

Message

From: Michael Boll [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4811917E15054407B665FE16D12FF415-MICHAEL BOL]
Sent: 2017-11-02 4:26:01 PM
To: Picard, Michel [mpicard@kpmg.ca]
CC: Kim Marshall [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b63a22b42bf14587870d93119a054d88-Kim Marshal]
Subject: Re: Clean & B.line - MTSA

I will try hard not to take offence to this...

Sent from my iPhone

> On Nov 2, 2017, at 4:13 PM, Picard, Michel <mpicard@kpmg.ca> wrote:
>
> This is a legal matter and as I am not a lawyer, I am not the appropriate person to review the wording.
>
> I believe it is possible to include some language in the contract without making it a contractual obligation on the parties.
>
> I advise you to obtain a legal advice from a lawyer with contracting experience.
>
> -----Original Message-----
> From: Michael Boll [mailto:Michael.Boll@ieso.ca]
> Sent: Thursday, November 02, 2017 4:00 PM
> To: Picard, Michel <mpicard@kpmg.ca>
> Cc: Kim Marshall <Kim.Marshall@ieso.ca>
> Subject: RE: Clean & B.line - MTSA
>
> We had discussed that they would want to include the mechanics of payment in the contract. The regulation creates the obligation to fund, the contractual language adds some meat to the bones of the regulatory obligation. The intent is not to create a stand-alone contractual obligation. Any obligation in the contract would fall away if the regulatory obligation ceased.
>
> -----Original Message-----
> From: Picard, Michel [mailto:mpicard@kpmg.ca]
> Sent: November 02, 2017 3:45 PM
> To: Michael Boll
> Cc: Kim Marshall
> Subject: Re: Clean & B.line - MTSA
>
> Why does it need to be in the contract since there is a legislation in place. This is a double dip.
>
> Sent from my iPhone
>
> On Nov 2, 2017, at 15:29, Michael Boll <Michael.Boll@ieso.ca<mailto:Michael.Boll@ieso.ca>> wrote:
>
> Michel,
>
> I assume your concern is that this could be read as a stand-alone contractual obligation. If we make it clearer that this contractual obligation only arises if IESO is required by regulation to pay, would that work? Neither IESO nor OPG are trying to create a separate contractual obligation so we can change it as necessary.
>
> Perhaps if we change section 3.13 to read:
>
>
> (a) During the period prescribed by Regulations (the "Prescribed Period"), the IESO shall, if and as required under the Regulations, pay and remit...
>
> Please let me know. We need to provide changes back later today or first thing tomorrow.
>
> Michael
>
>
> From: Picard, Michel [mailto:mpicard@kpmg.ca]
> Sent: November 02, 2017 10:38 AM
> To: Michael Boll
> Cc: Kim Marshall
> Subject: RE: Clean & B.line - MTSA
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>
>
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>
> 5300 Commerce Court West, 199 Bay Street, Toronto, ON M5L 1B9 Canada
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