procedure Order, the Monitor commenced the Claims Procedure to determine the nature, quantum, and validity of claims against the OTE Group and its current and former Directors and Officers, for the purposes of providing clarity to the OTE Group, its stakeholders, and the Monitor, as to the number, nature, and quantum of Claims (other than Unaffected Claims) against the OTE Group and its Directors and Officers.

81. The claims bar date was June 27, 2023 (the “**Claims Bar Date**”). Prior to the Claims Bar Date, 49 Claims with a gross value of approximately \$462 million were filed, which included duplicative Claims that were filed under separate categories (i.e., a Claim filed as both a Pre-Filing Claim against the OTE Group and a D&O Claim would be counted twice). After correcting for duplicative claims, the net value of the Claims was approximately \$204 million. Four additional claims totaling approximately \$300,000 were received after the Claims Bar Date (the “**Late Claims**”). A summary of Claims received by the Monitor is below:

¹ Capitalized terms used but not otherwise defined herein have the meanings ascribed in the Claims Procedure.

Summary of Claims Received				
Claimant Category	Claim Type	# of Claims	Total Claim Amount (CAD)	Notes
Tax authorities	D&O	3	255,429,118	2
	Pre-Filing	2	135,998,852	1
	Restructuring	1	814,602	
	Total	6	392,242,572	
Litigation claims	D&O	3	-	1
	Pre-Filing	19	54,915,324	1
	Restructuring	2	500,794	
	Total	24	55,416,118	
Trade creditors	Pre-Filing	9	827,023	
	Restructuring	3	4,123,401	1
	Total	12	4,950,423	
Construction	Pre-Filing	1	3,606,077	
	Restructuring	1	15,064	
	Total	2	3,621,141	
Insurance claim	Pre-Filing	2	3,420,000	
	Total	2	3,420,000	
Employee claims	D&O	3	56,055	2
	Pre-Filing	2	52,999	
	Restructuring	2	40,962	
	Total	7	150,016	
Total claims		53	459,800,271	
Less amounts that are accounted for in other claims				(255,485,173)
Total net claims				204,315,097

Notes:

(1) Includes placeholder claims where the claim amounts have not been quantified.

(2) Amounts are accounted for in other claims.

82. As part of the Claims Procedure, the Ministry of Finance (Ontario) (“**MOF**”) has submitted a claim of approximately \$137 million with respect to unremitted fuel and gas taxes subject to the ongoing fuel and gas tax audits. The Canada Revenue Agency (“**CRA**”) has also submitted a claim without a fixed amount because the CRA is still in the process of quantifying its claim. Based upon preliminary discussions with CRA, the Monitor expects that the quantum of CRA’s claim will exceed \$200 million in respect of unremitted carbon and excise taxes and other items.
83. As indicated in their proof of claim, the MOF noted significant variances between the volumes of fuel imported and sold as reported by the OTE Group and volumes imported and sold as determined by the MOF through their audit. The MOF’s proof of claim suggests that the volumes were materially underreported by the OTE Group resulting in significant unpaid tax debts to the MOF.

84. As at the date of this report, the Monitor is continuing its review and has not accepted, revised or rejected any claims.

XVI. MONITOR'S CONCLUSIONS

85. As at the date of this report, the Monitor has not accepted, revised or rejected any claims under the Claims Process Order. However, on a preliminary basis, it appears that the quantum owing to creditors, including in particular CRA and the MOF will be significant. The MOF alone has asserted claims for \$137 million in respect of unpaid fuel and gasoline taxes, much of which are claimed to have accrued during the time period that funds were paid from the OTE Group's bank accounts to purchase the AirSprint interests, the Italian Yacht and the other assets under review as described above. The CRA has asserted a placeholder claim and the Monitor understands it is in the process of evaluating the quantum of taxes owing to it.
86. The Monitor is continuing to conduct the Historical Transaction Review to establish a more complete set of books and records to better understand (i) the root causes leading to the claims received by the Monitor and (ii) other potential areas of asset recovery for the benefit of the creditors.
87. As indicated above, the Historical Transactions Review is ongoing, and the Monitor intends to attend this Court at a later date to report more fully on the status of the Monitor's Historical Transactions Review and appropriate next steps the Monitor will need to pursue.
88. The Monitor believes the Mareva Order is necessary and appropriate now, in all the circumstances, for the reasons described in this Report, including the risk that funds and assets held by the Mareva respondents (including without limitation the proceeds of sale of the Waterdown home) will be moved, dissipated or potentially secreted in view of the Mareva Respondents' past conduct in respect of the improper transfers of OTE assets and cash, and their likely knowledge that the Monitor is conducting further investigations and seeking information and protective orders. The Monitor also intends to seek directions from this Court regarding appropriate next steps for other parties that may have received improper payments from the OTE Group.

All of which is respectfully submitted this 8th day of November 2023.

KPMG Inc.
In its capacity as Monitor of
Original Traders Energy Group
And not in its personal or corporate capacity

Per:



Paul van Eyk
CPA, CA-IFA, CIRP, LIT, Fellow of INSOL
President



Duncan Lau
CPA, CMA, CIRP
Senior Vice President

APPENDIX “B”

Monitor Responses to Questions from Mareva Respondents

Court File No. CV-23-00693758-00CL

November 27, 2023

Number	REFERENCE ¹	QUESTION	MONITOR'S RESPONSE
1.	Para. 24(i)	What is the basis for the Monitor's "belief" that OTE Group's personnel did not have access to the office in Burlington or to "many" business records?	<p>At the time of the Monitor's appointment, the head office for the OTE Group was located on the Six Nations reserve. As noted in the Pre-Filing Report of KPMG Inc. dated January 30, 2023, prior to its appointment as Monitor, KPMG Inc. was engaged in October of 2022 to provide advisory services relating to the OTE Group's financial situation. At that time, KPMG Inc. was informed by the OTE Group's management and counsel that the books and records at the Six Nations reserve were extremely limited and key records (i.e., payroll, banking, tax returns, and key contracts) were not available. Following the issuance of the Monitor's Sixth Report dated November 8, 2023 (the "Sixth Report"), the Monitor followed-up with counsel for the OTE Group to ensure they had provided copies of any books and records of the OTE Group to the Monitor. The books and records that have been provided to the Monitor by counsel to the OTE Group have been uploaded to the Virtual Data Room (the "VDR") at section 15.</p> <p>After its appointment by the Court, the Monitor attended an office located at 1005 Skyview Drive, Suite 220 in Burlington on or about March 14, 2023. The Monitor was invited to attend this office by Glenn Page in response to the Monitor's information enquiries. Upon attending at the office, the Monitor was provided a single box of documents by a representative of Glenn Page. Documents from that folder have been uploaded to the VDR at section 12.</p> <p>The Monitor understands from OTE Group personnel, including Sandra Smoke and Gary Loft, that OTE Group employees did not have access at any point to the Burlington office.</p>

¹ Default is to 6th Report of the Monitor unless otherwise identified.

Number	REFERENCE ¹	QUESTION	MONITOR'S RESPONSE
			The Monitor notes that it presented much of this information to the Court in its Supplement to the Fifth Report dated October 6, 2023 (the “ Supplemental Fifth Report ”) and that this was not contested by the Mareva Respondents. The Supplemental Fifth Report was approved by Court Order dated October 12, 2023.
2.	Para. 24(ii)	Who are the “others directed by him” referred to in para. 24(ii)?	The Monitor understands that the others directed by Page include Mark Dailey, Kellie Hodgins, Derek Lynch, Brian Page, and Mandy Cox.
3.		What is the basis for the Monitor’s conclusion/belief that Page directed OTE Group personnel to lock OTE Group personnel out of business information systems?	<p>The Monitor has reviewed letters from counsel to the OTE Group dated August 2022 in which counsel indicates that various accounts were not transitioned to OTE Group management and that the OTE Group lacked access to key accounts after the departure of the Mareva Respondents and others from the OTE Group. These letters are in Section 14 of the VDR.</p> <p>Sandra Smoke and Gary Loft confirmed to the Monitor in discussions following the issuance of the Sixth Report that upon Page’s departure, OTE personnel did not have access to certain business systems, nor did they have administrative rights to those systems to enable them to reset passwords and gain access on their own.</p>
4.	Para. 24(ii)	Provide particulars of how Page “frustrated and delayed efforts” with documentation to support the allegation?	<p>See response to question No. 1. Based on the letters referenced above in response to question No. 3, the Monitor understands that administrative access for the following business systems was not provided:</p> <ol style="list-style-type: none"> 1. KeyInfoTech 2. Silverline Solutions and Pax8 3. Deluxe 4. Kwik <p>See VDR Section 14.</p> <p>Based on subsequent discussions with Sandra Smoke and Gary Loft, the Monitor understands that administrative support for payroll and IT was not provided. Additionally, information pertaining to the following was provided on a delayed basis: benefits information; tax remittances; current government accounts; back up information for banking transactions.</p>

Number	REFERENCE ¹	QUESTION	MONITOR'S RESPONSE
5.	Para. 24(iii)	How and when was it discovered that certain email inboxes for OTE LP and OTE Logistics were deleted?	Based on discussions with OTE personnel, subsequent to Glenn Page's resignation, a review was undertaken by the OTE Group as it relates to the email accounts of the former employees, Page and Cox. Based on this review, it was clear that the historical emails appeared to have been deleted. Please see response to Question No. 6 regarding missing inboxes and email contents based on the review of the KPMG forensic team.
6.	Para. 24(iii)	Which email inboxes are missing contents?	The Monitor's forensic team has not been able to identify or locate email inboxes or accounts for Page (glennc.page@originaltradersenergy.com) or Kellie Hodgins (kellie.hodgins@originaltradersenergy.com) in the course of its review. It is also readily apparent that there are broad swathes of missing email content from the email inboxes for Cox and Brian Page.
7.	Para. 24(iii)	Produce all emails from/to Glenn Page in the Monitor's power, possession, and control, including the entirety of the OTE LP email inbox for Glenn Page.	The Monitor delivered a USB key containing the entirety of the OTE LP email inbox for Glenn Page to Lenczner Slaght LLP's office on the morning of November 22, 2023. The Monitor's email correspondence with Page can be accessed at section 1 of the VDR.
8.		In the alternative, produce the results of any email searches of Glenn Pages' email conducted by the Monitor.	See response to question No. 7.
9.	Para. 24(iii)	Who are the "others" directed by him referred to in this paragraph?	Mark Dailey, Kellie Hodgins, Derek Lynch, Brian Page, and Cox.
10.	Para. 25	Produce copies of the 38 Information Request Letters and any responses.	The Monitor cannot provide the documents requested other than in respect of the Mareva Respondents, given its ongoing confidential investigation into matters that go beyond this Mareva Injunction (the " Mareva Motion ").
11.	Para. 26(ii)	Produce copies of the information received from Pride Marine pertaining to the Yacht, including but not limited to wire transfer details, purchase details and related agreements.	See section 2 of the VDR.

Number	REFERENCE ¹	QUESTION	MONITOR'S RESPONSE
12.	Para. 26(iii)	Other than as produced under the Order of April 28, 2023, to produce copies of any information received from AirSprint with respect to the OTE Claimed AirSprint Property.	See section 3 of the VDR, which also includes the information provided pursuant to the April 27 Order.
13.	Para. 26(iv)	Produce documents relating to the 2017-2021 review engagements performed by Pettinelli Mastroluisi LLP.	See section 4 of the VDR.
14.	Para. 26(v)	Produce documents discovered as part of the investigation performed by AM Law.	See section 5 of the VDR.
15.	Para. 26(viii)	Produce contracting summaries and consulting agreements from Claybar Contracting and CCD Investments Inc.	See section 6 of the VDR, which includes invoices paid in respect of consulting performed by Claybar Contracting and CCD Investments Inc., as well as the CCD Consulting Agreement. The Monitor has not received the Claybar Consulting Agreement, despite having requested same from Claybar Contracting.
16.	Para. 27	"Produce all records for fiscal years 2019-2021 referred to in Lenczner Slaght's August 16, 2023 letter email to the Monitor: <ul style="list-style-type: none"> • 1. Detailed general ledgers by year in excel format (as downloaded from BookWorks); • 2. Trial balances with grouping schedules; • 3. Year end adjusting entries; • 4. Corporate income tax returns; and • 5. Copies of bank statements with cancelled cheques. Produce the same information for fiscal year 2022." 	See sections 4 and 11 of the VDR.
17.	Para. 27	Did the Monitor try to obtain direct access to the BookWorks systems before October 12, 2023? If not, why not?	Although the Monitor did not yet have enhanced powers under the October 12 th Order, it had indirect access through OTE personnel, such as Sandra Smoke. It obtained direct access with the enhanced powers under the October 12 Order. The Monitor does not view the historical BookWorks entries to be accurate or reliable in light of the allegations of fraud. The BookWorks system does not provide source documents for historical

Number	REFERENCE ¹	QUESTION	MONITOR'S RESPONSE
			transactions to allow such historical transactions to be verified by the Monitor. The Monitor also directly reviewed the general ledgers received from Pettinelli Mastroluisi LLP ("Pettinelli"). The Monitor has had appropriate controls in place since the date of the Initial Order to monitor financial transactions and cashflows.
18.	Para. 27	Please review BookWorks and identify whether monies were paid to OTE LP by 265Co or GPMC2	<p>See section 11.3 of VDR.</p> <p>The Monitor identified \$1,273,349 in funds that had come in from GPMC, GPAGE, and IMA as indicated through BookWorks.</p> <p>However, of that \$1,273,349, only \$325,000 should be deducted from the approximately \$16.58 million of payments and benefits that Page and his related entities have received from the OTE Group according to the Sixth Report. This is because \$948,349 of the \$1,273,349 amount received was subsequently disbursed to Page and GPMC and was not included in the amount stated to have been received by Page in the Flagged Transaction Summary in the Sixth Report.</p>
19.	Para. 27	Except as covered by the request for general ledger data, to produce data extracts of the general ledger from October 1, 2018 to August 31, 2022.	See section 11.1 of the VDR.
20.	Para. 27	Confirm that prior to October 18, 2023, the Monitor was getting access to BookWorks from Scott Hill and Sandra Smoke (OTE LP's Bookkeeper).	See answer to question No. 17.
21.	Para. 27	Confirm that the Monitor learned on October 18, 2023 that Scott Hill and/or Sandra Smoke directed KeyInfoTech not to provide direct access to the Monitor.	The Monitor is not aware of any such direction to KeyInfoTech, other than an allegation made in correspondence from Max Starnino, counsel to OTE USA. See section 14.1 of VDR.
22.	Para. 30	Where does the Monitor get its understanding that on June 6, 2022 Page provided RBC unaudited statements of OTE LP?	The Monitor notes that Page confirms at paragraph 112 of his November 24, 2023 affidavit that he believes that on or around June 6, 2022 he provided to RBC by email the OTE financial statement for 2021 on Pettinelli letterhead (that the Monitor has confirmed are fictitious).

Number	REFERENCE ¹	QUESTION	MONITOR'S RESPONSE
			<p>Scott Hill's initial affidavit sworn January 27, 2023, which provided the evidentiary basis for the OTE Group to obtain protection under the CCAA, states that Page provided these statements to RBC on June 6, 2022 (see para 10(b)).</p> <p>The Monitor has reviewed an email dated June 4, 2022 from RBC to Page requesting to meet "Monday or Tuesday [June 6 or 7th] for the financial statements". See section 7.1.2 of VDR.</p> <p>The Monitor has also reviewed an email dated June 13, 2022 from Page to an RBC employee in which Page inquires regarding whether RBC had everything they needed for "financing, OLC, etc.". RBC responds in the email trail with questions on the Financial Statements that were provided that purported to be prepared by Pettinelli (but have been confirmed by the Monitor not to have been). The noted statements were attached to the email. See section 7.1.1 of VDR.</p> <p>The Monitor separately contacted Pettinelli on April 10, 2023 to confirm whether the statements were issued by Pettinelli. Pettinelli confirmed on April 10, 2023 that it did <u>not</u> issue the statements. See Section 4 of VDR.</p>
23.	Para. 30	Provide copies of all records relating to Page providing the financial statements to RBC.	See section 7.1 of the VDR and the response to question No. 22.
24.	Para. 30	Produce all records of the information provided by RBC to the Monitor on April 10, 2023.	The Monitor does not state in the Sixth Report that RBC provided it with any records on April 10, 2023. Instead, that was the date on which Pettinelli confirmed via email to the Monitor that they had not reviewed the 2021 Financial Statements. See response to question No. 22, and see section 4 of the VDR.
25.	Para. 30	Produce all emails to or from Glenn Page and RBC from May – July 2022.	These emails are included in the USB key referenced at the response to question No. 7.
26.	Para. 38	Produce copies of all AirSprint letters.	See section 8.1 of the VDR.
27.	Para. 43	Produce copies of all responses to AirSprint letters.	See section 8.2 of the VDR.

Number	REFERENCE ¹	QUESTION	MONITOR'S RESPONSE
28.	Para. 48	Produce copies of all information from Pride Marine.	See section 2 of the VDR.
29.	Para. 48	Produce all copies of all underlying documentation supporting payments set out in the chart at paragraph 68 and Appendix C	Paragraph 69 and the appendices in the subsections of paragraph 69 provide the supporting documents and relevant accounting information. Appendix C sets out accounting and banking information in respect of what is summarized in the chart in paragraph 68. Additional information in respect of this is also included in the USB key referenced at the response to question No. 7.
30.	Para. 56	Produce documentation relating to the unpaid duties.	See section 9 of the VDR.
31.	Para. 62	How did the Monitor “discover” on May 12, 2023 that funds were wired to BodyHoliday?	As part of its historical bank transaction review, the Monitor identified a payment that was made by the OTE Group to BodyHoliday. The Monitor emailed BodyHoliday on May 12, 2023. BodyHoliday responded on May 18, 2023 and confirmed that it had received the payment from OTE. See section 10.1 of the VDR for the correspondence referenced.
32.	Paras. 62-65	Produce the Monitor’s correspondence to BodyHoliday and SunSwept Resorts and any responses received.	See section 10.1 of the VDR.
33.	Para. 64	Produce a copy of the OTE Group’s Bank Statements which shows that the USD\$575,408 was returned on August 31, 2021	See section 10 of the VDR for that part of the return. See section 7.2.4.4 document 12 of the VDR for full bank statement.
34.	Para. 65	What is the basis for the Monitor’s belief that the payments are “an improper personal benefit for Page and Cox”?	The OTE Group has no business or facilities in St. Lucia (as Page has since confirmed) and the charges were of a personal nature. A review of the emails in the USB key referenced in the response to question No. 7 confirms that the beneficiaries of the BodyHoliday disbursement were Page and Cox. Included among the email correspondence reviewed by the Monitor is an email dated August 26, 2021 in which Kellie Hodgins provides wire transfer instructions to Page and Cox “for BodyHoliday” and requests that the instructions be sent to BodyHoliday. In further correspondence between Page, Cox, and BodyHoliday dated November 14, 2021, employees from BodyHoliday discussing mooring Page’s yacht in the BodyHoliday bay. Page also confirmed in email correspondence dated October 26, 2021 that

Number	REFERENCE ¹	QUESTION	MONITOR'S RESPONSE
			he and Cox have a villa in St. Lucia. See section 10.2 of the VDR for the correspondence referenced.
35.	Para. 65	What, if any, other investigations has the Monitor undertaken with respect to the BodyHoliday payments?	See the information contained in the Monitor's Sixth Report and in response to question No. 34.
36.	Paras. 62-65	Confirm that prior to including information on BodyHoliday in the 6th Report of the Monitor, that the Monitor did not make any inquiry of Glenn Page or Mandy Cox about BodyHoliday payments.	The Monitor confirms that it did not inquire with Page or Cox directly regarding the BodyHoliday payments.
37.	Para. 67	Produce the complete set of banking information provided to the Monitor by RBC.	See section 7.2 of the VDR.
38.	Para. 67	Produce the Monitor's work recreating the historical business details of the OTE Group.	The Monitor has provided all historical business details as currently known to the Monitor relating to Page and Cox in the Monitor's Sixth Report and as referenced in the VDR.
39.	Para. 67	Produce all supporting documentation relating to those business details.	See response to question No. 38.
40.	Para. 68	Advise if the Monitor has any relevant knowledge about Carriage Custom Homes. Confirm whether the Monitor has reviewed invoices related to Carriage Custom Homes.	The Monitor is aware that payments were made by OTE Group entities to Carriage Custom Homes. The Monitor is continuing its investigation and does not yet have sufficient information to draw a conclusion as to the beneficiary of these payments. The Monitor notes that it has previously delivered Information Requests to the Mareva Respondents. If any of the Mareva Respondents have any information relating to Carriage Custom Homes, in addition to that which has been provided in their responses to the Mareva Motion, it is requested that said information be provided forthwith.
41.	Para. 69	How, where and when did the Monitor identify the emails attached in the appendices related to para. 69?	These emails were provided to the Monitor on July 21, 2023, at which time Page's Outlook data file, containing over 20,000 of Page's emails, was provided to the Monitor by Lenczner Slaght LLP on a USB key. The emails were subsequently identified by the Monitor in the course of its investigation up to the date of the Monitor's Sixth Report.
42.	Para. 69	Produce all supporting documentation identified by the Monitor relating to the transactions identified in paragraph 69 and Appendix C.	See response to question No. 29.

Number	REFERENCE ¹	QUESTION	MONITOR'S RESPONSE
43.	Appendix K	Has the Monitor identified the cheques referred to in the email from August 19, 2020? Please produce the cheques.	Scans of the cheques were identified during the Monitor's review of OTE Group bank statements. See section 7.2.3.2, document 12 of the VDR
44.	Appendix K	Confirm that Scott Hill co-signed all cheques for the OTE Group.	There is a signature on certain cheques, referenced in Appendix K, in Scott Hill's name. However, the Monitor has not yet confirmed that the signature is genuine. Many of the largest transactions in issue were effected by wire transfer.
45.	Para. 69(xi)	When did the Monitor begin to investigate Scott Hill and Miles Hill?	The Monitor's ongoing investigation against persons other than the Mareva Respondents is not relevant to the Mareva Motion. The Monitor is fully cognizant of and is acting in accordance with its duties as an officer of the Court and has noted payments made to other persons in the Sixth Report, including Scott Hill and Miles Hill, which the Monitor is continuing to investigate. Subject to any further directions of the Court, the Monitor intends to pursue recovery in respect of any material payments or transfers of assets to any persons that the Monitor determines to be improper payments, preferences or transfers at under-value, for the benefit of the creditors of the OTE Group, but has not made such determinations at this time.
46.	Para. 69 (xi)	What results, if any, has there been from this investigation?	See response to question No. 45.
47.	Para. 69 (xi)	Produce any emails/correspondence/backup relating to the \$6.13 million in payments to the Hills.	See response to question No. 45. The Monitor will share its findings with the Court regarding any payments in favour of the Hills as and when appropriate.
48.	Para. 69(xv)	Identify all of the transactions and any and all supporting documents related to the \$4.3 million in identified additional disbursements.	As noted in the Sixth Report, the Monitor has not yet identified beneficiaries for these transactions. The Monitor will share its findings with the Court as and when appropriate.
49.	Para. 71	Produce the list of 493 transactions of additional disbursements referred to in this paragraph.	See section 13 of VDR.
50.	Para. 74	When did the Monitor "discover" that the home at 118 Main Street was sold?	The Monitor learned on or about November 1, 2023 that 118 Main Street was sold. A title search on November 2, 2023 revealed that the sale had not yet closed.
51.	Para. 74	When did the Monitor first learn the home was listed?	October 12, 2023.

Number	REFERENCE ¹	QUESTION	MONITOR'S RESPONSE
52.	Para. 74	How did the Monitor learn this information?	From counsel to the OTE Group.
53.		What is the Monitor's understanding of Nick Capretta's role with the OTE Group? Where did the Monitor get that understanding?	<p>The Monitor understands that Nick Capretta was a former director of OTE LP. The Monitor also understands that he was a limited partner of OTE LP through 2585861 Ontario Inc.. The Monitor understands that Capretta resigned as a director on July 30, 2019. The Monitor understands that Capretta continued to be involved as a consultant for the OTE Group through his company CCD Investments Inc.</p> <p>The Monitor's understanding came from the documents provided by Pettinelli, which are set out in section 4 of VDR.</p>
54.		What is the Monitor's understanding of Scott Hill's role with the finances of the OTE Group? Where did the Monitor get that understanding?	The Monitor understands Hill was the vice president (development) and later the president of OTE LP subsequent to Page's departure from OTE Group. The Monitor understands further that Scott Hill (along with Page) had signing authority for the OTE Group. The Monitor understands that Hill did not oversee financial reporting or the preparation of financial statements in respect of the OTE Group during the relevant period involving the Mareva respondents. The Monitor's understanding is based on its review of the books and records of the OTE Group and discussions with OTE Group employees.
55.		<p>Has the Monitor interviewed any of the following people:</p> <ul style="list-style-type: none"> • Scott Hill • Miles Hill • Nick Capretta • Pettinelli (or any other individuals employed at Pettinelli Mastroluisi LLP) • Sandra Smoke • Paula Anderson • Brian de Nobriga 	The Monitor has either engaged in discussions or corresponded with all of these individuals, save for Paula Anderson. The Monitor has not formally interviewed these individuals.
56.		If so, produce the notes and/or records of such interviews and any documents used during the course of such interviews.	See response to question No. 55.

Number	REFERENCE ¹	QUESTION	MONITOR'S RESPONSE
57.		If the Monitor has not interviewed the above noted people during the course of its investigation as described in the 6th report, why not?	As noted in the response to question No. 55, the Monitor has had discussions or corresponded with all of these individuals, save for Paula Anderson. The Monitor continues to pursue its investigative steps.
58.		Produce Scott Hill's email account from 2018-2022.	The Monitor is not in a position to provide email accounts of other persons aside from the Mareva Respondents.
59.		Produce Sandra Smoke's email account from 2018-2022.	The Monitor is not in a position to provide email accounts of other persons aside from the Mareva Respondents.
60.		Produce Paula Anderson's email account from 2018-2022.	The Monitor is not in a position to provide email accounts of other persons aside from the Mareva Respondents.
61.		<ul style="list-style-type: none"> • In the alternative, produce any searches conducted by the Monitor of Scott Hill, Sandra Smoke and Paula Anderson's email account. 	See answers to question No. 58 through 60.
62.		Produce all email correspondence involving or with Nick Capretta.	Any communications between Page and Nick Capretta have been provided in the USB key. The Monitor is not aware of Nick Capretta having an OTE Group email account.
63.		Produce all email correspondence involving or with Pettinelli.	See section 4 of VDR. See also Page's USB key.
64.		Produce all email correspondence involving or with Brian de Nobriga.	Any communications between Page and Brian de Nobriga have been provided in the USB key. The Monitor is not aware of Brian de Nobriga having an OTE Group email account.

APPENDIX “C”

From: [Glenn Page](#)
To: [Caselli, Silvio](#)
Subject: FW: OTE 2021
Date: Monday, June 6, 2022 9:18:16 AM
Attachments: [\[Untitled\].pdf](#)

[\[External\]/\[Externe\]](#)

Well guess what got dropped off ... I scanned them

Glenn Page
President
GPMC Holdings Inc.
"A Creative Investment and Leasing Enterprise"

From: Copier <copier@gpmcholdings.ca>
Sent: June 6, 2022 5:23 PM
To: Glenn Page <glenn@gpmcholdings.ca>
Subject: OTE 2021

APPENDIX “D”

From: [Caselli, Silvio](#)
To: [Glenn Page](#)
Subject: RE: Increased Limit for my US Card assigned to Ghislain Harvie (2658658 ONTARIO INC. Business Client 337546170)-CAS-1103778-R3Y3F9
Date: June 6, 2022 8:40:26 AM

How's 10:00 am sound your office.

Silvio Caselli | Senior Commercial Account Manager| RBC Royal Bank Hamilton Commercial Financial Services| 21 King St W. 2nd Floor, Hamilton, ON L8P 4W7|Tel. 905-546-5878 | F. 905-525-8532| Cell. 289-339-4647| Commercial Service Team:
 For day-to-day transactional banking needs, please contact our Commercial Client Services teams. Our Commercial Service Advisors accept e-mail requests for account inquiries and all account investigations.

Business hours are Monday – Friday's 8:30am to 5:00pm (Eastern Time)
 1-844-601-4828 (press 1 to select Hamilton Team); Email: serviceteamham@rbc.com

-----Original Message-----

From: Glenn Page [<mailto:glenncaselli@originaltradersenergy.com>]
 Sent: 2022, June, 04 8:12 AM
 To: Caselli, Silvio <silvio.caselli@rbc.com>
 Subject: Re: Increased Limit for my US Card assigned to Ghislain Harvie (2658658 ONTARIO INC. Business Client 337546170)-CAS-1103778-R3Y3F9

[External]/[Externe]<https://protect-us.mimecast.com/s/bz3tCR61zNt7ogA7h9lYO_?domain=connect.fg.rbc.com>

Yes I have Tuesday am does that work?

Glenn

Sent from my iPhone

> On Jun 4, 2022, at 8:10 AM, Caselli, Silvio <silvio.caselli@rbc.com> wrote:
 >
 > Thank you Glenn, can we meet this Monday or Tuesday for the financial statements, your office Burlington before you go to Rome..
 >
 > Thanks
 > Silvio
 >
 > Silvio Caselli | Senior Commercial Account Manager| RBC Royal Bank
 > Hamilton Commercial Financial Services|
 > 21 King St W. 2nd Floor, Hamilton, ON L8P 4W7|Tel. 905-546-5878 | F.
 > 905-525-8532| Cell. 289-339-4647| Commercial Service Team:
 > For day-to-day transactional banking needs, please contact our Commercial Client Services teams. Our Commercial Service Advisors accept e-mail requests for account inquiries and all account investigations.
 >
 > Business hours are Monday – Friday's 8:30am to 5:00pm (Eastern Time)
 > 1-844-601-4828 (press 1 to select Hamilton Team); Email:
 > serviceteamham@rbc.com
 >
 > -----Original Message-----
 > From: Glenn Page <glenncaselli@originaltradersenergy.com> via CRES
 > [mailto:mail_delivery@res.cisco.com]

> Sent: 2022, June, 04 8:02 AM
> To: Caselli, Silvio <silvio.caselli@rbc.com>
> Subject: RE: FW: FW: Increased Limit for my US Card assigned to Ghislain Harvie (2658658 ONTARIO INC. Business Client 337546170)-CAS-1103778-R3Y3F9 RBC Secure Email:
>
> [External]/[Externe]<https://protect-us.mimecast.com/s/94_qCVOQERiOmPDOsziHhp?domain=connect.fg.rbc.com>
> rnal-email-indicator>
>
> See attached signed docs
>
>
>
>
> -----Original Message:
>
> From: "Caselli, Silvio" <silvio.caselli@rbc.com>
> To: Glenn Page <glenn.page@originaltradersenergy.com>
> Date: 06/04/2022 11:53:01 AM GMT GMT
> Subject: FW: FW: Increased Limit for my US Card assigned to Ghislain
> Harvie (2658658 ONTARIO INC. Business Client 337546170
>)-CAS-1103778-R3Y3F9 RBC Secure Email:
>
> Hello Glenn, please sign attached and return.
> Thanks
>
> Silvio Caselli | Senior Commercial Account Manager| RBC Royal Bank
> Hamilton Commercial Financial Services|
> 21 King St W. 2nd Floor, Hamilton, ON L8P 4W7|Tel. 905-546-5878 | F.
> 905-525-8532| Cell. 289-339-4647|
>
> From: Commercial Service Team Ham
> Sent: 2022, June, 03 3:16 PM
> To: PAGE, GLENN <glenn.page@originaltradersenergy.com>
> Cc: Sharma, Nirvana <nirvana.sharma@rbc.com>; Caselli, Silvio
> <silvio.caselli@rbc.com>
> Subject: RE: FW: Increased Limit for my US Card assigned to Ghislain
> Harvie (2658658 ONTARIO INC. Business Client 337546170
>)-CAS-1103778-R3Y3F9 #Protect
> Importance: High
>
> Good day Gleen,
>
> Further to your request, kindly find attached the Visa credit limit
> increase form to have Ghislain Harvie's limit increased to \$10,000
>
> Please ensure that all information is correct; otherwise, advise us and we will gladly send a revised copy of the
> document.
>
> Please have the form signed by the necessary signing authority/authorities. Once completed, kindly scan the form
> and return it to us via email as a PDF attachment.
>
> We have also submitted to our fulfillment center to have the Visa card
> under Glenn's name credit limit decreased to \$40,000
>
> Kindly note the change will be effective within the next 3-5 business
> days. The reference number for this request is BUS-10982453

>
> Thank you,
> Alicia Sanzo, on behalf of:
>
>
>
> Catherine Bond, Kinnary Dave & Cody McGarr | Commercial Service Advisors, Commercial Client Contact
Services Team I RBC Royal Bank | Royal Bank of Canada I 21 King St W - 2nd Floor, Hamilton ON, L8P 4W7 I T.
1-844-601-4828 (Press option #1 for Servicing then option #1 for the Hamilton Team, or option #2 for RBC
Express) | Bio:
> <https://protect-us.mimecast.com/s/SMbQCW6qGVtIZyAIHKwFA9?domain=rbcroyalbank.com> (link:
> <https://protect-us.mimecast.com/s/SMbQCW6qGVtIZyAIHKwFA9?domain=rbcroyalbank.com>)
>
>
>
> ----- Original Message -----
> From: Caselli, Silvio
> Received: Wed Jun 01 2022 18:04:45 GMT-0400 (Eastern Daylight Time)
> To: CSA Hamilton
> Cc: PAGE, GLENN; Page, Glenn; Page, Glenn; page, glenn; PAGE, GLENN;
> Sharma, Nirvana
> Subject: FW: Increased Limit for my US Card assigned to Ghislain
> Harvie
> (2658658 ONTARIO INC. Business Client 337546170) Card Holder
> 264011677 HARVIE, GHISLAIN
>
> Has per clients instructions re-adjust visa card limit ending in 8825
> to
> \$40,000 and increase card ending in 45012 to \$10,000 Limit; total Corporate Visa Facility Limit \$55,000, Amount
available after adjustment \$5,000.
>
> Please confirm once completed.
>
> Thank you.
> Silvio
> Silvio Caselli | Senior Commercial Account Manager| RBC Royal Bank
> Hamilton Commercial Financial Services|
> 21 King St W. 2nd Floor, Hamilton, ON L8P 4W7|Tel. 905-546-5878 | F.
> 905-525-8532| Cell. 289-339-4647|
> Commercial Service Team:
> For day-to-day transactional banking needs, please contact our Commercial Client Services teams. Our
Commercial Service Advisors accept e-mail requests for account inquiries and all account investigations.
>
> Business hours are Monday – Friday's 8:30am to 5:00pm (Eastern Time)
> 1-844-601-4828 (press 1 to select Hamilton Team); Email:
> serviceteamham@rb.com (link: <mailto:serviceteamham@rb.com>)
>
> From: Glenn Page [<mailto:glenn.page@originaltraderenergy.com>]
> Sent: 2022, June, 01 1:05 PM
> To: Caselli, Silvio <silvio.caselli@rb.com>
> Cc: Sharma, Nirvana <nirvana.sharma@rb.com>
> Subject: Increased Limit for my US Card assigned to Ghislain Harvie
>
> [External]/[Externe] (link:
> https://protect-us.mimecast.com/s/bz3tCR61zNt7ogA7h9lYO_?domain=connect.fg.rbc.com)
> Silvio
> I need to increase the limit on my US Credit Card assigned to Ghislain

> Harvie – 4514031010745020 from 5k to 10k please
>
> Thanks
>
> Glenn Page
> President
> Original Traders Energy LP
> Phone: 519-512-2245
> Cell: 905-334-2008
> <https://protect-us.mimecast.com/s/rt0SCXD5JWSpjMxpIkWqCi?domain=originaltradersenergy.com> (link:
> https://protect-us.mimecast.com/s/lQDWCYE5K8cGm6zGTMtL_L?domain=originaltradersenergy.com)
> (image)
>
>
> _____
> –
>
> If you received this email in error, please advise the sender (by
> return email or otherwise) immediately. You have consented to receive
> the attached electronically at the above-noted email address; please
> retain a copy of this confirmation for future reference. You may
> unsubscribe
> (link: <https://protect-us.mimecast.com/s/pzERCZ60L1tOAo3OsP-fwr?domain=website.rbc.com>) from
promotional emails.
> Si vous recevez ce courriel par erreur, veuillez en aviser
> l'expéditeur immédiatement, par retour de courriel ou par un autre
> moyen. Vous avez accepté de recevoir le(s) document(s) ci-joint(s) par
> voie électronique à l'adresse courriel indiquée ci-dessus; veuillez
> conserver une copie de cette confirmation pour les fins de référence
> future. Vous pouvez vous désinscrire (link:
> https://protect-us.mimecast.com/s/LJX3C1w4yLTvxE7vHyzHZ_?domain=website.rbc.com)
> de la liste d'envoi de courriels promotionnels.

From: [Caselli, Silvio](#)
To: [Glenn Page](#)
Subject: RE: Follow Up on Financials Etc
Date: Monday, June 13, 2022 12:35:00 PM
Attachments: [image002.jpg](#)
[Gen7 Fuel Management Services LP Dec 31 2021.pdf](#)
[Dec 31 2021 OTE LP FS.PDF](#)
[Accountant questions under OTE..docx](#)

Hello Glenn, I hope all is well I listed some questions on these two FS in the word document attached, I have also provided the FS for ease of reference.

Kindly forward to the accountant for comments and answers to questions regarding attached financial statements prepared by Pettinelli Mastroluisi LLP.

I may need you to resend the pictures you sent me for the Whitefish Bending facility, the link expired and I was not able to download the file as it was too large.

I am so sorry for the causing you and Nick inconvenience in re-sending the link; this is due to the banks system limitation and IT security wall.

Thank you.
Silvio

Silvio Caselli | Senior Commercial Account Manager | RBC Royal Bank Hamilton Commercial Financial Services |

21 King St W. 2th Floor, Hamilton, ON L8P 4W7 | Tel. 905-546-5878 | F. 905-525-8532 | Cell. 289-339-4647 |

Commercial Service Team:

For day-to-day transactional banking needs, please contact our Commercial Client Services teams. Our Commercial Service Advisors accept e-mail requests for account inquiries and all account investigations.

-
Business hours are Monday – Friday's 8:30am to 5:00pm (Eastern Time)

1-844-601-4828 (press 1 to select Hamilton Team); Email: serviceteamham@rbc.com

From: Caselli, Silvio
Sent: Monday, June 13, 2022 8:38 AM
To: Glenn Page <glenn.page@originaltradersenergy.com>
Subject: RE: Follow Up on Financials Etc

Good morning Glenn, I am putting the credit together this week, I will let you know if I need anything else.

Thank you.
Silvio

Silvio Caselli | Senior Commercial Account Manager | RBC Royal Bank Hamilton Commercial Financial Services |

21 King St W. 2nd Floor, Hamilton, ON L8P 4W7 | Tel. 905-546-5878 | F. 905-525-8532 | Cell. 289-339-4647 |

Commercial Service Team:

For day-to-day transactional banking needs, please contact our Commercial Client Services teams. Our Commercial Service Advisors accept e-mail requests for account inquiries and all account investigations.

-
Business hours are Monday – Friday's 8:30am to 5:00pm (Eastern Time)

1-844-601-4828 (press 1 to select Hamilton Team); Email: serviceteamham@rbc.com

From: Glenn Page [<mailto:glennc.page@originaltradersenergy.com>]

Sent: 2022, June, 13 3:52 AM

To: Caselli, Silvio <silvio.caselli@rbc.com>

Subject: Follow Up on Financials Etc

[External]/[Externe]

Good Morning Silvio

Just following up to see if you have everything you need for financing, OLC, etc.

Glenn Page
President
Original Traders Energy LP
Phone: 519-512-2245
Cell: 905-334-2008
www.originaltradersenergy.com



If you received this email in error, please advise the sender (by return email or otherwise) immediately. You have consented to receive the attached electronically at the above-noted email address; please retain a copy of this confirmation for future reference. You may [unsubscribe](#) from promotional emails.

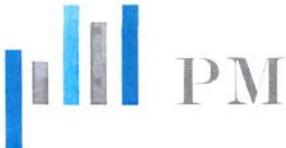
Si vous recevez ce courriel par erreur, veuillez en aviser l'expéditeur immédiatement, par retour de courriel ou par un autre moyen. Vous avez accepté de recevoir le(s) document(s) ci-joint(s) par voie électronique à l'adresse courriel indiquée ci-dessus; veuillez conserver une copie de cette confirmation pour les fins de référence future. Vous pouvez vous [désinscrire](#) de la liste d'envoi de courriels promotionnels.

APPENDIX “E”

Original Traders Energy LP

Financial Statements
(Unaudited)

December 31, 2021



T 905 522 6555 F 905 522 6574 6th Floor, One James Street South Hamilton ON L8P 4R5

June 01, 2022

Independent Practitioner's Review Engagement Report

To the Partners of Original Traders Energy LP

We have reviewed the accompanying financial statements of Original Traders Energy LP that comprise the balance sheet as at December 31, 2021, and the statements of partners' surplus, operations and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian accounting standards for private enterprises, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Practitioner's Responsibility

Our responsibility is to express a conclusion on the accompanying financial statements based on our review. We conducted our review in accordance with Canadian generally accepted standards for review engagements, which require us to comply with relevant ethical requirements.

