

**THE CORNWALL
PUBLIC INQUIRY**



**L'ENQUÊTE PUBLIQUE
SUR CORNWALL**

Public Hearing

Audience publique

Commissioner

**The Honourable Justice /
L'honorable juge
G. Normand Glaude**

Commissaire

VOLUME 61

Held at :

Hearings Room
709 Cotton Mill Street
Cornwall, Ontario
K6H 7K7

Monday October 30, 2006

Tenue à:

Salle des audiences
709, rue de la Fabrique
Cornwall, Ontario
K6H 7K7

Lundi, le 30 octobre 2006

ERRATA

Volume 56, October 12, 2006
Exhibit List

P-84	Mr. C-1 - Will Say Statement	65
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Should Read:

<u>C-84</u>	Mr. C-1 - Will Say Statement	65
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Volume 60, October 19, 2006
Exhibit List

P-100	Scott Burgess - Will Say Statement - Taken by Constable Payment	76
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Should Read:

P-100	<u>Will Say Statement of Constable Brian Paient</u>	76
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Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Raija Pulkkinen	Commission Counsel
Ms. Louise Mongeon	Registrar
Mr. Peter Manderville	Cornwall Police Service Board
Mr. Neil Kozloff Actg.Det.Supt.Colleen McQuade	Ontario Provincial Police
M ^e Claude Rouleau Mr. Mike Lawless	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Stephen Scharbach	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Peter Wardle	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. David Bennett	The Men's Project
Mr. William Carroll	Ontario Provincial Police Association
Ms. Nadya Tymochenko Ms. Nicola Simmons	Upper Canada District School Board

Table of Contents / Table des matières

	Page
List of Exhibits :	iv
MR. JASON TYO, Resumed/Sous le meme serment	1
Examination in-Chief by/Interrogatoire en-chef par Mr. Peter Engelmann (cont'd/suite)	1
Cross-Examination by/Contre-interrogatoire par Mr. Peter Wardle	5
Cross-Examination by/Contre-interrogatoire par Mr. David Bennett	29
Cross-Examination by/Contre-interrogatoire par M ^e Claude Rouleau	31
Cross-Examination by/Contre-interrogatoire par Mr. Stephen Scharbach	39
Cross-Examination by/Contre-interrogatoire par Mr. Peter Manderville	49
Cross-Examination by/Contre-interrogatoire par Mr. Peter Chisholm	57
Cross-Examination by/Contre-interrogatoire par Mr. Dallas Lee	97

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
C-105	CAS Case File - MOYES, Bert & Joan	15
P-106	Affidavit of Jason Tyo - November 4, 2005	80

1 --- Upon commencing at 2:13 p.m./

2 L'audience débute à 14h13

3 **JASON TYO, Resumed/Sous le même serment:**

4 **THE COMMISSIONER:** Good afternoon.

5 My apologies for being late, sir. The
6 lawyers had a meeting that went way too long and so then we
7 just had to make sure that we eat lunch and took care of
8 all of those things. But in any event, I apologize.

9 Really, it's my fault that we're a little
10 late this morning.

11 **MR. TYO:** No problem.

12 **THE COMMISSIONER:** Mr. Engelmann, how are
13 you today?

14 **MR. ENGELMANN:** Thank you for that apology.
15 That was very kind.

16 **THE COMMISSIONER:** Well, I blamed you guys.

17 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
18 **ENGELMANN(Cont'd/Suite):**

19 **MR. ENGELMANN:** Yes, of course.

20 Thank you.

21 Mr. Tyo, just before you start, I just --
22 there are a couple of housekeeping matters that I will
23 address and then I have a couple more questions for you.

24 Sir, do you acknowledge that you're still
25 under oath from the last day?

1 **MR. TYO:** Yes.

2 **MR. ENGELMANN:** Okay. Thank you.

