

June 2, 2023

SURFACE RIGHTS BOARD

**IN THE MATTER OF
THE GEOTHERMAL RESOURCES ACT, R.S.B.C., C. 171
AND THE PETROLEUM AND NATURAL GAS ACT
R.S.B.C., C. 361, AS AMENDED**

AND IN THE MATTER OF

**BLOCK B DISTRICT LOT 2665 RANGE 5 COAST DISTRICT
EXCEPT PLAN 4416 (PID 017-494-664),
LOT 1 DISTRICT LOTS 684 2285 2664 2665 3983 5127 RANGE 5 COAST DISTRICT
PLAN PRP14339 EXCEPT PLAN PRP14340 (PID 019-208-006), and
LOT 2 DISTRICT LOT 3983 RANGE 5 COAST DISTRICT PLAN 7300
(PID 009-428-780)
(The "Lands")**

BETWEEN:

Kitselas Geothermal Inc.

(APPLICANT)

AND:

**Mount Layton Hotsprings Resort Ltd. and
H. Orleans Holding Inc.**

(RESPONDENTS)

BOARD ORDER

Mediation conducted: May 25, 29 and 31, 2023
Mediation attended by: Cheryl Vickers, Mediator; Peter Judd, Board Member; Tim Thompson, Alison Thompson and Dr. David Try, on behalf of the Applicant; Marlene Orleans and Carol Egan, on behalf of the Respondents; Sabrina Spencer and Kinji Bouchier, Barristers and Solicitors, on behalf of the Respondents

Kitselas Geothermal Inc. (“KGI”) holds a permit issued under the *Geothermal Resources Act* (“GRA”) bearing Permit Agreement No. GP67428, approved by Order in Council on February 17, 2023, granting KGI the right to geothermal resources in specified zones and locations by Lakelse Lake (“the Permit”).

Mount Layton Hotsprings Resort Ltd. is the owner of land legally described as: BLOCK B DISTRICT LOT 2665 RANGE 5 COAST DISTRICT EXCEPT PLAN 4416 (PID 017-494-664) and LOT 1 DISTRICT LOTS 684 2285 2664 2665 3983 5127 RANGE 5 COAST DISTRICT PLAN PRP14339 EXCEPT PLAN PRP14340 (PID 019-208-006).

H. Orleans Holdings Inc. is the owner of land legally described as LOT 2 DISTRICT LOT 3983 RANGE 5 COAST DISTRICT PLAN 7300 (PID 009-428-780).

The above described land is collectively referred to in this Order as “the Lands”. The two above named landowners are collectively referred to as “MLHR”.

The Lands are within the area covered by the Permit. They comprise approximately 795 acres and are occupied and used by MLHR for business and agricultural purposes. Some individuals employed in MLHR’s business and agricultural activities also live on the Lands.

KGI intends to seek a well authorization permit from the BC Energy Regulator (BCER) allowing drilling of up to 10 test wells out of 35 potential sites and up to 4 wellsites out of 55 potential sites, all on the Lands.

KGI applied to the Surface Rights Board (“the Board”) seeking right of entry to the Lands to survey and complete environmental, archaeological, and other preliminary work required by the BCER. KGI’s application indicates that it will also require access to construct the test holes, wellsites and associated access roads, and access to drill the wells.

This is the Board’s first ever application requesting access to private land for geothermal resource development.

Section 1(2) of the *GRA* provides:

Parts 16 and 17 of the *Petroleum and Natural Gas Act* apply in respect of entry onto and use of land for the purpose of exploring for and producing geothermal resources.

The *PNGA* requires the Board to mediate disputes respecting access to land for oil and gas purposes and allows the mediator to make an order authorizing entry to land for purposes relevant to oil and gas exploration and development, subject to terms and conditions set out in the order (*PNGA*, Section 159). For the purposes of this application, I read the *GRA* and the *PNGA* to allow the mediator to make an order authorizing entry to land for the purpose of exercising the rights granted by a permit issued under the *GRA*, namely the right to apply for a well authorization in furtherance of the development of geothermal resources disposed of in accordance with the *GRA*.

Given a mediator's ability to make a right of entry order with terms and conditions, mediations conducted under the *PNGA*, and by extension the *GRA*, for the purpose of facilitating agreement respecting access to private land for the development of a subsurface resource, are unique and similar to a med-arb process. The mediation discussions are, nevertheless, confidential and without prejudice to positions the parties may take in later proceedings to resolve unsettled issues.