A review of financial statements in accordance with Canadian generally accepted standards for review engagements is a limited assurance engagement. The practitioner performs procedures, primarily consisting of making inquiries of management and others within the entity, as appropriate, and applying analytical procedures, and evaluates the evidence obtained.

The procedures performed in a review are substantially less in extent than, and vary in nature from, those performed in an audit conducted in accordance with Canadian generally accepted auditing standards. Accordingly, we do not express an audit opinion on these financial statements.

Conclusion

Based on our review nothing has come to our attention that causes us to believe that the financial statements do not present fairly, in all material respects, the financial position of Original Traders Energy LP as at December 31, 2021, and the results of its operations and its cash flows for the year then ended in accordance with Canadian accounting standards for private enterprises.



Chartered Professional Accountants
Licensed Public Accountants

Hamilton, Ontario

Original Traders Energy LP
Balance Sheet
As at December 31, 2021

	2021	2020
Assets		
Current		
Cash	1,495,097	3,081,420
Trade and other receivables	10,521,076	5,917,485
Government taxes receivable	16,456,002	-
Inventory	5,329,431	2,322,433
Prepaid expenses	436,672	377,912
	34,238,278	11,699,250
Property, plant and equipment	13,857,000	9,330,951
Advances to related parties	982,802	2,208,451
	49,078,080	23,238,652
Liabilities		
Current		
Trade and other payables	9,882,129	12,357,259
Long-term debt	5,183,625	1,318,304
	15,065,754	13,675,563
Partners' Capital	34,012,326	9,563,089
	49,078,080	23,238,652

See accompanying notes to the financial statements.

APPROVED BY THE PARTNERS:

Partner

Partner

Original Traders Energy LP

Statement of Partners' Surplus

(Unaudited)

Year ended December 31, 2020

	Balance at beginning of the year	Share of net income	Balance at end of the year
Original Traders Energy Ltd.	\$ 9,475	\$ 33,696	\$ 43,171
Miles Hill	3,190,084	11,345,933	14,536,017
Scott Hill	3,166,253	11,261,183	14,427,436
2658658 Ontario Inc.	<u>3,197,277</u>	<u>11,371,514</u>	<u>14,568,791</u>
	<u>\$ 9,563,089</u>	<u>\$ 34,012,326</u>	<u>\$ 43,575,415</u>

See accompanying notes to the financial statements.

Original Traders Energy LP
Statement of Earnings
For the year ended December 31, 2021

	2021	2020
Revenue		
Sales	285,868,117	94,144,524
Cost of sales	247,308,271	76,387,239
Gross margin	38,559,846	17,757,285
<i>Gross margin percentage</i>	<i>13.5 %</i>	<i>18.9 %</i>
Expenses		
Salaries, wages and benefits	5,655,858	5,252,409
Professional fees	2,970,844	2,404,633
General operating expenses	1,277,884	356,800
Advertising and promotion	909,249	723,106
Insurance	793,706	613,805
Repairs and maintenance	602,959	1,152,211
Amortization	577,375	277,984
Travel and related expenses	546,961	280,656
Bad debts	448,929	
Office and general expenses	326,845	336,873
	14,110,610	11,398,477
Net income	24,449,236	6,358,808

Original Traders Energy LP

Notes to Financial Statements (Unaudited)

December 31, 2021

Nature of operations

Original Traders Energy LP (the "Partnership") was formed under the laws of the Province of Ontario by the Partnership Agreement dated July 2017 between Original Traders Energy Ltd., the General Partner, and the Limited Partners described therein. The Partnership was formed to provide wholesale fuel distribution to First Nations communities.

Basis of accounting

These financial statements pertain to the Partnership carried on under the name of Original Traders Energy LP and accordingly do not include the assets, liabilities, revenue and expenses of the individual partners. These financial statements do not contain any charges for salaries or interest paid to the limited partners and no provision has been made in the financial statements for the effect of personal income taxes on the net income for the period.

1. Significant accounting policies

These financial statements are prepared in accordance with Canadian accounting standards for private enterprises. The significant accounting policies are detailed as follows:

Cash

Cash consists of cash on hand and balances held with financial institutions, net of outstanding cheques and deposits.

Inventory

Inventory, consisting of unleaded and diesel gasoline, is valued at the lower of cost and net realizable value. Cost is determined using the average cost method. Net realizable value is the estimated selling price in the ordinary course of business, less any applicable variable selling costs.

Property, plant and equipment

Property, plant and equipment are recorded at cost. The Partnership provides for amortization using the declining balance method at rates designed to amortize the cost of the property, plant and equipment over their estimated useful lives. The annual amortization rates are as follows:

Blending sites	4%
Equipment	20%
Office equipment	20%
Computer equipment	55%
Computer software	100%

Amortization of leasehold improvements is recorded on a straight-line basis over the remaining term of the lease plus the first renewal option.

Original Traders Energy LP

Notes to Financial Statements (Unaudited)

December 31, 2021

1. Significant accounting policies, continued

Revenue recognition

Revenue is recognized when the product is shipped, the customer takes ownership and assumes the risk of loss, there is persuasive evidence that an arrangement exists, the sales price is fixed or determinable and collection is reasonably assured. Revenue is recorded net of any applicable discounts or other allowances. No HST is collected on revenue as all sales are made to exempt parties.

Income taxes

No provision has been made for income taxes in these financial statements, as the income will be taxable to the corporate/individual partners.

Government assistance

Government assistance provided for non-capital expenditures of the current period have been accounted for as other income. Government assistance provided for expenses of future periods is initially deferred and subsequently recognized to other income as eligible expenditures are incurred.

Foreign exchange

Monetary assets and liabilities of the Partnership which are denominated in foreign currencies are translated at year end exchange rates. Other assets and liabilities are translated at rates in effect at the date the assets were acquired and liabilities incurred. Revenues and expenses are translated at the rates of exchange in effect at their transaction dates. The resulting gains or losses are included in net income.

Use of estimates

The preparation of financial statements in conformity with Canadian accounting standards for private enterprises requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the balance sheet date and the reported amounts of revenues and expenses during the year. Actual results could differ from those estimates.

Original Traders Energy LP

Notes to Financial Statements (Unaudited)

December 31, 2021

1. Significant accounting policies, continued

Financial instruments

Measurement of financial instruments

The Partnership initially measures its financial assets and liabilities at fair value, except for certain related party transactions that are measured at the carrying amount or exchange amount, as appropriate.

The Partnership subsequently measures all its financial assets and financial liabilities at cost or amortized cost, except for investments in equity instruments that are quoted in an active market, which are measured at fair value. Changes in fair value are recognized in net income in the period incurred.

Financial assets measured at amortized cost include cash, accounts receivable, promissory notes receivable and due from related limited partnership.

Financial liabilities measured at amortized cost include accounts payable and accrued liabilities, promissory notes payable and loan payable.

The Partnership has not designated any financial asset or financial liability to be measured at fair value.

Impairment

For financial assets measured at cost or amortized cost, the Partnership determines whether there are indications of possible impairment. When there is an indication of impairment, and the Partnership determines that a significant adverse change has occurred during the period in the expected timing or amount of future cash flows, a write-down is recognized in net income. A previously recognized impairment loss may be reversed to the extent of the improvement. The carrying amount of the financial asset may not be greater than the amount that would have been reported at the date of the reversal had the impairment not been recognized previously. The amount of the reversal is recognized in net income for the year.

Transaction costs

Transaction costs related to financial instruments that will be subsequently measured at fair value are recognized in net income in the period incurred. Transaction costs related to financial instruments subsequently measured at amortized cost are included in the original cost of the asset or liability and recognized in net income over the life of the instrument using the straight-line method.

Original Traders Energy LP

Notes to Financial Statements (Unaudited)

December 31, 2021

2. Accounts receivable

	December 31	
	2021	2020
Accounts receivable - trade	\$ 9,473,220	3,871,033
HST receivable	16,456,022	2,046,462
	<hr/>	<hr/>
	\$ 25,929,222	5,917,485

3. Inventory

Inventory consists of unleaded and diesel gasoline. During the year, inventory totaling \$65,205,696 (2019 - \$71,770,062) was expensed through cost of sales.

4. Promissory notes receivable

	December 31	
	2021	2020
Note receivable from J. Maracle	- .	\$ 583,418
Note receivable from Walpole	264,451	345,051
Note receivable from Gen7 Hiawatha	448,929	293,460
Note receivable from Gen7 Quebec Expansion	- .	260,753
Note receivable from Gen7 Melbourne	214,476	250,000
Note receivable from Gen7 Tyendinaga	120,000	175,000
	<hr/>	<hr/>
	\$ 1,047,856	\$ 1,907,682

Original Traders Energy LP**Notes to Financial Statements**
(Unaudited)**December 31, 2021**

5. Due from related limited partnership

	December 3	
	2021	2020
Due from Gen7 Fuel Management Services LP	\$ 343,493	\$300,769

All of the limited partners in the Partnership are also limited partners in Gen7 Fuel Management Services LP. The balance due from the related limited partnership is unsecured, non-interest bearing with no specific terms of repayment. Since the Partnership has indicated that it is not its intention to request repayment of this amount during the next fiscal year, this amount has been classified as a non-current asset in the accompanying financial statements.

6. Line of credit

A line of credit has been authorized by the bank to a maximum of \$1,000,000 and bears interest at the Royal Bank of Canada's (RBC) prime lending rate plus 1.50%. A general security agreement covering all assets of the Partnership has been pledged as security. As at December 31, 2020, \$Nil (2019 - \$Nil) had been drawn on the line of credit.

APPENDIX “F”

From: Tony DeLuca <tonyd@petmas.ca>
Sent: Monday, April 10, 2023 3:53 PM
To: Van Eyk, Paul <pvaneyk@kpmg.ca>
Cc: Gard, Chris <cgard@kpmg.ca>; CA-FM OTE Group <otegroup@kpmg.ca>
Subject: RE: 2021 Financial Statements - OTE - Response needed [EXTERNAL]

Paul,

We did NOT issue those financial statements.

Feel free to call me if you need additional information.

Thanks

Tony De Luca, CPA, CA

Partner



www.petmas.ca

tonyd@petmas.ca
 Phone [905-522-6555 ext. 6](tel:905-522-6555)

1 James Street South, 4th Floor
 Hamilton, ON Canada L8P 4R5

We have moved! Please note that as of July 25th, 2022, we have relocated to the 4th floor at One James Street South.

The content of this email is confidential and intended for the recipient specified in this message only. It is strictly forbidden to share any part of this message with any third party, without written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so we can ensure such mistake does not occur in the future.

From: Van Eyk, Paul <pvaneyk@kpmg.ca>
Sent: Monday, April 10, 2023 3:31 PM
To: Tony DeLuca <tonyd@petmas.ca>
Cc: Gard, Chris <cgard@kpmg.ca>; CA-FM OTE Group <otegroup@kpmg.ca>
Subject: 2021 Financial Statements - OTE - Response needed

Tony,

Hope you had a nice Easter weekend.

The Monitor continues its review of information provided by various parties, and the purpose of this email is to ask you to confirm if you and/or your firm issued the attached financial statements for the period ending December 31, 2021 and which one is the most current version for the Monitor to rely on.

You will note there are differences in the presentation of (i) Statement of Partners' Surplus and (ii) Notes to the financial statement appear to be different in a few sections.

If you could please respond to this email at your earliest convenience that would be appreciated by the Monitor.

Any questions, don't hesitate to reach out to myself. Please be reminded, that this email cannot be shared outside your organization with any third party and the Monitor requests that you treat this email as confidential and please only respond back to the Monitor.

Regards,

Paul

Paul van Eyk
Partner, Deal Advisory
KPMG LLP

M: 647-622-6586
pvaneyk@kpmg.ca

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Our lawyers have recommended that we provide certain disclaimer language with our messages. Rather than including them here, we're drawing your attention to the following links where the full legal wording appears.

- [Disclaimer concerning confidential and privileged information/unintended recipient](http://disclaimer.kpmg.ca) (<http://disclaimer.kpmg.ca>).
- [Disclaimer concerning tax advice](http://taxdisclaimer.kpmg.ca) (<http://taxdisclaimer.kpmg.ca>).

If you are unable to access the links above, please cut and paste the URL that follows the link into your browser.

APPENDIX “G”



SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

COUNSEL SLIP / ENDORSEMENT

COURT FILE NO.: CV-23-00694309-00CL DATE: 21 March 2023

NO. ON LIST: 3

TITLE OF PROCEEDING: ORIGINAL TRADERS ENERGY LTD.

BEFORE JUSTICE: OSBORNE

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party, Crown:

Name of Person Appearing	Name of Party	Contact Info
Counsel for the Applicant Samantha Hans, Martin Henderson	Original Traders Energy Ltd.	shans@airdberlis.com mhenderson@airdberlis.com
Counsel to applicants Fredrick Schumann and Dan Goudge	2496750 Ontario Inc.	dang@stockwoods.ca fredricks@stockwoods.ca
Mitch Grossell	2658658 Ontario	mgrossell@tgc.ca

For Defendant, Respondent, Responding Party, Defence:

Name of Person Appearing	Name of Party	Contact Info
Counsel for Respondents Steven Groeneveld	Ministry of Finance	s.groeneveld@ontario.ca
Natai Shelsen	Mandy Cox	nshelsen@goldblattpartners.com

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
Counsel for the Monitor Raj Sahni	KPMG Inc. Court-appointed monitor	sahnir@bennettjones.com
Melanie Fishbein	Essex Financial	mfishbein@wvllp.ca
Doug Smith	Royal Bank of Canada	dsmith@blg.com

ENDORSEMENT OF JUSTICE OSBORNE:

1. On March 15, 2023, I heard a motion by the OTE Group for a Mareva injunction over certain assets and related relief, at the conclusion of which I granted the order, with minor amendments, with reasons to follow. These are those reasons.
2. Unless otherwise indicated, defined terms in this Endorsement have the meaning given to them in my Initial Order Endorsement dated January 30, 2023, the motion materials, and/or the Second Report of the Court-appointed Monitor.
3. On January 30, 2023, I granted the Applicants protection from their creditors pursuant to the CCAA. I appointed KPMG as Monitor, with certain investigatory powers in the circumstances, given that the Applicants were unable to locate all books and records, said to be as a result of alleged misconduct of certain former executives, including Mr. Glenn Page. On February 9, 2023, I granted an amended and restated initial order.
4. On this motion, the OTE Group seeks an interlocutory injunction restraining Mr. Page, his spouse Ms. Mandy Cox, and 2658658 Ontario Inc. (“265”) (collectively for the purposes of this motion and this Endorsement, the “Respondents”), and those acting on their behalf or in conjunction with them, from directly or indirectly selling, transferring encumbering or dealing with a 70 foot yacht bearing the name “Cuz We Can” or “Home South”, together with its engines, all as further described in the motion materials (the “Yacht”).
5. 265 is an entity owned and/or controlled by Page and Cox. They are both directors of 265.
6. The OTE Group also seeks ancillary relief requiring the Respondents to deliver a sworn statement providing particulars with respect to the Yacht as set out in the motion material, and directing the Boat Brokers who may have possession of the Yacht to not remove or transfer the Yacht, and other relief.
7. The motion did not proceed *ex parte* or without notice. The Respondents were given advance notice of this motion by the OTE Group and were served with the Notice of Motion and materials on Monday, March 15, 2023.
8. The hearing of this motion was scheduled to proceed at 12 PM noon on Wednesday, March 17, 2023. As further discussed below, the Respondents were represented by counsel today who opposed the granting of any relief for a number of reasons, including but not limited to the fact that they had received only two days’ notice. At the outset of the hearing, counsel for the Respondents indicated that a brief adjournment of the matter might allow the parties to agree to consensual interim terms of an order. I granted that request for a brief adjournment to allow the parties and their counsel to have discussions, in fact twice, and the parties advised that they were unable to agree to terms, with the result that the motion was argued on the merits beginning at 1:30 PM.
9. Prior to filing for CCAA protection, the OTE Group and others commenced a claim in this Court against Page, Cox and others asserting unjust enrichment, fraud, breach of fiduciary duty and other causes of action.
10. Among other things, that claim alleges that Page and Cox purchased, in 2021, and through a corporate entity (265) the Yacht using funds wire transferred from OTE LP accounts, and caused OTE Logistics to guarantee chattel mortgage secured by the vessel (both entities are defined in my Endorsement of January 30, 2023).

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11. Today, the OTE Group relies upon the Affidavit of Scott Hill sworn March 12, 2023 with exhibits thereto, the Affidavit of Miles Hill sworn March 12, 2023 and exhibits thereto, and the Second Report of the Monitor.
12. As set out in the Affidavit of Scott Hill, the position of the OTE Group is that at least USD \$3,675,687.05 of OTE Group funds were used to purchase the Yacht, currently owned by 265.
13. At the time of filing the Notice of Motion, OTE Group was unaware of the exact whereabouts of the Yacht, although filed evidence confirming that it was listed for sale by various Boat Brokers in Hollywood, Florida without the permission of the OTE Group which maintains the security interest registered over the Yacht.
14. At the outset of the hearing of this motion, Mr. Martin as counsel for the OTE Group advised the Court that the Applicants had just been advised, although had no sworn evidence, that subsequent to the service and filing of the Notice of Motion, the Yacht had in fact left port at Hollywood, Florida, and was believed to be bound for the Bahamas.
15. Mr. Schumann, as counsel for the Respondents advised, in fairness and with candour, that while he had just recently been retained and could not advise the Court with certainty when the Yacht had left port, it was at the time of the hearing at sea and, he believed, headed for the Bahamas.
16. The Respondents control the Yacht, and the evidence on this motion was to the effect that it was up for sale with multiple Boat Brokers (with active listings at the time of the hearing of the motion).
17. Moreover, the evidence of the OTE Group is that the Respondents have caused a deregistration of the Yacht from Canada, changed its name and taken other steps all in an attempt to remove the asset from the control or reach of the OTE Group, have forged certain documents to fund the purchase of the Yacht, and are otherwise acting in an attempt to frustrate the efforts of the OTE Group and the Monitor to investigate the use of OTE Group funds, the purchase of the Yacht and the whereabouts of the Yacht.
18. As a result of the above, the OTE Group brought this motion for Mareva relief to freeze the Yacht and direct the Respondents to order its return to Florida pending a determination of the origin and ownership of funds used to purchase it and guarantee payment of the balance of the purchase price, and the determination of rights to the Yacht or any proceeds of sale thereof.
19. As stated above, at the conclusion of the hearing and having heard from counsel for all parties who wished to make submissions, I granted the order freezing the Yacht and directing the Respondents to order its return to port in Florida.

Mareva Injunction

20. The test for a Mareva injunction is well established. This Court has jurisdiction to grant an interlocutory injunction, including a Mareva injunction, pursuant to section 101 of the *Courts of Justice Act*, where it appears just or convenient to do so. Pursuant to Rule 40.01, an interlocutory injunction or mandatory order under section 101 may be obtained on motion to a judge. The order may include such terms as are just, and may be sought on motion made without notice for a period not exceeding 10 days.
21. That said, the relief is extraordinary. As numerous courts have observed, the harshness of such relief, usually issued *ex parte*, is mitigated or justified in part by the requirement that the defendant have an opportunity to move against the injunction immediately. The relief remains extraordinary even in circumstances such as are present here, where the relief was not sought *ex parte*, but rather on notice to the Respondents, albeit brief.
22. The factors to be considered in determining whether to grant Mareva relief include whether the moving party has established the following:

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- a. a strong *prima facie* case;
- b. particulars of its claim against the defendant, setting out the grounds of its claim and the amount thereof, and fairly stating the points that could be made against it by the defendant;
- c. some grounds for believing that the defendant has assets in Ontario (although this requirement has been modified by more recent jurisprudence discussed below, such that it is perhaps better expressed as: some grounds for believing that the defendant has assets within the jurisdiction of the Ontario Court);
- d. some grounds for believing that there is a serious risk of defendant's assets being removed from the jurisdiction or dissipated or disposed of before the judgment or award is satisfied;
- e. proof of irreparable harm if the injunctive relief is not granted;
- f. the balance of convenience favours the granting of the relief; and
- g. an undertaking as to damages.

(See *Aetna Financial Services Ltd. v Feigelman*, [1985] 1 S.C.R. 2 (“Aetna”) at paras. 26, 30; *Chitel v. Rothbart*, 1982 CANLII 1956 (ONCA) at para. 60; and *Lakhani et al v. Gilla Enterprises Inc.* et al, 2019 ONSC 1727 at para. 31).

23. A strong case that a defendant has committed fraud against the plaintiff can be important evidence in support of the relief sought. The “reluctance” of the common law toward allowing execution before judgment has recognized exceptions, including circumstances where the relief is necessary for the preservation of assets, the very subject matter in dispute, or where to allow the adversarial process to proceed unguided would see their destruction before the resolution of the dispute. (See *Aetna*, at para. 9).
24. The test as to whether a strong *prima facie* case exists has been expressed by the courts as the question of whether the Plaintiff would succeed “if the court had to decide the matter on the merits on the basis of the material before it” (See *Petro-Diamond Inc. v. Verdeo Inc.*, 2014 ONSC 2917 at para. 25).
25. The following elements are required for the tort of civil fraud: a false representation by the defendant; some level of knowledge of the falsehood of the representation by the defendant (i.e., knowledge or recklessness); the false representation caused the plaintiff to act; and, the plaintiff's actions resulted in a loss: *Bruno Appliance and Furniture, Inc. v Hryniak*, 2014 SCC 8 at paras. 17-21.
26. Applying the test to this case, I am satisfied that the Mareva injunction should be granted.
27. At the outset I observe two obvious factors relevant here.
28. First, the injunction is extremely limited in scope and applies only to the Yacht (and its engines which have distinct serial numbers and are separately registered although obviously affixed to the vessel itself) or to proceeds of sale therefrom. The order has no application to any other assets of the Respondents. It follows that issues that are in some circumstances relevant to the granting and scope of Mareva relief, such as access to funds for living and/or legal expenses, are not relevant here and were not argued as an issue by any party.
29. Second, as noted, this injunction was brought on notice, and I heard submissions from counsel to the Respondents. The fact that notice was given is relevant to my analysis of the serious risk of the assets being removed from the jurisdiction and the balance of convenience.

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30. The purpose of a Mareva injunction is to freeze exigible assets when found within the jurisdiction of the Court. Such assets include personal property such as a vessel: *Total Traffic Services Inc. v. Kone*, 2020 ONSC 4402.
31. The basis for Mareva relief will be more readily justified where the rights of the moving party are specifically related to a physical asset in question – in this case, the Yacht.
32. The evidence relied upon by the OTE Group as to the underlying allegations of fraud are found in the two affidavits on which they rely (Affidavit of Scott Hill sworn March 12, 2023, principally at paras. 21-30, and Affidavit of Miles Hill also sworn March 12, 2023 at paras. 4-5).
33. That evidence is to the effect that the Respondents transferred funds or permitted and authorized the transfer of funds from OTE accounts, inappropriately and without the right to do so, and used those funds to purchase the Yacht, in part through the alleged misuse of the signing authority of Page at OTE Logistics. The OTE Group received no benefit or consideration for these fund transfers. It appears the Respondents further fraudulently executed and forged signatures on documents to Essex, the party that provided financing for the Yacht.
34. The Respondents filed no evidence on this motion, perhaps not surprisingly given that they had received only two days-notice. In submissions, counsel for the Respondents submitted not that the transfers of funds did not occur, but rather that they were not improper, or at least they did not constitute *prima facie* evidence of fraud, since they could be said to be distributions of profits to which the Respondents were entitled.
35. I cannot accept the submission, however, in the complete absence of any evidence to corroborate the suggestion. The books and records of the OTE Group are incomplete and lacking. There is no evidence before me of resolutions, meeting minutes, correspondence or any documents demonstrating or even suggesting that these transfers were in fact, or were even intended to be, distributions of profit or income. There is also no evidence of any corresponding distributions, at the same time or in the same amount, to the other partners who presumably would have been entitled to the same distribution.
36. Finally, there is no evidence that the partnership had, at the time of the impugned transfers, sufficient profits to fund such distributions in any event.
37. Even if the Respondents were entitled to distributions of profit that the relevant time, it does not follow that they are somehow entitled to simply take funds and apply them for their own uses.
38. In short, I am satisfied that the moving parties have established, with sufficient particulars, a strong *prima facie* case.
39. I am also satisfied as to the requirement for jurisdiction. The individual Respondents are residents of Ontario and this Court has *in personam* jurisdiction over them. Moreover, the earlier requirement that a moving party establish that a respondent have assets in Ontario before Mareva relief could be granted (whether restricted to Ontario or beyond) no longer exists. Rather, this Court has discretionary jurisdiction to grant a Mareva injunction where circumstances merit, even absent any evidence of assets in Ontario: *Associated Foreign Exchange Inc. et al v. MBM Trading*, 2020 ONSC 4188 at para. 54.
40. As observed by the Divisional Court in *SFC Litigation Trust (Trustee of) v. Chan*, 137 O.R. (3d) 382, 2017 ONSC 1815:

[26] I do not accept the appellant's assertion. I recognize that in *Chitel* the injunction was sought to restrain the dissipation of assets in Ontario. Similarly, in virtually all of the cases referenced by counsel on this appeal, the assets which were at the risk of dissipation existed in Ontario.

[27] However, a court's *in personam* jurisdiction over a defendant justifying the issuance of a Mareva injunction is not dependant, related to or "tied to" a requirement that a defendant has some assets in the jurisdiction.

[28] Section 101(1) of the *Courts of Justice Act*, R.S.O. 1990, c. C.43 provides the court with jurisdiction to grant an interlocutory injunction or mandatory order "where it appears to a judge of the court to be just or convenient to do so".

[29] A *Mareva* injunction is an equitable remedy and as such I agree with the respondent's submission that this remedy evolves as facts and circumstances merit.

[30] The availability of the equitable remedy of a *Mareva* injunction in England has evolved. This evolution was commented on by Sharpe J.A. in *Injunctions and Specific Performance*, looseleaf (Toronto: Canada Law Book, 2015), where he observed, at para. 2.910, the following:

The strict rule requiring assets in the jurisdiction has now been abandoned and, in special circumstances the English courts will grant *Mareva* Orders to restrain disposition of assets elsewhere. The basis upon which "world-wide" *Mareva* Orders are made is that the English courts assert "unlimited [page390] jurisdiction . . . *in personam* against any person, whether an individual or a corporation, who is, under English procedure, properly made a party to proceedings pending before the English court".

[31] Sharpe J.A. also observed that "orders of this kind have also been made by Canadian courts", referencing, amongst other cases, *Mooney v. Orr* [[1994] B.C.J. No. 2652, 100 B.C.L.R. (2d) 335 (S.C.)], a case considered by Weiler J.A. in *R. v. Consolidated Fastfrate Transport Inc.* (1995), 24 O.R. (3d) 564, [1995] O.J. No. 1855 (C.A.), as set out below.

[32] The English evolution was described in the U.K. Court of Appeal decision in *Derby & Co. v. Weldon (No. 2)*, [1989] 2 W.L.R. 276, [1989] 1 All E.R. 1002 (C.A.), at para. 6, as follows:

It seems to me that the time has come to state unequivocally that in an appropriate case the court has power to grant an interlocutory injunction even on a worldwide basis against any person who is properly before the court, so as to prevent that person by the transfer of his property frustrating a future judgment of the court. The jurisdiction to grant such injunctions is one which the court requires and it seems to me that it is consistent with the wide words of section 37(1) of the Act of 1981.

In matters of this kind it is essential that the court should adapt the guidelines for the exercise of a discretion to meet changing circumstances and new conditions provided always the court does not exceed the jurisdiction which is conferred on it by Parliament or by subordinate legislation.

It remains true of course that the jurisdiction must be exercised with care.

[33] The concept of a *Mareva* injunction being an evolving remedy was also commented on by Weiler J.A. in *Consolidated Fastfrate Transport Inc.*, at para. 142, as follows:

The practice with respect to the granting of *Mareva* injunctions is still in the process of evolving. The early *Mareva* cases involving foreigners were simply concerned with the fact that the assets might be removed from England and that any judgment granted would be unenforceable. However, in *Barclay-Johnson v. Yuill*, [1980] 3 All E.R. 190, [1980] 1 W.L.R. 1259 (Ch. D.) and *Prince Abdul Ralman bin Turki Al Sudairy v. Abu-Taha*, [1980] 3 All E.R. 409 (C.A.), injunctions were granted against English nationals as opposed to foreigners. In *Derby & Co. Ltd. v. Weldon (No. 1)* (1988), [1989] 1 All E.R. 469 (C.A.) a *Mareva* injunction was granted on a worldwide basis on the condition that certain undertakings were given by the applicant which would protect the defendant from oppression and misuse of information and protect the position of third parties. Most recently, *Mooney v. Orr*, B.C.S.C., November 24, 1994 (unreported, Vancouver Registry No. C908539) [now reported 100 B.C.L.R. (2d) 335, [1995] 3 W.W.R. 116], Huddart J. granted a worldwide *Mareva* injunction against Mooney, who, prior to entering into business dealings with the Orrs, had so arranged his affairs as to protect any offshore property he might have from execution. Huddart J. cited the decision of the British Columbia Court of Appeal in *British Columbia (Attorney General) v. Wale* (1986), 9 B.C.L.R. (2d) 333 at p. 346, [1987] 2 W.W.R. 331 (C.A.), where McLachlin J.A. said: [page391]

. . . the judge must not allow himself to become the prisoner of a formula. The fundamental question in each case is whether the granting of an injunction is just and equitable in all the circumstances of the case.

[34] These observations set out above were noted by Weiler J.A. in relation to her finding that in order to obtain a *Mareva* injunction it is unnecessary to incorporate a requirement that a dissipation or transfer of assets was pursued for an improper purpose.

[35] In relation to *Chitel*, Weiler J.A. made the following observation, at para. 147:

In commenting as he did on the fourth guideline, I am of the opinion that MacKinnon A.C.J.O. was attempting to encapsulate the essence of the English authorities he had just reviewed and to give guidance as to when the requirements for granting a *Mareva* injunction would be met. I do not think that in recognizing the availability of the remedy in Ontario he meant to foresee and to foreclose all of the kinds of situations where a *Mareva* injunction could be granted.

[36] Therefore, I think it is clear that when an equitable remedy is sought the court ought to consider the guidelines set out in *Chitel*, but ultimately the court must consider what is just or convenient.

[37] Furthermore, I note also that, at para. 154, Weiler J.A. observed that "the threatened removal of assets outside of Canada is more likely to lead to the granting of a *Mareva* injunction because, generally, it is more difficult to enforce a judgment outside the jurisdiction". These are the very circumstances before the court.

[38] The usual case is that a party seeks a *Mareva* injunction to prevent assets from leaving the jurisdiction. However, *Mareva* injunctions have been granted on a worldwide basis with increasing frequency in our global economy. The purpose of the injunction in both circumstances is to ensure that a judgment can be enforced in the exceptional circumstances where the plaintiff, after making the required full and frank disclosure, establishes a strong *prima facie* case on the merits.

41. In this case, the individual Respondents are, as noted, Ontario residents. The Yacht was originally owned by 256, the company owned or controlled by them. The evidence before me is to the effect that the exact whereabouts of the Yacht at the time of the hearing is unknown, although the evidence is clear that it was in Florida recently, and counsel for the Respondents admitted, as noted above, that it has recently left Florida and is apparently en route to the Bahamas.
42. In the circumstances, I conclude that the Yacht is reasonably connected to this jurisdiction and the injunctive relief should be granted in respect of it.
43. As noted above, while there is no clear evidence in the record before me as to when the Yacht left port in Florida as against when on Monday two days prior to the hearing, the Respondents received notice of this motion, all parties are in agreement that the Yacht did in fact leave port in Florida and was at the time of the hearing believed to be headed for the Bahamas. That fact serves to heighten dramatically the concern and urgency of the moving parties and their fear that attempts are being made to place the asset beyond the reach of this Court.
44. The Respondents submit that nothing can or should be taken from the fact that the Yacht has left port and specifically, no inference should be drawn as to any intent or effort to hide the asset.
45. In my view, and as submitted by the OTE Group, the objective facts support my conclusion that there is a serious risk that the asset will be removed from the jurisdiction (in the sense of the jurisdiction and reach of this Court) and/or will be dissipated.
46. The Yacht was, and apparently still is, listed for sale although it has been listed for sale in at least two locations (Palm Beach, Florida and Bimini, Bahamas. It has been delisted from Canadian registries. It has been renamed, and listed on the websites of the Boat Brokers as being for sale in Hollywood, Florida. Its GPS locator, whether intentionally disabled or simply malfunctioning, is not active, with the result that the exact location of the vessel cannot be determined.
47. I am satisfied there is a risk of dissipation of assets. Different jurisdictions are, on the face of the evidence, involved. Proof of the risk of removal/dissipation may be inferred from the surrounding circumstances of the responding parties' misconduct. (See *Ontario Professional Fire Fighters Association v. Atkinson et al*, 2019 ONSC 3877 at para. 6-8, quoting with approval from *Sibley v. Ross* 2011 ONSC 2951 at paras. 63, 64 and *Amphenol Canada Corp. V. Sunadrum*, 2019 ONSC 849).
48. In my view, and notwithstanding the able submissions of counsel for the Respondents, I have little difficulty in concluding that there is a risk of removal or dissipation of the asset here and such is easily inferable from the circumstances.

49. I similarly conclude that the moving parties have established irreparable harm for the purposes of this motion and if the Yacht cannot be located or attached, or if it is sold and proceeds cannot be traced, any judgment that may be made will likely be frustrated. The probability of irreparable harm increases as the probability of recovering damages decreases: *Christian-Philip v. Rajalingam*, 2020 ONSC 1925 at para. 33.

50. In the same way, I am satisfied that the balance of convenience overwhelmingly favours the moving parties. The harm to them if the injunctive relief is not granted would likely be irreparable, but the harm to the Respondents if this relief is granted, on an interim and very limited basis, is minimal. The Yacht is for sale anyway. The injunctive relief is limited in scope to the Yacht (and the engines) and does not extend to other assets of the Respondent.

51. Finally, pursuant to Rule 40.03, I am persuaded that the requirement for an undertaking, although provided by the moving parties here, should be dispensed with in the circumstances. The case put forward by the OTE Group is strong, and the OTE group is insolvent and in ongoing CCAA protection from its creditors. In my view, it is appropriate to dispense with the requirement for an undertaking as to damages where, as here, the case of the moving parties is strong and they are insolvent: *Sabourin & Sun Group of Cos. v. Laiken*, [2006] OJ No. 3847 at para. 16.

52. While it is not determinative of the test as to whether the injunctive relief sought should be granted, I draw additional comfort from the Second Report of the Court-appointed Monitor dated March 13, 2023.

53. The Monitor, independent of the parties and, as has often been described, the “eyes and ears of the Court”, fully supports the relief requested by the OTE Group, for the benefit of stakeholders including creditors.

54. The Monitor’s own review of the evidence of the OTE Group supports the conclusion that the Yacht was purchased substantially using funds wired directly from the bank accounts of the OTE Group and further that 265 caused OTE Logistics to guarantee a chattel mortgage held by Essex, secured on the Yacht (para. 13).

55. The third party entity from which the Yacht was purchased, Pride Marine Group, was one of the parties from whom the Monitor sought information and documentation pursuant to its investigatory powers granted by this Court. In response to that request, Pride provided a copy of the purchase contract for the Yacht, signed by Page, together with a breakdown of the payments for the Yacht as well as Pride bank statements showing funds received by Pride from accounts belonging to both OTE Group and 265 during the period from September 22, 2022 August 12, 2021. The Monitor concludes at paragraph 15 that the purchase price of the Yacht was substantially funded by the OTE Group with wire transfers totaling USD \$3,218,500.

56. I observe that as reported by the Monitor, it is the intention of the OTE Group to seek to appoint the Monitor as foreign representative to seek recognition of these proceedings outside Canada and particularly to commence Chapter 15 Proceedings in the United States to recognize and enforce orders made by this Court. The Monitor observes that the Yacht, or proceeds of sale with respect thereto, may be a significant source of recovery for the OTE Group and its Creditors.

57. The scope of the injunctive relief sought has been described above. The moving parties have provided a draft order, blacklined as against the Model Order of the Commercial List. The relief, though narrow in scope, is consistent with the nature and scope of relief granted by this Court in circumstances such as I have found are present here.

58. The draft order contains the usual comeback clause, such that any party may return to this Court to vary or rescind the order on notice at any time.

59. For all of the above reasons, I granted the order at the conclusion of the hearing of this motion, and directed the Respondents to, in turn, direct and facilitate the return of the Yacht to Florida forthwith.

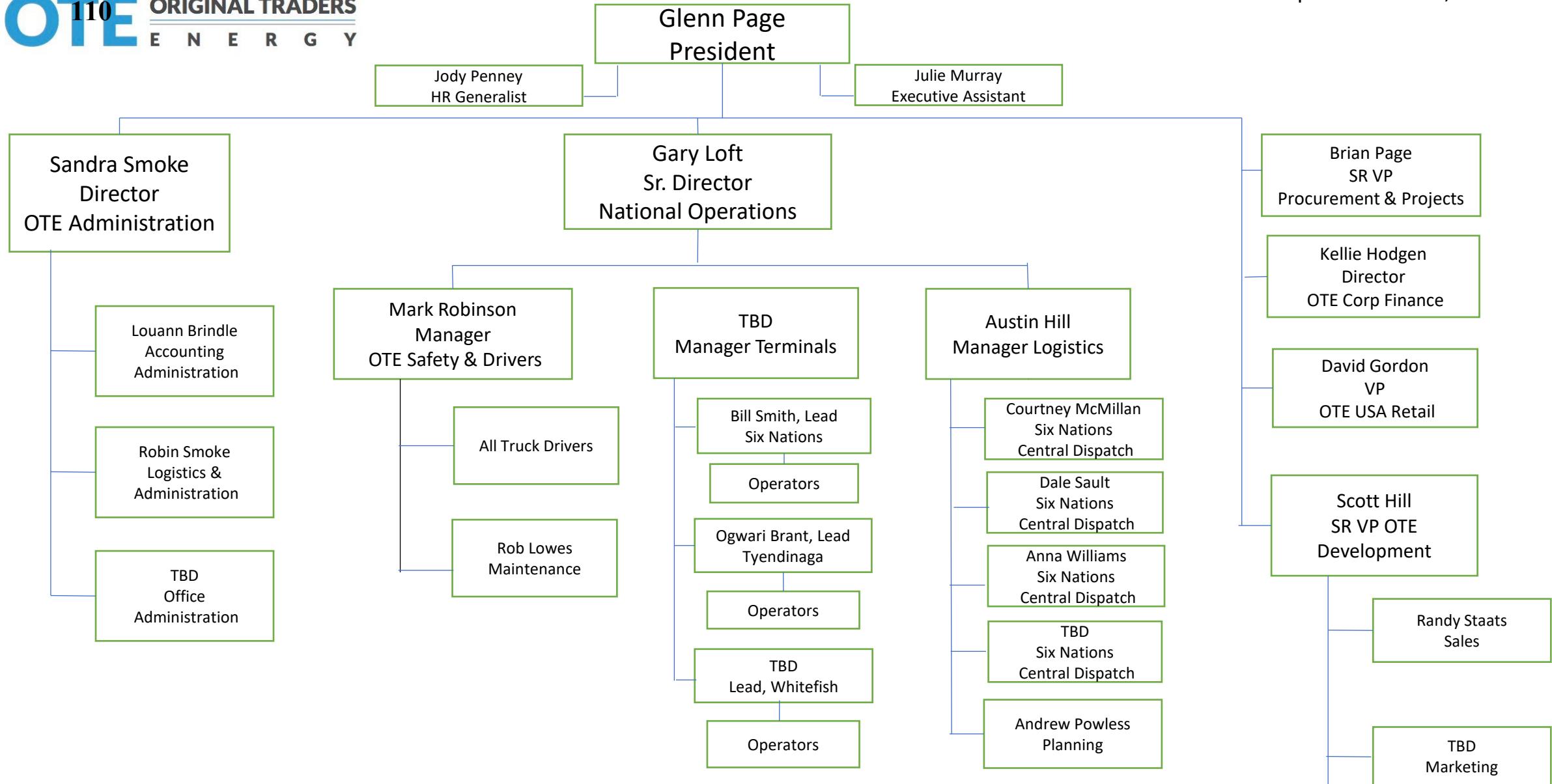
60. As to a return date of this motion before me, I offered to the parties alternative dates well within 10 days of the date of the order I have made. Due to personal and professional commitments of counsel, and the collective desire between and among them to have ongoing discussions with a view to having all or part of this matter possibly proceed on consent, they requested that they be given an opportunity to caucus amongst themselves and agree on the next return date. I agreed.

61. Subsequent to the hearing of the motion and the granting of the order, the Commercial List Office has advised me that the parties have scheduled a hearing before me on Wednesday, March 22, which is within 10 days of the order in any event.



A handwritten signature in black ink, appearing to read "Gleeson, J." The signature is fluid and cursive, with "Gleeson" on the first line and "J." on the second line to the right.