3 Mr. Commissioner, there are a few things I
4 wanted to raise with you, if I could, and with parties and
5 with the public just to keep people informed about what
6 we're doing this week.

7 Tomorrow afternoon I understand you will be
8 issuing directions to counsel on the process for dealing
9 with confidentiality measures and just for those that are
10 following the hearing a number of documents have been
11 entered as "C" exhibits in a temporary fashion. There may
12 be more of those done this afternoon, but after the
13 directions tomorrow we will be able to deal with those
14 exhibits and many of them I anticipate will be allowed to
15 be marked public.

16 **THE COMMISSIONER:** M'hm.

17 **MR. ENGELMANN:** But I don't want to say any
18 more than that.

19 Secondly, another issue that I wanted to
20 bring to the public's attention was we were served last
21 week with a notice of abandonment by counsel for Father
22 Charles MacDonald. As you may recall, Mr. Commissioner,
23 after an unsuccessful judicial review application, we were
24 served with a leave application to the Ontario Court of
25 Appeal by counsel for Father Charles MacDonald. Our

1 counsel has been served with a notice of abandonment, so
2 that matter is resolved and finalized.

3 Thirdly, I wanted just to talk a little bit
4 about this week and this week we have Mr. Tyo back this
5 afternoon for his cross-examination and tomorrow morning we
6 have Dawn Raymond as our next witness, followed by Jody
7 Burgess. Then on Wednesday we have Cindy Burgess-Lebrun as
8 a witness and Thursday -- and we've had some discussions
9 amongst counsel about this, but motions dealing with some
10 of the confidentiality process issues arising from the
11 directions we will be receiving from you tomorrow. That is
12 this week.

13 Next week we will not be sitting on Monday,
14 November 6th, with your permission, and have advised counsel
15 and would like to advise the public that we will be
16 starting at 2 o'clock on the 7th. And there are a number of
17 witnesses we will be leading next week and I will talk
18 about that later in the week.

19 Mr. Commissioner, those were some brief
20 housekeeping matters. If we could then turn back to Mr.
21 Tyo.

22 **THE COMMISSIONER:** Yes.

23 **MR. ENGELMANN:** Mr. Tyo, just before asking
24 you to answer questions from a number of my friends who are
25 here today representing a number of different parties, I

1 simply wanted to ask you, at the end of the day the last
2 time, I had asked you whether or not you had given some
3 thoughts as a victim of child sexual abuse and as a witness
4 here before an inquiry, if you had some recommendations for
5 us, for this Commission.

6 Is there anything further that you wanted to
7 add?

8 **MR. TYO:** Yes, just a recommendation towards
9 calling up the Children Aid Society. They need to
10 acknowledge more a child's complaint so in the future the
11 children won't have to go through what I went through with
12 being abused and just take it a little more seriously when
13 people try and ask for help. That's about all.

14 **MR. ENGELMANN:** Okay.

15 **THE COMMISSIONER:** Thank you.

16 **MR. ENGELMANN:** All right.

17 Well, thank you again for that and the
18 evidence we heard the last time and for coming back today.

19 Counsel will be identifying themselves and
20 also letting you know who it is they represent before they
21 ask you any questions. So you may be asked to look at a
22 number of documents as well, sir, and you will have a
23 choice of looking at the documents on the screen in front
24 of you or the clerk can provide you and will provide you
25 with a hardcopy of the documents as well.

1 **THE COMMISSIONER:** Mr. Engelmann, before we
2 go, Exhibit 84 ---

3 **MR. ENGELMANN:** Oh yes.

4 **THE COMMISSIONER:** --- is a document which
5 is a will state from ---

6 **MR. ENGELMANN:** It's Mr. C-1.

7 **THE COMMISSIONER:** Mr. C-1.

8 **MR. ENGELMANN:** Yes.

9 **THE COMMISSIONER:** And I'm sure it was an
10 oversight and I think everybody would well understand that
11 that document is classified as a "C" document.