In accordance with the *PNGA*, the Board convened a mediation to discuss KGI's need for and terms of entry to the Lands for the purposes of conducting preliminary work only.

KGI produced a document entitled *Fuel for Reconciliation: Well Authorisation Pre-application Survey Requirements: Access to Mount Layton Hot Springs Resort* describing the nature of the pre-application work for which KGI was seeking access to the Lands. This document is attached to this order as Schedule "A" and will be referred to as Schedule "A" throughout this order. The pre-application work discussed in Schedule "A" includes:

- Agrolgist Assessment of Agricultural Land Reserve
- Geotechnical Study for Landslide Assessment
- Archaeological Survey
- Environmental Mitigation Assessment
- Surveying, and
- Hot springs monitoring to establish baseline

For each proposed activity or assessment, Schedule "A" provides information on the scope of work, procedure, duration and type of access required, the number of people to be on site, and potential impacts.

On the basis of the information provided during mediation and information obtained from the BCER with the consent of the parties, I am satisfied that the work described in Schedule "A" is in furtherance of seeking a well authorization to explore for and develop

geothermal resources, and is work necessary to the application process for a well authorization for geothermal exploration and development on the Lands. I am satisfied, therefore, that KGI requires access to the Lands in order to exercise the rights granted to it in the Permit. A right of entry order is set out below.

Section 159(4) of the *PNGA* provides that “a right of entry order made by a mediator must, as a condition of the order, require the person who is seeking the right of entry to pay to the landowner, on account of rent, if any, or compensation ... an amount of money ordered by the mediator.” The parties took very different views as to how to arrive at partial payment for an entry of the nature granted and were unable to come to an agreement as to an appropriate partial payment.

One of the difficulties in assessing an appropriate partial payment in the geothermal context is that, unlike the oil and gas context, the extent of any permanent footprint on the land, is unknown when an application is advanced to the BCER. Likewise, the amount of any loss to the landowner or the extent of any damage to the land that may arise from the entry cannot be estimated in advance. Although access for the work described in Schedule “A” is only required for a limited time, the area of access may be to the whole of the Lands at the discretion of the various professionals conducting the work and dependent on the information sought by the BCER. Although access may be required to the whole of the Lands, it is not anticipated to cause much, if any, loss to the landowner or damage to the Lands. It is anticipated that if there is damage or loss, that damage or loss can be easily remediated. The ultimate permanent footprint on the Lands required for geothermal resource development may be small relative to total area of the Lands, but will not be known until much further along in the process.

This application is not only the Board’s first geothermal application, but we understand it to be the first application the BCER will receive for a geothermal well authorization on private land. Consequently, there is no industry practice, as in the oil and gas context, to assist with the determination estimating compensation payable to a landowner or determining an appropriate partial payment payable under a right of entry order.

The Board learned through the process of this mediation that the BCER will require an applicant for a geothermal well authorization on private land to have a right of access to the land either by agreement with the landowner or Board order before the application for well authorization will be considered. In the context of this application, therefore, unless the parties are able to agree to access for the purposes of constructing the proposed access road and drilling the proposed wells, the Board will have to engage the parties in further mediation to discuss the need for and terms of entry to the Lands for those purposes. The Board may have to consider again whether a right of entry order is necessary, and if so, its terms and conditions including a provision for partial compensation.

The order for partial payment below is not intended to reflect or provide judgement on the methodologies or positions advanced by either party respecting partial payment for a right of entry order in the geothermal resource context. I will be keeping my mind open as this process unfolds to the issues with determining the partial payment to be ordered when a right of entry order is made in the geothermal context. The partial payment below is not specific to any particular factor that the Board may consider in ordering compensation. It is simply an order for the payment of an amount on account of rent or compensation that may be payable for KGI's proposed geothermal project on the Lands.

ORDER

The Surface Rights Board orders:

1. Upon payment of the amounts set out in paragraphs 2 and 3 below, KGI shall have the right of entry to and access across the Lands until August 31, 2023 for the purposes set out and as described in Schedule "A", on the Terms and Conditions set out at Schedule "B".
2. KGI shall pay to MLHR as partial compensation the amount of \$5,000.00.
3. KGI shall deliver to the Surface Rights Board security in the amount of \$2,500 by cheque made payable to the Minister of Finance. All or part of the security deposit may be returned to KGI, or paid to MLHS, upon agreement of the parties or as ordered by the Board.
4. Nothing in this order operates as a consent, permission, approval, or authorization of matters within the jurisdiction of the BCER.