APPENDIX “H”



Glenn Page CEO - President	Mandy Cox-Page COO - Vice President
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Shelley-Ann Francois Personal Assistant
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Kellie Hodgen Global Controller

Frank Jasek CFO

Julie Murray Payroll, Benefits & Support
--

Jordan Stewart Manager Marketing

Kimberly Frederiks Accounting

Anna Moore Accounting

Hope Martin Gen7 Tech & Retail

Julie Vollick Marketing Assistant

Kerri Hildebrandt Accounting

Jessica Langton Finance & Systems

Kirsten Cox Gen7 East

Hermina Danzie Gen7 Brands Int'l St Lucia

Nancy Porter Accounting

Jody Penney HR Generalist

Monica Homer Gen7 North

John Nagy Fuel Tech Systems



OTE ORIGINAL TRADERS
ENERGY

picassofish

OTE
LOGISTICS

MISPEC
INVESTMENTS

OTE
USA

GEN7 FUEL

APPENDIX “I”

Filer's name and address – Nom et adresse du déclarant

 ORIGINAL TRADERS ENERGY LP
 3-1110 HIGHWAY 54
 CALEDONIA ON N3W 2G9

 Tax shelter identification number (see **statement** on reverse side *)
 Numéro d'inscription de l'abri fiscal (lisez l'énoncé au dos *)

 Partner code
 Code de l'associé
 002 2
 Country code
 Code du pays
 003 CAN
 Recipient type
 Genre de bénéficiaire
 004 3

Partnership account number (15 characters)

Numéro de compte de la société de personnes (15 caractères)

001 784930489RZ0001

 Partner's identification number
 Numéro d'identification de l'associé

 Partner's share (%) of partnership
 Part de l'associé (%) dans
 la société de personnes

005 0.099900

Total limited partner's business income (loss)

Total du revenu (de la perte) d'entreprise du commanditaire

010

Total business income (loss)

Total du revenu (de la perte) d'entreprise

-673 12

Total capital gains (losses)

Total des gains (pertes) en capital

030

Capital cost allowance

Déduction pour amortissement

040 142 74

Partner's name and address – Nom et adresse de l'associé

Last name (print) – Nom de famille (en lettres moulées) First name – Prénom Initials – Initiales

► ORIGINAL TRADERS ENERGY LTD.

 7331 INDIAN LINE ROAD
 WILSONVILLE ON N0E 1Z0

 Box – Case
 Code

Other information – Autres renseignements

 Box
 Case
 116
 Code
 -673 12
 Amount – Montant

 Box
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 118
 Code
 31,690 93
 Amount – Montant

 Box – Case
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Other information – Autres renseignements

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 See the privacy notice on your return
 Consultez l'avis de confidentialité dans votre déclaration

 For Recipient – Attach to your income tax return 2
 Bénéficiaire – Annexez à votre déclaration d'impôt sur le revenu 2

 See recipient instructions
 Voir les instructions du bénéficiaire

Filer's name and address – Nom et adresse du déclarant

 ORIGINAL TRADERS ENERGY LP
 3-1110 HIGHWAY 54
 CALEDONIA ON N3W 2G9

 Tax shelter identification number (see statement on reverse side *)
 Numéro d'inscription de l'abri fiscal (lisez l'énoncé au dos *)

 Partner code
 Code de l'associé
 002 2
 Country code
 Code du pays
 003 CAN
 Recipient type
 Genre de bénéficiaire
 004 3

Partnership account number (15 characters)

Numéro de compte de la société de personnes (15 caractères)

001 784930489RZ0001

 Partner's identification number
 Numéro d'identification de l'associé

 Partner's share (%) of partnership
 Part de l'associé (%) dans
 la société de personnes

006

005 0.099900

 Total limited partner's business income (loss)
 Total du revenu (de la perte) d'entreprise du commanditaire

010

 Total business income (loss)
 Total du revenu (de la perte) d'entreprise

020 -673 12

Total capital gains (losses)

Total des gains (pertes) en capital

030

Capital cost allowance

Déduction pour amortissement

040 142 74

Partner's name and address – Nom et adresse de l'associé

Last name (print) – Nom de famille (en lettres moulées) First name – Prénom Initials – Initiales

► ORIGINAL TRADERS ENERGY LTD.

 7331 INDIAN LINE ROAD
 WILSONVILLE ON N0E 1Z0

 Box – Case
 Code

Other information – Autres renseignements

 Box
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 116 Code Amount – Montant
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 118 Code Amount – Montant
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Other information – Autres renseignements

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 Code Amount – Montant

 See recipient instructions
 Voir les instructions du bénéficiaire

 See the privacy notice on your return
 Consultez l'avis de confidentialité dans votre déclaration
For Recipient – Keep this slip for your records 3
Bénéficiaire – Conservez pour vos dossiers 3

Partners that are corporations or trusts

Report the information on a T2 Corporation Income Tax Return or a T3 Trust Income Tax and Information Return, whichever applies. Follow the instructions in the T4012, T2 – Corporation Income Tax Guide or the T4013, T3 – Trust Guide.

Partners that are partnerships

A partnership that receives a T5013 slip, Statement of Partnership Income, has to report the information on its financial statements for the fiscal period.

Partners who are individuals

Report the information on your T1 General Income Tax and Benefit Return, (T1 return). Keep one copy of this slip for your records and attach the other copy to your T1 return. You can get the T1 General Income Tax and Benefit Guide, (T1 guide), schedules, forms, and other tax guides at canada.ca/cra-forms, or by calling 1-800-959-8281.

Identification

Boxes 001 to 006 and 010 to 040: We use this information to reconcile reported amounts.

Box 006: Under the Income Tax Act (the Act), you have to give your social insurance number (SIN) on request to any person who prepares an information slip for you. If you do not have a SIN, you can apply for one at any Service Canada Centre. For more information, visit Social Insurance Number – Overview at canada.ca/social-insurance-number.

Box 205: Functional currency code – This is the functional currency code applicable to the T5013 slip.

Limited partnership net income (loss)

Tax Shelter – If the limited partnership is a tax shelter, you should only receive a T5013 slip.

010 Total limited partner's business income (loss)

101 Limited partner's farming income (loss) (Multi-jurisdictional) – Include this amount on line 141 of your T1 return. You could have a restricted farm loss. If the partner code is "5", enter this amount on line **d** on page 3 of Form T2042, Statement of Farming Activities, or on the appropriate AgriStability and AgriInvest form.

102 Agricultural income stabilization – Include this amount on the AgriStability and AgriInvest program information and statement of farming activities that applies to you.

103 Limited partner's fishing income (loss) (Multi-jurisdictional) – Include this amount on line 143 of your T1 return. If the partner code is "5", enter this amount on line **c** on page 2 of Form T2121, Statement of Fishing Activities.

104 Limited partner's business income (loss) (Multi-jurisdictional) – Enter this amount on line 122 of your T1 return. If the partner code is "5", enter this amount on line **c** on page 3 of Form T2125, Statement of Business or Professional Activities, and report the income on line 135 of your T1 return. The gross amount is in box 118.

105 Limited partner's at-risk amount – We use this information to reconcile reported amounts.

106 Limited partner's adjusted at-risk amount – We use this information to reconcile reported amounts.

107 Limited partner's rental income (loss) – Enter this amount on line 18 of Form T776, Statement of Real Estate Rentals, and report the income on line 126 of your T1 return.

108 Limited partner's loss available for carry forward – This is the part of your current-year loss from the partnership that you **cannot** deduct on the current year's return. You can only deduct it in future years if you have a positive at-risk amount after applying paragraph 111(1)(e) of the Act. You can carry it forward indefinitely.

109 Previous loss carry forward eligible in the current year – This is the limited partnership loss from previous years that you can claim in the current year. Claim it on line 251 of your T1 return.

113 Return of capital – This is the capital (including drawings) returned to you from the limited partnership. Use this amount to reduce the adjusted cost base of your limited partnership interest.

Canadian and foreign net business income (loss)

Tax Shelter – If the partnership is a tax shelter, you should only receive a T5013 slip.

Multiple jurisdictions – If the partnership allocated income from more than one province or territory, the second box will show a two-letter province or territory code. If the income is from a foreign country, the box will show a three-letter country code.

020 Total business income (loss)

114 Other income – Enter this amount on line 130 of your T1 return.

115 Type of other income – Enter his description in the "Specify" area for line 130 of your T1 return.

116 Business income (loss) (Multi-jurisdictional) – Enter this amount on line **c** on page 3 of Form T2125, Statement of Business or Professional Activities, and report the income on line 135 of your T1 return. The gross amount is in box 118. If you are a partner not actively involved in the partnership, and not otherwise involved in a business or profession similar to that carried on by the partnership, report your share of the net income or loss on line 122 of your T1 return.

118 Gross business income (Multi-jurisdictional) – Enter his amount on line 162 of your T1 return.

119 Foreign business income that is exempt from Canadian tax due to a tax convention or agreement (Multi-jurisdictional) – This amount is included in box 116. Use this amount to calculate your foreign tax credit for the country named. See line 405 in your T1 guide and forms T2209 and T2036.

120 Professional income (loss) (Multi-jurisdictional) – Enter this amount on line **c** on page 3 of Form T2125, Statement of Business or Professional Activities, and report the income on line 137 of your T1 return. The gross amount is in box 121.

121 Gross professional income (Multi-jurisdictional) – Enter this amount on line 164 of your T1 return.

122 Commission income (loss) (Multi-jurisdictional) – Enter this amount on line **c** on page 3 of Form T2125, Statement of Business or Professional Activities, and report the income on line 139 of your T1 return. The gross amount is in box 123.

123 Gross commission income (Multi-jurisdictional) – Enter this amount on line 166 of your T1 return.

124 Farming income (loss) (Multi-jurisdictional) – Enter this amount on line **d** on page 3 of Form T2042, Statement of Farming Activities, or on the appropriate AgriStability and AgriInvest form. **You could have a restricted farm loss.**

125 Gross farming income (Multi-jurisdictional) – Enter this amount on line 168 of your T1 return.

126 Fishing income (loss) (Multi-jurisdictional) – Enter this amount on line **c** on page 2 of Form T2121, Statement of Fishing Activities.

127 Gross fishing income (Multi-jurisdictional) – Enter this amount on line 170 of your T1 return.

149 Total business income (loss) from an active business carried on in Canada – Report the information on a T2 Corporation Income Tax Return.

150 Canadian manufacturing and processing profits under subsection 125.1(3) – Report the information on a T2 Corporation Income Tax Return.

Canadian and foreign investments and carrying charges

110 Canadian and foreign net rental income (loss) (Multi-jurisdictional) – Enter this amount on line 18 on page 2 of Form T776, Statement of Real Estate Rentals, and report the income on line 126 of your T1 return.

111 Foreign net rental income (loss) (Multi-jurisdictional) – These amounts are included in box 110. Use these amounts to calculate your foreign tax credit for the country named. See line 405 in your T1 guide and forms T2209 and T2036.

112 Foreign net rental income that is exempt from Canadian tax due to a tax convention or agreement (Multi-jurisdictional) – These amounts are included in box 110 or in box 107, whichever applies to your partner code. Use these amounts to calculate your foreign tax credit for the country named. See line 405 in your T1 guide and forms T2209 and T2036.

117 Gross Canadian and foreign rental income – Enter this amount on line 160 of your T1 return.

128 Interest from Canadian sources – Enter this amount on line 121 of Schedule 4.

129 Actual amount of dividends (other than eligible dividends) – This is the actual amount of dividends (other than eligible dividends) paid by corporations resident in Canada. The taxable amount of these dividends and the federal dividend tax credit appear in boxes 130 and 131 respectively.

130 Taxable amount of dividends (other than eligible dividends) – This is the taxable amount of dividends (other than eligible dividends) for partners that are individuals resident in Canada (other than a trust that is a registered charity), including partnerships and trusts that are eligible for the federal dividend tax credit. Enter this amount on line 180 of Schedule 4.

131 Dividend tax credit for dividends (other than eligible dividends) – Include this amount on line 425 of Schedule 1.

132 Actual amount of eligible dividends – This is the actual amount of eligible dividends paid by corporations resident in Canada. The taxable amount of eligible dividends and the federal dividend tax credit appear in boxes 133 and 134 respectively.

133 Taxable amount of eligible dividends – This is the taxable amount of eligible dividends for partners that are individuals resident in Canada (other than a trust that is a registered charity), including partnerships and trusts that are eligible for the federal dividend tax credit. Enter this amount on line 120 of Schedule 4.

134 Dividend tax credit for eligible dividends – Include this amount on line 425 of Schedule 1.

135 Foreign dividend and interest income (Multi-jurisdictional) – Enter this amount on line 121 of Schedule 4.

136 Foreign investment income that is exempt from Canadian tax due to a tax convention or agreement (Multi-jurisdictional) – This amount is included in box 135. Use the amount to calculate your foreign tax credit for the country named. See line 405 in your T1 guide and forms T2209 and T2036.

137 Business investment loss – This amount is your gross business investment loss reported on line 228 of your T1 return. Use the amount to calculate your allowable business investment loss deduction for line 217, using "Chart 6 – How to claim an allowable business investment loss" in your T4037, Capital Gains guide. Complete Step 4 in Chart 6 with the following information when you use box 137 amount to calculate your allowable business investment loss deduction.

138 Name of the small business corporation

139 Number and class of shares, or type of debt owed by the small business corporation

140 Insolvency, bankruptcy, or wind-up date

141 Date the partnership bought the shares or acquired the debt

142 Proceeds of disposition

143 Adjusted cost base of the shares or debt

144 Outlays and expenses on the disposition

145 Dividend rental arrangement compensation payments – Enter his amount on line 221 of Schedule 4.

146 Other investment income – Report this amount in Area II (line 121) of Schedule 4.

147 Type of investment income – You need this information to calculate adjusted taxable income for calculating the alternative minimum tax on Form T691, Alternative Minimum Tax.

210 Total carrying charges (Multi-jurisdictional) – This amount is your share of the carrying charges for earning all investment income. In the case of limited partners, only the amount that is not restricted by the atrisk rules is included in box 210. Enter on line 221 of Schedule 4 only those carrying charges that are not used to arrive at any net income (loss) reported in another box.

Footnotes for Box 210 Amounts in boxes 211 to 216 are included in box 210.

211 Carrying charges on interest and dividend income.

212 Carrying charges on rental income.

213 Carrying charges on film property.

214 Carrying charges on resource property and flow-through shares.

215 Carrying charges for acquiring an interest in a partnership of which you are a limited or non-active partner, or which owns a rental or leasing property or a film property.

216 Carrying charges (Multi-jurisdictional) – other.

Other amounts and information

Tax Shelter – If the partnership is a tax shelter, you should only receive a T5013 slip.

030 Total capital gains (losses)

151 Capital gains (losses) – Enter this amount on line 174 of Schedule 3.

152 Last fiscal period's capital gains reserve allocated in the previous year and brought into income for the current year – Use this information to complete Part 1, Section D of Form T2017, Summary of Reserves on Dispositions of Capital Property.

153 Qualified small business corporation shares (QSBCS) capital gains (losses) amount eligible for the capital gains exemption – Report this amount at Line 107 of Schedule 3.

154 Qualified farm or fishing property (QFFP) capital gains (losses) amount eligible for the capital gains exemption – Report this amount at Line 110 of Schedule 3. Use the breakdown provided by the partnership to fill in Line 274 of Schedule 3 for dispositions before April 21, 2015.

155 Capital gains (losses) from QFFP mortgage foreclosures and conditional sales reposessions eligible for the capital gains deduction – Report this amount at Line 124 of Schedule 3. Use the breakdown provided by the partnership to fill in Line 275 of Schedule 3 for the amount of gains realized before April 21, 2015.

156 Foreign capital gains (losses) (Multi-jurisdictional) – Use this information to calculate the foreign tax credits on foreign business and non-business income for the country identified by the three-letter code for this box. See line 405 in your T1 guide and forms T2209 and T2036.

157 Foreign capital gains exempt from Canadian tax due to a tax convention or agreement (Multi-jurisdictional) – Use this information to calculate the foreign tax credits on foreign business and non-business income.

159 Capital gains reserves – Use the breakdown provided in boxes 163 and 165 to complete Form T2017, Summary of Reserves on Dispositions of Capital Property.

222 Prior year reserves from qualified farm or fishing property (QFFP) – Use this information to complete Part 1, Section A of Form T2017.

Other amounts and information (continued)

223 Current year reserves from qualified farm or fishing property (QFFP) – Use this information to complete Part 1, Section A of Form T2017.

224 Prior year reserves from qualified small business corporation shares (QSBCS) – Use this information to complete Part 1, Section B of Form T2017.

225 Current year reserves from qualified small business corporation shares (QSBCS) – Use this information to complete Part 1, Section B of Form T2017.

163 Capital gains reserve from other property – Use this information to complete Part 1, Section D of Form T2017.

165 Capital gains reserve from non-qualifying securities the partnership donated to a qualified donee – Use this information to complete Part 1, Section D of Form T2017.

166 Capital gains reserve from gifts of non-qualifying securities – Eligible amount – Use this information to complete Part 1, section D of form T2017.

167 Capital gains reserve from gifts of non-qualifying securities – Advantage – We use this information to reconcile reported amounts.

168 Income tax deducted – Enter this amount on line 437 of your T1 return.

169 Part IX.1 tax – Do not enter this amount on line 437 or any other line on your T1 return.

170 Taxable non-portfolio earnings (TNPE) – Do not enter this amount on line 437 or any other line on your T1 Return.

171 Foreign tax paid on non-business income (Multi-jurisdictional) – Use this amount to calculate your foreign tax credits on your foreign non-business income on Form T2209. For details, see line 405 in your T1 guide and Form T2036.

172 Foreign tax paid on business income (Multi-jurisdictional) – Use this amount to calculate your foreign tax credits on your foreign business income on Form T2209. For more information, see line 405 in your T1 guide.

040 Capital cost allowance – This is your share of capital cost allowance that the partnership used to arrive at the net income (loss) in boxes 114, 116, 120, 122, 124, and 126. **Do not deduct** this amount again. Use this amount to calculate your adjusted taxable income for Form T691, Alternative Minimum Tax.

220 Capital cost allowance (CCA) for rental or leasing property – If you also own other rental property as a proprietor, combine your share of partnership rental income (loss) with the total of your own rental income (loss) after expenses, but before CCA. You may then claim CCA on your own rental buildings only to the extent of the combined rental income, if any. Calculate your CCA in Area A of Form T776, Statement of Real Estate Rentals.

221 Capital cost allowance for film property

173 to 176 and 179 to 181 Use Form T1229, Statement of Resource Expenses and Depletion Allowance.

If your CCOGPE pool has a negative balance, use that amount to reduce your CCDE pool. If your CCEE or CCDE pools have a negative balance, report the negative amount as income on line 130 of your T1 return. For more information, call **1-800-959-5525**.

173 Canadian exploration expenses (CEE) other than Canadian renewable and conservation expense (CRCE) – Use this amount to calculate your allowable deduction for your cumulative Canadian exploration expense (CCEE) pool on Form T1229. Add it at the line called "Other resource expenses" in Area II for your CCEE pool. The maximum you can deduct is 100% of the CCEE pool balance.

206 Canadian renewable and conservation expenses (CRCE) – Use this amount to calculate your allowable deduction for your cumulative Canadian exploration expense (CCEE) pool on Form T1229. Add it at the line called "Other resource expenses" in Area II for your CCEE pool. The maximum you can deduct is 100% of the CCEE pool balance. For corporations, add this amount to line 217 called "**Add: Canadian renewable and conservation expenses**" of your Schedule 12.

174 Canadian development expenses (CDE) – Use this amount to calculate your allowable deduction for your cumulative Canadian development expense (CCDE) pool on Form T1229. Add it at the line called "Other resource expenses" in Area II for your CCDE pool. The maximum you can deduct is 30% of the CCDE pool balance.

175 Canadian oil and gas property expenses (COGPE) – Use this amount to calculate your allowable deduction for your cumulative Canadian oil and gas property expense (CCOGPE) pool on Form T1229. Add it at the line called "Other resource expenses" in Area II for your CCOGPE pool. The maximum you can deduct is 10% of the CCOGPE pool balance.

176 Foreign exploration and development expenses (FEDE) (Multi-jurisdictional) – Add the amount in Area III on Form T1229 for your cumulative foreign exploration and development expense pool.

177 Recapture of earned depletion – This is your share of the recapture of earned depletion that the partnership used to arrive at the net income (loss) in boxes 114, 116, 120, 124, and 126. We use this amount. **Do not add** it to income again.

179 Assistance for Canadian exploration expenses – Use this amount to calculate your allowable deduction for your cumulative Canadian exploration expense (CCEE) pool on Form T1229. Add the amount at the line called "Assistance" in Area II for your CCEE pool. The maximum you can deduct is 100% of the CCEE pool balance.

180 Assistance for Canadian development expenses – Use this amount to calculate your allowable deduction for your cumulative Canadian development expense (CCDE) pool on Form T1229. Add the amount at the line called "Assistance" in Area II for your CCDE pool. The maximum you can deduct is 30% of the CCDE pool balance.

181 Assistance for Canadian oil and gas property expenses – Use this amount to calculate your allowable deduction for your cumulative Canadian oil and gas property expense (CCOGPE) pool on Form T1229. Add the amount at the line called "Assistance" in Area II for your CCOGPE pool.

The maximum you can deduct is 10% of the CCOGPE pool balance.

182 Eligible amount of charitable donations – Enter this amount on line 1 of Schedule 9.

183 Eligible amount of cultural and ecological gifts – Enter this amount on line 342 of Schedule 9. For details, see your T1 guide.

184 Eligible amount of federal political contributions – Enter this amount on line 409 of Schedule 1 to claim a federal political contribution tax credit.

185 Eligible amount of provincial and territorial political contributions (Multi-jurisdictional) – Enter the political contributions on the appropriate provincial or territorial form.

207 Eligible amount of municipal political contributions (Multi-jurisdictional) – Corporate partners may be able to claim a municipal tax rebate based on these contributions. Individual partners who are residents of Quebec may be able to claim a tax credit on their provincial income tax return for these amounts.

208 Eligible amount of medical gifts – Corporate partners report this amount on a T2 Corporation Income Tax Return.

209 Part XII.2 Tax Credit – Enter this amount on line 456 of your T1 Return.

186 to 189 Investment tax credit allocated from the partnership (Multi-jurisdictional) – Complete Form T2038(IND), Investment Tax Credit (Individuals), and attach it to your T1 return. You need the following information to complete Form T2038(IND) when you use the amount in box 186 to claim an investment tax credit.

For individuals or trusts: If the type code in box 189 is 4B, enter the credit amount shown in box 186 or 187 on line 6725 of Form T2038. For all other type codes, divide the credit amount shown in box 186 or 187 by the ITC rate that applies to the ITC type code identified in box 189, and enter the resulting amount on the appropriate line of Form T2038.

Type Code	Rate
6 – Apprenticeship job creation tax credit	10%
7 – ITC for child care spaces	25%
12 – Qualified property or "transitional rate" qualified resource property	10%

187 Investment tax credit transferred under subsection 127(8.3) – This is the investment tax credit for the fiscal period that the partnership transferred to you under subsection 127(8.3).

Note

If you are **not** a limited partner, you can choose to renounce the investment tax credit (ITC) for the fiscal period that the partnership transferred to you under subsection 127(8.3).

If you make this choice, complete Form T932, Election by a Member of a Partnership to Renounce Investment Tax Credits Pursuant to Subsection 127(8.4).

188 Excess ITC recapture – Include the excess ITC recapture on the corresponding line in the section for Recapture of ITC on SR&ED expenditures in Part C of Form T2038(IND), Investment Tax Credit – Individuals, or on Form T2SCH31, Investment Tax Credit – Corporations, whichever applies.

189 ITC Type Code – Use this code when completing Form T2038(IND).

Renounced Canadian and development expenses

Use Form T1229, Statement of Resource Expenses and Depletion Allowance, to calculate your allowable deduction for your resource expense pools.

190 Renounced Canadian exploration expenses – Use this amount to calculate your allowable deduction for your Canadian exploration expense (CEE) pool on Form T1229. Add it in Area I for your CEE pool.

191 Renounced Canadian development expenses – Use this amount to calculate your allowable deduction for your Canadian development expense (CDE) pool on Form T1229. Add it in Area I for your CDE pool.

192 Assistance for Canadian exploration expenses – Use this amount to calculate your allowable deduction for your Canadian exploration expense (CEE) pool on Form T1229. Add it in Area I for your CEE pool.

193 Assistance for Canadian development expenses – Use this amount to calculate your allowable deduction for your Canadian development expense (CDE) pool on Form T1229. Add it in Area I for your CDE pool.

194 Expenses qualifying for an ITC – Enter this amount in Area I on Form T1229.

195 Portion subject to an interest-free period – ITC – Enter this amount in Area I on Form T1229.

196 Portion subject to an interest-free period – CEE – Enter this amount in Area I on Form T1229.

197 to 200 The amounts in boxes 197 to 200 are Canadian exploration expenses (mining only) that qualify for a provincial tax credit for individuals. Your province may require you to be a resident at the end of the calendar year in that province where the expenses qualify for that credit.

197 Expenses qualifying for a provincial tax credit – BC – You need this information to calculate provincial tax credits.

198 Expenses qualifying for a provincial tax credit – SK – You need this information to calculate provincial tax credits.

199 Expenses qualifying for a provincial tax credit – MB – You need this information to calculate provincial tax credits.

200 Expenses qualifying for a provincial tax credit – ON – You need this information to calculate provincial tax credits.

Tax shelter information

Tax Shelter – Other provisions of the Act may apply to reduce any loss from the tax shelter that you can claim. For example, the at-risk amount provisions in subsection 96(2.2) of the Act may apply.

Use Form T5004, Claim for Tax Shelter Loss or Deduction, to claim your loss or deduction shown in the boxes on this slip. Attach Form T5004 and a copy of this slip to your T1 return.

201 Number of units acquired – This is the number of units in the tax shelter that you bought in the year.

202 Cost per unit – This is the cost of each unit in the tax shelter that you bought.

203 Total cost of units – The total cost is the number in box 201 multiplied by the amount in box 202.

204 Other indirect reductions – We use this information to reconcile reported amounts.

119



Canada Revenue Agency Agence du revenu du Canada

Net Income (Loss) for Income Tax Purposes

Protected B when completed

T5013

Schedule 1

Partnership name	Partnership account number	Fiscal period end	
ORIGINAL TRADERS ENERGY LP	78493 0489 RZ0001	Year Month Day 2018-12-31	<input checked="" type="checkbox"/> Original <input type="checkbox"/> Amended

- Fill out this schedule to reconcile the partnership's net income (loss) reported on the financial statements and its net income (loss) for income tax purposes.
- All the information requested in this form and in the documents supporting your information return is "prescribed information".
- Fill out this schedule using the instructions in Guide T4068, Guide for the Partnership Information Return (T5013 forms).
- Fill out a worksheet to identify the source of all the amounts reported on the T5013 information slips.
- Attach the original copy of this completed schedule to Form T5013 FIN, Partnership Financial Return.

Is this a NIL schedule? **999** Yes No

(If yes, do not use zeroes (000 00), dashes (-), nil, or N/A on the lines.)

Amount calculated on line 9999 from Schedule 125 or Schedule 140 **500** -616,761.00**Add:**

Provision for Part IX.1 specified investment flow through (SIFT) taxes	101	
Amortization/depreciation of tangible assets	104	82,445.00
Amortization of natural resource assets	105	
Amortization of intangible assets	106	
Recapture of capital cost allowance from Schedule 8	107	
Income or loss for tax purposes from partnerships	109	
Loss in equity of affiliates	110	
Loss on disposal of assets per financial statements	111	
Charitable donations and gifts from Schedule 2	112	
Political contributions from Schedule 2	114	
Current fiscal period's holdbacks	115	
Deferred and prepaid expenses	116	
Depreciation in inventory – end of fiscal period	117	
Scientific research and experimental development (SR&ED) expenditures deducted per financial statements	118	
Capitalized interest and property taxes on vacant land	119	
Non-deductible club dues and fees	120	
Non-deductible meals and entertainment expenses	121	3,403.00
Non-deductible automobile expenses	122	
Non-deductible life insurance premiums	123	
Non-deductible company pension plans	124	
Reserves from financial statements – balance at the end of the fiscal period	126	
Soft costs on construction and renovation of buildings	127	
Salaries and wages paid to partners deducted on financial statements	150	
Cost of products available for sale that were consumed	151	
Personal expenses of the partners paid by the partnership	152	
Dividend rental arrangement compensation payment deductions	154	
Renounced exploration, development and resource property expenses deducted per financial statements from Schedule 52	155	
Certain fines and penalties	156	
Amount from line 508 on page 2 of this schedule	199	
Total (Add lines 101 to 199. Enter this amount on line 501)		85,848.00 ►
501 +		85,848.00
502 -		142,880.13
503 =		-673,793.13
504 -		
505 =		-673,793.13

120**Partnership account number**

78493 0489 RZ0001

Fiscal period end

Year Month Day

2018-12-31

Protected B when completed**Add:**

Accounts payable and accruals for cash basis – closing	201	
Accounts receivable and prepaid for cash basis – opening	202	
Accrual inventory – opening	203	
Accrued dividends – prior fiscal period	204	
Book loss on joint ventures or partnerships	205	
Capital items expensed	206	
Debt issue expense	208	
Deemed dividend income	209	
Deemed interest on loans to non-residents	210	
Deemed interest received	211	
Development expenses claimed in current fiscal period	212	
Dividend stop-loss adjustment	213	
Dividends credited to the investment account	214	
Exploration expenses claimed in current fiscal period	215	
Financing fees deducted in books	216	
Foreign accrual property income	217	
Foreign affiliate property income	218	
Foreign exchange included in retained earnings	219	
Gain on settlement of debt – income inclusion under subsection 80(13)	220	
Interest paid on income debentures	221	
Limited partnership losses	222	
Loss from international banking centres	223	
Mandatory inventory adjustment – included in current fiscal period	224	
Non-deductible advertising	226	
Non-deductible interest	227	
Non-deductible legal and accounting fees	228	
Optional value of inventory – included in current fiscal period	229	
Other expenses from financial statements	230	
Recapture of SR&ED expenditures from Form T661	231	
Resource amounts deducted	232	
Sales tax assessments	234	
Write-down of capital property	236	
Amounts received in respect of qualifying environmental trust per paragraphs 12(1)(z.1) and 12(1)(z.2)	237	
Contractors' completion method adjustment: revenue net of costs on contracts under 2 years – previous fiscal period	238	
Taxable/Non-deductible other comprehensive income items	239	

Total (Add lines 201 to 239. Enter this amount on line 506)► **506** +**Other additions:**

600	290	
601	291	
602	292	
603	293	
604	294	

Total (Add lines 290 to 294. Enter this amount on line 507)► **507** +**Total (Add** lines 506 and 507) **508** =

Enter the amount from line 508 on line 199 on page 1 of this schedule.

121**Partnership account number**

78493 0489 RZ0001

Fiscal period end

Year Month Day

2018-12-31

Protected B when completed**Deduct:**

Accounts payable and accruals for cash basis – opening	300	
Accounts receivable and prepaid for cash basis – closing	301	
Accrual inventory – closing	302	
Accrued dividends – current fiscal period	303	
Bad debt	304	
Book income of joint venture or partnership	305	
Equity in income from affiliates	306	
Exempt income under section 81	307	
Income from international banking centres	308	
Mandatory inventory adjustment – included in prior fiscal period	309	
Contributions to a qualifying environmental trust	310	
Non-Canadian advertising expenses – broadcasting	311	
Non-Canadian advertising expenses – printed materials	312	
Optional value of inventory – included in prior fiscal period	313	
Other income from financial statements	314	
Payments made for allocations in proportion to borrowing and bonus interest payments	315	
Contractors' completion method adjustment: revenue net of costs on contracts under 2 years – current fiscal period	316	
Non-taxable/Deductible other comprehensive income items	347	

Other less common deductions:700
701
702
703
704390
391
392
393
394**Total (Add** lines 300 to 394. Enter this amount on line 509)**509** +**Other deductions:**

Gain on disposal of assets per financial statements	401	
Non-taxable dividends under section 83	402	
Capital cost allowance from Schedule 8	403	142,880.13
Terminal loss from Schedule 8	404	
Foreign non-business tax deduction under subsection 20(12)	407	
Prior fiscal period's holdbacks	408	
Deferred and prepaid expenses	409	
Depreciation in inventory – end of prior fiscal period	410	
SR&ED expenditures claimed in the fiscal period from Form T661 (line 460)	411	
Reserves from financial statements – balance at the beginning of the fiscal period	414	
Patronage dividends	416	
Contributions to deferred income plans	417	

Total (Add lines 401 to 417. Enter this amount on line 510)142,880.13 ► **510** + 142,880.13**Total (Add** lines 509 and 510) **511** = 142,880.13
Enter this amount on line 502 on page 1 of this schedule.

Filer's name and address – Nom et adresse du déclarant

 ORIGINAL TRADERS ENERGY LP
3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

 Tax shelter identification number (see statement on reverse side *)
Numéro d'inscription de l'abri fiscal (lisez l'énoncé au dos *)

 Partner code
Code de l'associé
002 2
Country code
Code du pays
003 CAN
Recipient type
Genre de bénéficiaire
004 3

Partnership account number (15 characters)

Numéro de compte de la société de personnes (15 caractères)

001 784930489RZ0001

 Partner's identification number
Numéro d'identification de l'associé

 Partner's share (%) of partnership
Part de l'associé (%) dans la société de personnes

005 0.099901

Total limited partner's business income (loss)

Total du revenu (de la perte) d'entreprise du commanditaire

010

Total business income (loss)

Total du revenu (de la perte) d'entreprise

020 3,443 17

Total capital gains (losses)

Total des gains (pertes) en capital

030

Capital cost allowance

Déduction pour amortissement

040 442 92

Partner's name and address – Nom et adresse de l'associé

Last name (print) – Nom de famille (en lettres moulées) First name – Prénom Initials – Initiales

► ORIGINAL TRADERS ENERGY LTD.

 7331 INDIAN LINE ROAD
WILSONVILLE ON N0E 1Z0

 Box – Case
Code

Other information – Autres renseignements

 Box
Case
Code
Amount – Montant
116 3,443 17

 Box
Case
Code
Amount – Montant
118 90,003 77

 Box – Case
Code

Other information – Autres renseignements

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Other information – Autres renseignements

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Amount – Montant

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Case
Code
Amount – Montant

Filer's name and address – Nom et adresse du déclarant

 ORIGINAL TRADERS ENERGY LP
3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

 Tax shelter identification number (see statement on reverse side *)
Numéro d'inscription de l'abri fiscal (lisez l'énoncé au dos *)

 Partner code
Code de l'associé
002 0
Country code
Code du pays
003 CAN
Recipient type
Genre de bénéficiaire
004 1

Partnership account number (15 characters)

Numéro de compte de la société de personnes (15 caractères)

001 784930489RZ0001

 Partner's identification number
Numéro d'identification de l'associé

 Partner's share (%) of partnership
Part de l'associé (%) dans la société de personnes

005 33.300033

Total limited partner's business income (loss)

Total du revenu (de la perte) d'entreprise du commanditaire

010 1,147,711 81

Total business income (loss)

Total du revenu (de la perte) d'entreprise

020

Total capital gains (losses)

Total des gains (pertes) en capital

030

Capital cost allowance

Déduction pour amortissement

040 147,637 63

Partner's name and address – Nom et adresse de l'associé

Last name (print) – Nom de famille (en lettres moulées) First name – Prénom Initials – Initiales

► HILL, MILES

 226 Mohawk Rd
Wilsonville ON N0E1Z0

Box – Case

Code

Other information – Autres renseignements

Box – Case

Code

Other information – Autres renseignements

Box – Case

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Other information – Autres renseignements

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Other information – Autres renseignements

Box – Case

Code

Other information – Autres renseignements

Deemed capital gain under ss 40(3.1): 7,243.00

 Box Case Code Amount – Montant
104 1,147,711 81
105 1,140,468 81

 Box Case Code Amount – Montant
106 1,140,468 81
109 99,161 20

 Box Case Code Amount – Montant
118 30,000,955 74

 Box Case Code Amount – Montant
119

 Box Case Code Amount – Montant
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 Box Case Code Amount – Montant
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 Box Case Code Amount – Montant
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 Box Case Code Amount – Montant
125

 Box Case Code Amount – Montant
126

 Box Case Code Amount – Montant
127

 Box Case Code Amount – Montant
128

 See the privacy notice on your return
Consultez l'avis de confidentialité dans votre déclaration

For Tax Centre 1

Pour le Centre fiscal 1

Filer's name and address – Nom et adresse du déclarant
 ORIGINAL TRADERS ENERGY LP
 3-1110 HIGHWAY 54
 CALEDONIA ON N3W 2G9

 Tax shelter identification number (see statement on reverse side *)
 Numéro d'inscription de l'abri fiscal (lisez l'énoncé au dos *)

 Partner code
 Code de l'associé

 Country code
 Code du pays

 Recipient type
 Genre de bénéficiaire

002

0

003

CAN

004

3

Partnership account number (15 characters)

Numéro de compte de la société de personnes (15 caractères)

001 784930489RZ0001

 Partner's identification number
 Numéro d'identification de l'associé

006

 Partner's share (%) of partnership
 Part de l'associé (%) dans la société de personnes

005 33.300033

Total limited partner's business income (loss)

Total du revenu (de la perte) d'entreprise du commanditaire

010

1,147,711

81

Total business income (loss)

Total du revenu (de la perte) d'entreprise

020

Total capital gains (losses)

Total des gains (pertes) en capital

030

 Capital cost allowance
 Déduction pour amortissement

040

147,637

63

Partner's name and address – Nom et adresse de l'associé

Last name (print) – Nom de famille (en lettres moulées) First name – Prénom Initials – Initiales

2658658 ONTARIO INC.

 2057 Parklane Cres
 Burlington ON L7M3V6

Box – Case

Code

Other information – Autres renseignements

Box – Case

Code

Other information – Autres renseignements

Box – Case

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Other information – Autres renseignements

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Other information – Autres renseignements

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Other information – Autres renseignements

 Box
 Case

104

Code

Amount – Montant

1,147,711

81

 Box
 Case

105

Code

Amount – Montant

1,179,761

81

 Box
 Case

106

Code

Amount – Montant

1,179,761

81

 Box
 Case

109

Code

Amount – Montant

57,218

00

 Box
 Case

118

Code

Amount – Montant

30,000

955

74

 Box
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30,000

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Amount – Montant

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Amount – Montant

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Code

Amount – Montant

30,000

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 Box
 Case

124

Code

Amount – Montant

30,000

955

74

126



Canada Revenue Agency Agence du revenu du Canada

Net Income (Loss) for Income Tax Purposes

Protected B when completed

T5013

Schedule 1

Partnership name	Partnership account number	Fiscal period end	
ORIGINAL TRADERS ENERGY LP	78493 0489 RZ0001	2019-12-31	<input checked="" type="checkbox"/> Original <input type="checkbox"/> Amended

- Fill out this schedule to reconcile the partnership's net income (loss) reported on the financial statements and its net income (loss) for income tax purposes.
- All the information requested in this form and in the documents supporting your information return is "prescribed information".
- Fill out this schedule using the instructions in Guide T4068, Guide for the Partnership Information Return (T5013 forms).
- Fill out a worksheet to identify the source of all the amounts reported on the T5013 information slips.
- Attach the original copy of this completed schedule to Form T5013 FIN, Partnership Financial Return.

Is this a NIL schedule? **999** Yes No

(If yes, do not use zeroes (000 00), dashes (-), nil, or N/A on the lines.)