12 **MR. ENGELMANN:** So that document is now C-
13 84.

14 **THE COMMISSIONER:** As it should have been in
15 the beginning.

16 **MR. ENGELMANN:** Yes. Thank you.

17 **THE COMMISSIONER:** Mr. Wardle. Good
18 afternoon, sir.

19 **MR. WARDLE:** Good afternoon, Mr.
20 Commissioner.

21 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
22 **WARDLE:**

23 **MR. WARDLE:** Good afternoon, Mr. Tyo. My
24 name is Peter Wardle. I'm counsel for Citizens for
25 Community Renewal and I have just a few questions for you,

1 sir.

2 Can I take you back to what I think last
3 week Mr. Engelmann discussed with you, that there were
4 really two periods of your abuse by Mr. Leblanc; correct?

5 MR. TYO: That's right, yes.

6 MR. WARDLE: I want to go back to the first
7 period and I understand that that was between May of 1985
8 and January of 1986 approximately.

9 MR. TYO: Yes.

10 MR. WARDLE: All right.

11 Now, do I understand, sir, from your
12 background and other documents that I've read that you came
13 from a difficult home environment; is that correct?

14 MR. TYO: That's right.

15 MR. WARDLE: And there were alcohol problems
16 in your family?

17 MR. TYO: Yes.

18 MR. WARDLE: And there was physical abuse of
19 you within the family; correct?

20 MR. TYO: Yes.

21 MR. WARDLE: When you begin your
22 "relationship", and I put quotes around the term
23 relationship, with Mr. Leblanc, I understand that in that
24 first period you were 13 years old; 1985. You were born in
25 1972, as I understand it?

1 MR. TYO: Yes.

2 MR. WARDLE: So you would have been 13 at
3 the time?

4 MR. TYO: I think so.

5 MR. WARDLE: Okay. You describe the abuse
6 taking place on a regular basis for a lengthy period of
7 time?

8 MR. TYO: That's right.

9 MR. WARDLE: At a number of different
10 locations?

11 MR. TYO: Yes.

12 MR. WARDLE: All right.

13 And sometimes just yourself, sometimes
14 involving one or both of the two other boys that you
15 described last week or last day; correct?

16 MR. TYO: Yes.

17 MR. WARDLE: Now, am I right that -- and I'm
18 not going to go into details of this, sir, but from other
19 documents I have read dealing with your own police history,
20 I understand that you have had problems with both alcohol
21 and drugs in the past.

22 MR. TYO: Yes.

23 MR. WARDLE: Okay. Do those problems date
24 from this period from around when you had the interaction,
25 if I can put it that way, with Mr. Leblanc and the abuse?

1 **MR. TYO:** Yes.

2 **MR. WARDLE:** And as I understand it, as a
3 teenager you had a various serious drug problem that was
4 related to the abuse you had suffered at his hands.

5 **MR. TYO:** Yes.

6 **MR. WARDLE:** And alcohol as well; correct?

7 **MR. TYO:** Yes.

8 **MR. WARDLE:** Now, I want to ask some
9 questions briefly, if I may, about your first attempt to
10 sort of call out for help, if I can put it that way. As I
11 understand it, you made a telephone call to the Children's
12 Aid Society early in January of 1986?

13 **MR. TYO:** Yes.

14 **MR. WARDLE:** And in fact you told my friend
15 Mr. Engelmann that that was on Friday, January the 3rd at
16 around 7:00 p.m. in the evening.

17 **MR. TYO:** I'm quite certain of the time but
18 the exact date, I'm not so.

19 **MR. WARDLE:** Okay. Do you recall where you
20 were when you made the call?

21 **MR. TYO:** Yes, 515 York Street at my
22 residence.

23 **MR. WARDLE:** Okay. Did you do it at a time
24 when your parents were out?

25 **MR. TYO:** My parents were in the kitchen. I

1 was in the living room.

