

Re: opinion

From: "Petsche, Nadine (TBS)" <nadine.petsche@ontario.ca>
To: "Veinot, Cindy (TBS)" <cindy.veinot@ontario.ca>
Date: Mon, 19 Sep 2016 21:48:07 -0400

Sorry, just saw this now. I'm on the subway. N

From: Veinot, Cindy (TBS)
Sent: Monday, September 19, 2016 9:10 PM
To: Petsche, Nadine (TBS)
Subject: Fw: opinion

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: MacIntyre, Kyle (TBS) <Kyle.MacIntyre@ontario.ca>
Sent: Monday, September 19, 2016 21:09
To: Orencsak, Greg (TBS)
Cc: Hatzis, Len (TBS); Veinot, Cindy (TBS); Kaufman, Paul (TBS); Kearney, Sean (TBS)
Subject: Re: opinion

Please use this instead, I can be the moderator

416-212-8014# Conference ID: 6935349#

On Sep 19, 2016, at 9:07 PM, Orencsak, Greg (TBS) <Greg.Orencsak@ontario.ca> wrote:

Yes - available tonight. Can we chat at 9:30 on 416 212 8011, passcode 8228801# ?

On Sep 19, 2016, at 8:46 PM, Hatzis, Len (TBS) <Len.Hatzis@ontario.ca> wrote:

Greg

Sorry - I didn't make myself clear. While I realize time is of the essence, Cindy and I still think it makes sense to have a quick call with you to confirm next steps and review key comments about the opinion. After our internal call, Cindy and I could reach out to oslers to prove additional feedback. Is that agreeable on your end?

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Orencsak, Greg (TBS)
Sent: Monday, September 19, 2016 8:32 PM
To: Hatzis, Len (TBS)
Cc: Veinot, Cindy (TBS); Petsche, Nadine (TBS); Kaufman, Paul (TBS); Kearney, Sean (TBS);

MacIntyre, Kyle (TBS); Hughes, Karen (TBS)
Subject: Re: opinion

Thanks...keep us posted if Oslers is willing to refine based on feedback and add'l info.

Greg

On Sep 19, 2016, at 8:22 PM, Hatzis, Len (TBS) <Len.Hatzis@ontario.ca> wrote:

Greg

Chatting with Cindy now, we think we need a call before it goes more broadly as the opinion may not provide enough support for Deloitte and after our call, we may have an opportunity to attempt to persuade oslers to clarify some issues etc....

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Orencsak, Greg (TBS)
Sent: Monday, September 19, 2016 8:11 PM
To: Hatzis, Len (TBS)
Cc: Veinot, Cindy (TBS); Petsche, Nadine (TBS); Kaufman, Paul (TBS); Kearney, Sean (TBS); MacIntyre, Kyle (TBS); Hughes, Karen (TBS)
Subject: Re: opinion

Thanks Len - feel free to share more broadly, time is of the essence.

I'm wondering if any of the draft's conclusions would be a surprise to us or Deloitte, based on the phone check-ins so far. If so, we should probably discuss. Otherwise, I don't think we need a call tonight.

Greg

On Sep 19, 2016, at 7:57 PM, Hatzis, Len (TBS) <Len.Hatzis@ontario.ca> wrote:

We have received the draft opinion from Osler. We are still reviewing but note the following:

- The opinion makes it clear that neither party has a legally enforceable unilateral right to utilize the surplus in the ÖTPP and the provisions in the FMP relating to utilization of surplus do not give rise to a legally enforceable right to a portion of the surplus
- The opinion does however note the past practice of 50/50 sharing, the overall legislative framework that contemplates sharing in surpluses, and the fact that the requirement for good faith bargaining
- The opinion also specifically notes that since neither party can unilaterally decide how to utilize a surplus the Sponsors have "an equal opportunity to benefit from surplus utilization"

Should we set up a call to discuss before oslers finalizes. Also, would you like me to send immediately to bigger group - ie SoC/William Bromm and Scott?

Thanks

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Hatzis, Len (TBS) <Len.Hatzis@ontario.ca>
Sent: Monday, September 19, 2016 7:23 PM
To: Veinot, Cindy (TBS); Petsche, Nadine (TBS)
Cc: Kaufman, Paul (TBS); Smook, Nick (TBS); Kearney, Sean (TBS)
Subject: Fw: opinion

Can you review - we are reviewing as we speak.
Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Rienzo, Douglas <DRienzo@osler.com>
Sent: Monday, September 19, 2016 7:06 PM
To: Hatzis, Len (TBS)
Cc: Marin, Jon; Kaufman, Paul (TBS); Steele, Jana
Subject: RE: opinion

Len:

Please find enclosed the draft opinion. Please let us know if you have any comments or questions; subject to your comments we can prepare it in final form. Please note that due to time restrictions we are still reviewing it internally, so there may be some minor changes to be made before finalizing.

Doug

<image001.gif>

Douglas Rienzo

Partner, Pensions & Benefits
Chair, Diversity Committee

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Toronto, Ontario, Canada M5X 1B8

<image002.gif>

<image003.jpg>

From: Hatzis, Len (TBS) [<mailto:Len.Hatzis@ontario.ca>]
Sent: Monday, September 19, 2016 3:15 PM
To: Rienzo, Douglas <DRienzo@osler.com>
Cc: Marin, Jon <jomarin@osler.com>; Kaufman, Paul (TBS) <Paul.Kaufman@ontario.ca>; Steele, Jana <JSteele@osler.com>
Subject: opinion

Hi
Any update on delivery of draft opinion . thanks

Len Hatzis
Deputy Director
Legal Services Branch | Treasury Board Secretariat
77 Wellesley Street West, 9th Floor, Toronto ON M7A 1N3
416.327.6393

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<Draft Osler Opinion re OTPP surplus.pdf>