

Media Release

Destruction of Evidence Motion against Government of Ontario granted by Court

(June 22, 2015, Toronto, Canada)) The Ontario Superior Court of Justice has authorized Trillium Power Wind Corporation (Trillium Power) to amend its Statement of Claim against the Government of Ontario to include the claim of Spoliation. Spoliation refers to “the Willful Destruction or Suppression of Evidence relevant to a legal proceeding.”

Trillium Power is seeking damages of \$500 million for misfeasance in public office including the deliberate destruction of the evidence contained in the government’s computers.

The action arises out of the cancellation of Trillium Power’s far-offshore wind projects just hours before the company was set to complete a \$26 million equity financing. TPW1, Trillium Power’s most advanced far-offshore wind development, is approximately 28 km from the mainland (near Kingston – see attached map).

John Kourtoff, President and CEO of Trillium Power, stated, “we were shocked to recently find proof that there was a willful destruction of evidence more than one year after Trillium Power sued the Government of Ontario. We strongly believe that this is both an attack on the administration of justice and on our carefully-balanced evidentiary-based legal system.”

“What has been perpetrated here is an affront to the sensibilities of all Ontarians. Given recent disclosures of the destruction of information regarding the gas plants we intend to aggressively pursue this ongoing action and to consider additional legal steps.”

“The Premier of Ontario has to decide if she wants to resolve this matter, which is a litmus test for Canadian and international investors as well as for the rule of law in Ontario.”

Morris Cooper, Trillium Power’s legal counsel, stated “this case will be set for trial by the end of August and is expected to be heard in early 2016.”

John Kourtoff further stated “the attack by the Government of Ontario on Trillium Power destroyed thousands of well-paying and sustainable manufacturing, construction, engineering, operations and maintenance jobs scheduled to come to Ontario. Furthermore, we contend that Ontario’s actions were designed to benefit a far less advanced foreign-owned applicant at the expense of Trillium Power.”

Trillium Power remains focused on developing its TPW1 far-offshore wind site in eastern Lake Ontario. Trillium Power is a Toronto-based company supported by investors in Ontario and other Canadian provinces. Trillium Power’s far-offshore wind projects have the internationally recognized potential to drive regional economic development, while producing affordable, clean, renewable, reliable, carbon-free and radioactive-free power.

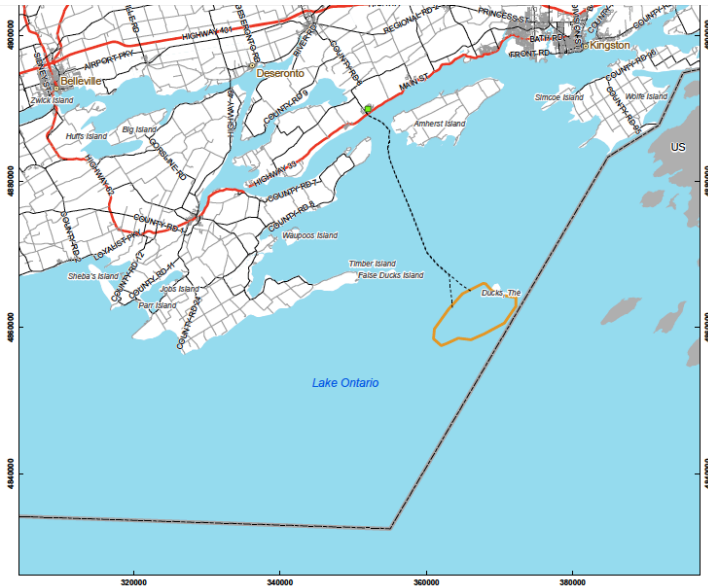
A copy of Trillium Power’s amended Statement of Claim is available upon request.

For more information, or to schedule an interview, please contact:

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Background



The Ontario government media release announcing its intention was distributed on the afternoon of Friday, February 11, 2011. This occurred one-hour before Trillium Power was to complete financing arrangements for its TPW1 offshore wind project located 28 km from shore in Lake Ontario. Courtesy notifications of the financial closing had been provided to the Government on the two (2) preceding days. No Order-in-Council or other follow up action was ever made by the Ontario Government. Several weeks after attacking Trillium Power and stopping its financing the Government of Ontario went on to sign a Memorandum of Understanding with Siemens looking to accelerate “off-shore wind”.

The Province’s media release (<http://news.ontario.ca/ene/en/2011/02/ontario-rules-out-offshore-wind-projects.html>) announced an immediate suspension on approving offshore wind projects. The Environmental Bill of Rights, <http://www.ebr.gov.on.ca> (EBR Registry# 011-0907) outlines the actual proposed action taken by the Province, being the cancellation and confiscation of all existing offshore wind applications including those with Applicant of Record (AoR) – although it is silent regarding Trillium Power’s Land Use Permit (LUP) which includes tenure. These actions were not a “Core Policy” decision as recently proposed by the Government of Ontario, as its submissions to the EBR on February 11, 2011 stated, “It is anticipated that once offshore wind-specific requirements are fully developed they *would be* included in regulation, policy and guidelines.”

The offshore wind production potential of The Great Lakes is immense and remains Ontario’s largest near-term reliable renewable energy asset. Very conservative estimates see it as a \$250 billion industry over a 10-year period. Subsequent to the Ontario announcement, the US Federal government has accelerated their support for offshore wind, including in The Great Lakes. Trillium Power has always been steadfast against any near-shore developments.

Trillium Power’s proposed ‘TPW1’ far-Offshore Wind site is located in the centre of Lake Ontario, 28 km from the mainland, directly beside the international border with the USA. The TPW1 site is globally recognized as the most optimal Offshore Wind location in The Great Lakes. The development of TPW1 would jump-start the creation of several thousand Ontario-based sustainable manufacturing jobs, over \$1.6 Billion in private sector investment in Ontario and generate between 450 MW and 500 MW of clean, reliable, non-radioactive and stable-priced electricity for the benefit of all Ontarians.

The Conference Board of Canada report of December 8, 2010 Economic and Employment of Ontario’s Future Offshore Wind Power Industry confirmed that the development of less than 6% of Ontario’s shallow water offshore wind potential in The Great Lakes would generate at least “\$1.03 Billion in personal and indirect taxes not including corporate taxes”, “between 55,000 and 62,000 person-years of construction employment”, “generate 6,700 direct permanent supply chain jobs” and “boost real GDP by a cumulative \$4.8 to \$5.6 Billion.”