2 MR. WARDLE: Okay. Did they overhear the
3 conversation?

4 MR. TYO: No.

5 MR. WARDLE: Do you know how long the
6 conversation lasted?

7 MR. TYO: Briefly, less than five minutes.

8 MR. WARDLE: Do you think your tone of voice
9 would have been agitated?

10 MR. TYO: I don't recall.

11 MR. WARDLE: You don't recall.

12 You knew that the person -- I think you
13 recalled that the person you spoke to was female?

14 MR. TYO: Yes.

15 MR. WARDLE: And as I understand it, you
16 told her that you were tired of being physically abused at
17 your home and sexually abused outside your home.

18 MR. TYO: That's right.

19 MR. WARDLE: And you don't know today who
20 you spoke to?

21 MR. TYO: No, I don't.

22 MR. WARDLE: Do you know if you gave that
23 person any information about yourself?

24 MR. TYO: I had left the telephone number
25 and the address. That's it.

1 **MR. WARDLE:** Did you give her your name?

2 **MR. TYO:** Oh yes, yes, I left my name.

3 **MR. WARDLE:** Do you recall, and I know it's
4 a long time ago, do you recall the attitude of the person
5 that took the information from you?

6 **MR. TYO:** You want to explain attitude?

7 **MR. WARDLE:** Well, was she sympathetic, was
8 she unsympathetic? Did she appear helpful? Do you recall
9 anything like that?

10 **MR. TYO:** Well, I think if they were
11 sympathetic they would have come to my door that day, but
12 no, I don't believe she was.

13 **MR. WARDLE:** Okay. Do you know if you got a
14 call back from anyone at CAS in response to this phone call
15 you made on the Friday?

16 **MR. TYO:** I believe following that, there
17 was a call back and that's when I indicated if I were to
18 report it.

19 **MR. WARDLE:** Okay.

20 **MR. TYO:** That was very brief. I basically
21 ended the call on that one.

22 **MR. WARDLE:** Okay. So this would have been
23 after you went to the teacher?

24 **MR. TYO:** Yes.

25 **MR. WARDLE:** Okay. So sometime the

1 following week?

2 MR. TYO: I'm not exactly sure.

3 MR. WARDLE: Okay. What did you tell the
4 person who called? Did they speak to you directly or did
5 they speak to your parents?

6 MR. TYO: They spoke to me directly.

7 MR. WARDLE: Okay.

8 MR. TYO: That was one of the times my
9 parents weren't home and I received the phone call.

10 MR. WARDLE: And what do you recall about
11 that call today?

12 MR. TYO: Like I said, it was very short;
13 not much.

14 MR. WARDLE: Now, my friend Mr. Engelmann
15 asked you some questions last week about the role of CAS in
16 connection with your case. Do you recall that?

17 MR. TYO: Yes.

18 MR. WARDLE: And I think what you said in
19 your evidence was that your mother told you that there had
20 been no involvement with CAS; is that right?

21 MR. TYO: Pretty much. Well, growing up
22 like that, my mother indicated -- I assume there was
23 contact but according to my mother there wasn't really
24 nothing from the CAS and all that stuff.

25 MR. WARDLE: Okay. And I think you also

1 said that you had reviewed some documents recently
2 indicating that you should go for counselling and you said
3 last week that you should have been persuaded to go to
4 counselling.

5 **MR. TYO:** I think at that age a little
6 encouragement would have been helpful, yes.

7 **MR. WARDLE:** I want to just, if I can, show
8 you a document and I think you have seen this document
9 already. It's document 737308.

10 **THE REGISTRAR:** Is it public?

11 **MR. WARDLE:** I can indicate, Mr.
12 Commissioner, that this is a CAS file with respect to Mr.
13 Tyo. I have reviewed the file and I have also discussed it
14 with Mr. Lee and we're of the view that there is no
15 information in it regarding the identification of other
16 victims. So I would see no reason to have it marked as an
17 in camera exhibit but that's subject to the comments of
18 other counsel.