DATED: June 2, 2023

FOR THE BOARD



Cheryl Vickers, Mediator



Well Authorisation Pre-application Survey Requirements:
Access to Mount Layton Hot Springs Resort

May 17, 2023

SCHEDULE "A" TO ORDER 2201/02-1

Executive Summary

Kitselas Geothermal (KGI) requires surface access to Mount Layton Hot Springs Resort to perform a variety of activities prior to submitting a well authorisation application to the British Columbia Energy Regulator for geothermal exploration. The pre-application activities include:

- Agrolgist assessment of Agricultural Land Reserve
- Geotechnical study for landslide assessment
- Archaeological survey
- Environmental mitigation assessment
- Surveying
- Hot springs monitoring to establish a baseline (Optional).

The scope of work, procedures, duration and type of access, number of people that will be on site, and any potential impacts are described, where possible, for each activity.

In an effort to limit the broad site access required for the environmental mitigation assessment and surveying activities for all potential well sites, KGI has requested an exemption from the BC Energy Regulator from performing these activities until the locations of the (up to) 4 geothermal exploration wells have been determined. However, if the exemption is not granted then access will be required for these activities.

Monitoring of the hot springs is not required for the application but is provided as an optional activity if Mount Layton Hot Springs would like to have a baseline survey prior to activities occurring.

Table of Contents

Contents

Executive Summary	i
Table of Contents	ii
Agrologist Assessment of Agricultural Land Reserve	1
Scope of Work	1
Procedure.....	1
Duration and Type of Access.....	2
People on Site	2
Impacts	2
Geotechnical Study for Landslide Assessment	3
Scope of Work	3
Procedure.....	3
Site Visit	3
Investigative Geotechnical Drilling	3
Duration and Type of Access.....	4
Site Visit	4
Investigative Geotechnical Drilling	4
People on Site	4
Site Visit	4
Investigative Geotechnical Drilling	5
Impacts	5
Site Visit	5
Investigative Geotechnical Drilling	5
Archaeological Survey	6
Scope of Work.....	6
Procedure.....	6
Duration and Type of Access.....	6

People on Site	6
Impacts	6
Environmental Mitigation Assessment.....	7
Scope of Work	7
Procedure.....	7
Duration and Type of Access.....	7
People on Site	8
Impacts	8
Surveying	9
Scope of Work	9
Procedure.....	9
Duration and Type of Access.....	9
People on Site	9
Impacts	9
Hot Springs Monitoring to Establish Baseline (Optional).....	10
Scope of Work	10
Procedure.....	10
Duration and Type of Access.....	10
People and Equipment on Site.....	10
Impacts	11



Professional Agrologist back to its natural setting as best as possible. Samples will only be taken within the ALR polygons shown in Figure 1.

Duration and Type of Access

Anticipated to be completed within 4-5 hours. Vehicular access is required to the roads nearest the Agricultural Land Reserve; all off-road access will be performed on foot.

People on Site

A Professional Agrologist will perform the assessment with a second junior staff member.

Impacts

Note that the soil survey will be performed in accordance with guidelines specifically for Agricultural Land Reserve as defined by the Agricultural Land Commission and are thus inherently non-destructive and non-permanent.



Geotechnical Study for Landslide Assessment

Scope of Work

The Kitsumkalum Kitimat Valley, in which the project area is situated, is subject to sensitive clay landslides. A number of historical landslides have been recorded in the area, for example two landslides occurred during highway construction on the northeast end of Lakelse Lake in 1962, and another landslide occurred by Mink Creek (northwest end of Lakelse Lake) sometime between December 1, 1993 and January 9, 1994. These landslides occur due to the presence of “sensitive” glaciomarine clays that were deposited as glaciers were retreating 10,000 years ago.

The BC Energy Regulator requested that a landslide susceptibility assessment be performed prior to submitting an application. KGI performed a desktop assessment of the Lakelse area and deemed the project area to be of low-to-medium risk; however, to comprehensively assess the area some additional geotechnical work is required. As such, access is required to perform a geotechnical assessment of the soil strength and sensitivity to determine whether or not the proposed activities could induce localised instabilities or large-scale landslides. The geotechnical assessment will be composed of both a site visit and investigative geotechnical drilling.