Amount calculated on line 999 from Schedule 125 or Schedule 140 **500** 3,631,759.00**Add:**

Provision for Part IX.1 specified investment flow through (SIFT) taxes	101	
Amortization/depreciation of tangible assets	104	200,076.00
Amortization of natural resource assets	105	
Amortization of intangible assets	106	
Recapture of capital cost allowance from Schedule 8	107	
Income or loss for tax purposes from partnerships	109	
Loss in equity of affiliates	110	
Loss on disposal of assets per financial statements	111	
Charitable donations and gifts from Schedule 2	112	
Political contributions from Schedule 2	114	
Current fiscal period's holdbacks	115	
Deferred and prepaid expenses	116	
Depreciation in inventory – end of fiscal period	117	
Scientific research and experimental development (SR&ED) expenditures deducted per financial statements	118	
Capitalized interest and property taxes on vacant land	119	
Non-deductible club dues and fees	120	
Non-deductible meals and entertainment expenses	121	24,512.00
Non-deductible automobile expenses	122	
Non-deductible life insurance premiums	123	
Non-deductible company pension plans	124	
Reserves from financial statements – balance at the end of the fiscal period	126	
Soft costs on construction and renovation of buildings	127	
Salaries and wages paid to partners deducted on financial statements	150	
Cost of products available for sale that were consumed	151	
Personal expenses of the partners paid by the partnership	152	
Dividend rental arrangement compensation payment deductions	154	
Renounced exploration, development and resource property expenses deducted per financial statements from Schedule 52	155	
Certain fines and penalties	156	33,587.41
Amount from line 508 on page 2 of this schedule	199	
Total (Add lines 101 to 199. Enter this amount on line 501)		258,175.41
	501	+ 258,175.41
Deduct: Amount from line 511 on page 3 of this schedule	502	- 443,355.80
Net income (loss) for income tax purposes – (line 500 plus line 501 minus line 502)	503	= 3,446,578.61
Deduct: Net income (loss) for general partners	504	-
Net income (loss) for income tax purposes for limited and non-active partners (line 503 minus line 504)	505	= 3,446,578.61

127**Partnership account number**

78493 0489 RZ0001

Fiscal period end

Year Month Day

2019-12-31

Protected B when completed**Add:**

Accounts payable and accruals for cash basis – closing	201	
Accounts receivable and prepaid for cash basis – opening	202	
Accrual inventory – opening	203	
Accrued dividends – prior fiscal period	204	
Book loss on joint ventures or partnerships	205	
Capital items expensed	206	
Debt issue expense	208	
Deemed dividend income	209	
Deemed interest on loans to non-residents	210	
Deemed interest received	211	
Development expenses claimed in current fiscal period	212	
Dividend stop-loss adjustment	213	
Dividends credited to the investment account	214	
Exploration expenses claimed in current fiscal period	215	
Financing fees deducted in books	216	
Foreign accrual property income	217	
Foreign affiliate property income	218	
Foreign exchange included in retained earnings	219	
Gain on settlement of debt – income inclusion under subsection 80(13)	220	
Interest paid on income debentures	221	
Limited partnership losses	222	
Loss from international banking centres	223	
Mandatory inventory adjustment – included in current fiscal period	224	
Non-deductible advertising	226	
Non-deductible interest	227	
Non-deductible legal and accounting fees	228	
Optional value of inventory – included in current fiscal period	229	
Other expenses from financial statements	230	
Recapture of SR&ED expenditures from Form T661	231	
Resource amounts deducted	232	
Sales tax assessments	234	
Write-down of capital property	236	
Amounts received in respect of qualifying environmental trust per paragraphs 12(1)(z.1) and 12(1)(z.2)	237	
Contractors' completion method adjustment: revenue net of costs on contracts under 2 years – previous fiscal period	238	
Taxable/Non-deductible other comprehensive income items	239	

Total (Add lines 201 to 239. Enter this amount on line 506)► **506** +**Other additions:**

600	290	
601	291	
602	292	
603	293	
604	294	

Total (Add lines 290 to 294. Enter this amount on line 507)► **507** +**Total (Add** lines 506 and 507) **508** =

Enter the amount from line 508 on line 199 on page 1 of this schedule.

128

Partnership account number

78493 0489 RZ0001

Fiscal period end

Year Month Day

2019-12-31

Protected B when completed

Deduct:

Accounts payable and accruals for cash basis – opening	300	
Accounts receivable and prepaid for cash basis – closing	301	
Accrual inventory – closing	302	
Accrued dividends – current fiscal period	303	
Bad debt	304	
Book income of joint venture or partnership	305	
Equity in income from affiliates	306	
Exempt income under section 81	307	
Income from international banking centres	308	
Mandatory inventory adjustment – included in prior fiscal period	309	
Contributions to a qualifying environmental trust	310	
Non-Canadian advertising expenses – broadcasting	311	
Non-Canadian advertising expenses – printed materials	312	
Optional value of inventory – included in prior fiscal period	313	
Other income from financial statements	314	
Payments made for allocations in proportion to borrowing and bonus interest payments	315	
Contractors' completion method adjustment: revenue net of costs on contracts under 2 years – current fiscal period	316	
Non-taxable/Deductible other comprehensive income items	347	

Other less common deductions:

700	390	
701	391	
702	392	
703	393	
704	394	

Total (Add lines 300 to 394. Enter this amount on line 509)► **509** +**Other deductions:**

Gain on disposal of assets per financial statements	401	
Non-taxable dividends under section 83	402	
Capital cost allowance from Schedule 8	403	443,355.80
Terminal loss from Schedule 8	404	
Foreign non-business tax deduction under subsection 20(12)	407	
Prior fiscal period's holdbacks	408	
Deferred and prepaid expenses	409	
Depreciation in inventory – end of prior fiscal period	410	
SR&ED expenditures claimed in the fiscal period from Form T661 (line 460)	411	
Reserves from financial statements – balance at the beginning of the fiscal period	414	
Patronage dividends	416	
Contributions to deferred income plans	417	

Total (Add lines 401 to 417. Enter this amount on line 510)443,355.80 ► **510** + 443,355.80**Total (Add** lines 509 and 510) **511** = 443,355.80

Enter this amount on line 502 on page 1 of this schedule.

Statement of Partnership Income
État des revenus d'une société de personnes

Filer's name and address – Nom et adresse du déclarant
ORIGINAL TRADERS ENERGY LP
 3-1110 HIGHWAY 54
 CALEDONIA ON N3W 2G9

Tax shelter identification number (see statement on back *)
 Numéro d'inscription de l'abri fiscal (lisez l'énoncé au dos *)

Partnership account number (15 characters)
 Numéro de compte de la société de personnes (15 caractères)

001 784930489RZ0001

Partner code
Code de l'associé

002 2

Country code
Code du pays

003 CAN

Recipient type
Genre de bénéficiaire

004 3

Total limited partner's business income (loss)
 Total du revenu (de la perte) d'entreprise du commanditaire

010

Total business income (loss)
 Total du revenu (de la perte) d'entreprise

020 5,389.66

Partner's identification number
 Numéro d'identification de l'associé

006

Partner's share (%) of partnership
 Part de l'associé (%) dans la société de personnes

005 0.099901

Total capital gains (losses)
 Total des gains (pertes) en capital

030

Capital cost allowance
 Déduction pour amortissement

040 1,261.43

Partner's name and address – Nom et adresse de l'associé

Last name (print) – Nom de famille (en lettres moulées) First name – Prénom Initials – Initiales

► **ORIGINAL TRADERS ENERGY LTD.**

7331 INDIAN LINE ROAD
 WILSONVILLE ON N0E 1Z0

Box – Case Code Other information – Autres renseignements

Box – Case Code Other information – Autres renseignements

Box – Case Code Other information – Autres renseignements

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See the privacy notice on your return
 Consultez l'avis de confidentialité dans votre déclaration

For Tax Centre 1

Pour le Centre fiscal 1

Summary of Partnership Income

Sommaire des revenus d'une société de personnes

 Protected B / Protégé B
when completed / une fois rempli

T5013 Summary
Sommaire

Fill out this summary and related slips using the instructions in guide T4068, *Guide for the Partnership Information Return (T5013 forms)*.

Remplissez ce sommaire et les feuillets connexes en suivant les instructions du guide T4068, *Guide pour la déclaration de renseignements des sociétés de personnes (formulaire T5013)*.

Do not use this area.
N'inscrivez rien ici.

For the fiscal period – Pour l'exercice

Start Début	2020-01-01	End Fin	2020-12-31
Year Année	Month Mois	Day Jour	Year Année
Month Mois	Day Jour		

Partnership's account number

Numéro de compte de la société de personnes

78493 0489 RZ0001

 Postal or ZIP code
Code postal ou ZIP

 50 1616

Name of the partnership – Nom de la société de personnes

ORIGINAL TRADERS ENERGY LP

N3W 2G9

Are you a nominee or agent? (tick if yes and provide the following information)

Êtes-vous un mandataire ou un agent? (cochez si oui et fournir les renseignements qui suivent)

Name of the nominee or agent – Nom du mandataire ou de l'agent

 Postal or ZIP code
Code postal ou ZIP

Nominee or agent's account number

Numéro de compte du mandataire ou de l'agent

Is the partnership a tax shelter? (tick if yes)

La société de personnes est-elle un abri fiscal? (cochez si oui)

If yes, provide the tax shelter identification number
Si oui, fournir le numéro d'identification de l'abri fiscal

Totals from T5013 slips – Totaux des feuillets T5013

Total number of T5013 information slips attached:

Nombre total de feuillets de renseignements T5013 joints :

009 | 4

Total limited partner's business income (loss) – Total du revenu (de la perte) d'entreprise du commanditaire

010 | 5,389,601 82

Total business income (loss) – Total du revenu (de la perte) d'entreprise

020 | 5,389 66

Total capital gains (losses) – Total des gains (pertes) en capital

030 |

Capital cost allowance – Déduction pour amortissement

040 | 1,262,676 50

Complete the six generic boxes identified below taken from the T5013 slips – Remplissez les lignes ci-dessous pour les six cases génériques qui parviennent des feuillets T5013

Canadian and foreign net rental income (loss) – Revenu net (perte nette) de location canadien et étranger

110 |

Professional income (loss) – Revenu (perte) de profession libérale

120 |

Renounced Canadian exploration expenses – Frais renoncés d'exploration au Canada

190 |

Renounced Canadian development expenses – Frais renoncés d'aménagement au Canada

191 |

Expenses qualifying for an ITC – Frais admissibles aux fins du CII

194 |

Total carrying charges – Total des frais financiers

210 |

Person to contact about this return

Personne-ressource que nous pouvons contacter à propos de cette déclaration

 Area code
Indica si régional

 Telephone number
Numéro de téléphone

 Extension
Numéro de poste

076 | HILL, MILES

078 | (519) 512-2245

Certification – Attestation

I certify that the information given in this return and related summary and slips is correct and complete. J'atteste que les renseignements fournis dans cette déclaration de renseignements et sur tous les feuillets connexes sont exacts et complets.

2021-06-17

Date

Signature of authorized person – Signature d'une personne autorisée

Position or office – Poste ou titre

Prepared by – Préparé par

PETTINELLI MASTROLUISI LLP

Date

2021-06-17

Personal information, including the social insurance number, is collected under the *Income Tax Act* to administer tax, benefits, and related programs. It may also be used for any purpose related to the administration or enforcement of the Act such as audit, compliance and the payment of debts owed to the Crown. It may be shared or verified with other federal, provincial/territorial government institutions to the extent authorized by law. Failure to provide this information may result in interest payable, penalties or other actions. Under the *Privacy Act*, individuals have the right to access their personal information and request correction if there are errors or omissions. Refer to Info Source www.cra-arc.gc.ca/gncc/tp/nfsrc/nfsrc-eng.html, personal information bank(s) CRA PPU 224.

Les renseignements personnels sont recueillis selon la *Loi de l'impôt sur le revenu* afin d'administrer les programmes fiscaux, de prestations et autres. Ils peuvent également être utilisés pour toute fin liée à l'application ou à l'exécution de la *Loi* telle que la vérification, l'observation et le recouvrement des sommes dues à l'Etat. Les renseignements peuvent être transmis à une autre institution gouvernementale fédérale, provinciale ou territoriale, ou vérifiés auprès de celles-ci, dans la mesure où la loi l'autorise. Cependant, le défaut de fournir ces renseignements pourrait entraîner des intérêts à payer, des pénalités ou d'autres mesures. Les particuliers ont le droit, selon la *Loi sur la protection des renseignements personnels*, d'accéder à leurs renseignements personnels et de demander une modification, s'il y a des erreurs ou omissions. Consultez Info Source en allant à www.arc.gc.ca/gncc/tp/nfsrc/nfsrc-fra.html et le(s) Fichier(s) de renseignements personnels ARC PPU 224.

APPENDIX “J”

Original Traders Energy
General Ledger Journal

Reference	Description	GL Account	Dept	G/L Description	Debit Amt.	Credit Amt.
2020-08-18	CCD	CD				
EFT1952	CCD PETROLEUM	1030	1	RBC Main Account	\$0.00	\$132,000.00
EFT1952	CCD PETROLEUM	2000	1	Accounts Payable	\$132,000.00	\$0.00
	Net Total:	\$0.00		Net Transaction:	\$132,000.00	\$132,000.00
2020-08-18	MILES	CD				
EFT1954	Mr. Miles Hill	1030	1	RBC Main Account	\$0.00	\$162,000.00
EFT1954	Mr. Miles Hill	2000	1	Accounts Payable	\$162,000.00	\$0.00
	Net Total:	\$0.00		Net Transaction:	\$162,000.00	\$162,000.00
2020-08-18	SHILL	CD				
EFT1955	Mr SCOTT HILL	1030	1	RBC Main Account	\$0.00	\$162,000.00
EFT1955	Mr SCOTT HILL	2000	1	Accounts Payable	\$162,000.00	\$0.00
	Net Total:	\$0.00		Net Transaction:	\$162,000.00	\$162,000.00
2020-08-18	CLAYBAR	CD				
EFT1953	CLAYBAR CONTRACTING	1030	1	RBC Main Account	\$0.00	\$107,544.03
EFT1953	CLAYBAR CONTRACTING	2000	1	Accounts Payable	\$107,544.03	\$0.00
	Net Total:	\$0.00		Net Transaction:	\$107,544.03	\$107,544.03
2020-08-20	CLOSET	CD				
2145	CLOSET ENVY	1030	1	RBC Main Account	\$0.00	\$5,098.00
2145	CLOSET ENVY	2000	1	Accounts Payable	\$5,098.00	\$0.00
	Net Total:	\$0.00		Net Transaction:	\$5,098.00	\$5,098.00
2020-08-20	EDEN	CD				
2146	EDEN TILE	1030	1	RBC Main Account	\$0.00	\$5,411.46
2146	EDEN TILE	2000	1	Accounts Payable	\$5,411.46	\$0.00
	Net Total:	\$0.00		Net Transaction:	\$5,411.46	\$5,411.46
2020-08-20	OASIS	CD				
2147	OASIS POOLS LTD.	1030	1	RBC Main Account	\$0.00	\$10,442.20
2147	OASIS POOLS LTD.	2000	1	Accounts Payable	\$10,442.20	\$0.00
	Net Total:	\$0.00		Net Transaction:	\$10,442.20	\$10,442.20
2020-08-20	ONT SCRE	CD				
2148	ONTARIO SCREEN SYST	1030	1	RBC Main Account	\$0.00	\$6,604.32
2148	ONTARIO SCREEN SYST	2000	1	Accounts Payable	\$6,604.32	\$0.00
	Net Total:	\$0.00		Net Transaction:	\$6,604.32	\$6,604.32
2020-08-20	ROSEHILL	CD				
2150	ROSEHILL CELLARS	1030	1	RBC Main Account	\$0.00	\$8,900.00
2150	ROSEHILL CELLARS	2000	1	Accounts Payable	\$8,900.00	\$0.00
	Net Total:	\$0.00		Net Transaction:	\$8,900.00	\$8,900.00

Transactions relating to Page highlighted in yellow
for a total distribution of \$144,000.01

Original Traders Energy
General Ledger Journal

Reference	Description	GL Account	Dept	G/L Description	Debit Amt.	Credit Amt.
2020-08-18	CCD	RP				
Aug 18/20	B#:1269 Distributions	2000	1	Accounts Payable	\$0.00	\$132,000.00
Aug 18/20	B#:1269 Professional Servi	8010	1	Professional Services	\$132,000.00	\$0.00
	Net Total:	\$0.00		Net Transaction:	\$132,000.00	\$132,000.00
2020-08-18	MILES	RP				
Aug 18/20	B#:1269 Aug/18	2000	1	Accounts Payable	\$0.00	\$162,000.00
Aug 18/20	B#:1269 Wages Expenses	6626	1	Wages Expenses	\$162,000.00	\$0.00
	Net Total:	\$0.00		Net Transaction:	\$162,000.00	\$162,000.00
2020-08-18	SHILL	RP				
Aug 18/20	B#:1269 Aug 18/20	2000	1	Accounts Payable	\$0.00	\$162,000.00
Aug 18/20	B#:1269 Wages Expenses	6626	1	Wages Expenses	\$162,000.00	\$0.00
	Net Total:	\$0.00		Net Transaction:	\$162,000.00	\$162,000.00
2020-08-18	CLAYBAR	RP				
20BT0038-11	B#:1231 Tyendinaga	2000	1	Accounts Payable	\$0.00	\$250,000.00
20BT0038-11	B#:1231 Blending Plant Ex	6780	4	Blending Plant Expens	\$250,000.00	\$0.00
Aug 18/20	B#:1269 Aug 18/20	2000	1	Accounts Payable	\$0.00	\$107,544.03
Aug 18/20	B#:1269 Consulting Service	8015	4	Consulting Services	\$107,544.03	\$0.00
	Net Total:	\$0.00		Net Transaction:	\$357,544.03	\$357,544.03
2020-08-19	CLOSET	RP				
Aug19/20	B#:1215 Balance	2000	1	Accounts Payable	\$0.00	\$5,098.00
Aug19/20	B#:1215 Repairs and Maint	6800	2	Repairs and Maintenan	\$5,098.00	\$0.00
	Net Total:	\$0.00		Net Transaction:	\$5,098.00	\$5,098.00
2020-08-19	EDEN	RP				
Aug 19/20	B#:1215 Balance	2000	1	Accounts Payable	\$0.00	\$5,411.46
Aug 19/20	B#:1215 Repairs and Maint	6800	2	Repairs and Maintenan	\$5,411.46	\$0.00
	Net Total:	\$0.00		Net Transaction:	\$5,411.46	\$5,411.46
2020-08-19	OASIS	RP				
Aug 19/20	B#:1215 Balance	2000	1	Accounts Payable	\$0.00	\$10,442.20
Aug 19/20	B#:1215 Repairs and Maint	6800	2	Repairs and Maintenan	\$10,442.20	\$0.00
	Net Total:	\$0.00		Net Transaction:	\$10,442.20	\$10,442.20
2020-08-19	ONT SCRE	RP				
Aug 19/20	B#:1215 Balance	2000	1	Accounts Payable	\$0.00	\$6,604.32
Aug 19/20	B#:1215 Repairs and Maint	6800	2	Repairs and Maintenan	\$6,604.32	\$0.00
	Net Total:	\$0.00		Net Transaction:	\$6,604.32	\$6,604.32
2020-08-19	ROSEHILL	RP				
Aug 19/20	B#:1215 Balance	2000	1	Accounts Payable	\$0.00	\$8,900.00
Aug 19/20	B#:1215 Repairs and Maint	6800	2	Repairs and Maintenan	\$8,900.00	\$0.00
	Net Total:	\$0.00		Net Transaction:	\$8,900.00	\$8,900.00

Transactions relating to Page highlighted in yellow
for a total distribution of \$144,000.01

APPENDIX “K”

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

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

**AND IN THE MATTER OF A PLAN OF COMPROMISE
OR ARRANGEMENT OF ORIGINAL TRADERS ENERGY LTD. AND 2496750 ONTARIO INC.**

PROOF OF CLAIM

**FOR CLAIMS AGAINST ORIGINAL TRADERS ENERGY LTD., 2496750 ONTARIO INC.,
OTE LOGISTICS LP AND ORIGINAL TRADERS ENERGY LP**

(collectively, the “**OTE Group**”)

1. PARTICULARS OF CLAIMANT

(a) Full Legal Name of Claimant:

His Majesty the King in right of Ontario as
represented by the Ontario Ministry of Finance

(b) Full Mailing Address of Claimant:

33 King St W

P.O. Box 627

Oshawa On L1H 8H5

(c) Telephone Number of Claimant:

1-866-668-8297

(d) Facsimile Number of Claimant:

(e) E-mail Address of Claimant:

insolvency.unit@ontario.ca

(f) Attention (Contact Person):

Judy Babin - Senior Insolvency Officer

2. **PARTICULARS OF ORIGINAL CLAIMANT FROM WHOM YOU ACQUIRED CLAIM, IF APPLICABLE:**

(a) Have you acquired this Claim by assignment? Yes No

(if yes, attach documents evidencing assignment)

(b) Full Legal Name of original Claimant(s): _____

3. **PROOF OF CLAIM**

THE UNDERSIGNED CERTIFIES AS FOLLOWS:

(a) I hold the position of Senior Insolvency Officer of the Claimant;

(b) That I have knowledge of all the circumstances connected with the Claim described and set out below;

(c) The OTE Group was and still is indebted to the Claimant as follows:¹

Applicable OTE Group Debtor(s)	Pre-Filing Claim Amount	Restructuring Period Claim Amount	Secured, Priority Unsecured, or Unsecured	Value of Security, if any
Original Traders Energy Ltd., on behalf of the partners of Original Traders Energy Limited Partnership	\$135,998,852.49	\$814,601.93	\$2 M secured Remainder - unsecured	\$2 M Surety Bond

4. **PARTICULARS OF CLAIM:**

The particulars of the undersigned's Claims (including Pre-Filing Claims, and Restructuring Period Claims) are attached.

See attached Appendix "A".

5. **FILING OF CLAIM**

For Pre-Filing Claims, this Proof of Claim must be returned to and received by the Monitor by **5:00 p.m. (Eastern Time) on the Claims Bar Date (June 27, 2023)**.

For Restructuring Period Claims, this Proof of Claim must be returned to and received by the Monitor by **5:00 p.m. (Eastern Time) on the later of the Claims Bar Date and the date that is thirty (30) days after the Monitor sends a Claims Package with respect to a Restructuring Period Claim.**

In both cases, completed forms must be delivered by prepaid registered mail, courier, personal delivery, facsimile transmission or email at the address below to the Monitor at the following address:

KPMG Inc., Court-appointed Monitor of the OTE Group

Claims Process

333 Bay Street, Suite 4600
Bay Adelaide Centre
Toronto, ON M5H 2S5

Attention: Chris Gard / Broderick Lomax
Telephone: 1-833-665-0666 (toll free within North America)
416-468-7000 (local)
Fax: 416-777-8818
Email: OTEGroup@kpmg.ca

DATED at Oshawa this 23 day of June, 2023.



(signature of Claimant or its authorized representative)

Name: Judy Babin

Title: Senior Insolvency Officer

Capitalized terms that are not defined herein have the meanings ascribed thereto in the Claims Procedure Order.

Appendix “A”

Particulars of Proof of Claim for OTE LP

Original Traders Energy Ltd.’s Tax Obligations

Original Traders Energy Ltd. (“OTE GP”), on behalf of the partners of Original Traders Energy Limited Partnership (“OTE LP”), is liable to His Majesty the King in right of Ontario as represented by the Minister of Finance (“MOF”) for certain tax debts, including interest and penalties.

Pursuant to the *Fuel Tax Act*, R.S.O. 1990, c. F. 35 (“FTA”), OTE LP holds an exporter license, an importer license, and an interjurisdictional transporter license from the MOF (collectively the “Fuel Licenses”). The Fuel Licenses allow OTE LP to conduct business as an exporter, importer and interjurisdictional transporter of fuel products within and outside of Ontario.

Pursuant to the *Gasoline Tax Act*, R.S.O. 1990, c. G. 5 (“GTA”), OTE LP holds an importer license, and an interjurisdictional transporter license from the MOF (collectively the “Gas Licenses”). The Gas Licenses allow OTE LP to conduct business as an importer and interjurisdictional transporter of gasoline products in bulk within and outside of Ontario.

Original Traders Energy Ltd. is required under the GTA and FTA to collect and remit fuel and gasoline taxes to the MOF. The taxes must be remitted by the 21st day and the 25th day of the month after the month of sale, respectively. Interest and penalties may be assessed in the event of a failure to remit taxes on time.

Pre-Filing Claims

As of January 30, 2021, OTE LP had the following outstanding tax debts, including interest and penalties:

- a. FTA debt of \$9,277,648.23 (the “OTE FTA Debt”); and
- b. GTA debt of \$126,721,204.26 (the “OTE GTA Debt”).

Attached as Appendix “B” is a Chart showing the calculation of the OTE FTA Debt, which arose from OTE LP’s activities between July 1, 2021 and December 31, 2022 (see Appendix “B” rows 2 to 19).

Attached as Appendix “C” is a Chart showing the calculation of the OTE GTA Debt, which arose from OTE LP’s activities between August 1, 2021 and December 31, 2022 (see Appendix “C” rows 2 to 18).

The amounts listed in the Charts in Appendices “B” and “C” are taken from the Notices of Assessment and Notices of Re-Assessment enclosed with the Charts. All interest has been calculated up to January 30, 2023. Both the OTE FTA Debt and the OTE GTA Debt are submitted as Pre-Filing Claims.

Restructuring Period Claim

Additionally, OTE LP has the following outstanding tax liabilities for activities OTE LP carried out from January 1 to January 31, 2023:

- a. *FTA* debt of \$165,690.60 (the “**OTE FTA Restructuring Debt**”); and
- b. *GTA* debt of \$ 648,911.33 (the “**OTE GTA Restructuring Debt**”).

The OTE FTA Restructuring Debt and OTE GTA Restructuring Debt shown in row 1 of the Charts in Appendices “B” and “C”. The OTE FTA Restructuring Debt and the OTE GTA Restructuring Debt are submitted as Restructuring Period Claims.

Claims Arising from Ongoing Audit

The MOF is continuing to review information relating to the claims set out herein, including sales and remittance records, and the MOF reserves its rights to adjust these claims upon completion of its review.

Surety Bond

The MOF holds Surety Bond 6350832 (the “**Bond**”) in the amount of \$2,000,000 issued by Zurich Insurance Company Limited (“**Zurich**”). The Ministry of Finance made a demand for payment under the Bond to Zurich on January 23, 2023. Attached as **Appendix “D”** are the demand letter dated January 23, 2023 and a copy of the Bond. Zurich has not made any payment under the Bond as of the date of this Proof of Claim.

Appendix "B" - FUEL TAX

	Period Ending	TAX	PENALTY	Interest as at January 30, 2023	CREDIT	BALANCE
1	31-Jan-23	\$195,690.60	\$0.00	\$0.00	(\$30,000.00)	\$165,690.60
<i>Restructuring Period Claim Subtotal</i>		\$195,690.60	\$0.00	\$0.00	(\$30,000.00)	\$165,690.60
2	31-Dec-22	\$196,897.50	\$0.00	\$0.00	(\$196,897.50)	\$0.00
3	30-Nov-22	\$2,503,876.96	\$0.00	\$201,831.61	(\$208,859.76)	\$2,496,848.81
4	31-Oct-22	\$247,254.21	\$0.00	\$0.00	(\$247,254.21)	\$0.00
5	30-Sep-22	\$233,913.69	\$23,391.37	\$5,470.73	\$0.00	\$262,775.79
6	31-Aug-22	\$227,505.51	\$22,750.55	\$6,893.97	\$0.00	\$257,150.03
7	31-Jul-22	\$374,416.83	\$37,441.68	\$13,577.62	\$0.00	\$425,436.13
8	30-Jun-22	\$532,358.83	\$53,235.88	\$22,395.25	\$0.00	\$607,989.96
9	31-May-22	\$608,442.84	\$0.00	\$25,453.34	\$0.00	\$633,896.18
10	30-Apr-22	\$451,632.04	\$0.00	\$18,893.37	\$0.00	\$470,525.41
11	31-Mar-22	\$485,926.58	\$0.00	\$20,328.04	\$0.00	\$506,254.62
12	28-Feb-22	\$411,339.93	\$0.00	\$17,207.81	\$0.00	\$428,547.74
13	31-Jan-22	\$365,221.86	\$0.00	\$15,278.53	\$0.00	\$380,500.39
14	31-Dec-21	\$474,196.01	\$0.00	\$19,837.31	\$0.00	\$494,033.32
15	30-Nov-21	\$533,343.38	\$0.00	\$36,790.89	\$0.00	\$570,134.27
16	31-Oct-21	\$396,610.21	\$39,661.02	\$32,271.73	\$0.00	\$468,542.96
17	30-Sep-21	\$430,762.33	\$43,076.23	\$37,216.12	\$0.00	\$511,054.68
18	31-Aug-21	\$423,903.19	\$42,390.32	\$38,556.10	\$0.00	\$504,849.61
19	31-Jul-21	\$412,134.58	\$41,213.46	\$38,193.13	(\$232,432.84)	\$259,108.33
<i>Pre-Filing Claim Subtotal</i>		\$8,897,601.90	\$261,947.05	\$512,002.42	(\$653,011.47)	\$9,277,648.23
Grand Total Fuel Tax Claims		\$9,093,292.50	\$261,947.05	\$512,002.42	(\$683,011.47)	\$9,443,338.83



Ministry of Finance
33 King St W
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Oshawa ON L1H 8H9

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ORIGINAL TRADERS ENERGY LTD., GENERAL
PARTNER OF ORIGINAL TRADERS ENERGY LP,
A LIMITED PARTNERSHIP
7273 INDIAN LINE
SCOTLAND ON NOE 1R0

FUL - IL032

Issue Date 03-Apr-2023

Business No. 784930489TF0001

Reference No. L1406847008

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 31-Jan-2023. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	2,608,662	2,608,662
Total Taxable Volume	2,608,662	2,608,662
Total Tax Before Adjustments	\$195,690.60	\$195,690.60
Total Tax Payable	\$165,690.60	\$195,690.60
Interest	\$0.00	
Current Penalty	\$0.00	
Credits/Payments	(\$30,000.00)	
Total Assessment		\$165,690.60

As of 03-Apr-2023, including the amount assessed above, you have an overall balance on your account of \$9,423,338.83.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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A LIMITED PARTNERSHIP
3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

Issue Date 13-Feb-2023

Business No. 784930489TF0001
Reference No. L0381595680

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 31-Dec-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	2,939,275	2,939,275
Total Taxable Volume	2,939,275	2,939,275
Total Tax Before Adjustments	\$196,897.50	\$196,897.50
Total Tax Payable	\$146,897.50	\$196,897.50
Interest		\$0.00
Current Penalty		\$0.00
Credits/Payments		(\$196,897.50)
Total Assessment		\$0.00

As of 13-Feb-2023, including the amount assessed above, you have an overall balance on your account of \$6,750,799.42.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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CALEDONIA ON N3W 2G9

Issue Date 13-Feb-2023

Business No. 784930489TF0001
Reference No. L1723772960

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 30-Nov-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	3,216,555	3,216,555
Total Taxable Volume	3,216,555	3,216,555
Total Tax Before Adjustments	\$208,859.76	\$208,859.76
Total Tax Payable	\$168,859.76	\$208,859.76
Interest		\$0.00
Current Penalty		\$0.00
Credits/Payments		(\$208,859.76)
Total Assessment		\$0.00

As of 13-Feb-2023, including the amount assessed above, you have an overall balance on your account of \$6,750,799.42.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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7273 INDIAN LINE
SCOTLAND ON NOE 1R0

FUL - qL053

Issue Date 29-Mar-2023

Business No. 784930489TF0001

Reference No. L1498859552

Audit Notice of Assessment - Fuel Tax

Pursuant to Sections 13 and 11.1 of the *Fuel Tax Act*

An audit assessment has been processed to your account as indicated below:

Audit Period: 01-Mar-2019 to 30-Nov-2022

Assessment	Amount
Total Tax Adjustment	\$2,324,962.50
Penalty	\$0.00
Interest	\$202,026.49
Total	\$2,526,988.99
Credit	(\$29,945.30)
Credit Interest	(\$194.88)
Total Due	<u>\$2,496,848.81</u>

If you have any questions concerning this Notice of Assessment, please call the number listed below. After discussion with a ministry representative, if you do not agree with the assessment you have the right to serve a Notice of Objection on the minister within 180 days of the mailing date of this form. Any amounts that are outstanding as a result of the assessment are due and payable even if you have filed, or intend to file, a Notice of Objection. If your objection is successful, you will be refunded any overpayment of taxes with interest from the dates the payments were made.

If you have any questions or require additional information, please visit our website or call the Ministry of Finance at the number listed below..

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3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

Issue Date 13-Feb-2023

Business No. 784930489TF0001

Reference No. L0650031136

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 31-Oct-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	3,773,520	3,773,520
Total Taxable Volume	3,773,520	3,773,520
Total Tax Before Adjustments	\$247,254.21	\$247,254.21
Total Tax Payable	\$167,254.21	\$247,254.21
Interest		\$0.00
Current Penalty		\$0.00
Credits/Payments		(\$247,254.21)
Total Assessment		<u>\$0.00</u>

As of 13-Feb-2023, including the amount assessed above, you have an overall balance on your account of \$6,750,799.42.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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A LIMITED PARTNERSHIP
3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

Issue Date 13-Feb-2023

Business No. 784930489TF0001
Reference No. L1186902048

Notice of Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

Your account has been assessed resulting in a balance as indicated below.

Period Ending: 30-Sep-2022	Return As Filed
Total Accountable Volume	3,417,904
Total Taxable Volume	3,417,904
Total Tax Before Adjustments	\$233,913.69
Total Tax Payable	\$233,913.69
Interest	\$5,470.73
Current Penalty	\$23,391.37
Credits/Payments	\$0.00
Total Assessment	<u>\$262,775.79</u>

The estimated tax and associated interest for this filing period have been reversed.

As of 13-Feb-2023, including the amount assessed above, you have an overall balance on your account of \$6,750,799.42.

If you have any questions concerning this Notice of Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Business No. 784930489TF0001
Reference No. L1186902048

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Issue Date 13-Feb-2023

Business No. 784930489TF0001
Reference No. L0113160224

Notice of Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

Your account has been assessed resulting in a balance as indicated below.

Period Ending: 31-Aug-2022	Return As Filed
Total Accountable Volume	4,053,832
Total Taxable Volume	4,053,832
Total Tax Before Adjustments	\$271,677.51
Total Tax Payable	\$227,505.51
Interest	\$6,893.97
Current Penalty	\$22,750.55
Credits/Payments	\$0.00
Total Assessment	<u>\$257,150.03</u>

The estimated tax and associated interest for this filing period have been reversed.

As of 13-Feb-2023, including the amount assessed above, you have an overall balance on your account of \$6,750,799.42.

If you have any questions concerning this Notice of Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Business No. 784930489TF0001
Reference No. L0113160224

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FUL - IL031

Issue Date 13-Feb-2023

Business No. 784930489TF0001
Reference No. L2059317280

Notice of Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

Your account has been assessed resulting in a balance as indicated below.

Period Ending: 31-Jul-2022	Return As Filed
Total Accountable Volume	5,471,828
Total Taxable Volume	5,471,828
Total Tax Before Adjustments	\$374,416.83
Total Tax Payable	\$374,416.83
Interest	\$13,577.62
Current Penalty	\$37,441.68
Credits/Payments	\$0.00
Total Assessment	<u>\$425,436.13</u>

The estimated tax and associated interest for this filing period have been reversed.

As of 13-Feb-2023, including the amount assessed above, you have an overall balance on your account of \$6,750,799.42.

If you have any questions concerning this Notice of Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Business No. 784930489TF0001
Reference No. L2059317280

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CALEDONIA ON N3W 2G9

Issue Date 18-Aug-2022

Business No. 784930489TF0001
Reference No. L1098037184

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 30-Jun-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	4,966,344	4,966,344
Total Taxable Volume	4,966,344	4,966,344
Total Tax Before Adjustments	\$0.00	\$532,358.83
Total Tax Payable	\$532,358.83	\$532,358.83
Interest		\$674.17
Current Penalty		\$53,235.88
Credits/Payments		\$0.00
Total Assessment		<u>\$586,268.88</u>

As of 18-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$5,619,520.03.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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FUL - tL032

Issue Date 18-Aug-2022

Business No. 784930489TF0001
Reference No. L0024295360

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 31-May-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	5,431,545	5,431,545
Total Taxable Volume	5,431,545	5,431,545
Total Tax Before Adjustments	\$0.00	\$608,442.84
Total Tax Payable	\$608,442.84	\$608,442.84
Interest		\$2,806.73
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$611,249.57</u>

As of 18-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$5,619,520.03.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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CALEDONIA ON N3W 2G9

Issue Date 18-Aug-2022

Business No. 784930489TF0001
Reference No. L2121447360

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 30-Apr-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	3,946,064	3,946,064
Total Taxable Volume	3,946,064	3,946,064
Total Tax Before Adjustments	\$0.00	\$451,632.04
Total Tax Payable	\$451,632.04	\$451,632.04
Interest		\$2,083.36
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		\$453,715.40

As of 18-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$5,619,520.03.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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CALEDONIA ON N3W 2G9

Issue Date 18-Aug-2022

Business No. 784930489TF0001
Reference No. L1047705536

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 31-Mar-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	3,398,088	4,833,125
Total Taxable Volume	3,398,088	4,833,125
Total Tax Before Adjustments	\$0.00	\$485,926.58
Total Tax Payable	\$485,926.58	\$485,926.58
Interest		\$2,241.56
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$488,168.14</u>

As of 18-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$5,619,520.03.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

Issue Date 18-Aug-2022

Business No. 784930489TF0001
Reference No. L1584576448

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 28-Feb-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	3,938,521	3,938,521
Total Taxable Volume	3,938,521	3,938,521
Total Tax Before Adjustments	\$0.00	\$411,339.93
Total Tax Payable	\$411,339.93	\$411,339.93
Interest		\$1,897.50
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$413,237.43</u>

As of 18-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$5,619,520.03.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Ministry of Finance
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Oshawa ON L1H 8H9

ORIGINAL TRADERS ENERGY LTD., GENERAL
PARTNER OF ORIGINAL TRADERS ENERGY LP,
A LIMITED PARTNERSHIP
3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

FUL - tL032

Issue Date 18-Aug-2022

Business No. 784930489TF0001
Reference No. L0510834624

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 31-Jan-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	3,725,966	3,831,327
Total Taxable Volume	3,725,966	3,831,327
Total Tax Before Adjustments	\$0.00	\$365,221.86
Total Tax Payable	\$350,155.23	\$365,221.86
Interest		\$1,684.76
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$366,906.62</u>

As of 18-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$5,619,520.03.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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CALEDONIA ON N3W 2G9

Issue Date 18-Aug-2022

Business No. 784930489TF0001
Reference No. L1853011904

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 31-Dec-2021. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	4,508,934	4,577,318
Total Taxable Volume	4,508,934	4,577,318
Total Tax Before Adjustments	\$0.00	\$474,196.01
Total Tax Payable	\$457,625.88	\$474,196.01
Interest		\$2,187.45
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$476,383.46</u>

As of 18-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$5,619,520.03.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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CALEDONIA ON N3W 2G9

Issue Date 18-Aug-2022

Business No. 784930489TF0001

Reference No. L0779270080

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 30-Nov-2021. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	4,961,772	4,961,772
Total Taxable Volume	4,961,772	4,961,772
Total Tax Before Adjustments	\$0.00	\$533,343.38
Total Tax Payable	\$533,343.38	\$533,343.38
Interest		\$16,422.26
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$549,765.64</u>

As of 18-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$5,619,520.03.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Issue Date 18-Aug-2022

Business No. 784930489TF0001

Reference No. L1316140992

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 31-Oct-2021. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	3,759,205	3,759,205
Total Taxable Volume	3,759,205	3,759,205
Total Tax Before Adjustments	\$0.00	\$396,610.21
Total Tax Payable	\$396,610.21	\$396,610.21
Interest		\$15,532.54
Current Penalty		\$39,661.02
Credits/Payments		\$0.00
Total Assessment		<u>\$451,803.77</u>

As of 18-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$5,619,520.03.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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CALEDONIA ON N3W 2G9

Issue Date 18-Aug-2022

Business No. 784930489TF0001
Reference No. L0242399168

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 30-Sep-2021. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	3,012,324	3,933,076
Total Taxable Volume	3,012,324	3,933,076
Total Tax Before Adjustments	\$0.00	\$430,762.33
Total Tax Payable	\$430,762.33	\$430,762.33
Interest		\$18,958.15
Current Penalty		\$43,076.23
Credits/Payments		\$0.00
Total Assessment		<u>\$492,796.71</u>

As of 18-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$5,619,520.03.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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CALEDONIA ON N3W 2G9

Issue Date 01-Feb-2022

Business No. 784930489TF0001
Reference No. L1507912640

Notice of Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

Your account has been assessed resulting in a balance as indicated below.

Period Ending: 31-Aug-2021	Return As Filed
Total Accountable Volume	3,838,239
Total Taxable Volume	3,838,239
Total Tax Before Adjustments	\$423,903.19
Total Tax Payable	\$423,903.19
Interest	\$8,182.63
Current Penalty	\$42,390.32
Credits/Payments	\$0.00
Total Assessment	\$474,476.14

As of 01-Feb-2022, including the amount assessed above, you have an overall balance on your account of \$1,133,719.07.

If you have any questions concerning this Notice of Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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FUL - tL031

Issue Date 01-Feb-2022

Business No. 784930489TF0001

Reference No. L0434170816

Notice of Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

Your account has been assessed resulting in a balance as indicated below.

Period Ending: 31-Jul-2021	Return As Filed
Total Accountable Volume	3,825,844
Total Taxable Volume	3,825,844
Total Tax Before Adjustments	\$412,134.58
Total Tax Payable	\$412,134.58
Interest	\$10,045.40
Current Penalty	\$41,213.46
Credits/Payments	\$0.00
Total Assessment	\$463,393.44

As of 01-Feb-2022, including the amount assessed above, you have an overall balance on your account of \$1,133,719.07.