19 **THE COMMISSIONER:** All right.

20 Mr. Engelmann.

21 **MR. ENGELMANN:** If I could just have a
22 minute. I have this marked with a question mark. I will
23 just take a quick look.

24 **THE COMMISSIONER:** Sure.

25 Does anybody else have any comments with

1 respect to that document as to whether or not it should --
2 if there's anything in it that is a concern? And I don't
3 think we should limit it necessarily just to the alleged
4 victims' names or anything like that. If there are any
5 concerns about any other matters in there, you might want
6 to take this opportunity to advise me of them.

7 Mr. Chisholm is rising.

8 **MR. CHISHOLM:** Good afternoon, Mr.
9 Commissioner.

10 **THE COMMISSIONER:** Good afternoon, sir.

11 **MR. CHISHOLM:** With respect to document
12 737308, there is a reference in that document to the Child
13 Abuse Register and I would raise a concern with respect to
14 subsection 6 of section 75 of the *Child and Family Services*
15 *Act* with respect to the production of that part of the
16 record. I would ---

17 **THE COMMISSIONER:** Can I see the document?

18 **MR. CHISHOLM:** If you have the document in
19 front of you, Mr. Commissioner, you can ---

20 **THE COMMISSIONER:** Yes. What document
21 number is it?

22 **MR. CHISHOLM:** It's the document that Mr.
23 Wardle discussed. It's document 737308.

24 **THE COMMISSIONER:** Yes.

25 **MR. CHISHOLM:** And if you were to turn to,

1 for instance, Bates page number 7152835 and the pages
2 following that, to Bates 7152842, you will see there is
3 reference to the Child Abuse Register and my concern would
4 be with respect to subsection (6) of section 75 of the
5 *Child and Family Services Act*.

6 I have raised this issue in correspondence
7 with your counsel on October the 6th, Mr. Commissioner. I
8 would propose that for the time being, this might be
9 appropriate to put this particular document in the basket
10 of "C" exhibits pending your decision on this issue.

11 **THE COMMISSIONER:** Sure.

12 **MR. CHISHOLM:** Thank you.

13 Those are my submission.

14 **THE COMMISSIONER:** Mr. Engelmann?

15 **MR. ENGELMANN:** That was my question mark.

16 So I agree with Mr. Chisholm on a temporary basis, I think
17 this could be resolved ---

18 **THE COMMISSIONER:** Mr. Wardle, you won't be
19 bringing up that part of that document?

20 **MR. WARDLE:** No, I will not, sir.

21 **THE COMMISSIONER:** All right.

22 So once again, I'd like to make it clear
23 that what we're doing right now is we are arbitrarily
24 marking a document as confidential until tomorrow and
25 until Thursday. I think it's important to know that it's

1 temporary until such time as I've given my directions with
2 respect to how we're going to deal with confidentiality
3 measures.

4 It is, of course, my intention to, as I have
5 said throughout, to make as much as much of this Inquiry
6 transparent and it will be my wish that as much of any
7 document as possible can be displayed to the public so that
8 they can look into all of the documents, as I will.

9 Accordingly, for the time being, Exhibit 105
10 will be a "C" document and we'll deal with it appropriately
11 in due course.

12 ---EXHIBIT NO./PIÈCE NO C-105:

13 CAS Case File - MOYES, Bert & Joan.

14 **MR. WARDLE:** Thank you Mr. Commissioner.

15 Mr. Tyo, I would ask that we look together
16 at page 7152823.

17 **MR. TYO:** What page was that again, sir?

18 **THE COMMISSIONER:** It's the one that's on
19 the screen right there, if you want to look at it there.

20 **MR. WARDLE:** Now, Mr. Tyo, is it fair to say
21 that when you went to your teacher Dawn Raymond and told
22 her what you told us about last week, this would have been
23 a very difficult time for you. Is that fair?