Procedure

Site Visit

A site visit prior to the geotechnical site investigation work will be completed to:

- Review the current site conditions to document surficial materials, geomorphology, seepage zones, water courses, evidence of slope instability, anthropogenic activity, etc.
- Assess proposed locations of the geotechnical drillholes.

This work is purely observational, and no disturbance will be required.

Investigative Geotechnical Drilling

Up to fifteen (15) cone penetration tests (CPT) with pore pressure measurements, collectively known as CPTUs, are currently envisioned for the geotechnical investigation. Note that the total number of CPTUs may be revised to a lower number, pending results from the first few CPTU tests. The CPTU tests will be performed using a track-mounted rig (Figure 2).

The precise location of the CPTUs will be adapted following review of all available data in the area and outcomes of the site access, however the program will be designed to minimise disturbance. CPTU locations will need to be surveyed after completion. At a minimum handheld GPS survey points need to be collected; however, more accurate real-time kinematic (RTK) survey techniques are recommended. The CPTUs are generally aligned along a straight line to facilitate the interpretation of geology cross-sections.

The proposed locations of the CPTUs will be communicated to Mount Layton Hot Springs Resort as soon as they are determined.



Figure 2. Track mounted rig expected to be used during the CPTU tests.

The target depth of the CPTUs will be the lesser of 30 m into natural soils, practical CPTU refusal, or bedrock. As the CPT cone is pushed into saturated subsurface soil, it creates a localized increase in pore pressure (referred to as excess pore pressure) as groundwater is pushed out of the way of the cone. In a pore pressure dissipation test, the downward movement of the cone is paused and the time it takes for the pore pressure to stabilize is measured.

Duration and Type of Access

Site Visit

Approximately two full days (~8 hours per day) at the site. Vehicular access is required; all off-road access will be performed on foot.

Investigative Geotechnical Drilling

Approximately 2 CPTUs can be performed per day (assuming a 10-hour day), hence up to 8 days is expected for these holes.

Vehicular access is required for a crew truck and a track-mounted CPTU system. A truck may be required to support rig moves between holes. The drill and supporting equipment will be left on site overnight.

People on Site

Site Visit

A senior geotechnical engineer will perform the site visit.

Investigative Geotechnical Drilling

The CPTU system requires a 2-person crew to operate it. Additionally, a junior engineer or geoscientist will be on site to log soils and provide field support.

Up to two personnel from KGI will be on site to oversee the work.

Impacts

Site Visit

No invasive procedures will be performed; no permanent impacts will occur during the site visit.

Investigative Geotechnical Drilling

The working area for the CPTUs is related to the size of the drill rig and is expected to be ~10 m x 5 m. Tracked equipment will be utilised to limit any disturbance. The holes will be abandoned using bentonite and soil, in line with the Water Protection Act and Ground Water Protection Regulations. If any CPTUs are performed on roads, they will be sited outside of the usual treaded pathway of the road. These drillholes will be reclaimed using sand and fill to ensure competency. If the roadway is asphalted, an asphalt cold patch will be used. This is standard procedure for geotechnical holes drilled on roads owned by the Ministry of Transportation and Infrastructure.

The total final impact on site is expected to be negligible.

Archaeological Survey

Scope of Work

A desktop Archaeology Overview Assessment is currently underway. Pending the results of this assessment, any areas deemed “high potential” will require an archaeologist to be on site prior to, or during, any of the works outlined above to determine if anything archaeologically significant is present.

Procedure

A professional archaeologist will carry out shovel testing in each “high potential” area that disturbance may occur. This involves using a shovel to dig a 35 cm x 35 cm hole, which will be excavated to till or lakebed deposit levels. The soil will be screened to determine if anything archaeological significant is present.

Duration and Type of Access

A few hours per “high potential” site – it is worth reiterating that the number of “high potential” sites within the private lands that overlap with the potential well sites are not currently known, therefore the total duration of access cannot be estimated at this time.

Vehicular access is required to the nearest road, all off-road access will be performed on foot.

People on Site

Two professional archaeologists will be on site. Members from the Kitselas, Kitsumkalum, Metlakatla and Lax Kw’alaams First Nations may also choose to be present during the archaeology process. This will be limited to 2 members per Nation.