If you have any questions concerning this Notice of Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Appendix "C" - GAS TAX

	Period Ending	Tax	Penalty	Interest as at January 30, 2023	Credit	Balance
1	31-Jan-23	\$1,918,911.33	\$0.00	\$0.00	(\$1,270,000.00)	\$648,911.33
<i>Restructuring Period Claim Subtotal</i>		\$1,918,911.33	\$0.00	\$0.00	(\$1,270,000.00)	\$648,911.33
2	31-Dec-22	\$1,992,060.90	\$0.00	\$0.00	(\$1,992,060.90)	\$0.00
3	30-Nov-22	\$85,805,340.35	\$0.00	\$8,829,033.18	(\$1,997,786.07)	\$92,636,587.46
4	31-Oct-22	\$2,560,450.05	\$184,045.00	\$2,804.20	(\$2,560,450.05)	\$186,849.20
5	30-Sep-22	\$2,439,093.60	\$243,909.36	\$59,448.12	\$0.00	\$2,742,451.08
6	31-Aug-22	\$3,274,882.47	\$327,488.25	\$102,280.57	\$0.00	\$3,704,651.29
7	31-Jul-22	\$4,271,498.19	\$427,149.82	\$157,292.89	\$0.00	\$4,855,940.90
8	30-Jun-22	\$3,129,251.92	\$312,925.19	\$121,810.65	\$0.00	\$3,563,987.76
9	31-May-22	\$3,428,035.00	\$0.00	\$143,406.94	\$0.00	\$3,571,441.94
10	30-Apr-22	\$2,232,920.00	\$0.00	\$93,411.01	\$0.00	\$2,326,331.01
11	31-Mar-22	\$2,110,508.84	\$0.00	\$88,290.12	\$0.00	\$2,198,798.96
12	28-Feb-22	\$1,744,736.53	\$0.00	\$72,988.55	\$0.00	\$1,817,725.08
13	31-Jan-22	\$1,412,822.73	\$0.00	\$59,103.42	\$0.00	\$1,471,926.15
14	31-Dec-21	\$1,395,073.07	\$0.00	\$58,360.90	\$0.00	\$1,453,433.97
15	30-Nov-21	\$1,354,127.54	\$0.00	\$94,997.03	\$0.00	\$1,449,124.57
16	31-Oct-21	\$1,345,255.80	\$134,525.58	\$110,115.20	\$0.00	\$1,589,896.58
17	30-Sep-21	\$1,328,839.43	\$132,883.94	\$115,670.42	\$0.00	\$1,577,393.79
18	31-Aug-21	\$1,771,697.66	\$177,169.77	\$158,192.02	(\$532,394.93)	\$1,574,664.52
<i>Pre-Filing Claim Subtotal</i>		\$121,596,594.08	\$1,940,096.91	\$10,267,205.22	(\$7,082,691.95)	\$126,721,204.26
Grand Total Gas Tax Claims		\$123,515,505.41	\$1,940,096.91	\$10,267,205.22	(\$8,352,691.95)	\$127,370,115.59



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PARTNER OF ORIGINAL TRADERS ENERGY LP,
A LIMITED PARTNERSHIP
7273 INDIAN LINE
SCOTLAND ON NOE 1R0

Issue Date 03-Apr-2023

Business No. 784930489TG0001
Reference No. L2056767520

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 31-Jan-2023. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	21,321,237	21,321,237
Total Taxable Volumes	21,321,237	21,321,237
Total Tax Before Adjustments	\$1,918,911.33	\$1,918,911.33
Total Tax Payable	\$1,648,911.33	\$1,918,911.33
Interest		\$0.00
Current Penalty		\$0.00
Credits/Payments		(\$270,000.00)
Total Assessment		\$1,648,911.33

As of 03-Apr-2023, including the amount assessed above, you have an overall balance on your account of \$128,382,296.66.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

Issue Date 13-Feb-2023

Business No. 784930489TG0001
Reference No. L1899868192

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 31-Dec-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	22,134,010	22,134,010
Total Taxable Volumes	22,134,010	22,134,010
Total Tax Before Adjustments	\$1,992,060.90	\$1,992,060.90
Total Tax Payable	\$1,542,060.90	\$1,992,060.90
Interest		\$0.00
Current Penalty		\$0.00
Credits/Payments		(\$1,992,060.90)
Total Assessment		\$0.00

As of 13-Feb-2023, including the amount assessed above, you have an overall balance on your account of \$33,916,797.87.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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CALEDONIA ON N3W 2G9

Issue Date 13-Feb-2023

Business No. 784930489TG0001
Reference No. L0826126368

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 30-Nov-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	22,197,623	22,197,623
Total Taxable Volumes	22,197,623	22,197,623
Total Tax Before Adjustments	\$1,997,786.07	\$1,997,786.07
Total Tax Payable	\$1,637,786.07	\$1,997,786.07
Interest		\$0.00
Current Penalty		\$0.00
Credits/Payments		(\$1,997,786.07)
Total Assessment		<u>\$0.00</u>

As of 13-Feb-2023, including the amount assessed above, you have an overall balance on your account of \$33,916,797.87.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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7273 INDIAN LINE
SCOTLAND ON NOE 1R0

GAS - qL054

Issue Date 29-Mar-2023

Business No. 784930489TG0001

Reference No. L0425117728

Audit Notice of Assessment - Gasoline Tax

Pursuant to Sections 11 and 12 of the *Gasoline Tax Act*

An audit assessment has been processed to your account as indicated below:

Audit Period: 01-Mar-2019 to 30-Nov-2022

Assessment	Amount
Total Tax Adjustment	\$83,866,630.55
Penalty	\$0.00
Interest	\$8,829,391.66
Total	\$92,696,022.21
Credit	(\$59,076.27)
Credit Interest	(\$358.48)
Total Due	<u>\$92,636,587.46</u>

If you have any questions concerning this Notice of Assessment, please call the number listed below. After discussion with a ministry representative, if you do not agree with the assessment you have the right to serve a Notice of Objection on the minister within 180 days of the mailing date of this form. Any amounts that are outstanding as a result of the assessment are due and payable even if you have filed, or intend to file, a Notice of Objection. If your objection is successful, you will be refunded any overpayment of taxes with interest from the dates the payments were made.

If you have any questions or require additional information, please visit our website or call the Ministry of Finance at the number listed below.

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A LIMITED PARTNERSHIP
3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

Issue Date 13-Feb-2023

Business No. 784930489TG0001
Reference No. L1362997280

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 31-Oct-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	28,449,445	28,449,445
Total Taxable Volumes	28,449,445	28,449,445
Total Tax Before Adjustments	\$2,560,450.05	\$2,560,450.05
Total Tax Payable	\$1,840,450.05	\$2,560,450.05
Interest		\$2,804.20
Current Penalty		\$184,045.00
Credits/Payments		(\$2,560,450.05)
Total Assessment		<u>\$186,849.20</u>

As of 13-Feb-2023, including the amount assessed above, you have an overall balance on your account of \$33,916,797.87.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

If you have any questions or require additional information, please visit our website or call the Ministry of Finance at the number listed below.

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Issue Date 13-Feb-2023

Business No. 784930489TG0001
Reference No. L0289255456

Notice of Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

Your account has been assessed resulting in a balance as indicated below.

Period Ending:	30-Sep-2022	Return As Filed
Total Accountable Volumes		27,101,040
Total Taxable Volumes		27,101,040
Total Tax Before Adjustments		\$2,439,093.60
Total Tax Payable		\$2,439,093.60
Interest		\$59,448.12
Current Penalty		\$243,909.36
Credits/Payments		\$0.00
Total Assessment		\$2,742,451.08

The estimated tax and associated interest for this filing period have been reversed.

As of 13-Feb-2023, including the amount assessed above, you have an overall balance on your account of \$33,916,797.87.

If you have any questions concerning this Notice of Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Issue Date 13-Feb-2023

Business No. 784930489TG0001

Reference No. L1631432736

Notice of Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

Your account has been assessed resulting in a balance as indicated below.

Period Ending: 31-Aug-2022	Return As Filed
Total Accountable Volumes	42,418,648
Total Taxable Volumes	42,418,648
Total Tax Before Adjustments	\$3,817,678.32
Total Tax Payable	\$3,274,882.47
Interest	\$102,280.57
Current Penalty	\$327,488.25
Credits/Payments	\$0.00
Total Assessment	<u>\$3,704,651.29</u>

The estimated tax and associated interest for this filing period have been reversed.

As of 13-Feb-2023, including the amount assessed above, you have an overall balance on your account of \$33,916,797.87.

If you have any questions concerning this Notice of Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Issue Date 13-Feb-2023

Business No. 784930489TG0001

Reference No. L0557690912

Notice of Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

Your account has been assessed resulting in a balance as indicated below.

Period Ending: 31-Jul-2022	Return As Filed
Total Accountable Volumes	47,461,091
Total Taxable Volumes	47,461,091
Total Tax Before Adjustments	\$4,271,498.19
Total Tax Payable	\$4,271,498.19
Interest	\$157,292.89
Current Penalty	\$427,149.82
Credits/Payments	\$0.00
Total Assessment	\$4,855,940.90

The estimated tax and associated interest for this filing period have been reversed.

As of 13-Feb-2023, including the amount assessed above, you have an overall balance on your account of \$33,916,797.87.

If you have any questions concerning this Notice of Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Issue Date 16-Aug-2022

Business No. 784930489TG0001
Reference No. L1959835584

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 30-Jun-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	21,287,428	21,287,428
Total Taxable Volumes	21,287,428	21,287,428
Total Tax Before Adjustments	\$0.00	\$3,129,251.92
Total Tax Payable	\$3,129,251.92	\$3,129,251.92
Interest		\$6,229.33
Current Penalty		\$312,925.19
Credits/Payments		\$0.00
Total Assessment		<u>\$3,448,406.44</u>

As of 16-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$21,953,439.06.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Issue Date 16-Aug-2022

Business No. 784930489TG0001
Reference No. L0886093760

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 31-May-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	23,319,966	23,319,966
Total Taxable Volumes	23,319,966	23,319,966
Total Tax Before Adjustments	\$0.00	\$3,428,035.00
Total Tax Payable	\$3,428,035.00	\$3,428,035.00
Interest		\$15,813.42
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$3,443,848.42</u>

As of 16-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$21,953,439.06.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Issue Date 16-Aug-2022

Business No. 784930489TG0001
Reference No. L1422964672

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 30-Apr-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	15,189,932	15,189,932
Total Taxable Volumes	15,189,932	15,189,932
Total Tax Before Adjustments	\$0.00	\$2,232,920.00
Total Tax Payable	\$2,232,920.00	\$2,232,920.00
Interest		\$10,300.39
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$2,243,220.39</u>

As of 16-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$21,953,439.06.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Issue Date 16-Aug-2022

Business No. 784930489TG0001
Reference No. L0349222848

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 31-Mar-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	14,357,203	14,357,203
Total Taxable Volumes	14,357,203	14,357,203
Total Tax Before Adjustments	\$0.00	\$2,110,508.84
Total Tax Payable	\$2,110,508.84	\$2,110,508.84
Interest		\$9,735.71
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$2,120,244.55</u>

As of 16-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$21,953,439.06.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Issue Date 16-Aug-2022

Business No. 784930489TG0001

Reference No. L1691400128

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 28-Feb-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	11,868,956	11,868,956
Total Taxable Volumes	11,868,956	11,868,956
Total Tax Before Adjustments	\$0.00	\$1,744,736.53
Total Tax Payable	\$1,744,736.53	\$1,744,736.53
Interest		\$8,048.41
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$1,752,784.94</u>

As of 16-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$21,953,439.06.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Issue Date 16-Aug-2022

Business No. 784930489TG0001
Reference No. L0617658304

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 31-Jan-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	9,611,039	9,611,039
Total Taxable Volumes	9,611,039	9,611,039
Total Tax Before Adjustments	\$0.00	\$1,412,822.73
Total Tax Payable	\$1,412,822.73	\$1,412,822.73
Interest		\$6,517.31
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$1,419,340.04</u>

As of 16-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$21,953,439.06.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Issue Date 16-Aug-2022

Business No. 784930489TG0001
Reference No. L1154529216

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 31-Dec-2021. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	9,490,293	9,490,293
Total Taxable Volumes	9,490,293	9,490,293
Total Tax Before Adjustments	\$0.00	\$1,395,073.07
Total Tax Payable	\$0.00	\$1,395,073.07
Interest		\$6,435.43
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$1,401,508.50</u>

As of 16-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$21,953,439.06.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Issue Date 16-Aug-2022

Business No. 784930489TG0001
Reference No. L0080787392

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 30-Nov-2021. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	9,588,117	9,588,117
Total Taxable Volumes	9,211,752	9,211,752
Total Tax Before Adjustments	\$0.00	\$1,354,127.54
Total Tax Payable	\$0.00	\$1,354,127.54
Interest		\$43,225.53
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$1,397,353.07</u>

As of 16-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$21,953,439.06.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Issue Date 16-Aug-2022

Business No. 784930489TG0001
Reference No. L2026944448

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 31-Oct-2021. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	9,597,594	9,597,594
Total Taxable Volumes	9,151,400	9,151,400
Total Tax Before Adjustments	\$0.00	\$1,345,255.80
Total Tax Payable	\$1,345,255.80	\$1,345,255.80
Interest		\$53,314.48
Current Penalty		\$134,525.58
Credits/Payments		\$0.00
Total Assessment		<u>\$1,533,095.86</u>

As of 16-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$21,953,439.06.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Issue Date 16-Aug-2022

Business No. 784930489TG0001

Reference No. L0953202624

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 30-Sep-2021. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	9,636,060	9,636,060
Total Taxable Volumes	9,039,724	9,039,724
Total Tax Before Adjustments	\$0.00	\$1,328,839.43
Total Tax Payable	\$0.00	\$1,328,839.43
Interest		\$59,316.38
Current Penalty		\$132,883.94
Credits/Payments		\$0.00
Total Assessment		<u>\$1,521,039.75</u>

As of 16-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$21,953,439.06.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

If you have any questions or require additional information, please visit our website or call the Ministry of Finance at the number listed below.

Enclosure

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us at the number below.**

Ministry use only

Enquiries

1 866 ONT-TAXS
1 866 668-8297

Fax 1 866 888-3850

Teletypewriter (TTY) 1 800 263-7776
Internet ontario.ca/finance



Ministry of Finance
33 King St W
PO Box 625
Oshawa ON L1H 8H9

GAS - tL035
ORIGINAL TRADERS ENERGY LTD., GENERAL
PARTNER OF ORIGINAL TRADERS ENERGY LP,
A LIMITED PARTNERSHIP
3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

Issue Date 16-Aug-2022

Business No. 784930489TG0001
Reference No. L1490073536

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 31-Aug-2021. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	12,145,892	12,145,892
Total Taxable Volumes	12,052,365	12,052,365
Total Tax Before Adjustments	\$0.00	\$1,771,697.66
Total Tax Payable	\$1,771,697.65	\$1,771,697.66
Interest		\$87,435.22
Current Penalty		\$177,169.77
Credits/Payments		\$0.00
Total Assessment		<u>\$2,036,302.65</u>

As of 16-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$21,953,439.06.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Internet ontario.ca/finance



Ministry of Finance	Ministère des Finances
Account Management and Collections Branch	Direction de la gestion des comptes et de la perception
33 King Street West Oshawa ON L1H 8H5 Tel.: 1-866-668-8297 Fax: 905 429-4790	33, rue King Ouest Oshawa ON L1H 8H5 Tél. : 1-866-668-8297 Téléc. : 905 429-4790

JAN 26 2023

Via Registered Mail

January 23, 2023

Zurich Insurance Company Ltd
Attn: Surety Department
100 King St W, Ste 5500
PO Box 290
Toronto ON M5X 1C9

RE: Demand for Payment of Surety Bond from Zurich Insurance Company Ltd for the account of Original Traders Energy Ltd., General Partner of Original Traders Energy LP, a Limited Partnership
Surety Bond No.: 6350832 – Issue date: March 12, 2018 – Amount CAD \$2,000,000
Fuel Tax Act, R.S.O. 1990, c. F35, as amended, and/or the Gasoline Tax Act, R.S.O. 1990 c. G.5, as amended (the “Acts”)

The Minister of Finance demands payment in the amount of **\$2,000,000 CAD** pursuant to the subject Surety Bond. This must be honoured by Zurich Insurance Company Ltd no later than close of business February 22, 2023, per the enclosed copy of the original Surety Bond number 6350832.

This amount is drawn in connection with the obligations of **Original Traders Energy Ltd., General Partner of Original Traders Energy LP, a Limited Partnership** and represents an amount owed to the Minister under the *Fuel Tax Act, R.S.O. 1990, c. F35, as amended, and the Gasoline Tax Act, R.S.O. 1990, c. G.5, as amended*.

Payment by certified cheque must be made to the Minister of Finance, and delivered to the following address, not later than the close of business February 22, 2023.

Dave Gerald, Tax Administration Manager
 Account Management and Collections Branch
 Ministry of Finance
 4th Floor- 33 King St W
 Oshawa ON L1H 8H9
Personal & Confidential

Should you have any questions or concerns, please do not hesitate to contact Dave Gerald at (289) 928-0976.

Sincerely,

A handwritten signature in black ink, appearing to read "E Sorgente".

Enzo Sorgente
Director
Account Management and Collections Branch
Encl. (1)

Note: A Surety Bond must be issued by a financial institution licensed by the Financial Services Commission of Ontario to sell surety insurance products in Ontario. A listing of authorized companies is maintained by the commission at http://www.fsco.gov.on.ca/en/insurance/licensing-registration/pages/ic_companies.aspx. Providers of Surety Insurance may have additional requirements.

SURETY BOND

***FUEL TAX ACT, R.S.O. 1990 c. F.35, as amended, and/or
GASOLINE TAX ACT, R.S.O. 1990 c. G.5, as amended***

Bond No.: 6350832

Amount: \$2,000,000.00

Original Traders Energy LTD., General Partner of Original Traders Energy LP, A Limited Partnership of the Town of Caledonia, in the Province/State of Ontario (hereinafter called the 'Principal'), and Zurich Insurance Company Ltd a corporation created and existing under the laws of Canada and duly licensed to transact the business of suretyship in Ontario at 100 King Street West, Suite 5500, P.O. Box 290, Toronto, Ontario, M5X 1C9 (hereinafter called the 'Surety'), jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns, to Her Majesty the Queen in Right of the Province of Ontario as represented by the Minister of Finance (hereinafter called the 'Minister') in the penal sum of Two Million Dollars ~~xx/100~~ Dollars (\$2,000,000.00) of lawful money of Canada.

WHEREAS under the provisions of the *FUEL TAX ACT, R.S.O. 1990 c. F.35, as amended*, and/or the *GASOLINE TAX ACT, R.S.O. 1990 c. G.5, as amended* [the 'Act(s)'], the Principal is an agent of the Minister for the purpose of collecting the tax imposed by the Act(s), or the holder of a permit or registration certificate, and pursuant to the Act(s) is required to furnish security in a form acceptable to the Minister.

NOW THEREFORE the condition of this obligation is such that if the Principal shall well and truly comply with all of the provisions and requirements of the Act(s) and the regulations made thereunder, and any amendments thereto, including the timely remittance of any tax collected, collectable or payable by the Principal then this obligation shall be null and void, otherwise to remain in full force and effect subject, however, to the following conditions:

1. Upon receipt of the Minister's written demand for payment pursuant to this bond (a 'Claim'), the Surety, may, within 30 days of the demand for payment, request from the Minister any and all information under the Act(s) and in the custody and control of the Minister with respect to the Principal's tax liability, tax returns, audit results and application(s) for authorities under the Act(s), (the 'taxpayer information') as required by the Surety to evaluate and verify the accuracy of the Claim. Any one of the Deputy Minister of Finance; the Associate Deputy Minister, Tax and Benefits Administration; or the Director of the Account Management and Collections Branch for the Minister of Finance or any of their respective heirs, successors and assigns is duly authorized to sign the written demand by and for the Minister.
2. The Surety shall, by the later of 30 days from the Minister's demand, and, if taxpayer information has been requested, 60 days following receipt of the taxpayer information, pay to the Minister the amount of the Claim not exceeding the bond amount.
3. In the event the Principal has, by the payment date in 2 above, filed a written objection to the assessment or statement of disallowance that is the subject of the Claim, the Surety shall not be obligated to pay the amount of the Claim until such time as the dispute is resolved by the Principal and the Minister or finally resolved by a court of competent jurisdiction.
4. If the Surety shall at any time hereafter give written notice by registered mail to the Minister, at 33 King Street West P.O. Box 625 Oshawa ON L1H 8H9, to the attention of the Senior Manager, Account Management and Collections Branch, Program Delivery Tax and Benefits, or his or her successor, heir, or assigns, of its intention to terminate the obligation hereby undertaken then this obligation and all liability of the Surety shall, on the expiration of sixty (60) days from the receipt by the Minister of such notice (the 'Termination Date'), cease and determine so far as concerns any liability or default of the Principal subsequent to the Termination Date, but otherwise shall remain in full force and effect in respect of any liability or default of the Principal that arose prior to the Termination Date.
5. The Principal authorizes the Minister to release to the Surety the 'taxpayer information'. This authorization is irrevocable and will remain in effect so long as the Minister may make a Claim.

6. The Surety shall not be liable for a greater sum than the bond amount. For greater certainty, the penal sum of this Bond is not and shall not be cumulative from year to year.
7. No right of action shall accrue on this Bond by or for any person or corporation other than the Minister.

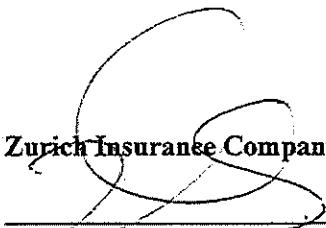
IN WITNESS WHEREOF the Principal and the Surety have executed and sealed this bond by their duly authorized signing officers this 12TH day of MARCH 2018.

Original Traders Energy LTD., General Partner
of Original Traders Energy LP, A Limited Partnership

By:  C/S
Name: [] Glenn Page
I have authority to bind the Corporation.

Title: [] President

Zurich Insurance Company Ltd.
 C/S
Joan Lawrie, Attorney-in-fact

Zurich Insurance Company Ltd.
 C/S
Doug Corby, Attorney-in-fact

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

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

AND IN THE MATTER OF A PLAN OF COMPROMISE
OR ARRANGEMENT OF ORIGINAL TRADERS ENERGY LTD. AND 2496750 ONTARIO INC.

D&O PROOF OF CLAIM

**FOR CLAIMS AGAINST DIRECTORS OR OFFICERS OF
ORIGINAL TRADERS ENERGY LTD., 2496750 ONTARIO INC., OTE LOGISTICS LP AND
ORIGINAL TRADERS ENERGY LP**

(collectively, the “OTE Group”)

6. **PARTICULARS OF CLAIMANT**

(a) Full Legal Name of Claimant: Ontario Ministry of Finance

(b) Full Mailing Address of Claimant: 33 King St W

P.O. Box 627

Oshawa On L1H 8H5

(c) Telephone Number of Claimant: 1-866-668-8297

(d) Facsimile Number of Claimant: _____

(e) E-mail Address of Claimant: insolvency.unit@ontario.ca

(f) Attention (Contact Person): Judy Babin - Senior Insolvency Officer

7. **PARTICULARS OF ORIGINAL CREDITOR FROM WHOM YOU ACQUIRED CLAIM, IF APPLICABLE:**

(a) Have you acquired this Claim by assignment? Yes No

(if yes, attach documents evidencing assignment)

(b) Full Legal Name of original Claimant(s): _____

8. **PROOF OF CLAIM**

THE UNDERSIGNED CERTIFIES AS FOLLOWS:

- (a) I hold the position of Senior Insolvency Officer of the Claimant of the Directors or Officers of the OTE Group;
- (b) That I have knowledge of all the circumstances connected with the Claim described and set out below;
- (c) The Director(s) or Officer(s) of the OTE Group was and still is indebted to the Claimant as follows:²

Applicable Directors and/or Officers of the OTE Group	Pre-Filing D&O Claim Amount	Restructuring Period D&O Claim Amount	Secured, Priority Unsecured, or Unsecured	Value of Security, if any
Scott Hill	\$135,685,928.23	\$814,601.00	Unsecured	
Glenn Page	\$118,928,588.83		Unsecured	

9. **PARTICULARS OF CLAIM:**

The particulars of the undersigned's Claims (including Pre-Filing D&O Claims, and Restructuring
See attached Appendix "A".

10. **FILING OF CLAIM**

For Pre-Filing D&O Claims, this D&O Proof of Claim must be returned to and received by the Monitor by **5:00 p.m. (Toronto Time) on the Claims Bar Date (June 27, 2023)**.

For Restructuring Period D&O Claims, this D&O Proof of Claim must be returned to and received by the Monitor by **5:00 p.m. (Toronto Time) on the later of the Claims Bar Date and the date that is thirty (30) days after the Monitor sends a Claims Package with respect to a Restructuring Period Claim.**

In both cases, completed forms must be delivered by prepaid registered mail, courier, personal delivery, facsimile transmission or email at the address below to the Monitor at the following address:

KPMG Inc., Court-appointed Monitor of the OTE Group

Claims Process

333 Bay Street, Suite 4600
 Bay Adelaide Centre
 Toronto, ON M5H 2S5

Attention: Chris Gard / Broderick Lomax
 Telephone: 1-833-665-0666 (toll free within North America)
 416-468-7000 (local)
 Fax: 416-777-8818
 Email: OTEGroup@kpmg.ca

DATED at Oshawa this 23 day of June, 2023.



*(signature of Claimant or its authorized
 representative)*

Name: Judy Babin

Title: Senior Insolvency Officer

Capitalized terms that are not defined herein have the meanings ascribed thereto in the Claims Procedure Order.

Appendix “A”

Particulars of Proof of Claim for Directors and Officers of OTE LP

Original Traders Energy Ltd.’s Tax Obligations

Original Traders Energy Ltd. (“OTE GP”), on behalf of the partners of Original Traders Energy Limited Partnership (“OTE LP”), is liable to His Majesty the King in right of Ontario as represented by the Minister of Finance (“MOF”) for certain tax debts, including interest and penalties.

Pursuant to the *Fuel Tax Act*, R.S.O. 1990, c. F. 35 (“FTA”), OTE LP holds an exporter license, an importer license, and an interjurisdictional transporter license from the MOF (collectively the “Fuel Licenses”). The Fuel Licenses allow OTE LP to conduct business as an exporter, importer and interjurisdictional transporter of fuel products within and outside of Ontario.

Pursuant to the *Gasoline Tax Act*, R.S.O. 1990, c. G. 5 (“GTA”), OTE LP holds an importer license, and an interjurisdictional transporter license from the MOF (collectively the “Gas Licenses”). The Gas Licenses allow OTE LP to conduct business as an importer and interjurisdictional transporter of gasoline products in bulk within and outside of Ontario.

Original Traders Energy Ltd. is required under the GTA and FTA to collect and remit fuel and gasoline taxes to the MOF. The taxes must be remitted within by the 21st day and the 25th day of the month after the month of sale, respectively. Interest and penalties may be assessed in the event of a failure to remit taxes on time.

Pre-Filing Claims

As of January 30, 2021, OTE LP had the following outstanding tax debts, including interest and penalties:

- a. FTA debt of \$9,277,648.23 (the “OTE FTA Debt”); and
- b. GTA debt of \$126,721,204.26 (the “OTE GTA Debt”).

Attached as **Appendix “B”** is a Chart showing the calculation of the OTE FTA Debt, which arose from OTE LP’s activities between July 1, 2021 and December 31, 2022 (see Appendix “B” rows 2 to 19).

Attached as **Appendix “C”** is a Chart showing the calculation of the OTE GTA Debt, which arose from OTE LP’s activities between August 1, 2021 and December 31, 2022 (see Appendix “C” rows 2 to 18).

The amounts listed in the Charts in Appendices “B” and “C” are taken from the Notices of Assessment and Notices of Re-Assessment enclosed with the Charts. All interest has been calculated up to January 30, 2023. Both the OTE FTA Debt and the OTE GTA Debt are submitted as Pre-Filing Claims.

Restructuring Period Claim

Additionally, OTE LP has the following outstanding tax liabilities for activities OTE LP carried out from January 1 to January 31, 2023:

- a. *FTA* debt of \$165,690.60 (the “**OTE FTA Restructuring Debt**”); and
- b. *GTA* debt of \$ 648,911.33 (the “**OTE GTA Restructuring Debt**”).

The OTE FTA Restructuring Debt and OTE GTA Restructuring Debt shown in row 1 of the Charts in Appendices “B” and “C”. The OTE FTA Restructuring Debt and the OTE GTA Restructuring Debt are submitted as Restructuring Period Claims.

Claims Arising from Ongoing Audit

The MOF is continuing to review information relating to the claims set out herein, including sales and remittance records, and the MOF reserves its rights to adjust these claims upon completion of its review.

Surety Bond

The MOF holds Surety Bond 6350832 (the “**Bond**”) in the amount of \$2,000,000 issued by Zurich Insurance Company Limited (“**Zurich**”). The Ministry of Finance made a demand for payment under the Bond to Zurich on January 23, 2023. Attached as **Appendix “D”** are the demand letter dated January 23, 2023 and a copy of the Bond. Zurich has not made any payment under the Bond as of the date of this Proof of Claim.

Directors and Officers’ Liability for Tax Debts

Section 25.1 of both the *GTA* and *FTA* make directors of a corporation jointly and severally liable for any fuel or gasoline tax debts the corporation incurred when they were directors.

Scott Hill has been a director of OTE GP¹ for the entire period in which OTE LP’s tax liabilities arose. As such, Mr. Hill is jointly and severally liable for all the tax debts of OTE LP set out above. Attached as **Appendix “E”** is a Notice of Assessment dated June 9, 2023 in the amount of \$9,443,338.83 for which Mr. Hill is liable under the *FTA*. Attached as **Appendix “F”** is a

¹ OTE GP is the general partner of OTE LP.

Notice of Assessment dated June 9, 2023 in the amount of \$127,057,190.40 for which Mr. Hill is liable under the *GTA* (the “**Hill GTA Debt**”).

The OTE FTA Restructuring Debt and the OTE GTA Restructuring Debt are submitted as Restructuring Period Claims against Scott Hill.

The Hill GTA Debt is lower than the OTE GTA Debt because a penalty assessed against OTE LP in June 2022 was inadvertently omitted from the relevant Notice of Assessment for Mr. Hill.

Glenn Page was a director of OTE GP from its inception until July 14, 2022. As such, Mr. Page is liable for the tax debts set out above that were incurred prior to July 14, 2022. Attached as **Appendix “G”** is a Notice of Assessment dated June 9, 2023 in the amount of \$8,358,040.82 for which Mr. Page is liable under the *FTA*. Attached as **Appendix “H”** is a Notice of Assessment dated June 9, 2023 in the amount of \$110,570,548.01 for which Mr. Page is liable under the *GTA*.

Appendix "B" - FUEL TAX

	Period Ending	Tax	Penalty	Interest as at January 30, 2023	Credit	Balance
1	31-Jan-23	\$195,690.60	\$0.00	\$0.00	(\$30,000.00)	\$165,690.60
<i>Restructuring Period Claim Subtotal</i>		\$195,690.60	\$0.00	\$0.00	(\$30,000.00)	\$165,690.60
2	31-Dec-22	\$196,897.50	\$0.00	\$0.00	(\$196,897.50)	\$0.00
3	30-Nov-22	\$2,503,876.96	\$0.00	\$201,831.61	(\$208,859.76)	\$2,496,848.81
4	31-Oct-22	\$247,254.21	\$0.00	\$0.00	(\$247,254.21)	\$0.00
5	30-Sep-22	\$233,913.69	\$23,391.37	\$5,470.73	\$0.00	\$262,775.79
6	31-Aug-22	\$227,505.51	\$22,750.55	\$6,893.97	\$0.00	\$257,150.03
7	31-Jul-22	\$374,416.83	\$37,441.68	\$13,577.62	\$0.00	\$425,436.13
8	30-Jun-22	\$532,358.83	\$53,235.88	\$22,395.25	\$0.00	\$607,989.96
9	31-May-22	\$608,442.84	\$0.00	\$25,453.34	\$0.00	\$633,896.18
10	30-Apr-22	\$451,632.04	\$0.00	\$18,893.37	\$0.00	\$470,525.41
11	31-Mar-22	\$485,926.58	\$0.00	\$20,328.04	\$0.00	\$506,254.62
12	28-Feb-22	\$411,339.93	\$0.00	\$17,207.81	\$0.00	\$428,547.74
13	31-Jan-22	\$365,221.86	\$0.00	\$15,278.53	\$0.00	\$380,500.39
14	31-Dec-21	\$474,196.01	\$0.00	\$19,837.31	\$0.00	\$494,033.32
15	30-Nov-21	\$533,343.38	\$0.00	\$36,790.89	\$0.00	\$570,134.27
16	31-Oct-21	\$396,610.21	\$39,661.02	\$32,271.73	\$0.00	\$468,542.96
17	30-Sep-21	\$430,762.33	\$43,076.23	\$37,216.12	\$0.00	\$511,054.68
18	31-Aug-21	\$423,903.19	\$42,390.32	\$38,556.10	\$0.00	\$504,849.61
19	31-Jul-21	\$412,134.58	\$41,213.46	\$38,193.13	(\$232,432.84)	\$259,108.33
<i>Pre-Filing Claim Subtotal</i>		\$8,897,601.90	\$261,947.05	\$512,002.42	(\$653,011.47)	\$9,277,648.23
Grand Total Fuel Tax Claims		\$9,093,292.50	\$261,947.05	\$512,002.42	(\$683,011.47)	\$9,443,338.83



Ministry of Finance
33 King St W
PO Box 625
Oshawa ON L1H 8H9

123000

FUL - IL032
ORIGINAL TRADERS ENERGY LTD., GENERAL
PARTNER OF ORIGINAL TRADERS ENERGY LP,
A LIMITED PARTNERSHIP
7273 INDIAN LINE
SCOTLAND ON NOE 1R0

Issue Date 03-Apr-2023

Business No. 784930489TF0001

Reference No. L1406847008

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 31-Jan-2023. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	2,608,662	2,608,662
Total Taxable Volume	2,608,662	2,608,662
Total Tax Before Adjustments	\$195,690.60	\$195,690.60
Total Tax Payable	\$165,690.60	\$195,690.60
Interest		\$0.00
Current Penalty		\$0.00
Credits/Payments		(\$30,000.00)
Total Assessment		<u>\$165,690.60</u>

As of 03-Apr-2023, including the amount assessed above, you have an overall balance on your account of \$9,423,338.83.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Teletypewriter (TTY) 1 800 263-7776
Internet ontario.ca/finance



Ministry of Finance
33 King St W
PO Box 625
Oshawa ON L1H 8H9

FUL - IL032
ORIGINAL TRADERS ENERGY LTD., GENERAL
PARTNER OF ORIGINAL TRADERS ENERGY LP,
A LIMITED PARTNERSHIP
3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

Issue Date 13-Feb-2023

Business No. 784930489TF0001
Reference No. L0381595680

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 31-Dec-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	2,939,275	2,939,275
Total Taxable Volume	2,939,275	2,939,275
Total Tax Before Adjustments	\$196,897.50	\$196,897.50
Total Tax Payable	\$146,897.50	\$196,897.50
Interest		\$0.00
Current Penalty		\$0.00
Credits/Payments		(\$196,897.50)
Total Assessment		\$0.00

As of 13-Feb-2023, including the amount assessed above, you have an overall balance on your account of \$6,750,799.42.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Oshawa ON L1H 8H9

FUL - IL032
ORIGINAL TRADERS ENERGY LTD., GENERAL
PARTNER OF ORIGINAL TRADERS ENERGY LP,
A LIMITED PARTNERSHIP
3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

Issue Date 13-Feb-2023

Business No. 784930489TF0001
Reference No. L1723772960

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 30-Nov-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	3,216,555	3,216,555
Total Taxable Volume	3,216,555	3,216,555
Total Tax Before Adjustments	\$208,859.76	\$208,859.76
Total Tax Payable	\$168,859.76	\$208,859.76
Interest		\$0.00
Current Penalty		\$0.00
Credits/Payments		(\$208,859.76)
Total Assessment		\$0.00

As of 13-Feb-2023, including the amount assessed above, you have an overall balance on your account of \$6,750,799.42.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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A LIMITED PARTNERSHIP
7273 INDIAN LINE
SCOTLAND ON NOE 1R0

FUL - qL053

Issue Date 29-Mar-2023

Business No. 784930489TF0001

Reference No. L1498859552

Audit Notice of Assessment - Fuel Tax

Pursuant to Sections 13 and 11.1 of the *Fuel Tax Act*

An audit assessment has been processed to your account as indicated below:

Audit Period: 01-Mar-2019 to 30-Nov-2022

Assessment	Amount
Total Tax Adjustment	\$2,324,962.50
Penalty	\$0.00
Interest	\$202,026.49
Total	\$2,526,988.99
Credit	(\$29,945.30)
Credit Interest	(\$194.88)
Total Due	<u>\$2,496,848.81</u>

If you have any questions concerning this Notice of Assessment, please call the number listed below. After discussion with a ministry representative, if you do not agree with the assessment you have the right to serve a Notice of Objection on the minister within 180 days of the mailing date of this form. Any amounts that are outstanding as a result of the assessment are due and payable even if you have filed, or intend to file, a Notice of Objection. If your objection is successful, you will be refunded any overpayment of taxes with interest from the dates the payments were made.

If you have any questions or require additional information, please visit our website or call the Ministry of Finance at the number listed below..

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FUL - IL032

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A LIMITED PARTNERSHIP
3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

Issue Date 13-Feb-2023

Business No. 784930489TF0001

Reference No. L0650031136

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 31-Oct-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	3,773,520	3,773,520
Total Taxable Volume	3,773,520	3,773,520
Total Tax Before Adjustments	\$247,254.21	\$247,254.21
Total Tax Payable	\$167,254.21	\$247,254.21
Interest	\$0.00	\$0.00
Current Penalty	\$0.00	\$0.00
Credits/Payments	(\$247,254.21)	(\$247,254.21)
Total Assessment	<u>\$0.00</u>	<u>\$0.00</u>

As of 13-Feb-2023, including the amount assessed above, you have an overall balance on your account of \$6,750,799.42.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

If you have any questions or require additional information, please visit our website or call the Ministry of Finance at the number listed below.

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A LIMITED PARTNERSHIP
3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

Issue Date 13-Feb-2023

Business No. 784930489TF0001
Reference No. L1186902048

Notice of Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

Your account has been assessed resulting in a balance as indicated below.

Period Ending: 30-Sep-2022	Return As Filed
Total Accountable Volume	3,417,904
Total Taxable Volume	3,417,904
Total Tax Before Adjustments	\$233,913.69
Total Tax Payable	\$233,913.69
Interest	\$5,470.73
Current Penalty	\$23,391.37
Credits/Payments	\$0.00
Total Assessment	<u>\$262,775.79</u>

The estimated tax and associated interest for this filing period have been reversed.

As of 13-Feb-2023, including the amount assessed above, you have an overall balance on your account of \$6,750,799.42.

If you have any questions concerning this Notice of Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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CALEDONIA ON N3W 2G9

Issue Date 13-Feb-2023

Business No. 784930489TF0001
Reference No. L0113160224

Notice of Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

Your account has been assessed resulting in a balance as indicated below.

Period Ending: 31-Aug-2022	Return As Filed
Total Accountable Volume	4,053,832
Total Taxable Volume	4,053,832
Total Tax Before Adjustments	\$271,677.51
Total Tax Payable	\$227,505.51
Interest	\$6,893.97
Current Penalty	\$22,750.55
Credits/Payments	\$0.00
Total Assessment	<u>\$257,150.03</u>

The estimated tax and associated interest for this filing period have been reversed.

As of 13-Feb-2023, including the amount assessed above, you have an overall balance on your account of \$6,750,799.42.

If you have any questions concerning this Notice of Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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FUL - IL031

Issue Date 13-Feb-2023

Business No. 784930489TF0001

Reference No. L2059317280

Notice of Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

Your account has been assessed resulting in a balance as indicated below.

Period Ending: 31-Jul-2022	Return As Filed
Total Accountable Volume	5,471,828
Total Taxable Volume	5,471,828
Total Tax Before Adjustments	\$374,416.83
Total Tax Payable	\$374,416.83
Interest	\$13,577.62
Current Penalty	\$37,441.68
Credits/Payments	\$0.00
Total Assessment	<u>\$425,436.13</u>

The estimated tax and associated interest for this filing period have been reversed.

As of 13-Feb-2023, including the amount assessed above, you have an overall balance on your account of \$6,750,799.42.