24 **MR. TYO:** Yes.

25 **MR. WARDLE:** As I think we've already

1 established, you were 13. These horrible things had
2 happened to you and you hadn't told anybody about them,
3 correct?

4 **MR. TYO:** That's right.

5 **MR. WARDLE:** All right.

6 So it is fair to say that as a 13-year old
7 boy in that situation you were first anxious and upset?

8 **MR. TYO:** I don't remember what kind of
9 state of mind I was in when I told her.

10 **MR. WARDLE:** And you weren't getting a lot
11 of support from your family, as I understand it?

12 **MR. TYO:** No, I wasn't.

13 **MR. WARDLE:** Okay. If you look at this page
14 that we're looking at now, it starts by saying "Opening and
15 Transfer Summary" and on the right-hand side, you'll see
16 there's a name, Intake Worker Bruce Duncan. Do you
17 remember that name?

18 **MR. TYO:** No.

19 **MR. WARDLE:** Okay. I'm going to go down,
20 you'll see it starts:

21 "February 3, 1986, Dawn Raymond,
22 Gladstone Public School, reported that
23 Jason Tyo and his friend, Scott
24 Burgess, revealed to their former
25 special education teacher Dawn Raymond

1 that they had been sexually involved
2 with a 40-year old man ..."

3 Do you see that?

4 **MR. TYO:** Yes.

5 **MR. WARDLE:** I am going to take you down to
6 the end of that first section. You'll see a sentence that
7 says:

8 "Jason's mother feels he requires
9 counselling but Jason sees no need..."

10 Do you know if or do you remember if at that
11 time there was any discussion with you about getting
12 counselling? This would be in the very early stages?

13 **MR. TYO:** I don't remember any discussions
14 with my mother.

15 **MR. WARDLE:** And do you remember any
16 discussions directly with a CAS worker.?

17 **MR. TYO:** No.

18 **MR. WARDLE:** Okay. Then you'll see under
19 "Contacts and Dates" there is a list of information and it
20 starts in January '86 and it goes down to March 4, '86 and
21 these are not things that you would necessarily know about,
22 sir. And then you'll see the last entry is "Case recorded
23 transferred". And in a minute, I'm going to show you some
24 documents indicating that there was -- or some pages
25 indicating that there was another worker, Pina DeBellis,

1 who had some communication with you.

2 Do you recall that name?

3 **MR. TYO:** No, I don't.

4 **MR. WARDLE:** Okay. Going down to the bottom
5 of the page, we're looking at now under the heading
6 "Immediate steps taken", you'll see it says "Home visit.
7 Contact with police. Case discussed with supervisor".
8 Then I want to take you over to the page 7152824.

9 I'd just ask you to read the first paragraph
10 to yourself.

11 **(SHORT PAUSE/COURTE PAUSE)**

12 **MR. WARDLE:** Now, there is an indication in
13 that paragraph that you came forward to the police, in any
14 event, somewhat reluctantly. Do you recall that?

15 **MR. TYO:** No, I don't.

16 **MR. WARDLE:** There is also an indication
17 that your mother thought that you needed counselling. Do
18 you recall that?

19 **MR. TYO:** No.

20 **MR. WARDLE:** And do you recall -- it says
21 here at the very bottom:

22 "Jason, however, sees no need for such
23 counselling".

24 Do you recall any discussions with anyone at
25 around this time?

1 **MR. TYO:** I doubt that would be the case,
2 but no.

3 **MR. WARDLE:** Okay. Do you think, sir,
4 looking back, that, you know, a 13-year old boy, at this
5 point in time, with this information that you had come
6 forward with, do you think you would have had sort of a
7 balanced view as to whether you needed counselling
8 yourself? Do you know what I am asking?

9 **MR. TYO:** No.

10 **MR. WARDLE:** Let me ask it another way. Do
11 you thing you were the best person at that point to make
12 the decision as to whether or not you got counselling?