Impacts

The archaeology studies will result in negligible impact. The shovel test holes will be filled back in using the same soil. It is also common practice to add some topsoil to reclaimed test holes on agricultural land.

Environmental Mitigation Assessment

Scope of Work

According to the BC Energy Regulator's Oil and Gas Activity Application Manual, "Submission of an application for an oil and gas or associated activity must include additional application deliverables specific to environmental stewardship". Environmental components that require management and protection include:

- Water supply well
- Riparian reserve zones
- Wildlife and wildlife habitat areas:
 - Ungulate winter range
 - High priority wildlife
 - Wildlife tree retention areas
 - Wildlife habitat features
- Old growth management areas
- Fisheries sensitive watersheds
- Resource features
- Cultural heritage resources

Many of the proposed well sites have been identified as occurring within areas that contain the aforementioned environmental components. The purpose of the assessment is to determine how to best mitigate any disturbance or impacts from the proposed exploration activities.

KGI has requested an exemption from the BC Energy Regulator from performing the environmental mitigation assessment until the exact locations of the (up to) 4 geothermal exploration wells that will be drilled are known. However, if the exemption is not granted, site access will be required across the property to identify specific species, features or values that may be present relative to the proposed well sites (Figure 1).

Procedure

This assessment is purely observational.

Duration and Type of Access

If the exemption is granted by the BC Energy Regulator and only 4 well sites need to be assessed, then a total of 4 days on site is expected. However, if the exemption is not granted and a broader assessment is required, longer site access will be required. It is difficult to ascertain the timeline required for this in advance, however KGI will endeavour to minimise the required access times of the contractors, if possible.

Vehicular access is required, all off-road access will be performed on foot.

People on Site

A Qualified Professional relevant to each environmental component(s) is required. It is expected that a 3-person field team of environmental scientists would be able to address the environmental components that are expected to be present across the area.

Impacts

No impacts are anticipated - the assessment is observational and unobtrusive.



Surveying

Scope of Work

According to the BC Energy Regulator's Oil and Gas Activity Application Manual, "Applications must include mapping illustrating in detail the location and extent of planned activities, as required". As such, to conform to the application requirements, site access is required so that potential well sites can be professionally surveyed.

KGI has requested an exemption from the BC Energy Regulator from performing the well site surveys until the exact locations of the (up to) 4 geothermal exploration wells that will be drilled are known. However, if the exemption is not granted, site access will be required across the property to survey all potential well sites (Figure 1).

Procedure

Surveying typically involves taking GPS (Global Positioning System) measurements of potential well sites, identifying streams that may need to be crossed, staking the well pad locations, etc.

Duration and Type of Access

It is estimated that half a day will be required per well site. Vehicular access is required to the nearest well site, all off-road access will be performed on foot.

People on Site

A land surveyor registered with the Association of BC Land Surveyors will be commissioned to perform the survey. It is assumed that two people will require site access for this activity.

Impacts

No impacts are anticipated - the assessment is unobtrusive. Any stakes or flags used to mark the well sites will be left on site.



Hot Springs Monitoring to Establish Baseline (Optional)

Scope of Work

Based on the concerns of the Mount Layton Hot Springs Resort that the proposed activities will have a negative impact on the hot springs, KGI would be willing to install monitoring equipment at the hot springs prior to, during, and after the proposed activities. While hot springs properties can fluctuate seasonally, establishing a baseline of measurements would be useful in determining if the proposed exploration activities have any affect on the hot springs.

Note that this activity is not required for the well authorisation application to the BC Energy Regulator, but is provided as an option to Mount Layton Hot Springs if they do not have regular measurements.

Procedure

KGI proposes measuring temperature, flow rate, pH, total dissolved solids (TDS) and electrical conductivity of the hot springs water at the outflow of the main pool. To our understanding this outflow is an aggregate of flow from various hot springs sources and would be a suitable location for measuring the average parameters of the hot springs.

Temperature, pH, TDS and conductivity can be recorded continuously using a Levellogger tool, or equivalent, which will be left on site. Flow rate can be measured by recording the time it takes to fill a vessel of known capacity. Flow rate will only be recorded on an intermittent basis, as it requires personnel to be on site to do the measurement.

KGI proposes to record the data over a period of ~10 days before the pre-application activities commence, and again for another 10-day period after activities are completed. Note that the same monitoring procedure and timeline is suggested prior to and after drilling of the exploration wells.