If you have any questions concerning this Notice of Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Issue Date 18-Aug-2022

Business No. 784930489TF0001
Reference No. L1098037184

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 30-Jun-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	4,966,344	4,966,344
Total Taxable Volume	4,966,344	4,966,344
Total Tax Before Adjustments	\$0.00	\$532,358.83
Total Tax Payable	\$532,358.83	\$532,358.83
Interest		\$674.17
Current Penalty		\$53,235.88
Credits/Payments		\$0.00
Total Assessment		<u>\$586,268.88</u>

As of 18-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$5,619,520.03.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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FUL - tL032

Issue Date 18-Aug-2022

Business No. 784930489TF0001
Reference No. L0024295360

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 31-May-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	5,431,545	5,431,545
Total Taxable Volume	5,431,545	5,431,545
Total Tax Before Adjustments	\$0.00	\$608,442.84
Total Tax Payable	\$608,442.84	\$608,442.84
Interest		\$2,806.73
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$611,249.57</u>

As of 18-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$5,619,520.03.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Issue Date 18-Aug-2022

Business No. 784930489TF0001
Reference No. L2121447360

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 30-Apr-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	3,946,064	3,946,064
Total Taxable Volume	3,946,064	3,946,064
Total Tax Before Adjustments	\$0.00	\$451,632.04
Total Tax Payable	\$451,632.04	\$451,632.04
Interest		\$2,083.36
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		\$453,715.40

As of 18-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$5,619,520.03.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Issue Date 18-Aug-2022

Business No. 784930489TF0001

Reference No. L1047705536

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 31-Mar-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	3,398,088	4,833,125
Total Taxable Volume	3,398,088	4,833,125
Total Tax Before Adjustments	\$0.00	\$485,926.58
Total Tax Payable	\$485,926.58	\$485,926.58
Interest		\$2,241.56
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$488,168.14</u>

As of 18-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$5,619,520.03.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Issue Date 18-Aug-2022

Business No. 784930489TF0001

Reference No. L1584576448

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 28-Feb-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	3,938,521	3,938,521
Total Taxable Volume	3,938,521	3,938,521
Total Tax Before Adjustments	\$0.00	\$411,339.93
Total Tax Payable	\$411,339.93	\$411,339.93
Interest		\$1,897.50
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$413,237.43</u>

As of 18-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$5,619,520.03.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Issue Date 18-Aug-2022

Business No. 784930489TF0001
Reference No. L0510834624

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 31-Jan-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	3,725,966	3,831,327
Total Taxable Volume	3,725,966	3,831,327
Total Tax Before Adjustments	\$0.00	\$365,221.86
Total Tax Payable	\$350,155.23	\$365,221.86
Interest		\$1,684.76
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$366,906.62</u>

As of 18-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$5,619,520.03.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Issue Date 18-Aug-2022

Business No. 784930489TF0001
Reference No. L1853011904

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 31-Dec-2021. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	4,508,934	4,577,318
Total Taxable Volume	4,508,934	4,577,318
Total Tax Before Adjustments	\$0.00	\$474,196.01
Total Tax Payable	\$457,625.88	\$474,196.01
Interest		\$2,187.45
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$476,383.46</u>

As of 18-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$5,619,520.03.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Issue Date 18-Aug-2022

Business No. 784930489TF0001

Reference No. L0779270080

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 30-Nov-2021. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	4,961,772	4,961,772
Total Taxable Volume	4,961,772	4,961,772
Total Tax Before Adjustments	\$0.00	\$533,343.38
Total Tax Payable	\$533,343.38	\$533,343.38
Interest		\$16,422.26
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$549,765.64</u>

As of 18-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$5,619,520.03.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Issue Date 18-Aug-2022

Business No. 784930489TF0001

Reference No. L1316140992

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 31-Oct-2021. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	3,759,205	3,759,205
Total Taxable Volume	3,759,205	3,759,205
Total Tax Before Adjustments	\$0.00	\$396,610.21
Total Tax Payable	\$396,610.21	\$396,610.21
Interest		\$15,532.54
Current Penalty		\$39,661.02
Credits/Payments		\$0.00
Total Assessment		<u>\$451,803.77</u>

As of 18-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$5,619,520.03.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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PARTNER OF ORIGINAL TRADERS ENERGY LP,
A LIMITED PARTNERSHIP
3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

Issue Date 18-Aug-2022

Business No. 784930489TF0001
Reference No. L0242399168

Notice of Re-Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

We have received and processed your return for the period ending 30-Sep-2021. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volume	3,012,324	3,933,076
Total Taxable Volume	3,012,324	3,933,076
Total Tax Before Adjustments	\$0.00	\$430,762.33
Total Tax Payable	\$430,762.33	\$430,762.33
Interest		\$18,958.15
Current Penalty		\$43,076.23
Credits/Payments		\$0.00
Total Assessment		<u>\$492,796.71</u>

As of 18-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$5,619,520.03.

If you have any questions concerning this Notice Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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CALEDONIA ON N3W 2G9

Issue Date 01-Feb-2022

Business No. 784930489TF0001
Reference No. L1507912640

Notice of Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

Your account has been assessed resulting in a balance as indicated below.

Period Ending: 31-Aug-2021	Return As Filed
Total Accountable Volume	3,838,239
Total Taxable Volume	3,838,239
Total Tax Before Adjustments	\$423,903.19
Total Tax Payable	\$423,903.19
Interest	\$8,182.63
Current Penalty	\$42,390.32
Credits/Payments	\$0.00
Total Assessment	\$474,476.14

As of 01-Feb-2022, including the amount assessed above, you have an overall balance on your account of \$1,133,719.07.

If you have any questions concerning this Notice of Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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FUL - tL031

Issue Date 01-Feb-2022

Business No. 784930489TF0001
Reference No. L0434170816

Notice of Assessment - Fuel Tax

Generic Fuel Return

Pursuant to Sections 10(3.1), 10(4.1) or 11(1) of the *Fuel Tax Act*

Your account has been assessed resulting in a balance as indicated below.

Period Ending: 31-Jul-2021	Return As Filed
Total Accountable Volume	3,825,844
Total Taxable Volume	3,825,844
 Total Tax Before Adjustments	\$412,134.58
Total Tax Payable	\$412,134.58
 Interest	\$10,045.40
Current Penalty	\$41,213.46
Credits/Payments	\$0.00
Total Assessment	\$463,393.44

As of 01-Feb-2022, including the amount assessed above, you have an overall balance on your account of \$1,133,719.07.

If you have any questions concerning this Notice of Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Appendix "C" - GAS TAX

	Period Ending	Tax	Penalty	Interest as at January 30, 2023	Credit	Balance
1	31-Jan-23	\$1,918,911.33	\$0.00	\$0.00	(\$1,270,000.00)	\$648,911.33
<i>Restructuring Period Claim Subtotal</i>		\$1,918,911.33	\$0.00	\$0.00	(\$1,270,000.00)	\$648,911.33
2	31-Dec-22	\$1,992,060.90	\$0.00	\$0.00	(\$1,992,060.90)	\$0.00
3	30-Nov-22	\$85,805,340.35	\$0.00	\$8,829,033.18	(\$1,997,786.07)	\$92,636,587.46
4	31-Oct-22	\$2,560,450.05	\$184,045.00	\$2,804.20	(\$2,560,450.05)	\$186,849.20
5	30-Sep-22	\$2,439,093.60	\$243,909.36	\$59,448.12	\$0.00	\$2,742,451.08
6	31-Aug-22	\$3,274,882.47	\$327,488.25	\$102,280.57	\$0.00	\$3,704,651.29
7	31-Jul-22	\$4,271,498.19	\$427,149.82	\$157,292.89	\$0.00	\$4,855,940.90
8	30-Jun-22	\$3,129,251.92	\$312,925.19	\$121,810.65	\$0.00	\$3,563,987.76
9	31-May-22	\$3,428,035.00	\$0.00	\$143,406.94	\$0.00	\$3,571,441.94
10	30-Apr-22	\$2,232,920.00	\$0.00	\$93,411.01	\$0.00	\$2,326,331.01
11	31-Mar-22	\$2,110,508.84	\$0.00	\$88,290.12	\$0.00	\$2,198,798.96
12	28-Feb-22	\$1,744,736.53	\$0.00	\$72,988.55	\$0.00	\$1,817,725.08
13	31-Jan-22	\$1,412,822.73	\$0.00	\$59,103.42	\$0.00	\$1,471,926.15
14	31-Dec-21	\$1,395,073.07	\$0.00	\$58,360.90	\$0.00	\$1,453,433.97
15	30-Nov-21	\$1,354,127.54	\$0.00	\$94,997.03	\$0.00	\$1,449,124.57
16	31-Oct-21	\$1,345,255.80	\$134,525.58	\$110,115.20	\$0.00	\$1,589,896.58
17	30-Sep-21	\$1,328,839.43	\$132,883.94	\$115,670.42	\$0.00	\$1,577,393.79
18	31-Aug-21	\$1,771,697.66	\$177,169.77	\$158,192.02	(\$532,394.93)	\$1,574,664.52
<i>Pre-Filing Claim Subtotal</i>		\$121,596,594.08	\$1,940,096.91	\$10,267,205.22	(\$7,082,691.95)	\$126,721,204.26
Grand Total Gas Tax Claims		\$123,515,505.41	\$1,940,096.91	\$10,267,205.22	(\$8,352,691.95)	\$127,370,115.59



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A LIMITED PARTNERSHIP
7273 INDIAN LINE
SCOTLAND ON NOE 1R0

Issue Date 03-Apr-2023

Business No. 784930489TG0001
Reference No. L2056767520

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 31-Jan-2023. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	21,321,237	21,321,237
Total Taxable Volumes	21,321,237	21,321,237
Total Tax Before Adjustments	\$1,918,911.33	\$1,918,911.33
Total Tax Payable	\$1,648,911.33	\$1,918,911.33
Interest		\$0.00
Current Penalty		\$0.00
Credits/Payments		(\$270,000.00)
Total Assessment		<u>\$1,648,911.33</u>

As of 03-Apr-2023, including the amount assessed above, you have an overall balance on your account of \$128,382,296.66.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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PARTNER OF ORIGINAL TRADERS ENERGY LP,
A LIMITED PARTNERSHIP
3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

Issue Date 13-Feb-2023

Business No. 784930489TG0001
Reference No. L1899868192

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 31-Dec-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	22,134,010	22,134,010
Total Taxable Volumes	22,134,010	22,134,010
Total Tax Before Adjustments	\$1,992,060.90	\$1,992,060.90
Total Tax Payable	\$1,542,060.90	\$1,992,060.90
Interest		\$0.00
Current Penalty		\$0.00
Credits/Payments		(\$1,992,060.90)
Total Assessment		<u>\$0.00</u>

As of 13-Feb-2023, including the amount assessed above, you have an overall balance on your account of \$33,916,797.87.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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CALEDONIA ON N3W 2G9

Issue Date 13-Feb-2023

Business No. 784930489TG0001
Reference No. L0826126368

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 30-Nov-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	22,197,623	22,197,623
Total Taxable Volumes	22,197,623	22,197,623
Total Tax Before Adjustments	\$1,997,786.07	\$1,997,786.07
Total Tax Payable	\$1,637,786.07	\$1,997,786.07
Interest		\$0.00
Current Penalty		\$0.00
Credits/Payments		(\$1,997,786.07)
Total Assessment		<u>\$0.00</u>

As of 13-Feb-2023, including the amount assessed above, you have an overall balance on your account of \$33,916,797.87.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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7273 INDIAN LINE
SCOTLAND ON NOE 1R0

GAS - qL054

Issue Date 29-Mar-2023

Business No. 784930489TG0001

Reference No. L0425117728

Audit Notice of Assessment - Gasoline Tax

Pursuant to Sections 11 and 12 of the *Gasoline Tax Act*

An audit assessment has been processed to your account as indicated below:

Audit Period: 01-Mar-2019 to 30-Nov-2022

Assessment	Amount
Total Tax Adjustment	\$83,866,630.55
Penalty	\$0.00
Interest	\$8,829,391.66
Total	\$92,696,022.21
Credit	(\$59,076.27)
Credit Interest	(\$358.48)
Total Due	<u>\$92,636,587.46</u>

If you have any questions concerning this Notice of Assessment, please call the number listed below. After discussion with a ministry representative, if you do not agree with the assessment you have the right to serve a Notice of Objection on the minister within 180 days of the mailing date of this form. Any amounts that are outstanding as a result of the assessment are due and payable even if you have filed, or intend to file, a Notice of Objection. If your objection is successful, you will be refunded any overpayment of taxes with interest from the dates the payments were made.

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CALEDONIA ON N3W 2G9

Issue Date 13-Feb-2023

Business No. 784930489TG0001
Reference No. L1362997280

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 31-Oct-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	28,449,445	28,449,445
Total Taxable Volumes	28,449,445	28,449,445
Total Tax Before Adjustments	\$2,560,450.05	\$2,560,450.05
Total Tax Payable	\$1,840,450.05	\$2,560,450.05
Interest		\$2,804.20
Current Penalty		\$184,045.00
Credits/Payments		(\$2,560,450.05)
Total Assessment		<u>\$186,849.20</u>

As of 13-Feb-2023, including the amount assessed above, you have an overall balance on your account of \$33,916,797.87.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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A LIMITED PARTNERSHIP
3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

Issue Date 13-Feb-2023

Business No. 784930489TG0001
Reference No. L0289255456

Notice of Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

Your account has been assessed resulting in a balance as indicated below.

Period Ending:	30-Sep-2022	Return As Filed
Total Accountable Volumes		27,101,040
Total Taxable Volumes		27,101,040
Total Tax Before Adjustments		\$2,439,093.60
Total Tax Payable		\$2,439,093.60
Interest		\$59,448.12
Current Penalty		\$243,909.36
Credits/Payments		\$0.00
Total Assessment		\$2,742,451.08

The estimated tax and associated interest for this filing period have been reversed.

As of 13-Feb-2023, including the amount assessed above, you have an overall balance on your account of \$33,916,797.87.

If you have any questions concerning this Notice of Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Issue Date 13-Feb-2023

Business No. 784930489TG0001
Reference No. L1631432736

Notice of Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

Your account has been assessed resulting in a balance as indicated below.

Period Ending: 31-Aug-2022	Return As Filed
Total Accountable Volumes	42,418,648
Total Taxable Volumes	42,418,648
Total Tax Before Adjustments	\$3,817,678.32
Total Tax Payable	\$3,274,882.47
Interest	\$102,280.57
Current Penalty	\$327,488.25
Credits/Payments	\$0.00
Total Assessment	<u>\$3,704,651.29</u>

The estimated tax and associated interest for this filing period have been reversed.

As of 13-Feb-2023, including the amount assessed above, you have an overall balance on your account of \$33,916,797.87.

If you have any questions concerning this Notice of Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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CALEDONIA ON N3W 2G9

Issue Date 13-Feb-2023

Business No. 784930489TG0001
Reference No. L0557690912

Notice of Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

Your account has been assessed resulting in a balance as indicated below.

Period Ending: 31-Jul-2022	Return As Filed
Total Accountable Volumes	47,461,091
Total Taxable Volumes	47,461,091
Total Tax Before Adjustments	\$4,271,498.19
Total Tax Payable	\$4,271,498.19
Interest	\$157,292.89
Current Penalty	\$427,149.82
Credits/Payments	\$0.00
Total Assessment	\$4,855,940.90

The estimated tax and associated interest for this filing period have been reversed.

As of 13-Feb-2023, including the amount assessed above, you have an overall balance on your account of \$33,916,797.87.

If you have any questions concerning this Notice of Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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CALEDONIA ON N3W 2G9

GAS - tL035

Issue Date 16-Aug-2022

Business No. 784930489TG0001

Reference No. L1959835584

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 30-Jun-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	21,287,428	21,287,428
Total Taxable Volumes	21,287,428	21,287,428
Total Tax Before Adjustments	\$0.00	\$3,129,251.92
Total Tax Payable	\$3,129,251.92	\$3,129,251.92
Interest		\$6,229.33
Current Penalty		\$312,925.19
Credits/Payments		\$0.00
Total Assessment		<u>\$3,448,406.44</u>

As of 16-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$21,953,439.06.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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Enquiries

1 866 ONT-TAXS
1 866 668-8297

Fax 1 866 888-3850

Teletypewriter (TTY) 1 800 263-7776
Internet ontario.ca/finance



Ministry of Finance
33 King St W
PO Box 625
Oshawa ON L1H 8H9

GAS - tL035
ORIGINAL TRADERS ENERGY LTD., GENERAL
PARTNER OF ORIGINAL TRADERS ENERGY LP,
A LIMITED PARTNERSHIP
3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

Issue Date 16-Aug-2022

Business No. 784930489TG0001
Reference No. L0886093760

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 31-May-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	23,319,966	23,319,966
Total Taxable Volumes	23,319,966	23,319,966
Total Tax Before Adjustments	\$0.00	\$3,428,035.00
Total Tax Payable	\$3,428,035.00	\$3,428,035.00
Interest		\$15,813.42
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$3,443,848.42</u>

As of 16-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$21,953,439.06.

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Oshawa ON L1H 8H9

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PARTNER OF ORIGINAL TRADERS ENERGY LP,
A LIMITED PARTNERSHIP
3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

Issue Date 16-Aug-2022

Business No. 784930489TG0001
Reference No. L1422964672

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 30-Apr-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	15,189,932	15,189,932
Total Taxable Volumes	15,189,932	15,189,932
Total Tax Before Adjustments	\$0.00	\$2,232,920.00
Total Tax Payable	\$2,232,920.00	\$2,232,920.00
Interest		\$10,300.39
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$2,243,220.39</u>

As of 16-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$21,953,439.06.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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PO Box 625
Oshawa ON L1H 8H9

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PARTNER OF ORIGINAL TRADERS ENERGY LP,
A LIMITED PARTNERSHIP
3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

Issue Date 16-Aug-2022

Business No. 784930489TG0001

Reference No. L0349222848

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 31-Mar-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	14,357,203	14,357,203
Total Taxable Volumes	14,357,203	14,357,203
Total Tax Before Adjustments	\$0.00	\$2,110,508.84
Total Tax Payable	\$2,110,508.84	\$2,110,508.84
Interest		\$9,735.71
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$2,120,244.55</u>

As of 16-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$21,953,439.06.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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A LIMITED PARTNERSHIP
3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

Issue Date 16-Aug-2022

Business No. 784930489TG0001
Reference No. L1691400128

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 28-Feb-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	11,868,956	11,868,956
Total Taxable Volumes	11,868,956	11,868,956
Total Tax Before Adjustments	\$0.00	\$1,744,736.53
Total Tax Payable	\$1,744,736.53	\$1,744,736.53
Interest		\$8,048.41
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$1,752,784.94</u>

As of 16-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$21,953,439.06.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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A LIMITED PARTNERSHIP
3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

Issue Date 16-Aug-2022

Business No. 784930489TG0001
Reference No. L0617658304

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 31-Jan-2022. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	9,611,039	9,611,039
Total Taxable Volumes	9,611,039	9,611,039
Total Tax Before Adjustments	\$0.00	\$1,412,822.73
Total Tax Payable	\$1,412,822.73	\$1,412,822.73
Interest		\$6,517.31
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$1,419,340.04</u>

As of 16-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$21,953,439.06.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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A LIMITED PARTNERSHIP
3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

Issue Date 16-Aug-2022

Business No. 784930489TG0001
Reference No. L1154529216

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 31-Dec-2021. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	9,490,293	9,490,293
Total Taxable Volumes	9,490,293	9,490,293
Total Tax Before Adjustments	\$0.00	\$1,395,073.07
Total Tax Payable	\$0.00	\$1,395,073.07
Interest		\$6,435.43
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$1,401,508.50</u>

As of 16-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$21,953,439.06.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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A LIMITED PARTNERSHIP
3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

Issue Date 16-Aug-2022

Business No. 784930489TG0001

Reference No. L0080787392

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 30-Nov-2021. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	9,588,117	9,588,117
Total Taxable Volumes	9,211,752	9,211,752
Total Tax Before Adjustments	\$0.00	\$1,354,127.54
Total Tax Payable	\$0.00	\$1,354,127.54
Interest		\$43,225.53
Current Penalty		\$0.00
Credits/Payments		\$0.00
Total Assessment		<u>\$1,397,353.07</u>

As of 16-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$21,953,439.06.

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3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

Issue Date 16-Aug-2022

Business No. 784930489TG0001
Reference No. L2026944448

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 31-Oct-2021. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	9,597,594	9,597,594
Total Taxable Volumes	9,151,400	9,151,400
Total Tax Before Adjustments	\$0.00	\$1,345,255.80
Total Tax Payable	\$1,345,255.80	\$1,345,255.80
Interest		\$53,314.48
Current Penalty		\$134,525.58
Credits/Payments		\$0.00
Total Assessment		<u>\$1,533,095.86</u>

As of 16-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$21,953,439.06.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

Issue Date 16-Aug-2022

Business No. 784930489TG0001
Reference No. L0953202624

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 30-Sep-2021. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	9,636,060	9,636,060
Total Taxable Volumes	9,039,724	9,039,724
Total Tax Before Adjustments	\$0.00	\$1,328,839.43
Total Tax Payable	\$0.00	\$1,328,839.43
Interest		\$59,316.38
Current Penalty		\$132,883.94
Credits/Payments		\$0.00
Total Assessment		<u>\$1,521,039.75</u>

As of 16-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$21,953,439.06.

If you have any questions concerning this Notice of Re-Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this re-assessment, you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the re-assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

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A LIMITED PARTNERSHIP
3-1110 HIGHWAY 54
CALEDONIA ON N3W 2G9

Issue Date 16-Aug-2022

Business No. 784930489TG0001
Reference No. L1490073536

Notice of Re-Assessment - Gasoline Tax

Generic Gasoline Return

Pursuant to Sections 8(4.1), 9(2) or 11(1) of the *Gasoline Tax Act*

We have received and processed your return for the period ending 31-Aug-2021. Based on the information provided, your return has been corrected as follows:

	Previous	Revised
Total Accountable Volumes	12,145,892	12,145,892
Total Taxable Volumes	12,052,365	12,052,365
Total Tax Before Adjustments	\$0.00	\$1,771,697.66
Total Tax Payable	\$1,771,697.65	\$1,771,697.66
Interest		\$87,435.22
Current Penalty		\$177,169.77
Credits/Payments		\$0.00
Total Assessment		<u>\$2,036,302.65</u>

As of 16-Aug-2022, including the amount assessed above, you have an overall balance on your account of \$21,953,439.06.

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Ministry of Finance	Ministère des Finances
Account Management and Collections Branch	Direction de la gestion des comptes et de la perception
33 King Street West Oshawa ON L1H 8H5 Tel.: 1-866-668-8297 Fax: 905 429-4790	33, rue King Ouest Oshawa ON L1H 8H5 Tél. : 1-866-668-8297 Téléc. : 905 429-4790

JAN 26 2023

Via Registered Mail

January 23, 2023

Zurich Insurance Company Ltd
Attn: Surety Department
100 King St W, Ste 5500
PO Box 290
Toronto ON M5X 1C9

RE: Demand for Payment of Surety Bond from Zurich Insurance Company Ltd for the account of Original Traders Energy Ltd., General Partner of Original Traders Energy LP, a Limited Partnership
Surety Bond No.: 6350832 – Issue date: March 12, 2018 – Amount CAD \$2,000,000
Fuel Tax Act, R.S.O. 1990, c. F35, as amended, and/or the Gasoline Tax Act, R.S.O. 1990 c. G.5, as amended (the “Acts”)

The Minister of Finance demands payment in the amount of **\$2,000,000 CAD** pursuant to the subject Surety Bond. This must be honoured by Zurich Insurance Company Ltd no later than close of business February 22, 2023, per the enclosed copy of the original Surety Bond number 6350832.

This amount is drawn in connection with the obligations of **Original Traders Energy Ltd., General Partner of Original Traders Energy LP, a Limited Partnership** and represents an amount owed to the Minister under the *Fuel Tax Act, R.S.O. 1990, c. F35, as amended, and the Gasoline Tax Act, R.S.O. 1990, c. G.5, as amended*.

Payment by certified cheque must be made to the Minister of Finance, and delivered to the following address, not later than the close of business February 22, 2023.

Dave Gerald, Tax Administration Manager
 Account Management and Collections Branch
 Ministry of Finance
 4th Floor- 33 King St W
 Oshawa ON L1H 8H9
Personal & Confidential

Should you have any questions or concerns, please do not hesitate to contact Dave Gerald at (289) 928-0976.

Sincerely,

A handwritten signature in black ink, appearing to read "E Sorgente".

Enzo Sorgente
Director
Account Management and Collections Branch
Encl. (1)

Note: A Surety Bond must be issued by a financial institution licensed by the Financial Services Commission of Ontario to sell surety insurance products in Ontario. A listing of authorized companies is maintained by the commission at http://www.fsco.gov.on.ca/en/insurance/licensing-registration/pages/ic_companies.aspx. Providers of Surety Insurance may have additional requirements.

SURETY BOND

***FUEL TAX ACT, R.S.O. 1990 c. F.35, as amended, and/or
GASOLINE TAX ACT, R.S.O. 1990 c. G.5, as amended***

Bond No.: 6350832

Amount: \$2,000,000.00

Original Traders Energy LTD., General Partner of Original Traders Energy LP, A Limited Partnership of the Town of Caledonia, in the Province/State of Ontario (hereinafter called the 'Principal'), and Zurich Insurance Company Ltd a corporation created and existing under the laws of Canada and duly licensed to transact the business of suretyship in Ontario at 100 King Street West, Suite 5500, P.O. Box 290, Toronto, Ontario, M5X 1C9 (hereinafter called the 'Surety'), jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns, to Her Majesty the Queen in Right of the Province of Ontario as represented by the Minister of Finance (hereinafter called the 'Minister') in the penal sum of Two Million Dollars ~~xx/100~~ Dollars (\$2,000,000.00) of lawful money of Canada.

WHEREAS under the provisions of the *FUEL TAX ACT, R.S.O. 1990 c. F.35, as amended*, and/or the *GASOLINE TAX ACT, R.S.O. 1990 c. G.5, as amended* [the 'Act(s)'], the Principal is an agent of the Minister for the purpose of collecting the tax imposed by the Act(s), or the holder of a permit or registration certificate, and pursuant to the Act(s) is required to furnish security in a form acceptable to the Minister.

NOW THEREFORE the condition of this obligation is such that if the Principal shall well and truly comply with all of the provisions and requirements of the Act(s) and the regulations made thereunder, and any amendments thereto, including the timely remittance of any tax collected, collectable or payable by the Principal then this obligation shall be null and void, otherwise to remain in full force and effect subject, however, to the following conditions:

1. Upon receipt of the Minister's written demand for payment pursuant to this bond (a 'Claim'), the Surety, may, within 30 days of the demand for payment, request from the Minister any and all information under the Act(s) and in the custody and control of the Minister with respect to the Principal's tax liability, tax returns, audit results and application(s) for authorities under the Act(s), (the 'taxpayer information') as required by the Surety to evaluate and verify the accuracy of the Claim. Any one of the Deputy Minister of Finance; the Associate Deputy Minister, Tax and Benefits Administration; or the Director of the Account Management and Collections Branch for the Minister of Finance or any of their respective heirs, successors and assigns is duly authorized to sign the written demand by and for the Minister.
2. The Surety shall, by the later of 30 days from the Minister's demand, and, if taxpayer information has been requested, 60 days following receipt of the taxpayer information, pay to the Minister the amount of the Claim not exceeding the bond amount.
3. In the event the Principal has, by the payment date in 2 above, filed a written objection to the assessment or statement of disallowance that is the subject of the Claim, the Surety shall not be obligated to pay the amount of the Claim until such time as the dispute is resolved by the Principal and the Minister or finally resolved by a court of competent jurisdiction.
4. If the Surety shall at any time hereafter give written notice by registered mail to the Minister, at 33 King Street West P.O. Box 625 Oshawa ON L1H 8H9, to the attention of the Senior Manager, Account Management and Collections Branch, Program Delivery Tax and Benefits, or his or her successor, heir, or assigns, of its intention to terminate the obligation hereby undertaken then this obligation and all liability of the Surety shall, on the expiration of sixty (60) days from the receipt by the Minister of such notice (the 'Termination Date'), cease and determine so far as concerns any liability or default of the Principal subsequent to the Termination Date, but otherwise shall remain in full force and effect in respect of any liability or default of the Principal that arose prior to the Termination Date.
5. The Principal authorizes the Minister to release to the Surety the 'taxpayer information'. This authorization is irrevocable and will remain in effect so long as the Minister may make a Claim.

6. The Surety shall not be liable for a greater sum than the bond amount. For greater certainty, the penal sum of this Bond is not and shall not be cumulative from year to year.
7. No right of action shall accrue on this Bond by or for any person or corporation other than the Minister.

IN WITNESS WHEREOF the Principal and the Surety have executed and sealed this bond by their duly authorized signing officers this 12TH day of MARCH 2018.

Original Traders Energy LTD., General Partner
of Original Traders Energy LP, A Limited Partnership

By:  C/S
Name: [] Glenn Page
I have authority to bind the Corporation.

Title: [] President

Zurich Insurance Company Ltd.
 C/S
Joan Lawrie, Attorney-in-fact

Zurich Insurance Company Ltd.
 C/S
Doug Corby, Attorney-in-fact



Ministry of Finance
33 King St W
PO Box 620
Oshawa ON L1H 8E9

SCOTT HILL
7493 INDIAN LINE, R1
WILSONVILLE ON N0E 1Z0

FUL - tL007

Issue Date 09-Jun-2023

Identification No. 004710186
Reference No. L1108162592

Notice of Assessment - Director's Liability

Fuel Tax Act

Your account has been assessed resulting in an outstanding balance as indicated below. The account balance is due on or before 30-Jun-2023. Accounts not paid in full will be subject to interest.

Reason	Amount
Tax collected but not remitted	\$8,669,389.36
Penalty	\$261,947.05
Interest	\$512,002.42
Total	\$9,443,338.83

Enquiries	1 866 ONT-TAXS 1 866 668-8297	Fax 1 866 888-3850	Teletypewriter (TTY) Internet	1 800 263-7776 ontario.ca/finance
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Ministry of Finance
33 King St W
PO Box 620
Oshawa ON L1H 8E9

Detach and return with your full payment. ▲

Identification No.	Reference No.	Balance Due
004710186	L1108162592	\$9,443,338.83

Fuel Tax Account Payment

Payments may be made:

- using ONT-TAXS online at ontario.ca/finance
- in person at certain ServiceOntario locations
- by mail to 33 King St W, PO Box 620, Oshawa ON L1H 8E9

Make your cheque or money order in Canadian funds payable to the **Minister of Finance**.

Payments cannot be made at financial institutions.



SCOTT HILL
7493 INDIAN LINE, R1
WILSONVILLE ON N0E 1Z0

If you have any questions concerning this Notice of Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this assessment you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

If you have any questions or require additional information, please visit our website or call the Ministry of Finance at the number listed below.

Ministry use only



Ministry of Finance
33 King St W
PO Box 620
Oshawa ON L1H 8E9

SCOTT HILL
7493 INDIAN LINE, R1
WILSONVILLE ON N0E 1Z0

GAS - tL007

Issue Date 09-Jun-2023
Identification No. 004626040
Reference No. L1078802464

Notice of Assessment - Director's Liability

Gasoline Tax Act

Your account has been assessed resulting in an outstanding balance as indicated below. The account balance is due on or before 30-Jun-2023. Accounts not paid in full will be subject to interest.

Reason	Amount
Tax collected but not remitted	\$115,659,778.51
Penalty	\$1,265,956.95
Interest	\$10,131,454.94
Total	\$127,057,190.40

Enquiries	1 866 ONT-TAXS 1 866 668-8297	Fax 1 866 888-3850	Teletypewriter (TTY) Internet	1 800 263-7776 ontario.ca/finance
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Ministry of Finance
33 King St W
PO Box 620
Oshawa ON L1H 8E9

Detach and return with your full payment. ▲

Identification No.	Reference No.	Balance Due
004626040	L1078802464	\$127,057,190.40

Gasoline Tax Account Payment

Payments may be made:

- using ONT-TAXS online at ontario.ca/finance
- in person at certain ServiceOntario locations
- by mail to 33 King St W, PO Box 620, Oshawa ON L1H 8E9

Make your cheque or money order in Canadian funds payable to the **Minister of Finance**.

Payments cannot be made at financial institutions.



SCOTT HILL
7493 INDIAN LINE, R1
WILSONVILLE ON N0E 1Z0

If you have any questions concerning this Notice of Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this assessment you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

If you have any questions or require additional information, please visit our website or call the Ministry of Finance at the number listed below.

Ministry use only



Ministry of Finance
33 King St W
PO Box 620
Oshawa ON L1H 8E9

GLENN PAGE
118 MAIN ST N, PO BOX 1063
WATERHOUSE ON L0R 2H0

FUL - tL007

Issue Date 09-Jun-2023

Identification No. 004710162
Reference No. L1489188896

Notice of Assessment - Director's Liability

Fuel Tax Act

Your account has been assessed resulting in an outstanding balance as indicated below. The account balance is due on or before 30-Jun-2023. Accounts not paid in full will be subject to interest.

Reason	Amount
Tax collected but not remitted	\$7,796,779.15
Penalty	\$178,363.45
Interest	\$382,898.22
Total	\$8,358,040.82

Enquiries	1 866 ONT-TAXS 1 866 668-8297	Fax 1 866 888-3850	Teletypewriter (TTY) Internet	1 800 263-7776 ontario.ca/finance
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Ministry of Finance
33 King St W
PO Box 620
Oshawa ON L1H 8E9

Detach and return with your full payment. ▲

Identification No.	Reference No.	Balance Due
004710162	L1489188896	\$8,358,040.82

Fuel Tax Account Payment

Payments may be made:

- using ONT-TAXS online at ontario.ca/finance
- in person at certain ServiceOntario locations
- by mail to 33 King St W, PO Box 620, Oshawa ON L1H 8E9

Make your cheque or money order in Canadian funds payable to the **Minister of Finance**.

Payments cannot be made at financial institutions.



GLENN PAGE
118 MAIN ST N, PO BOX 1063
WATERHOUSE ON L0R 2H0

If you have any questions concerning this Notice of Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this assessment you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

If you have any questions or require additional information, please visit our website or call the Ministry of Finance at the number listed below.

Ministry use only



Ministry of Finance
33 King St W
PO Box 620
Oshawa ON L1H 8E9

GAS - tL007

GLENN PAGE
118 MAIN ST N, PO BOX 1063
WATERHOUSE ON L0R 2H0

Issue Date 09-Jun-2023

Identification No. 004710174
Reference No. L1607776288

Notice of Assessment - Director's Liability

Gasoline Tax Act

Your account has been assessed resulting in an outstanding balance as indicated below. The account balance is due on or before 30-Jun-2023. Accounts not paid in full will be subject to interest.

Reason	Amount
Tax collected but not remitted	\$104,376,476.78
Penalty	\$267,409.52
Interest	\$5,926,661.71
Total	\$110,570,548.01

Enquiries	1 866 ONT-TAXS 1 866 668-8297	Fax 1 866 888-3850	Teletypewriter (TTY) Internet	1 800 263-7776 ontario.ca/finance
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Ministry of Finance
33 King St W
PO Box 620
Oshawa ON L1H 8E9

Detach and return with your full payment. ▲

Identification No.	Reference No.	Balance Due
004710174	L1607776288	\$110,570,548.01

Gasoline Tax Account Payment

Payments may be made:

- using ONT-TAXS online at ontario.ca/finance
- in person at certain ServiceOntario locations
- by mail to 33 King St W, PO Box 620, Oshawa ON L1H 8E9
Make your cheque or money order in Canadian funds payable to the Minister of Finance.

Payments cannot be made at financial institutions.



GLENN PAGE
118 MAIN ST N, PO BOX 1063
WATERHOUSE ON L0R 2H0

003 GAS 000000004710174 20230630 X1010908806 00 11057054801 0

If you have any questions concerning this Notice of Assessment, please call the number listed below. After discussion with a ministry representative, if you still do not agree with this assessment you have the right to file a Notice of Objection with the Objections and Appeals Branch within 180 days of the issue date of this form. Any taxes, interest and penalties that are outstanding as a result of the assessment are due and payable even if you have filed, or intend to file, a Notice of Objection.

If you have any questions or require additional information, please visit our website or call the Ministry of Finance at the number listed below.

Ministry use only

APPENDIX “L”

252

1 Front Street West
2nd Floor
Insolvency Department
Toronto, ON M5J 2X6

Canada Revenue Agency
Agence du Revenu du Canada

Fax

To/À: Attention: Chris Gard or Broderick Lomax **From/De: Sandra Palma**
KPMG Inc.

Fax: (416)777-8818 **Pages:** 6 **(including this cover)**

Date: June 16, 2023 **Efax:** 1-833-540-3352

Re: Claims Procedure in the CCAA proceedings of the OTE Group

Urgent For Review Please Comment Please Reply Please Recycle

Please find attached the Claim from the Canada Revenue Agency in the referenced proceedings.

This fax document is directed solely to the persons named above. This fax transmission may contain protected client information that is not intended for unauthorized recipients. If you are not the addressee or an authorized representative thereof, please contact and they will arrange for retrieval of the document. Any unauthorized use of this fax document by a person other than the intended addressee/recipient, is strictly forbidden. Thank you for your cooperation.

Ce document s'adresse uniquement aux personnes susmentionnées. Il pourrait contenir des renseignements protégés sur les clients qui ne sont pas destinés aux destinataires non autorisés. Si vous n'êtes pas le destinataire prévu ou son représentant autorisé, veuillez communiquer avec afin que l'on puisse récupérer le document en question. Toute utilisation non autorisée de ce document par une personne autre que le destinataire prévu est strictement interdite. Merci de votre collaboration.

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Canada Revenue Agency Agence du revenu du Canada

Sandra Palma
Shawinigan-Sud National Verification and Collections Centre
4695 Shawinigan-Sud Boulevard
Shawinigan, QC G9P 5H0
Tel: (905)516-4901
Fax: 1-833-540-3352 / local 418-562-8607
Email: sandra.palma@cra-arc.gc.ca

June 16, 2023

VIA facsimile transmission to: (416)777-8818

KPMG Inc., Court-appointed Monitor of the OTE Group
Claims Process
333 Bay Street, Suite 4600
Bay Adelaide Centre
Toronto, ON M5H 2S5

Attention: Chris Gard/Broderick Lomax

Re: Claims Procedure for **ORIGINAL TRADERS ENERGY LTD., 2496750 ONTARIO INC., OTE LOGISTICS LP AND ORIGINAL TRADERS ENERGY LP** (collectively, the "OTE Group")

Court File Number: CV- 23-00693758 -00CL

Claims Bar Date: June 27, 2023

We are writing to you in your capacity as Monitor in the OTE Group CCAA proceedings. Please find attached a Placeholder/Marker Claim pursuant to the Claims Procedure Order of April 27, 2023, as amended. Please kindly confirm receipt of the marker claim.

The enclosed Placeholder/Marker Claim does not fix an amount in currency and selects 3 debtor entities in a single claim. We trust that the Monitor is agreeable to the foregoing. We also trust that the Monitor agrees that the CRA may amend its claim at any time once the amount can be properly determined and quantified, i.e., on the completion of payroll trust, corporate income tax, GST/HST, customs tax, excise tax, carbon tax audits and upon the filing of overdue tax returns.

A debt, if assessed, will be equal to any and all amounts subject to a withholding or remitting obligation and any and all taxes, fees, duties, and other governmental charges, duties, impositions and liabilities of any kind whatsoever to His Majesty the King in right

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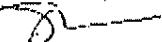
of Canada, as represented by the Minister of National Revenue, including all interest, penalties, fines, other charges and additions in respect of such amounts.

Filing this claim does not affect any rights the Canada Revenue Agency may have under the Income Tax Act, Excise Tax Act, Excise Act, Customs Act, Greenhouse Gas Pollution Pricing Act and other applicable legislation, subject to any Orders of the CCAA Court. Accordingly, filing the claim should not be construed as a waiver of those rights.

Once the claims are quantified, if you have any questions or concerns regarding the same, please kindly contact us. If the Monitor or Applicants disagree with the claims, then it is our view that the objection and Tax Court of Canada appeal procedure provided under the Income Tax Act, Excise Tax Act, Excise Act, Customs Act, Greenhouse Gas Pollution Pricing Act and other federal fiscal legislation will need to be followed. We understand that the Monitor may have a different view regarding the proper appeal process with respect to the determination of a tax claim, and acknowledge that the Monitor reserves all rights relative to the same.

If you require further information, please do not hesitate to contact the undersigned at the address and telephone number provided in this letter.

Yours truly,


Sandra Palma

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

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

AND IN THE MATTER OF A PLAN OF COMPROMISE
OR ARRANGEMENT OF ORIGINAL TRADERS ENERGY LTD. AND 2496750 ONTARIO INC.

PROOF OF CLAIM

**FOR CLAIMS AGAINST ORIGINAL TRADERS ENERGY LTD., 2496750 ONTARIO INC.,
OTE LOGISTICS LP AND ORIGINAL TRADERS ENERGY LP**

(collectively, the "OTE Group")

1. PARTICULARS OF CLAIMANT

(a) Full Legal Name of Claimant:

Canada Revenue Agency

(b) Full Mailing Address of Claimant:

4695 Shawinigan-Sud Blvd

Shawinigan, QC

G9P 5H9, Canada

(c) Telephone Number of Claimant:

(905)516-4901

(d) Facsimile Number of Claimant:

1-833-540-3352/ local (418)562-8607

(e) E-mail Address of Claimant:

sandra.palma@cra-arc.gc.ca

(f) Attention (Contact Person):

Sandra Palma

2. PARTICULARS OF ORIGINAL CLAIMANT FROM WHOM YOU ACQUIRED CLAIM, IF APPLICABLE:

(a) Have you acquired this Claim by assignment? Yes No

(if yes, attach documents evidencing assignment)

(b) Full Legal Name of original Claimant(s): _____

3. PROOF OF CLAIM

THE UNDERSIGNED CERTIFIES AS FOLLOWS:

(a) That I am a Claimant of the OTE Group / I hold the position of Resource Officer/
Complex Case Officer _____ of the Claimant;

(b) That I have knowledge of all the circumstances connected with the Claim described and set out below;

(c) The OTE Group was and still is indebted to the Claimant as follows:¹

Applicable OTE Group Debtor(s)	Pre-Filing Claim Amount	Restructuring Period Claim Amount	Secured, Priority Unsecured, or Unsecured	Value of Security, if any
Original Traders Energy Ltd	** see attached letter			
Original Traders Energy LP	** see attached letter			
2496750 Ontario Inc.	** see attached letter			

4. PARTICULARS OF CLAIM:

The particulars of the undersigned's Claims (including Pre-Filing Claims, and Restructuring Period Claims) are attached.