13 **MR. TYO:** No.

14 **MR. WARDLE:** Who do you think should have
15 made that decision?

16 **MR. TYO:** Children's Aid Society and my
17 mother, parents.

18 **MR. WARDLE:** Okay. Now, just look down
19 another couple of lines, sir, and I know you've looked at
20 these notes. As I understand it from your counsel, you've
21 had an opportunity to look at these notes?

22 **MR. TYO:** Not entirely, but a little bit.

23 **MR. WARDLE:** Okay. So you've glanced at
24 them?

25 **MR. TYO:** I'm not familiar with this one,

1 but some notes, yes.

2 MR. WARDLE: Okay. If you just look down a
3 couple of paragraphs, you'll see a paragraph that starts:

4 "Jason Tyo should also be interviewed".

5 Do you see that?

6 MR. TYO: Yes.

7 MR. WARDLE: And again, I'd like you to just
8 read it to yourself.

9 (SHORT PAUSE/COURTE PAUSE)

10 MR. WARDLE: And one of the things that's in
11 this paragraph is the person who wrote this, who appears to
12 be the intake worker who wrote this whole document, seems
13 to be raising a flag that given what's happened to you, you
14 may be at risk of offending yourself in this particular
15 way. Do you see that?

16 MR. TYO: Yes.

17 MR. WARDLE: And do you agree, now looking
18 back in retrospect, that that's something that should have
19 been acted upon at the time in your case?

20 MR. TYO: Certainly.

21 MR. WARDLE: And I see down a little bit in
22 the page under "Plan", you'll see it says:

23 "Case opened and transferred to a city
24 worker"

25 And then it has "Immediate and long term

1 goals" and it lists three goals including number 2, "Ensure
2 that Jason does not mature into a child abuser" and then
3 some steps for implementation.

4 Now, do you know if, in fact, steps were
5 taken to work with you by the CAS to address some of these
6 concerns?

7 **MR. TYO:** I don't believe so.

8 **MR. WARDLE:** And if we look over the page to
9 page 7152825, you'll see we are now in, looks like April
10 through September 1986, if you look at the dates that are
11 on this page. And the worker now who appears to have the
12 file is Pina DeBellis. And I want to just take you down to
13 "Current situation" in the middle of the page. It starts
14 by saying:

15 "As worker was involved with Scott
16 Burgess, it was felt that a conflict
17 with this relationship would be created
18 if involved with Jason Tyo. The
19 decision was to have case transferred
20 to another city protection worker. In
21 the interim it was revealed that the
22 Burgess family was not following
23 through with the treatment groups
24 available from this Agency.
25 Consequently, Mr. Bob Smith was

1 informed that the Tyo family may
2 benefit from this group as initially
3 referred."

4 Now does the name Bob Smith mean anything to
5 you?

6 **MR. TYO:** Not in my younger life, no.

7 **MR. WARDLE:** Okay. And then you'll see it
8 says:

9 "Mr. Smith spoke to Mrs. Moyes ..."

10 Now that's your mother, correct?

11 **MR. TYO:** Yes.

12 **MR. WARDLE:** "... regarding Jason's
13 participation in the boys' group. She
14 said he is doing well at school and
15 cadets but that she will ask him if he
16 wants Bob or me to come over to explain
17 the program. She will get back to me
18 or Bob".

19 And the next paragraph says:

20 "As worker is transferring on to
21 another position, new worker should
22 follow through with the referral to Bob
23 Smith's sexual abuse treatment groups."

24 Now, do you know at that time whether you
25 were ever actually referred on to this sexual abuse

1 treatment group?

2 MR. TYO: I don't know. I don't remember.
3 I don't think so.

4 MR. WARDLE: Okay. And then I want to go
5 forward, if I can, to the next page 7152826. And now we're
6 a little further down the road. We're now in 1987, in June
7 of 1987. So by this time you would be 14. And you'll see
8 this page starts "Closing summary" and there's another name
9 now, Lynn LeBreton. Do you see that name on the right-hand
10 side at the top?