Duration and Type of Access

Monitoring set-up should require 1 day on site. Measurements will be automatically recorded therefore site access is not required after set-up until the end of the monitoring period. Decommissioning of the monitoring equipment will take less than a day to complete.

Access to the outflow of the main pool will be performed on foot from the car park.

People and Equipment on Site

2-3 KGI personnel would be required to come onsite and set up the monitoring system. Up to 2 members of KGI personnel will be required during data harvesting. The Levellogger tool, or equivalent, will remain on site during the monitoring period. A Levellogger tool is a small unobtrusive device (approximately 20 cm x 3 cm) that records temperature and conductivity, and has a built in memory card that records the data.



Kitselas
Geothermal
Inc.

Impacts

No impacts are anticipated - the assessment is non-invasive and non-destructive.

SCHEDULE "B"
Terms and Conditions of Entry to the Lands

1. KGI personnel, its contractors, subcontractors and invitees ("KGI Crew") as described for any of the works in Schedule "A" may access the Lands for the purposes described in Schedule "A" during daylight hours on any day except Sunday or statutory holidays, with the exception of those activities that contemplate daily access for data collection for a period of a week or more, or daily access for continued work for a period of a week or more.
2. Prior to entering the Lands for any of the works described in Schedule "A", KGI will give as much notice as possible to MLHR, but at a minimum will give notice no later than 48 hours prior to entry and, no later than noon on the Friday before in respect of Monday access. Notice shall be given in writing by email to MLHR and MLHR's legal counsel. Notice should include any requests for entry prior to 8:00 am on any particular day to ensure the gate is unlocked.
3. KGI crew shall access the Lands via the entry on McKenzie Road.
4. On a daily basis, when accessing the Lands, each member of a KGI Crew will sign in and sign out at the hotel front desk providing on entry: their name, company if applicable, and time in; and upon leaving the Lands: time out. A member of each KGI Crew responsible for the intended work to be conducted by that crew on that day shall indicate with reference to a map the general area or areas on the Lands where that crew's activities for the day will be conducted.
5. A representative of MLHR may accompany any KGI Crew to observe, but shall not interfere with the work being conducted. Lack of an MLHR representative to accompany a KGI Crew shall not delay the intended work or prohibit the intended work from being conducted. MLHR representatives shall be responsible for their own safety. KGI shall compensate MLHR for the cost of an employee or representative to accompany a KGI Crew by paying MLHR \$100 per day per person to a maximum of one MLHR representative to accompany any KGI Crew.
6. For the term of this entry order, KGI shall acquire and maintain, at its own expense, applicable comprehensive general liability insurance with inclusive limit of not less than Five Million Dollars for personal injury and property damage. Before entering the Lands for the first time, KGI shall provide MLHR with a copy of the applicable certificate of insurance.
7. KGI shall provide MLHR with a copy of the final report respecting the geotechnical study for landslide assessment described in Schedule "A". To the extent a final report is generated by any of the respective professionals conducting the work described in Schedule "A", KGI shall provide a copy of that report to MLHR. If a final report is not generated, KGI shall provide MLHR with the baseline information or data collected with respect to the pre-existing

condition of the Lands relative to the matter being assessed in any of the particular work items.

8. The parties shall use their best efforts to avoid conflict between MLHR use of the Lands and the work being conducted by KGI Crews. If on receiving notice of intended entry by KGI, MLHR has concerns the work will conflict with a current use of the Lands, and MLHR is not able in the timeframe of the notice to alleviate that potential conflict by adjusting its own use of the Lands, it shall so notify KGI. In that event KGI will, if possible, reschedule the work or otherwise conduct the work in a manner that limits to the extent possible interference with the MLHR use of the Lands.
9. KGI Crews shall conduct themselves in a professional manner, be cognizant of concerns respecting privacy when working around residences, and make their best efforts to avoid unnecessary invasions of privacy.
10. The payment ordered in paragraphs 2 and 3 of the Order shall be deemed to be received upon mailing of a cheque to the address provided by the recipient and by providing the recipient by email with a photograph of the cheque.
11. If either party has concerns respecting the other party's compliance with these terms they shall notify the other party in writing of those concerns. The parties will use their best efforts to rectify any concerns. The Board retains jurisdiction to resolve concerns respecting the implementation of or compliance with this Order.