(Provide full particulars of the Claim and supporting documentation, including amount, description of transaction(s) or agreement(s) giving rise to the Claim, name of any guarantor(s) which has guaranteed the Claim, particulars and copies of any security and amount of Claim)

¹ Any Claims denominated in a foreign currency shall be converted to Canadian Dollars based on the Bank of Canada's daily average exchange rate for that currency against the Canadian Dollar on the Filing Date.

allocated thereto, date and number of all invoices, particulars of all credits, discounts, etc. claimed.)

5. **FILING OF CLAIM**

For Pre-Filing Claims, this Proof of Claim must be returned to and received by the Monitor by 5:00 p.m. (Eastern Time) on the Claims Bar Date (June 27, 2023).

For Restructuring Period Claims, this Proof of Claim must be returned to and received by the Monitor by 5:00 p.m. (Eastern Time) on the later of the Claims Bar Date and the date that is thirty (30) days after the Monitor sends a Claims Package with respect to a Restructuring Period Claim.

In both cases, completed forms must be delivered by prepaid registered mail, courier, personal delivery, facsimile transmission or email at the address below to the Monitor at the following address:

KPMG Inc., Court-appointed Monitor of the OTE Group

Claims Process

333 Bay Street, Suite 4600
Bay Adelaide Centre
Toronto, ON M5H 2S5

Attention: Chris Gard / Broderick Lomax
Telephone: 1-833-665-0666 (toll free within North America)
416-468-7000 (local)
Fax: 416-777-8818
Email: OTEGroup@kpmg.ca

DATED at Toronto this 16th day of June, 2023.


(signature of Claimant or its authorized
representative)

Name: Sandra Palma
Title: Resource Officer/Complex Case Officer

Capitalized terms that are not defined herein have the meanings ascribed thereto in the Claims Procedure Order.

APPENDIX “M”

February 21, 2023

Original Traders Energy L. P.
7273 Indian Line
Scotland ON N0R 1R0
Attention: Scott Hill

Dear Scott Hill:

Subject: Audit of the Excise Tax Account 78493 0489 RE0001 for the periods from October 1, 2018 to September 30, 2022.

We have completed our audit of your Excise Tax returns for the period noted above. A Notice of Reassessment will be sent under separate cover.

Our audit resulted in an assessment in the amount of \$82,699,794 based on the following:

Period Ending	2019-12-31	2020-12-31	2021-12-31	2022-09-30
FET payable:				
Gasoline, ss.23(2):				
Underreported deliveries	\$7,163,949	\$17,064,349	\$12,222,731	\$0
Unreported deliveries	\$0	\$0	\$14,954,567	\$30,286,204
Total gasoline	\$7,163,949	\$17,064,349	\$27,177,299	\$30,286,204
Diesel, ss. 23(2)				
Underreported deliveries	\$1,715	\$67,953	\$25,891	\$0
Unreported deliveries	\$0	\$0	\$324,410	\$588,025
Total diesel	\$1,715	\$67,953	\$350,301	\$588,025
Period Ending Totals (Gasoline+Diesel)	\$7,165,664	\$17,132,302	\$27,527,600	\$30,874,229
Total Assessment:				<u>\$82,699,794</u>

EXPLANATION OF CHANGES

Under subsection 23(2) of Part III of the ETA, an excise tax is imposed, levied and collected whenever gasoline and diesel are imported into Canada, or are manufactured or produced by a licensed manufacturer and delivered to a purchaser. The tax becomes payable by the manufacturer at the time of delivery to the purchaser or at the time of importation. We understand that OTE Traders Energy L. P. (OTE) is blending Canadian ethanol with the US gasoline to produce E10 gasoline, therefore, the total quantity of E10 gasoline includes a mixture of imported gasoline and Canadian ethanol. During an initial interview on October 20, 2022, you confirmed that OTE did not have deliveries of manufactured E10 gasoline under excise tax exempt conditions therefore all deliveries of that type of fuel is subject to the excise tax.

As OTE did not have the accounting data available to confirm deliveries of E10 gasoline, the purchases of gasoline and diesel from your US suppliers and purchases of ethanol from your Canadian supplier were used to calculate the taxable deliveries. The quantity of gasoline and diesel imported from the US was obtained from the Canada Border Services Agency (CBSA) and the quantity of ethanol was confirmed with Greenenergy Fuels Canada Inc.

Underreported deliveries-gasoline

October 1, 2018 to July 31, 2021

The quantity of E10 gasoline delivered to the customers for the period of October 2018 to July 2021 was reported on your B200 Excise Tax Returns as 125,765,848 litres. Based on the information available from your suppliers however, the total quantity of gasoline imported and delivered in the same period was 490,276,135 litres. Consequently, we have calculated and will assess the difference of 364,510,287 litres (\$36,451,029).

Unreported deliveries-gasoline

August 1, 2021-September 30, 2022

The B200 Excise Tax Returns were not filed for the period from August 1, 2021 to September 30, 2022. Based on information available from your suppliers however, the total quantity of gasoline imported and delivered in the same period was 452,407,724 litres. Consequently, we have calculated and will assess the difference of 452,407,724 litres (\$45,240,772).

Per subsection 81.11(2) no assessment shall be made for any tax, penalty, interest or other sum more than four years after the tax becomes payable under the ETA. As a result, the proposed adjustments do not include the periods from October 1, 2018 to January 31, 2019. The total assessment for gasoline is \$81,691,801 as detailed in the attached working paper (WP M-1).

Underreported deliveries-diesel

October 1, 2018 to July 31, 2021

The quantity of diesel delivered to the customers for the period of October 2018 to July 2021 was reported on your B200 Excise Tax Returns as 32,842,990 litres. Based on the documentation received, we have calculated and will assess the difference of 2,388,945 litres (\$95,558) as detailed in the attached working paper (WP M-2).

Unreported deliveries-diesel

August 1, 2021-September 30, 2022

The B200 Excise Tax Returns were not filed for the period from August 1, 2021 to September 30, 2022. Based on information available, diesel purchases and deliveries for this period were 22,810,881 litres. Consequently, we have calculated and will assess the difference of 22,810,881 litres (\$912,435).

Per subsection 81.11(2) no assessment shall be made for any tax, penalty, interest or other sum more than four years after the tax becomes payable under the ETA. As a result, the proposed adjustments do not include the periods from October 1, 2018 to January 31, 2019. The total assessment for diesel is \$1,007,993 as detailed in the attached working paper (WP M-2).



If you wish to object to the assessment you must file a Notice of Objection in the prescribed form and manner with the Minister within 90 days from the date of the Notice of Assessment. The details should outline your reasons for the objection and all relevant facts.

The completion of our review should not be considered as permission to destroy any books and records. Under subsection 104(1) of the Act, every person that is required to file a return must keep records that will allow the CRA to determine a person's liabilities and obligations, or the amount of any rebate, and whether the person has complied with the requirements under this Act. Records are required to be retained until the expiry of six years after the end of the year to which they relate.

If you have any questions or concerns during the course of the examination, please call me at 289-556-6350. My team leader, Dan Daigle, can also be reached at 647-404-3552. In an effort to minimize the spread of COVID-19, we are currently working remotely, and as such are using cellphones. Please note that mobile devices are not as secure/encrypted as landlines are and there are potential risks when discussing confidential information. If you wish to discuss any confidential information by cellphone you must understand and accept this potential risk.

Yours Sincerely,

KOSILOVA
JULIA

Digitally signed by
KOSILOVA JULIA
Date: 2023.02.21 09:55:40
-05'00'

Julia Kosilova
Excise Duties and Taxes Auditor
Excise Duties and Taxes Division

Southern Ontario Tax Services Office
55 Bay Street North
Hamilton ON L8R 3P7

Telephone: 289-556-6350 or 1-866-330-3304
Fax: 1-905-572-4608
Website: Canada.ca/revenue-agency

Attachments: Adjustment calculation for gasoline, WP M-1, Adjustment calculation for diesel, WP M-2

1. Adjustment calculation for gasoline, WP M-1

Gasoline Assessment Summary

Period	February 2019 to July 2021	August 2021 to September 2022	Total
Imports, L	446,161,388	407,594,754	854,211,142
Plus Ethanol, L	43,659,747	44,812,970	88,472,717
Total purchases, L	490,276,135	452,407,724	942,683,859
Less NOA, L	125,765,848	-	125,765,848
Unreported, L	364,510,287	452,407,724	816,918,011
Assessment, \$	\$ 36,451,029	\$ 45,240,772	\$ 81,691,801

Year	Period	Total purchases of gasoline and ethanol to produce E10, L (a)	Quantity reported on B200 for gasoline, L (b)	Variance, L (c)=(a)-(b)	ET gasoline rate, \$ (d)	Variance, \$ (e)=(c)*(d)
2018	Oct	4,001,184	2,684,253	1,316,931	\$0.10	Statute-barred
	Nov	6,252,358	2,651,056	3,601,302	\$0.10	Statute-barred
	Dec	5,656,398	2,864,456	2,791,942	\$0.10	Statute-barred
Total 2018		15,909,940	8,199,765	7,710,175		\$ 0
2019	Jan	5,643,066	2,919,838	2,723,228	\$0.10	Statute-barred
	Feb	5,288,034	3,280,875	2,007,159	\$0.10	\$ 200,716
	Mar	8,220,103	3,422,962	4,797,141	\$0.10	\$ 479,714
	Apr	7,930,172	4,577,519	3,352,653	\$0.10	\$ 335,265
	May	10,004,128	4,871,191	5,132,937	\$0.10	\$ 513,294
	Jun	8,424,666	3,976,358	4,448,308	\$0.10	\$ 444,831
	Jul	11,519,442	4,107,932	7,411,510	\$0.10	\$ 741,151
	Aug	11,763,234	4,313,453	7,449,781	\$0.10	\$ 744,978
	Sep	11,875,020	3,476,178	8,398,842	\$0.10	\$ 839,884
	Oct	13,283,356	3,845,311	9,438,045	\$0.10	\$ 943,804
	Nov	12,735,849	3,139,588	9,596,261	\$0.10	\$ 959,626
	Dec	12,518,350	2,911,499	9,606,851	\$0.10	\$ 960,685
Total 2019		119,205,421	44,842,704	74,362,717		\$ 7,163,949
2020	Jan	10,636,203	2,416,106	8,220,097	\$0.10	\$ 822,010
	Feb	10,554,935	2,336,891	8,218,044	\$0.10	\$ 821,804
	Mar	14,048,005	4,138,308	9,909,697	\$0.10	\$ 990,970
	Apr	5,832,879	1,756,826	4,076,053	\$0.10	\$ 407,605
	May	9,108,262	2,663,997	6,444,265	\$0.10	\$ 644,427
	Jun	12,058,652	3,727,304	8,331,348	\$0.10	\$ 833,135
	Jul	14,932,271	4,085,125	10,847,146	\$0.10	\$ 1,084,715
	Aug	14,590,371	3,080,476	11,509,895	\$0.10	\$ 1,150,989
	Sep	17,417,254	5,522,637	11,894,617	\$0.10	\$ 1,189,462
	Oct	67,540,895	5,615,643	61,925,252	\$0.10	\$ 6,192,525
	Nov	18,582,692	4,561,284	14,021,408	\$0.10	\$ 1,402,141
	Dec	17,942,982	2,697,318	15,245,664	\$0.10	\$ 1,524,566
Total 2020		213,245,400	42,601,915	170,643,485		\$ 17,064,349
2021	Jan	15,147,003	4,561,133	10,585,870	\$0.10	\$ 1,058,587
	Feb	18,522,233	5,662,399	12,859,834	\$0.10	\$ 1,285,983

Year	Period	Total purchases of gasoline and ethanol to produce E10, L	Quantity reported on B200 for gasoline, L	Variance, L	ET gasoline rate, \$	Variance, \$
2021	Mar	23,899,608	6,190,457	17,709,151	\$0.10	\$ 1,770,915
	Apr	22,992,091	6,606,718	16,385,373	\$0.10	\$ 1,638,537
	May	26,186,620	6,190,457	19,996,163	\$0.10	\$ 1,999,616
	Jun	26,402,721	6,108,810	20,293,911	\$0.10	\$ 2,029,391
	Jul	30,318,104	5,921,093	24,397,011	\$0.10	\$ 2,439,701
	Aug	29,335,310		29,335,310	\$0.10	\$ 2,933,531
	Sep	29,392,471		29,392,471	\$0.10	\$ 2,939,247
	Oct	30,516,377		30,516,377	\$0.10	\$ 3,051,638
	Nov	29,679,597		29,679,597	\$0.10	\$ 2,967,960
	Dec	30,621,927		30,621,927	\$0.10	\$ 3,062,193
	Total 2021	313,014,062	41,241,067	271,772,995		\$ 27,177,299
2022	Jan	28,343,668		28,343,668	\$0.10	\$ 2,834,367
	Feb	29,352,279		29,352,279	\$0.10	\$ 2,935,228
	Mar	34,625,740		34,625,740	\$0.10	\$ 3,462,574
	Apr	33,640,963		33,640,963	\$0.10	\$ 3,364,096
	May	36,868,172		36,868,172	\$0.10	\$ 3,686,817
	Jun	37,000,795		37,000,795	\$0.10	\$ 3,700,080
	Jul	42,851,420		42,851,420	\$0.10	\$ 4,285,142
	Aug	36,027,404		36,027,404	\$0.10	\$ 3,602,740
	Sep	24,151,601		24,151,601	\$0.10	\$ 2,415,160
Total 2022		302,862,042	-	302,862,042	\$0.10	\$ 30,286,204
Grand Total		964,236,865	136,885,451	827,351,414		\$ 81,691,801

2. Adjustment calculation for diesel, WP M-2

Diesel Assessment Summary

Period	February 2019 to July 2021	August 2021 to September 2022	Total
Total purchases, L	30,631,257	22,810,881	53,442,138
NOA, L	32,842,990	-	32,842,990
Unreported, L	2,388,945	22,810,881	25,199,826
Assessment, \$	\$95,558	\$912,435	\$1,007,993

Year	Period	Imported diesel purchases, L	Quantity reported for diesel on B200 returns, L	Variance, L	ET diesel rate, \$	Variance, \$
2018	Oct	291,228	302,159	- 10,931	0.04	
	Nov	342,910	260,822	82,088	0.04	Statute-barred
	Dec	301,455	200,517	100,938	0.04	Statute-barred
	Total 2018	935,593	763,498	172,095		\$ 0
2019	Jan	248,333	267,572	- 19,239	0.04	Statute-barred
	Feb	49,773	224,597	- 174,824	0.04	
	Mar	49,428	274,495	- 225,067	0.04	
	Apr	450,220	773,725	- 323,505	0.04	
	May	641,766	691,087	- 49,321	0.04	
	Jun	575,569	577,232	- 1,663	0.04	
	Jul	588,760	796,858	- 208,098	0.04	
	Aug	899,028	856,411	42,617	0.04	\$ 1,705
	Sep	748,164	899,839	- 151,675	0.04	
	Oct	897,747	897,498	249	0.04	\$ 10
	Nov	711,896	834,186	- 122,290	0.04	
	Total 2019	6,403,286	7,831,856	- 1,428,570		\$ 1,715
2020	Jan	149,511	867,806	- 718,295	0.04	
	Feb		745,384	- 745,384	0.04	
	Mar	748,569	859,160	- 110,591	0.04	
	Apr	493,417	533,928	- 40,511	0.04	
	May	692,167	805,492	- 113,325	0.04	
	Jun	909,504	1,118,956	- 209,452	0.04	
	Jul	1,126,322	1,239,711	- 113,389	0.04	
	Aug	1,101,751	662,659	439,092	0.04	\$ 17,564
	Sep	1,121,862	1,730,073	- 608,211	0.04	
	Oct	1,679,560	1,753,731	- 74,171	0.04	
	Nov	1,594,963	1,411,307	183,656	0.04	\$ 7,346
	Total 2020	11,436,077	12,470,593	- 1,034,516		\$ 67,953
2021	Jan	1,367,118	1,455,420	- 88,302	0.04	
	Feb	2,005,887	1,830,496	175,391	0.04	\$ 7,016
	Mar	1,980,365	1,800,449	179,916	0.04	\$ 7,197
	Apr	1,908,438	2,101,740	- 193,302	0.04	

Year	Period	Imported diesel purchases, L	Quantity reported for diesel on B200 returns, L	Variance, L	ET diesel rate, \$	Variance, \$
2021	May	2,120,482	1,882,199	238,283	0.04	\$ 9,531
	Jun	2,111,617	2,057,943	53,674	0.04	\$ 2,147
	Jul	1,546,318	1,679,866	- 133,548	0.04	
	Aug	1,477,901		1,477,901	0.04	\$ 59,116
	Sep	1,480,634		1,480,634	0.04	\$ 59,225
	Oct	1,677,089		1,677,089	0.04	\$ 67,084
	Nov	1,728,135		1,728,135	0.04	\$ 69,125
	Dec	1,746,508		1,746,508	0.04	\$ 69,860
	Total 2021	21,150,494	12,808,113	8,342,381		\$ 350,301
	Jan	1,303,677		1,303,677	0.04	\$ 52,147
2022	Feb	1,082,904		1,082,904	0.04	\$ 43,316
	Mar	1,397,744		1,397,744	0.04	\$ 55,910
	Apr	1,286,079		1,286,079	0.04	\$ 51,443
	May	1,518,870		1,518,870	0.04	\$ 60,755
	Jun	1,740,012		1,740,012	0.04	\$ 69,600
	Jul	2,053,374		2,053,374	0.04	\$ 82,135
	Aug	2,852,350		2,852,350	0.04	\$ 114,094
	Sep	1,465,603		1,465,603	0.04	\$ 58,624
	Total 2022	14,700,613		14,700,613		\$ 588,025
	Grand Total	<u>54,626,064</u>	<u>33,874,060</u>	<u>20,752,004</u>		<u>\$ 1,007,993</u>

APPENDIX “N”

February 21, 2023

Original Traders Energy L. P.
7273 Indian Line
Scotland ON N0R 1R0
Attention: Scott Hill

Dear Scott Hill:

Subject: Audit of the Fuel Charge Account 78493 0489 CT0001 for the periods from April 1, 2019 to September 30, 2022.

We have completed our audit of your fuel charge account under the *Greenhouse Gas Pollution Pricing Act* (the Act) for the period mentioned above. A Notice of Reassessment will be sent under separate cover.

Our audit resulted in an assessment in the amount of \$91,734,032 based on the following:

Period Ending	2019-12-31	2020-12-31	2021-12-31	2022-09-30
Increase to charge payable subs.17(1), subs.40(1):				
Unreported deliveries, gasoline	\$3,205,175	\$11,814,618	\$29,174,828	\$37,454,802
Unreported deliveries, LFO	<u>\$ 118,568</u>	<u>\$ 494,423</u>	<u>\$ 4,087,571</u>	<u>\$ 5,384,046</u>
Period Ending Totals	\$3,323,743	\$12,309,041	\$33,262,399	\$42,839,848
Total Assessment				<u>\$91,734,032</u>

EXPLANATION OF CHANGES

Increase to charge payable -gasoline

A registered distributor that delivers fuel in Ontario must pay a charge under subsection 17(1) on the quantity of fuel delivered unless an exemption certificate applies in respect of the delivery. The charge becomes payable at the time of delivery. During an initial interview on October 20, 2022, you confirmed that Original Traders Energy L. P. (OTE) delivered gasoline almost exclusively to retail gas-stations. You also indicated that OTE may have delivered gasoline to other registered distributors of gasoline, however, no exemption certificates have been provided.

As OTE did not have the accounting data available to confirm deliveries of gasoline, the purchases of gasoline from your Canadian and US suppliers were used to calculate the chargeable deliveries. Gasoline was purchased from Greenenergy Fuels Canada Inc. and imported from the US. We confirmed with Greenenergy Fuels Canada Inc. that the quantity of gasoline and ethanol purchased was 121,844,248 litres and 87,113,992 litres respectively. The quantity of gasoline imported from the US was obtained from the Canada Border Services Agency (CBSA) and was 842,361,904 litres. We understand that OTE Traders Energy L. P.(OTE) is blending Canadian ethanol with the US gasoline to produce E10 gasoline, therefore, the total quantity of E10 gasoline includes a mixture of imported gasoline and Canadian ethanol.

The Notional Notices of Assessment issued on June 21, 2021, estimated that the total quantity of gasoline deliveries for the period from April 1, 2019, to March 31, 2021 was 88,985,955 litres. Based on the information available from your suppliers however, the total quantity of gasoline purchased and delivered during the same period is 401,246,763 litres. Consequently, we have calculated and will assess the difference of 312,350,808 litres (\$18,492,188).

The B400 Fuel Charge Returns were not filed for the period from April 1, 2021 to Sept 30, 2022. Based on information available, the gasoline purchases and deliveries for this period were 650,073,381 litres. Therefore, we have assessed the total quantities of gasoline as 650,073,381 litres (\$63,157,235).

The total assessment for gasoline is \$81,649,423 as detailed in the attached working paper (WP M-1).

Increase to charge payable -Light Fuel Oil (LFO)

A registered distributor that delivers fuel in Ontario must pay a charge under subsection 17(1) on the quantity of fuel delivered unless an exemption certificate applies in respect of the delivery. The charge becomes payable at the time of delivery. During an initial interview on October 20, 2022, you confirmed that OTE delivered LFO almost exclusively to retail gas-stations. You also indicated that OTE may have delivered LFO to other registered distributors of LFO, however, no exemption certificates have been provided.

As OTE did not have the accounting data available to confirm deliveries of LFO to the customers, the purchases of LFO from your Canadian and US suppliers were used to calculate the chargeable deliveries. LFO was purchased domestically from Greenenergy Fuels Canada Inc. and imported from the US. We confirmed with Greenenergy Fuels Canada Inc. that the quantity of LFO purchased was 64,000,225 litres. The quantity of LFO imported from the US was obtained from the Canada Border Services Agency (CBSA) and was 53,555,353 litres.

The Notional Notices of Assessment issued on June 21, 2021, estimated that the total quantity of LFO deliveries for the period from April 1, 2019 to March 31, 2021 was 27,020,776 litres. Based on the information available from your suppliers however, the total quantity of LFO purchased and delivered during the same period is 40,162,520 litres. Consequently, we have calculated and will assess the difference of 13,144,743 litres (\$972,725).

The B400 Fuel Charge Returns were not filed for the period from April 1, 2021 to Sept 30, 2022. Based on information available, LFO purchases and deliveries for this period were 77,393,058 litres. Therefore, we have assessed the quantity of LFO for this period as 77,393,058 (\$9,111,884).

The total assessment for LFO is \$10,084,609 as detailed in the attached working paper (WP M-2).

If you wish to object to the assessment you must file a Notice of Objection in the prescribed form and manner with the Minister within 90 days from the date of the Notice of Assessment. The details should outline your reasons for the objection and all relevant facts.

The completion of our review should not be considered as permission to destroy any books and records. Under subsection 104(1) of the Act, every person that is required to file a return must keep records that will allow the CRA to determine a person's liabilities and obligations, or the amount of any rebate, and whether the person has complied with the requirements under this Act. Records are required to be retained until the expiry of six years after the end of the year to which they relate.



If you have any questions or concerns during the course of the examination, please call me at 289-556-6350. My team leader, Dan Daigle, can also be reached at 647-404-3552. In an effort to minimize the spread of COVID-19, we are currently working remotely, and as such are using cellphones. Please note that mobile devices are not as secure/encrypted as landlines are and there are potential risks when discussing confidential information. If you wish to discuss any confidential information by cellphone you must understand and accept this potential risk.

Yours Sincerely,

KOSILOVA

JULIA

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KOSILOVA JULIA
Date: 2023.02.21 09:56:33
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Julia Kosilova
Excise Duties and Taxes Auditor
Fuel Charge Program

Southern Ontario Tax Services Office
55 Bay Street North
Hamilton ON L8R 3P7

Telephone: 289-556-6350 or 1-866-330-3304
Fax: 1-905-572-4608
Website: Canada.ca/revenue-agency

Attachments: Adjustment calculation for gasoline, WP M-1, Adjustment calculation for LFO, WP M-2

1. Adjustment calculation for Gasoline, WP M-1

Gasoline Assessment Summary

Period	April 2019 to March 2021	April 2021 to September 2022	Total
Canadian Purchases, L	30,378,301	91,465,947	121,844,248
Plus Ethanol purchases, L	31,834,542	55,279,450	87,113,992
Plus Imports, L	<u>339,033,920</u>	<u>503,327,984</u>	<u>842,361,904</u>
Total purchases, L	<u>401,246,763</u>	<u>650,073,381</u>	<u>1,051,320,144</u>
Less N/NOA, L	<u>88,895,955</u>	<u>-</u>	<u>88,895,955</u>
Unreported, L	<u>312,350,808</u>	<u>650,073,381</u>	<u>962,424,189</u>
<u>Assessment, \$</u>	<u>\$ 18,492,188</u>	<u>\$ 63,157,235</u>	<u>\$ 81,649,423</u>

Year	Period	Total purchases, L (a)	Quantity reported on N/NOA, L (b)	Variance, L (c)=(a)-(b)	FC rate, \$ (d)	Variance, \$ (e)=(c)*(d)
2019	Apr	9,079,848	4,577,519	4,502,329	\$ 0.0442	\$ 199,003
	May	10,596,687	4,871,191	5,725,496	\$ 0.0442	\$ 253,067
	Jun	8,953,006	3,976,358	4,976,648	\$ 0.0442	\$ 219,968
	Jul	12,381,915	4,107,932	8,273,983	\$ 0.0442	\$ 365,710
	Aug	12,661,257	4,313,453	8,347,804	\$ 0.0442	\$ 368,973
	Sep	13,186,177	3,476,178	9,709,999	\$ 0.0442	\$ 429,182
	Oct	14,245,338	3,845,311	10,400,027	\$ 0.0442	\$ 459,681
	Nov	13,444,384	3,139,588	10,304,796	\$ 0.0442	\$ 455,472
	Dec	<u>13,185,693</u>	<u>2,911,499</u>	<u>10,274,194</u>	\$ 0.0442	<u>\$ 454,119</u>
Total	2019	107,734,306	35,219,029	72,515,277		\$ 3,205,175
2020	Jan	11,286,706	2,416,106	8,870,600	\$ 0.0442	\$ 392,081
	Feb	11,167,882	3,763,514	7,404,368	\$ 0.0442	\$ 327,273
	Mar	15,005,096	3,763,514	11,241,583	\$ 0.0442	\$ 496,878
	Apr	6,439,562	1,756,826	4,682,736	\$ 0.0663	\$ 310,465
	May	10,055,233	2,663,997	7,391,236	\$ 0.0663	\$ 490,039
	Jun	13,492,644	3,727,304	9,765,340	\$ 0.0663	\$ 647,442
	Jul	16,730,288	4,085,125	12,645,163	\$ 0.0663	\$ 838,374
	Aug	17,327,994	3,080,476	14,247,518	\$ 0.0663	\$ 944,610
	Sep	20,029,474	5,522,637	14,506,837	\$ 0.0663	\$ 961,803
	Oct	69,419,756	5,615,643	63,804,113	\$ 0.0663	\$ 4,230,213
	Nov	20,385,371	4,561,284	15,824,087	\$ 0.0663	\$ 1,049,137
	Dec	<u>19,685,289</u>	<u>2,697,318</u>	<u>16,987,971</u>	\$ 0.0663	<u>\$ 1,126,302</u>
Total	2020	231,025,294	43,653,743	187,371,551		\$ 11,814,618
2021	Jan	16,632,145	3,371,061	13,261,084	\$ 0.0663	\$ 879,210

Year	Period	Total purchases, L	Quantity reported on N/NOA, L	Variance, L	FC rate, \$	Variance, \$
2021	Feb	20,095,728	3,371,061	16,724,667	\$ 0.0663	\$ 1,108,845
	Mar	25,759,290	3,371,061	22,388,229	\$ 0.0663	\$ 1,484,340
	Apr	24,945,069		24,945,069	\$ 0.0884	\$ 2,205,144
	May	28,768,940		28,768,940	\$ 0.0884	\$ 2,543,174
	Jun	29,085,912		29,085,912	\$ 0.0884	\$ 2,571,195
	Jul	33,836,647		33,836,647	\$ 0.0884	\$ 2,991,160
	Aug	36,039,214		36,039,214	\$ 0.0884	\$ 3,185,867
	Sep	34,230,622		34,230,622	\$ 0.0884	\$ 3,025,987
	Oct	35,391,434		35,391,434	\$ 0.0884	\$ 3,128,603
	Nov	34,447,203		34,447,203	\$ 0.0884	\$ 3,045,133
	Dec	<u>34,006,463</u>		<u>34,006,463</u>	\$ 0.0884	<u>\$ 3,006,171</u>
	Total	2021	353,238,667	10,113,183	343,125,484	\$ 29,174,828
2022	Jan	31,307,557		31,307,557	\$ 0.0884	\$ 2,767,588
	Feb	32,970,489		32,970,489	\$ 0.0884	\$ 2,914,591
	Mar	37,543,905		37,543,905	\$ 0.0884	\$ 3,318,881
	Apr	36,930,861		36,930,861	\$ 0.1105	\$ 4,080,860
	May	46,604,665		46,604,665	\$ 0.1105	\$ 5,149,815
	Jun	46,207,902		46,207,902	\$ 0.1105	\$ 5,105,973
	Jul	56,162,589		56,162,589	\$ 0.1105	\$ 6,205,966
	Aug	44,477,367		44,477,367	\$ 0.1105	\$ 4,914,749
	Sep	<u>27,116,543</u>		<u>27,116,543</u>	\$ 0.1105	<u>\$ 2,996,378</u>
Total	2022	356,208,308	-	356,208,308		\$ 37,454,802
Grand	Total	<u>1,051,320,145</u>	<u>88,985,955</u>	<u>959,220,620</u>		<u>\$ 81,649,423</u>

2. Adjustment Calculation for LFO, WP M-2

LFO Assessment Summary

Period	April 2019 to March 2021	April 2021 to September 2022	Total
Canadian Purchases, L	17,317,320	46,682,905	64,000,225
Plus Imports, L	22,845,200	30,710,153	53,555,353
Total purchases, L	40,162,520	77,393,058	117,555,578
Less NOA, L	27,020,776	-	27,020,776
Unreported, L	<u>13,141,744</u>	<u>77,393,058</u>	<u>90,534,802</u>
<u>Assessment, \$</u>	<u><u>\$ 972,725</u></u>	<u><u>\$ 9,111,884</u></u>	<u><u>\$ 10,084,609</u></u>

Year	Period	Total LFO purchases, L (a)	Quantity reported for LFO on NOA B400, L (b)	Variance, L (c)=(a)-(b)	FC rate, \$ (d)	Variance, \$ (e)=(c)*(d)
2019	Apr	776,146	928,470	-152,324	\$ 0.0537	-\$ 8,180
	May	977,236	829,304	147,932	\$ 0.0537	\$ 7,944
	Jun	937,192	692,678	244,514	\$ 0.0537	\$ 13,130
	Jul	967,753	956,230	11,524	\$ 0.0537	\$ 619
	Aug	1,265,617	1,027,693	237,924	\$ 0.0537	\$ 12,776
	Sep	1,454,146	1,079,807	374,339	\$ 0.0537	\$ 20,102
	Oct	1,542,801	1,076,998	465,803	\$ 0.0537	\$ 25,014
	Nov	1,513,038	1,001,023	512,015	\$ 0.0537	\$ 27,495
	Dec	<u>1,252,274</u>	<u>886,027</u>	<u>366,247</u>	<u>\$ 0.0537</u>	<u>\$ 19,667</u>
	Total 2019	10,686,203	8,478,230	2,207,973		\$ 118,568
2020	Jan	1,348,941	1,041,367	307,574	\$ 0.0537	\$ 16,517
	Feb	1,245,751	951,960	293,791	\$ 0.0537	\$ 15,777
	Mar	1,321,172	951,960	369,212	\$ 0.0537	\$ 19,827
	Apr	882,582	640,714	241,869	\$ 0.0805	\$ 19,470
	May	1,311,422	966,590	344,831	\$ 0.0805	\$ 27,759
	Jun	1,529,945	1,342,747	187,198	\$ 0.0805	\$ 15,069
	Jul	1,769,855	1,487,653	282,201	\$ 0.0805	\$ 22,717
	Aug	1,585,681	795,191	790,490	\$ 0.0805	\$ 63,634
	Sep	2,398,565	2,076,088	322,477	\$ 0.0805	\$ 25,959
	Oct	2,868,588	2,104,477	764,110	\$ 0.0805	\$ 61,511
	Nov	2,462,498	1,693,568	768,929	\$ 0.0805	\$ 61,899
	Dec	<u>2,683,207</u>	<u>890,863</u>	<u>1,792,344</u>	<u>\$ 0.0805</u>	<u>\$ 144,284</u>
Total 2020		21,408,205	14,943,178	6,465,027		\$ 494,423
2021	Jan	2,253,528	1,199,789	1,053,739	\$ 0.0805	\$ 84,826

Year	Period	Total LFO purchases, L	Quantity reported for LFO on NOA B400, L	Variance, L	FC rate, \$	Variance, \$
2021	Feb	3,038,452	1,199,789	1,838,663	\$ 0.0805	\$ 148,012
	Mar	2,776,131	1,199,789	1,576,342	\$ 0.0805	\$ 126,896
	Apr	2,692,297		2,692,297	\$ 0.1073	\$ 288,884
	May	3,034,689		3,034,689	\$ 0.1073	\$ 325,622
	Jun	3,353,601		3,353,601	\$ 0.1073	\$ 359,841
	Jul	3,796,834		3,796,834	\$ 0.1073	\$ 407,400
	Aug	3,881,133		3,881,133	\$ 0.1073	\$ 416,446
	Sep	4,180,827		4,180,827	\$ 0.1073	\$ 448,603
	Oct	4,402,329		4,402,329	\$ 0.1073	\$ 472,370
	Nov	4,926,088		4,926,088	\$ 0.1073	\$ 528,569
	Dec	4,474,396		4,474,396	\$ 0.1073	\$ 480,103
	Total 2021	42,810,307	3,599,368	39,210,940		\$ 4,087,571
2022	Jan	3,906,314		3,906,314	\$ 0.1073	\$ 419,148
	Feb	3,993,354		3,993,354	\$ 0.1073	\$ 428,487
	Mar	4,610,192		4,610,192	\$ 0.1073	\$ 494,674
	Apr	4,060,670		4,060,670	\$ 0.1341	\$ 544,536
	May	5,465,573		5,465,573	\$ 0.1341	\$ 732,763
	Jun	4,971,246		4,971,246	\$ 0.1341	\$ 666,644
	Jul	5,833,426		5,833,426	\$ 0.1341	\$ 782,262
	Aug	6,340,999		6,340,999	\$ 0.1341	\$ 850,328
	Sep	3,256,672		3,256,672	\$ 0.1341	\$ 436,720
Total 2022		42,650,863	-	42,650,863		\$ 5,384,046
Grand	Total	117,555,578	27,020,776	90,534,802		\$ 10,084,609

APPENDIX “O”

Original Traders Energy LP	2019	2020	2021	2022	Adjustment	\$CAD Total
Ministry of Finance Claims	10,140,661	18,174,631	46,707,232	60,389,360	586,968	135,998,852
Canada Revenue Agency Assessment*						
Fuel Charge (under reported deliveries)	3,323,743	12,309,041	33,262,399	42,839,848	-	91,735,031
Excise Tax (under reported deliveries)	7,165,664	17,132,302	27,527,600	30,874,229	-	82,699,795
Total CRA Assessment	10,489,407	29,441,343	60,789,999	73,714,077	-	174,434,826
Total Tax Claims/Assessments	20,630,068	47,615,974	107,497,231	134,103,437	586,968	310,433,678

*The CRA assessment amounts are for the period ending September 2022 as outlined in the letter dated February 21, 2023. The CRA had subsequently filed a placeholder claim as part of the claims process.

APPENDIX “P”



Notice of Sale of Fractional Interest

To: AirSprint Inc.

Date: November 10, 2022

Re: Purchase Agreement dated March 8, 2021 (the "Purchase Agreement") between the undersigned (the "Seller") and AirSprint Inc. ("AirSprint") respecting the 12.5% interest in Embraer Legacy 450 s/n 55010039, C-GASK (the "Fractional Interest")

Pursuant to Section 6.1(a) of the Purchase Agreement, the undersigned hereby gives notice to AirSprint of its desire to sell the Fractional Interest. AirSprint will repurchase the Fractional Interest once it has identified a purchaser. The Seller confirms that unless otherwise agreed in writing between AirSprint and the Seller, it will accept a minimum repurchase price by AirSprint of US\$ 2160000 (the "Repurchase Price").

The Seller acknowledges that pursuant to Section 6.1(a) of the Purchase Agreement, a commission of five per cent (5%) on the Repurchase Price is payable by the Seller to AirSprint upon the repurchase of the Fractional Interest by AirSprint.

This Notice may be revoked at any time in writing by the Seller and is valid until the earlier of (i) a notice provided by AirSprint that it is repurchasing the Fractional Interest in accordance with the terms contained herein, or (ii) any such revocation as indicated below.

DATED at the City of Waterdown in the Province of Ontario effective the date first written above.

1000267493 ONTARIO INC.

DocuSigned by:

 BEDBD9D572AF463...

Per: _____

Name: Glenn Page
 Title: President

DocuSigned by:

 41A265436A83459...

Per: _____
 Name: Mandy Cox
 Title: Vice President

Notice of Revocation

By executing in the space provided below, the undersigned hereby revokes the Notice of Sale set forth above effective the _____ day of _____, _____.

1000267493 ONTARIO INC.

Per: _____

Name: Glenn Page
 Title: President

DocuSigned by:

 41A265436A83459...

Per: _____
 Name: Mandy Cox
 Title: Vice President

APPENDIX “Q”

HOLDING AND TRUST AGREEMENT

THIS AGREEMENT IS DATED as of the 17 day of January, 2023.

BETWEEN:

AIRSPRINT INC. ("AirSprint")

-and-

GLENN PAGE ("Page")

-and-

2658658 ONTARIO INC. ("GPMC")

-and-

1000267493 ONTARIO INC. ("493")

(each a "**Party**" and collectively, the "**Parties**").

WHEREAS Page is a director, officer, and shareholder of GPMC, and a director, officer, and shareholder of 493;

AND WHEREAS between March 2021 and June 2022, GPMC and AirSprint entered into a series of agreements (the "**Fractional Interest Agreements**") resulting in GPMC holding (i) a 6.25% undivided fractional aircraft interest in s/n 525B0668, C-FSFO, (ii) a 25.0% undivided fractional aircraft interest in s/n 525B0642, C-GNAS, and (iii) a 12.5% undivided fractional aircraft interest in Embraer Legacy 450 s/n 55010039, C-GASK (collectively, the "**Fractional Interests**");

AND WHEREAS on August 23, 2022, Page executed an agreement whereby GPMC assigned the Fractional Interests to 493;

AND WHEREAS on October 12, 2022, a statement of claim was filed against Page and GPMC, among others, by the plaintiffs listed therein (the "**Claim**");

AND WHEREAS certain allegations in the Claim relate to funds paid by Original Traders Energy Limited Partnership ("**OTE**") to AirSprint in connection with the Fractional Interests;

AND WHEREAS 493 has requested that AirSprint sell the Fractional Interests (the "**Sale**");

AND WHEREAS the Parties have agreed that AirSprint shall hold the net proceeds of the Sale (the "**Proceeds**") in trust subject to the terms and conditions of this Agreement.

NOW THEREFORE for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

ARTICLE 1
SALE OF THE FRACTIONAL INTERESTS

- 1.1 **Sale.** AirSprint hereby agrees to use commercially reasonable efforts to sell the Fractional Interests in accordance with the Fractional Interest Agreements.
- 1.2 **Payments.** Nothing in this Agreement shall relieve Page, GPMC, or 493 of any obligation to pay any amount required under the Fractional Interest Agreements prior to the completion of the Sale, including but not limited to the Annual Overhead Fee and the Variable Rate Fee, as defined in the Fractional Interest Agreements. Upon completion of the Sale, AirSprint shall be permitted to deduct from the sale proceeds any such amounts remaining unpaid.

ARTICLE 2
PROCEEDS

Upon receipt of the Proceeds, AirSprint shall hold the Proceeds in trust on the terms and conditions of this Agreement in a segregated, interest-bearing trust account, with interest to follow the Proceeds. AirSprint makes no representation as to the yield available upon the Proceeds, shall bear no liability for any failure to achieve the maximum possible yield from the Proceeds, and shall not be responsible for any failure of the holding institution. The party receiving interest, if any, on the Proceeds shall pay all income and other taxes applicable thereto or exigible thereon.

ARTICLE 3
RELEASE CONDITIONS

- 3.1 **Release of Proceeds.** Subject to Section 3.2, the Proceeds held in trust shall be released by AirSprint only in one of the following scenarios:
 - (i) AirSprint is satisfied, in its sole discretion, that the Claim, or any future claims arising during the currency of this Agreement related to funds paid by OTE to AirSprint, has been fully resolved;
 - (ii) Page wishes to purchase an ownership interest in another AirSprint aircraft and the Proceeds will be used to purchase that other interest, in which case the Proceeds shall be credited against such purchase; or
 - (iii) AirSprint is directed to release the Proceeds by a court order obtained by any person from a court of competent jurisdiction, provided that if obtained by Page, GPMC, and/or 493, such court order was requested with full notice to the plaintiffs to the Claim in accordance with the applicable Rules of Court, allowing the plaintiffs the opportunity to respond.
- 3.2 **Interpleader.** AirSprint shall have the right, at any time and in its sole discretion, to commence an interpleader application in the Court of King's Bench of Alberta, or other Canadian court as appropriate, and to deposit the Proceeds and interest earned thereon, if any, with the Accountant of the Court of King's Bench of Alberta, or other Canadian court as appropriate.

AirSprint shall give notice of such application or deposit to Page in accordance with the applicable Rules of Court.

ARTICLE 4 **RELEASE AND FURTHER COOPERATION**

- 4.1 **Release of AirSprint.** In the event that the Proceeds are released in accordance with Article 3, Page, GPMC, and 493, hereby release, remise, and forever discharge AirSprint of all potential claims arising from this Agreement, the Fractional Interests, the Fractional Interest Agreements, or the Proceeds.
- 4.2 **Cooperation.** In the event that the Proceeds are released in accordance with Article 3, Page hereby agrees, in his capacity as an individual or on behalf of GPMC or 493, to execute any documentation required to effect this Agreement, as determined to be required by AirSprint in its discretion, acting reasonably.

ARTICLE 5 **GENERAL**

- 5.1 **No Agency.** AirSprint shall not be deemed to be the agent of Page, GPMC, or 493 in respect of the trust herein referred to. AirSprint shall not be liable to Page, GPMC, or 493 for any error in judgment or for any act or omission on its part in respect of the trust herein referred to unless such error in judgment, act, or omission is made, taken or suffered in bad faith or involves gross negligence.
- 5.2 **Indemnity.** Page, GPMC, and 493 hereby jointly and severally agree to indemnify and hold AirSprint harmless from and against all costs, claims (including those from third parties), and expenses, including solicitor's fees and disbursements incurred in connection with or arising from the performance of AirSprint's duties or rights hereunder; provided that this indemnity shall not extend to actions or omissions taken or suffered by AirSprint in bad faith or involving gross negligence on the part of AirSprint.
- 5.3 **Costs.** Page, GPMC, and 493 jointly and severally agree to pay AirSprint forthwith upon receipt of an invoice for costs, including solicitor's fees, incurred to draft, negotiate, and execute this Agreement.
- 5.4 **Notice.** All notices or other communications given pursuant to this Agreement shall be in writing and shall be either delivered by hand or by email, addressed as follows:

In the case of AirSprint, to:

AirSprint Inc.
1910 McCall Landing NE
Calgary, AB T2E 9B5

Attention: James Elian
Email: president@airsprint.com

In the case of Page, GPMC, or 493, to:

Glenn Page
118 Main Street North
Waterdown, ON L0R 2H0

Attention: Glenn Page
Email: glenn@gpmcholdings.ca

- 5.5 **Entire Agreement.** This Agreement, together with any agreements, instruments, certificates, and other documents contemplated to be executed and delivered pursuant to this Agreement,

constitutes the entire agreement between the Parties with respect to the subject matter of this Agreement.

- 5.6 **Successors and Assigns.** This Agreement shall enure to the benefit of, and be binding on, the Parties and their respective successors and permitted assigns. No Party may assign or transfer, whether absolutely, by way of security or otherwise, all or any part of its respective rights or obligations under this Agreement without the prior consent of the other Parties.
- 5.7 **Amendment or Waiver.** No amendment to this Agreement or waiver of any provision or default under this Agreement will be effective unless made in writing and signed by all the Parties hereto, in the case of amendment, or the waiving Party, in case of a waiver.
- 5.8 **Severability.** If any provision contained in this Agreement or its application to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement or the application of such provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected, and each provision of this Agreement shall be separately valid and enforceable to the fullest extent permitted by law.
- 5.9 **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which taken together shall be deemed to constitute one and the same agreement. Counterparts may be executed either in original or electronic form and the Parties adopt any signatures received by a receiving fax machine or electronic mail as original signatures of the Parties.
- 5.10 **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the Province of Alberta and the laws of Canada applicable therein. Any originating proceeding with respect to this Agreement shall be brought in the Court of King's Bench of Alberta unless otherwise agreed in advance in writing by AirSprint.

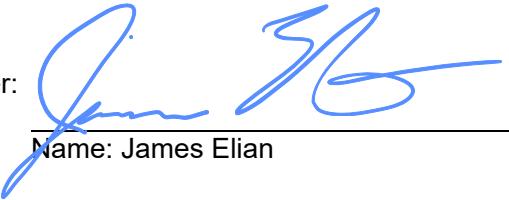
[Signature page follows]

IN WITNESS WHEREOF the Parties hereto have executed this Agreement as of the date first above written.

AIRSPRINT INC.

GLENN PAGE

Per:



Name: James Elian

Title: President & CEO

Per:



2658658 ONTARIO INC.

100267493 ONTARIO INC.

Per:



Name: Glenn Page

Title: President

Per:



Name: Glenn Page

Title: President

APPENDIX “R”

Schedule A Passenger	Date	Origin			Destination			Passengers	
PAGE, GLENN	5/5/2021	CYYZ	TORONTO	ON	KCLE	CLEVELAND	OH	4	PAGE, GLENN;COX, MANDY;CAMPBELL, GARY;CAMPBELL, KIMBERL
PAGE, GLENN	5/5/2021	KCLE	CLEVELAND	OH	KFDY	FINDLAY	OH	4	PAGE, GLENN;COX, MANDY;CAMPBELL, GARY;CAMPBELL, KIMBERL
PAGE, GLENN	5/6/2021	KFDY	FINDLAY	OH	TLPC	CASTRIES (ST LUCIA)	SL	4	PAGE, GLENN;COX, MANDY;CAMPBELL, KIMBERL;CAMPBELL, GARY
PAGE, GLENN	5/22/2021	TLPC	CASTRIES (ST LUCIA)	SL	CYYZ	TORONTO	ON	4	PAGE, GLENN;COX, MANDY;CAMPBELL, KIMBERL;CAMPBELL, GARY
PAGE, GLENN	8/24/2021	CYHM	HAMILTON	ON	CYMX	MONTREAL	QC	4	PAGE, GLENN;FERLAND, ANDY;DE NOBRIGA, BRIAN;BLOIS, DAVID
PAGE, GLENN	8/24/2021	CYMX	MONTREAL	QC	CYHM	HAMILTON	ON	4	PAGE, GLENN;FERLAND, ANDY;DE NOBRIGA, BRIAN;BLOIS, DAVID
PAGE, GLENN	9/27/2021	KTEB	TEREBORO	NJ	KLAN	LANSING	MI	2	COX, MANDY;PAGE, GLENN
PAGE, GLENN	10/6/2021	CYHM	HAMILTON	ON	KTEB	TEREBORO	NJ	2	PAGE, GLENN;COX, MANDY
PAGE, GLENN	10/20/2021	CYHM	HAMILTON	ON	KCHS	CHARLESTON	SC	2	PAGE, GLENN;COX, MANDY
PAGE, GLENN	10/30/2021	KFLL	FORT LAUDERDALE	FL	CYYZ	TORONTO	ON	2	PAGE, GLENN;COX, MANDY
PAGE, GLENN	11/11/2021	CYHM	HAMILTON	ON	KSDL	SCOTTSDALE	AZ	4	PAGE, GLENN;PAGE, MATTHEW;COOPER, JEFF;COOPER, SCOTT
PAGE, GLENN	11/14/2021	KSDL	SCOTTSDALE	AZ	CYYZ	TORONTO	ON	4	PAGE, GLENN;PAGE, MATTHEW;COOPER, SCOTT;COOPER, JEFF
PAGE, GLENN	11/24/2021	CYHM	HAMILTON	ON	KEYW	KEY WEST	FL	2	COX, MANDY;PAGE, GLENN
PAGE, GLENN	11/29/2021	KEYW	KEY WEST	FL	CYYZ	TORONTO	ON	2	COX, MANDY;PAGE, GLENN
PAGE, GLENN	12/8/2021	CYHM	HAMILTON	ON	TLPC	CASTRIES (ST LUCIA)	SL	2	PAGE, GLENN;COX, MANDY
PAGE, GLENN	12/15/2021	TLPC	CASTRIES (ST LUCIA)	SL	CYHM	HAMILTON	ON	2	PAGE, GLENN;COX, MANDY
PAGE, GLENN	12/26/2021	CYHM	HAMILTON	ON	KILM	WILMINGTON	NC	5	PAGE, GLENN;COX, MANDY;SMITH, GRAYSON;SMITH, ADDISYN;COX, BRENDA
PAGE, GLENN	12/26/2021	KILM	WILMINGTO N	NC	TLPL	VIEUX FORT (ST LUCIA)	SL	5	PAGE, GLENN;COX, MANDY;SMITH, GRAYSON;SMITH, ADDISYN;COX, BRENDA
PAGE, GLENN	1/9/2022	TLPC	CASTRIES (ST LUCIA)	SL	CYHM	HAMILTON	ON	4	PAGE, GLENN;COX, MANDY;COX, BRENDA;SMITH, ADDISYN
PAGE, GLENN	3/3/2022	CYHM	HAMILTON	ON	KFLL	FORT LAUDERDALE	FL	2	PAGE, GLENN;COX, MANDY
PAGE, GLENN	3/3/2022	KFLL	FORT LAUDERDALE	FL	TLPC	CASTRIES (ST LUCIA)	SL	2	PAGE, GLENN;COX, MANDY
PAGE, GLENN	3/25/2022	TLPL	VIEUX FORT (ST LUCIA)	SL	CYHM	HAMILTON	ON	1	PAGE, GLENN
PAGE, GLENN	4/17/2022	CYHM	HAMILTON	ON	KTPA	TAMPA	FL	3	PAGE, GLENN;SMITH, GRAYSON;LANGTON, JESSICA
PAGE, GLENN	4/17/2022	KTPA	TAMPA	FL	TLPC	CASTRIES (ST LUCIA)	SL	5	PAGE, GLENN;PAGE, GLENN;PAGE, GLENN;SMITH, GRAYSON;LANGTON, JESSICA
PAGE, GLENN	5/1/2022	TLPC	CASTRIES (ST LUCIA)	SL	KPBI	WEST PALM BEACH	FL	2	PAGE, GLENN;COX, MANDY
PAGE, GLENN	5/1/2022	KPBI	WEST PALM BEACH	FL	CYHM	HAMILTON	ON	2	PAGE, GLENN;COX, MANDY
PAGE, GLENN	5/14/2022	KBWI	BALTIMORE	MD	CYHM	HAMILTON	ON	3	PAGE, GLENN;COX, MANDY;SMITH, ADDISYN
PAGE, GLENN	6/2/2022	CYHM	HAMILTON	ON	TLPC	CASTRIES (ST LUCIA)	SL	5	PAGE, GLENN;COX, MANDY;HODGINS, KELLIE;SMITH, GRAYSON;PENNEY, JODY
PAGE, GLENN	6/3/2022	TLPC	CASTRIES (ST LUCIA)	SL	CYHM	HAMILTON	ON	5	PAGE, GLENN;COX, MANDY;HODGINS, KELLIE;SMITH, GRAYSON;PENNEY, JODY
PAGE, GLENN	7/3/2022	LEPA	PALMA (SPAIN)	SP	LFBD	BORDEAUX (FRANCE)	FR	2	PAGE, GLENN;COX, MANDY
PAGE, GLENN	7/10/2022	LFPB	LE BOURGET (FRANCE)	FR	CYYT	ST JOHN'S	NL	7	PAGE, GLENN;COX, MANDY;BLOIS, DAVID;BLOIS, TRACY;PAGE, MATTHEW;PAGE, JESSICA;PAGE, JACK

PAGE, GLENN	7/10/2022	CYYT	ST JOHN'S	NL	CYHM	HAMILTON	ON	7	PAGE, GLENN;COX, MANDY;BLOIS, DAVID;BLOIS, TRACY;PAGE, MATTHEW;PAGE, JESSICA;PAGE, JACK
PAGE, GLENN	7/19/2022	CYYB	NORTH BAY	ON	CYWG	WINNIPEG	MB	3	PAGE, GLENN;MCLEOD, MATHEW;HARRIS, ADAM
PAGE, GLENN	7/20/2022	CYWG	WINNIPEG	MB	CYYB	NORTH BAY	ON	5	PAGE, GLENN;DE NOBRIGA, BRIAN;MCLEOD, MATHEW;HARRIS, ADAM;FERLAND, ANDY
PAGE, GLENN	7/28/2022	CYHM	HAMILTON	ON	KBWI	BALTIMORE	MD	2	PAGE, GLENN;COX, MANDY
PAGE, GLENN	8/3/2022	KSGJ	ST. JOHNS COUNTY	FL	CYHM	HAMILTON	ON	3	PAGE, GLENN;COX, MANDY;HARVIE, GHLAIN
PAGE, GLENN	8/7/2022	CYHM	HAMILTON	ON	TLPC	CASTRIES (ST LUCIA)	SL	5	PAGE, GLENN;COX, MANDY;LANGTON, JESSICA;HODGINS, KELLIE;HODGINS, GREGORY
PAGE, GLENN	8/10/2022	TLPC	CASTRIES (ST LUCIA)	SL	CYHM	HAMILTON	ON	5	PAGE, GLENN;COX, MANDY;LANGTON, JESSICA;HODGINS, KELLIE;HODGINS, GREGORY
PAGE, GLENN	8/23/2022	CYHM	HAMILTON	ON	CYMX	MONTRÉAL	QC	4	PAGE, GLENN;DE NOBRIGA, BRIAN;BLOIS, DAVID;MCLEOD, MATHEW
PAGE, GLENN	8/23/2022	CYMX	MONTRÉAL	QC	CYHM	HAMILTON	ON	5	PAGE, GLENN;DE NOBRIGA, BRIAN;BLOIS, DAVID;MCLEOD, MATHEW;BLOIS, ERIC
PAGE, GLENN	9/18/2022	CYQA	QUEBEC CITY	QC	TLPC	CASTRIES (ST LUCIA)	SL	3	PAGE, GLENN;COX, MANDY;HODGINS, KELLIE
PAGE, GLENN	9/20/2022	TLPC	CASTRIES (ST LUCIA)	SL	CYHM	HAMILTON	ON	3	PAGE, GLENN;COX, MANDY;HODGINS, KELLIE
PAGE, GLENN	10/24/2022	CYHM	HAMILTON	ON	KEYW	KEY WEST	FL	2	PAGE, GLENN;COX, MANDY
PAGE, GLENN	10/30/2022	KEYW	KEY WEST	FL	CYHM	HAMILTON	ON	2	PAGE, GLENN;PAGE, GLENN
PAGE, GLENN	12/5/2022	CYYB	NORTH BAY	ON	CYWG	WINNIPEG	MB	5	PAGE, GLENN;COX, MANDY;MCLEOD, MATHEW;MCLEOD, ABBYGALE;RATUDRADRA, WILLIAM
PAGE, GLENN	12/7/2022	CYWG	WINNIPEG	MB	CYHM	HAMILTON	ON	6	PAGE, GLENN;COX, MANDY;PAGE, DAVID;PAGE, BARBARA;PAGE, BRIAN;POIRIER, MARIE
PAGE, GLENN	12/7/2022	CYHM	HAMILTON	ON	KFLL	FORT LAUDERDALE	FL	1	PAGE, GLENN
PAGE, GLENN	12/8/2022	KFLL	FORT LAUDERDALE	FL	CYHM	HAMILTON	ON	1	PAGE, GLENN
PAGE, GLENN	1/17/2023	CYHM	HAMILTON	ON	SLU	ST. LUCIA	SL	1	PAGE, GLENN
PAGE, GLENN	2/1/2023	CYLW	KELOWNA	BC	YWG	WINNIPEG	MB	3	PAGE, GLENN;PAGE, BRIAN;MCLEOD, MATHEW
PAGE, GLENN	2/1/2023	CYWG	WINNIPEG	MB	YYB	NORTH BAY	ON	2	PAGE, GLENN;MCLEOD, MATHEW
PAGE, GLENN	2/16/2023	CYHM	HAMILTON	ON	FLL	FORT LAUDERDALE	FL	4	PAGE, GLENN;COX, MANDY;HODGINS, GREGORY;HODGINS, KELLIE
PAGE, GLENN	2/20/2023	07FA	NORTH KEY LARGO	FL	YHM	HAMILTON	ON	4	PAGE, GLENN;COX, MANDY;HODGINS, GREGORY;HODGINS, KELLIE
PAGE, MATTHEW	2/1/2022	PHOG	KAHULUI	HI	KOAK	OAKLAND	CA	3	PAGE, MATTHEW;PAGE, JESSICA;PAGE, JACK
PAGE, MATTHEW	2/1/2022	KOAK	OAKLAND	CA	CYHM	HAMILTON	ON	3	PAGE, MATTHEW;PAGE, JESSICA;PAGE, JACK
PAGE, MATTHEW	6/17/2022	CYUL	DORVAL	QC	KBOS	BOSTON	MA	3	PAGE, MATTHEW;KLEVEN, KIMBERLEY;KLEVEN, JEFFREY

Schedule A Passenger	Date	Origin			Destination			Passengers		
COX, MANDY	5/5/2021	CYYZ	TORONTO	ON	KCLE	CLEVELAND	OH	4	PAGE, GLENN;COX, MANDY;CAMPBELL, GARY;CAMPBELL, KIMBERL	
COX, MANDY	5/5/2021	KCLE	CLEVELAND	OH	KFDY	FINDLAY	OH	4	PAGE, GLENN;COX, MANDY;CAMPBELL, GARY;CAMPBELL, KIMBERL	
COX, MANDY	5/6/2021	KFDY	FINDLAY	OH	TLPC	CASTRIES (ST LUCIA)	SL	4	PAGE, GLENN;COX, MANDY;CAMPBELL, KIMBERL;CAMPBELL, GARY	
COX, MANDY	5/22/2021	TLPC	CASTRIES (ST LUCIA)	SL	CYYZ	TORONTO	ON	4	PAGE, GLENN;COX, MANDY;CAMPBELL, KIMBERL;CAMPBELL, GARY	
COX, MANDY	7/29/2021	CYHM	HAMILTON	ON	CYWG	WINNIPEG	MB	5	COX, MANDY;CAMPBELL, KIMBERL;MCASLAN, KELLY;KLEVEN, KIMBERLEY;PAGE, BRIAN	
COX, MANDY	7/29/2021	CYWG	WINNIPEG	MB	CYVR	VANCOUVER	BC	4	COX, MANDY;CAMPBELL, KIMBERL;MCASLAN, KELLY;KLEVEN, KIMBERLEY	
COX, MANDY	8/2/2021	CYVR	VANCOUVER	BC	CYWG	WINNIPEG	MB	4	COX, MANDY;CAMPBELL, KIMBERL;KLEVEN, KIMBERLEY;MCASLAN, KELLY	
COX, MANDY	8/2/2021	CYWG	WINNIPEG	MB	CYHM	HAMILTON	ON	6	COX, MANDY;CAMPBELL, KIMBERL;POIRIER, LISE;PAGE, BRIAN;MCASLAN, KELLY;KLEVEN, KIMBERLEY	
COX, MANDY	9/22/2021	CYYZ	TORONTO	ON	KTEB	TEREBORO	NJ	2	COX, MANDY;BLOIS, TRACY	
COX, MANDY	9/27/2021	KTEB	TEREBORO	NJ	KLAN	LANSING	MI	2	COX, MANDY;PAGE, GLENN	
COX, MANDY	9/28/2021	KLAN	LANSING	MI	CYYZ	TORONTO	ON	2	COX, MANDY;PAGE, GLENN	
COX, MANDY	10/6/2021	CYHM	HAMILTON	ON	KTEB	TEREBORO	NJ	2	PAGE, GLENN;COX, MANDY	
COX, MANDY	10/12/2021	KTEB	TEREBORO	NJ	CYYZ	TORONTO	ON	3	COX, MANDY;SMITH, GRAYSON;SMITH, ADDISON	
COX, MANDY	10/20/2021	CYHM	HAMILTON	ON	KCHS	CHARLESTON	SC	2	PAGE, GLENN;COX, MANDY	
COX, MANDY	10/30/2021	KFL	FORT LAUDERDALE	FL	CYYZ	TORONTO	ON	2	PAGE, GLENN;COX, MANDY	
COX, MANDY	11/24/2021	CYHM	HAMILTON	ON	KEYW	KEY WEST	FL	2	COX, MANDY;PAGE, GLENN	
COX, MANDY	11/29/2021	KEYW	KEY WEST	FL	CYYZ	TORONTO	ON	2	COX, MANDY;PAGE, GLENN	
COX, MANDY	11/29/2021	CYYZ	TORONTO	ON	CYHM	HAMILTON	ON	2	COX, MANDY;PAGE, GLENN	
COX, MANDY	12/8/2021	CYHM	HAMILTON	ON	TLPC	CASTRIES (ST LUCIA)	SL	2	PAGE, GLENN;COX, MANDY	
COX, MANDY	12/15/2021	TLPC	CASTRIES (ST LUCIA)	SL	CYHM	HAMILTON	ON	2	PAGE, GLENN;COX, MANDY	
COX, MANDY	12/26/2021	CYHM	HAMILTON	ON	KILM	WILMINGTON	NC	5	PAGE, GLENN;COX, MANDY;SMITH, GRAYSON;SMITH, ADDISYN;COX, BRENDA	
COX, MANDY	12/26/2021	KILM	WILMINGTON	NC	TLPL	VIEUX FORT (ST LUCIA)	SL	5	PAGE, GLENN;COX, MANDY;SMITH, GRAYSON;SMITH, ADDISYN;COX, BRENDA	
COX, MANDY	1/9/2022	TLPC	CASTRIES (ST LUCIA)	SL	CYHM	HAMILTON	ON	4	PAGE, GLENN;COX, MANDY;COX, BRENDA;SMITH, ADDISYN	
COX, MANDY	3/3/2022	CYHM	HAMILTON	ON	KFL	FORT LAUDERDALE	FL	2	PAGE, GLENN;COX, MANDY	
COX, MANDY	3/3/2022	KFL	FORT LAUDERDALE	FL	TLPC	CASTRIES (ST LUCIA)	SL	2	PAGE, GLENN;COX, MANDY	
COX, MANDY	3/13/2022	TLPC	CASTRIES (ST LUCIA)	SL	KFL	FORT LAUDERDALE	FL	1	COX, MANDY	
COX, MANDY	3/13/2022	KFL	FORT LAUDERDALE	FL	CYHM	HAMILTON	ON	1	COX, MANDY	
COX, MANDY	3/14/2022	CYHM	HAMILTON	ON	KBWI	BALTIMORE	MD	3	COX, MANDY;SMITH, ADDISYN;VENEMA, HANNAH	
COX, MANDY	3/15/2022	KBWI	BALTIMORE	MD	CYYZ	TORONTO	ON	3	COX, MANDY;SMITH, ADDISYN;VENEMA, HANNAH	
COX, MANDY	3/21/2022	CYHM	HAMILTON	ON	KBWI	BALTIMORE	MD	2	COX, MANDY;SMITH, ADDISYN	
COX, MANDY	3/22/2022	KBWI	BALTIMORE	MD	CYHM	HAMILTON	ON	2	COX, MANDY;SMITH, ADDISYN	
COX, MANDY	4/23/2022	CYHM	HAMILTON	ON	TLPC	CASTRIES (ST LUCIA)	SL	3	COX, MANDY;DELEANU, MARIA;DELEANU, JOHN	
COX, MANDY	5/1/2022	TLPC	CASTRIES (ST LUCIA)	SL	KPBI	WEST PALM BEACH	FL	2	PAGE, GLENN;COX, MANDY	
COX, MANDY	5/1/2022	KPBI	WEST PALM BEACH	FL	CYHM	HAMILTON	ON	2	PAGE, GLENN;COX, MANDY	
COX, MANDY	5/8/2022	CYHM	HAMILTON	ON	KBWI	BALTIMORE	MD	2	COX, MANDY;SMITH, ADDISYN	
COX, MANDY	5/14/2022	KBWI	BALTIMORE	MD	CYHM	HAMILTON	ON	3	PAGE, GLENN;COX, MANDY;SMITH, ADDISYN	
COX, MANDY	6/2/2022	CYHM	HAMILTON	ON	TLPC	CASTRIES (ST LUCIA)	SL	5	PAGE, GLENN;COX, MANDY;HODGINS, KELLIE;SMITH, GRAYSON;PENNEY, JODY	
COX, MANDY	6/3/2022	TLPC	CASTRIES (ST LUCIA)	SL	CYHM	HAMILTON	ON	5	PAGE, GLENN;COX, MANDY;HODGINS, KELLIE;SMITH, GRAYSON;PENNEY, JODY	

COX, MANDY	7/3/2022	LEPA	PALMA (SPAIN)	SP	LFBD	BORDEAUX (FRANCE)	FR	2	PAGE, GLENN;COX, MANDY
COX, MANDY	7/10/2022	LFPB	LE BOURGET (FRANCE)	FR	CYYT	ST JOHN'S	NL	7	PAGE, GLENN;COX, MANDY;BLOIS, DAVID;BLOIS, TRACY;PAGE, MATTHEW;PAGE, JESSICA;PAGE, JACK
COX, MANDY	7/10/2022	CYYT	ST JOHN'S	NL	CYHM	HAMILTON	ON	7	PAGE, GLENN;COX, MANDY;BLOIS, DAVID;BLOIS, TRACY;PAGE, MATTHEW;PAGE, JESSICA;PAGE, JACK
COX, MANDY	7/28/2022	CYHM	HAMILTON	ON	KBWI	BALTIMORE	MD	2	PAGE, GLENN;COX, MANDY
COX, MANDY	8/3/2022	KSGJ	ST. JOHNS COUNTY	FL	CYHM	HAMILTON	ON	3	PAGE, GLENN;COX, MANDY;HARVIE, GHISLAIN
COX, MANDY	8/7/2022	CYHM	HAMILTON	ON	TLPC	CASTRIES (ST LUCIA)	SL	5	PAGE, GLENN;COX, MANDY;LANGTON, JESSICA;HODGINS, KELLIE;HODGINS, GREGORY
COX, MANDY	8/10/2022	TLPC	CASTRIES (ST LUCIA)	SL	CYHM	HAMILTON	ON	5	PAGE, GLENN;COX, MANDY;LANGTON, JESSICA;HODGINS, KELLIE;HODGINS, GREGORY
COX, MANDY	9/18/2022	CYQA	QUEBEC CITY	QC	TLPC	CASTRIES (ST LUCIA)	SL	3	PAGE, GLENN;COX, MANDY;HODGINS, KELLIE
COX, MANDY	9/20/2022	TLPC	CASTRIES (ST LUCIA)	SL	CYHM	HAMILTON	ON	3	PAGE, GLENN;COX, MANDY;HODGINS, KELLIE
COX, MANDY	10/24/2022	CYHM	HAMILTON	ON	KEYW	KEY WEST	FL	2	PAGE, GLENN;COX, MANDY
COX, MANDY	12/7/2022	CYWG	WINNIPEG	MB	CYHM	HAMILTON	ON	6	PAGE, GLENN;COX, MANDY;PAGE, DAVID;PAGE, BARBARA;PAGE, BRIAN;POIRIER, MARIE
COX, MANDY	2/16/2023	CYHM	HAMILTON	ON	FLL	FORT LAUDERDALE	FL	4	PAGE, GLENN;COX, MANDY;HODGINS, GREGORY;HODGINS, KELLIE
COX, MANDY	2/20/2023	07FA	NORTH KEY LARGO	FL	YHM	HAMILTON	ON	4	PAGE, GLENN;COX, MANDY;HODGINS, GREGORY;HODGINS, KELLIE
SMITH, GRAYSON	4/17/2022	CYHM	HAMILTON	ON	KTPA	TAMPA	FL	3	PAGE, GLENN;SMITH, GRAYSON;LANGTON, JESSICA
SMITH, GRAYSON	4/17/2022	KTPA	TAMPA	FL	TLPC	CASTRIES (ST LUCIA)	SL	5	PAGE, GLENN;PAGE, GLENN;PAGE, GLENN;SMITH, GRAYSON;LANGTON, JESSICA
SMITH, AMY	11/21/2021	CYPQ	PETERBOROUGH	ON	CYHM	HAMILTON	ON	1	SMITH, AMY

APPENDIX “S”

September 29, 2023

Monique Jilesen
Direct line: 416-865-2926
Email: mjilesen@litigate.com

Via Email

Duncan Lau
KPMG Inc.
National Service Line Leader
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Raj S. Sahni
Bennett Jones LLP
3400 One First Canadian Place
P.O. Box 130
Toronto, ON M5X 1A4

Dear Mr. Lau and Mr. Sahni:

**RE: AirSprint Aircraft Usage
Our File No.: 101134**

I am writing on behalf of 2658658 Ontario Inc (“GPMC Holdings”), 10000267493 Ontario Inc. and Mr. Page in relation to the above-noted matter. As you know, 10000267493 Ontario Inc. is currently the fractional owner of various private airplanes through the fractional ownership program of AirSprint Private Aviation (“AirSprint”), and prior to their transfer to 10000267493 Ontario Inc. in 2022, these fractional ownership interests were owned by GPMC Holdings.

It has come to my clients' attention that KPMG in its capacity as Monitor has sent letters (“AirSprint Letters”) to certain individuals – including Kellie Hodgins, Mathew McLeod, David Blois and Matthew Page – inquiring about certain flights on AirSprint airplanes that occurred between April 20, 2021 and February 23, 2023 and on which they are identified as passengers on AirSprint’s flight manifest records.

As set out below, my clients have a number of concerns and objections to the manner in which the Monitor has framed its inquiries to these individuals in the AirSprint Letters, and the unfounded assumptions that appear to underpin those inquiries.

First, my clients take issue with the assumption that the Monitor is authorized to demand production of information regarding any and all AirSprint flights that were arranged on my clients’ AirSprint account and that were identified in the records produced by AirSprint in response to the Court’s April 28, 2023 order. As you know, the Monitor’s powers to compel production of information, as set out in the Amended and Restated Initial Order dated February 9, 2023 (“ARIO”), relates solely to “Requested Information”, defined as “any books, records, accountings, documents, correspondences or papers, electronically stored or otherwise, *relating to the OTE Group*” [emphasis added].

The unfounded assumption underpinning the AirSprint Letters is that the Monitor has a basis to assert that information about a particular flight that was arranged on my clients' AirSprint account and that was identified in the records produced by AirSprint constitutes "Requested Information". Information about a particular flight that was arranged on my clients' AirSprint account only constitutes "Requested Information" if it is first established that the flight or the payment for the flight related to the OTE Group.

It is the position of my clients that in the absence of specific information demonstrating that a particular flight or the funds used to pay for a particular flight related to the OTE Group, the Monitor has no authority to demand production of information about that flight. We do not agree that the allegations regarding payments to AirSprint that have been made by the OTE Group to date suffice to establish the Monitor's authority in this regard.

Second, without limiting the above, it is my clients' position that the Monitor has no basis to demand production of any information relating to flights that occurred after July 28, 2022. We are aware of no basis for the Monitor to assert that the usage by 10000267493 Ontario Inc. of its AirSprint fractional ownership interests *after July 28, 2022* could constitute information relating to the OTE Group.

As you know, Mr. Page ceased to be President of OTE LP's general partner in or around July 14, 2022. On or around July 28, 2022, the OTE Group revoked the access privileges of Mr. Page, Ms. Cox and the employees of GPMC Management Services to all platforms that had previously been used by GPMC Management Services to provide management services to the OTE Group. We are aware of no allegation (or evidence) by the OTE Group or the Monitor that funds originating from the OTE Group were used for the purposes of payment to AirSprint after July 28, 2022.

As such, it is my clients' position that the Monitor has no authority to demand production, by way of the AirSprint Letters, of any information relating to flights that took place after July 28, 2022.

In the event that the Monitor is in possession of information that supports the assertion that information regarding AirSprint flights that occurred after July 29, 2022 constitute "Requested Information" within the meaning of the ARIO, we ask that you share this information with us.

Third, my clients take issue with the assertion in the AirSprint Letters that if the individuals to whom the letters are addressed do not provide responses within 14 days, "the Monitor will assume that all travel listed on Schedule "A" is personal and not related to the business of the OTE Group, *and will request reimbursement therefor on behalf of the OTE Group*" [emphasis added]. It is unclear whether this is intended by the Monitor as a warning that reimbursement will be sought by the Monitor directly from the individuals who were the recipient of the AirSprint Letters, although this is certainly how the AirSprint Letter has been interpreted as such a threat by at least some of those recipients.

There is no basis for the Monitor to assert, as has occurred in the AirSprint Letters, that because a certain flight was arranged on the AirSprint account of our clients and that the travel in question was personal and/or not related to the business of the OTE Group, that the OTE Group is entitled to reimbursement in respect of that flight. My clients were entitled to and did use their AirSprint fractional ownership interests for their own personal and business purposes, unrelated to the OTE Group.

There is also no legal basis for the Monitor to assert that it will seek reimbursement on behalf of the OTE Group for certain AirSprint flights merely on the basis of non-response by the recipient of an AirSprint Letter.

Finally, the Court's July 17, 2023 order requiring the AirSprint Proceeds to be paid to the Monitor was on the basis that such funds would be "held by the Monitor in trust pending judicial determination of the claims and entitlements to such proceeds as between the OTE Group entities and the Mareva Respondents" (paragraph 4 of July 17, 2023 Order). Furthermore, paragraph 7 of the July 17, 2023 order provides that a case conference will be held "to seek directions regarding subsequent steps relating to the determination of the rights, interests, encumbrances, liens and entitlements of any of the OTE Group entities, the Monitor, and any of the Mareva Respondents or the Related Companies, in and to... the OTE Claimed AirSprint Property". No such case conference has yet been held and no such directions have been sought by the Monitor. The OTE Group has not established any interest over any portion of the AirSprint Proceeds.

Our clients do not agree that the process devised unilaterally by the Monitor is an appropriate, fair or efficient way to proceed with the inquiries necessary for the Court to make determinations regarding the rights, interests and entitlements of any of the OTE Group entities and any of the Mareva Respondents or the Related Companies, regarding the OTE Claimed AirSprint Property.

Yours truly,



Per: Monique Jilesen

MJ/ap
c. Jonathan Chen, Lenczner Slaght



Jessica R. Orkin
 Direct Line: 416.979.4381
 Fax: 416.591.7333
 jorkin@goldblattpartners.com
 Our File No. 23-254

September 29, 2023

Via E-mail

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 National Service Line Leader, Restructuring &
 Turnaround
 333 Bay Street, Suite 4600
 Bay Adelaide Centre
 Toronto ON M5H 2S5

Raj S. Sahni
 Bennett Jones LLP
 3400 One First Canadian Place
 P.O. Box 130
 Toronto, ON M5X 1A4

Dear Mr. Lau and Mr. Sahni,

Re: AirSprint Aircraft Usage

We represent Kellie Hodgins, Mathew McLeod and David Blois in relation to the above-noted matter. Our clients have received Mr. Lau's letters dated September 15, 2023 (the "Airsprint Letters") requesting information from each of them regarding various AirSprint flights set out in Schedule A to their respective letters.

We are also in receipt of Ms. Jilesen's letter of today's date on behalf of 2658658 Ontario Inc., 10000267493 Ontario Inc. and Mr. Page regarding the Airsprint Letters.

I am writing to advise that in light of the position set out in Ms. Jilesen's letter, our clients will not be providing the information requested in the Airsprint Letters. Our clients do not agree that the information demanded by the Monitor in the Airsprint Letters constitutes "Requested Information" within the meaning of the Amended and Restated Initial Order dated February 9, 2023.

If the Monitor has further information to share that substantiates its authority to demand information regarding any of the flights set out in Schedule A to the Airsprint Letters, our clients would be pleased to receive that information, and if appropriate to reconsider their position.

Sincerely,

Jessica R. Orkin
 JRO:es/cope 343

APPENDIX “T”



Raj S. Sahni
Partner
 Direct Line: 416.777.4804
 e-mail: sahnir@bennettjones.com

October 3, 2023

Via Email

Lenczner Slaght
 130 Adelaide St. W.
 Suite 2600
 Toronto, Ontario M5H 3P5

Attention: Monique Jilesen

Dear Ms Jilesen and Ms Orkin:

Re: AirSprint Aircraft Usage

Goldblatt Partners LLP
 20 Dundas St. W., Suite 1039
 Toronto, Ontario M5G 2C2

Attention: Jessica Orkin

On behalf of KPMG Inc. as court-appointed monitor (the "**Monitor**") of the OTE Group in their proceedings pursuant to the *Companies' Creditors Arrangement Act* (the "**CCAA**"), we are writing in response to each of your letters dated September 29, 2023.

The Monitor disagrees with the positions set out in your letters. The powers given to the Monitor under the Amended and Restated Initial Order and any other orders of the Court are in addition to any powers of the Monitor pursuant to the CCAA and otherwise at law. As an officer of the Court, the Monitor's role includes reviewing past transactions involving the OTE Group and seeking to recover any funds or property for which OTE Group did not receive adequate consideration. The Monitor is empowered to review and investigate such transactions, including without limitation, pursuant to section 36.1 of the CCAA and section 96 of the *Bankruptcy and Insolvency Act* ("**BIA**").

As the Monitor noted in paragraph 27 of its Second Report dated March 13, 2023, and paragraph 59 of its Third Report dated April 25, 2023 (the "**Third Report**"), approximately USD \$6,864,425 and approximately CAD \$1,057,681 was wired by OTE Group entities to AirSprint Inc. ("**AirSprint**"). As further noted by the Monitor in paragraph 63 of the Third Report, "The Monitor is of the view that the Information (including the AirSprint Information) is crucial to the Monitor's ongoing investigation into the alleged misappropriation of OTE Group funds and property, and does not believe that the Information Order will prejudice any stakeholder." Accordingly, the Monitor expressly informed the Court that the information being sought from AirSprint (the "**AirSprint Information**") would be used in the Monitor's investigation into the alleged misappropriation of OTE Group funds and property.

Moreover, while the Monitor is already empowered to conduct its investigations pursuant to the CCAA and the BIA without any further court order, paragraph 9 of the April 27, 2023 Order made in respect

October 3, 2023

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of the AirSprint Information gave the Monitor express authority to use the AirSprint Information "for the purpose of investigating the business and affairs of the OTE Group and pursuing legal proceedings to recover any Property (as defined in the Amended and Restated Initial Order) or seek recourse in respect of any reviewable transactions, payments or preferences, for the general benefit of the OTE Group and its creditors."

The Monitor has acted and continues to act in accordance with its duties and powers in sending information requests as to usage of aircraft paid for by funds from the OTE Group to determine whether that usage of aircraft was for legitimate purposes in relation to the OTE Group's business or for purposes that would entitle the OTE Group to compensation or recovery of funds as a transaction at undervalue pursuant to section 96 of the BIA or otherwise. Accordingly, we see no legitimate basis on which your respective clients can object to the investigations being conducted by the Monitor, which are intended to seek additional recoveries for the OTE Group's creditors. While paragraph 7 of the July 17, 2023 Order provides for a mechanism to seek directions for a hearing to determine entitlements against the proceeds of the Italian Yacht and the OTE Claimed AirSprint Property, it certainly does not purport to limit the Monitor's ongoing investigations or provide your clients any basis to interfere therewith.

The Monitor has received some responses to its information requests in relation to the AirSprint flights and will follow-up with any persons who have not yet responded. If your respective clients require additional time to respond, please let the Monitor know. If your respective clients or others refuse to provide the Monitor with the requested information, the Monitor may seek further directions from the Court to compel production of that information; however, we would hope that your respective clients will cooperate so that is not necessary.

Yours truly,



Raj S. Sahni

RSS:mv

C: Paul van Eyk and Duncan Lau, KPMG Inc.

WSLEGAL\078556\00002\35810756v1



Bennett Jones

IN THE MATTER OF *THE COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, C. C-36, AS AMENDED
AND IN THE MATTER OF THE COMPROMISE OR ARRANGEMENT OF ORIGINAL TRADERS ENERGY LTD. and 2496750 ONTARIO INC.
Court File No. CV-23-00693758-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceeding commenced at Toronto

**Supplement to Sixth Report of the
Monitor (December 4, 2023)**

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IN THE MATTER OF *THE COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, C. C-36, AS AMENDED
AND IN THE MATTER OF THE COMPROMISE OR ARRANGEMENT OF ORIGINAL TRADERS ENERGY LTD. and 2496750 ONTARIO INC.
Court File No. CV-23-00693758-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceeding commenced at Toronto

**REPLY MOTION RECORD OF THE
MONITOR, KPMG INC.**

(Mareva Injunction, returnable December 21, 2023)

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