11 MR. TYO: Yes.

12 MR. WARDLE: Does that name ring any bells
13 with you?

14 MR. TYO: No.

15 MR. WARDLE: Okay. It has "Contacts and
16 dates" and you'll see there's a list of attempts to
17 contact, presumably the family, and the very last item is
18 "May 07, 1987, met with Jason at office".

19 Do you recall having a meeting with someone
20 from the Children's Aid, roughly around this time?

21 MR. TYO: No.

22 MR. WARDLE: Okay. Then you'll see:

23 "Goals not achieved: 1) Jason did not
24 feel the need to become involved in Bob
25 Smith's group; 2) Jason and his

1 parents did not feel the need for
2 involvement in the Family Action
3 Program."

4 Now, I take it from what I've seen in the
5 material that your mother, if I can put it this way, was
6 not someone who was always looking out for your interests.
7 Is that a fair statement?

8 **MR. TYO:** Oh yes.

9 **MR. WARDLE:** Okay. If we look in the next
10 line under "Current situation", it starts:

11 "Involvement with this family was very
12 minimal due to the difficulty in
13 arranging an initial meeting."

14 And then going down a little further, under
15 "Reassessment", and if you could read this paragraph to
16 yourself first, then we'll go through it.

17 **(SHORT PAUSE/COURTE PAUSE)**

18 **MR. WARDLE:** Now, by this time, sir, if we
19 just back up a little bit and I'll just go over what I
20 think we've already covered, you came from this difficult
21 family background. You'd had a period of abuse that you
22 told us about last week, correct?

23 **MR. TYO:** Yes.

24 **MR. WARDLE:** You were experiencing problems
25 in your development, correct?

1 MR. TYO: Yes.

2 MR. WARDLE: You were abusing alcohol and
3 drugs; correct?

4 MR. TYO: Yes.

5 MR. WARDLE: Okay. And I think you were
6 probably also having difficulties at school; correct?

7 MR. TYO: That's right.

8 MR. WARDLE: Okay. And then we look at the
9 paragraph under "Reassessment". It starts by saying:

10 "Jason Tyo is a mature 15-year-old male
11 who presently resides with his mother
12 and stepfather Bert and Joan Moyes. In
13 discussion with all members of this
14 family, it is quite clear that they
15 have dealt with the sexual abuse
16 experience and are presently
17 functioning quite well as a family
18 unit."

19 Now, with the benefit of hindsight, would it
20 be fair to say that that is not an accurate statement?

21 MR. TYO: Yes, that's right.

22 MR. WARDLE: In fact, would it be fair to
23 say that whoever wrote this missed the boat as far as your
24 family was concerned; correct?

25 MR. TYO: Yes, I agree.

1 **MR. WARDLE:** Okay. And then it goes on to
2 say:

3 "Due to the above conclusions, this
4 family does not seem to require any
5 further involvement."

6 And looking back, sir, do you agree that
7 your family didn't need any further involvement with the
8 Children's Aid at this point in time?

9 **MR. TYO:** No, I don't agree.

10 **MR. WARDLE:** Okay. And would it have been
11 of assistance had somebody reached out to you in a more
12 direct fashion?

13 **MR. TYO:** Yes.

14 **MR. WARDLE:** And then you'll see it goes on
15 to say:

16 "We have been made aware that we will
17 assist them should the need arise and
18 may therefore, I think, the file be
19 closed."

20 And in fact, it appears that the file was
21 closed at that stage and then re-opened later.

22 Now, am I right as well that at some point
23 in 1987, as you told my friend last week, you saw Mr.
24 Leblanc at the restaurant and you began a new relationship
25 with him and the abuse began all over again; correct?

1 **MR. TYO:** Yes.

2 **MR. WARDLE:** Okay. And if we look at the
3 next page, page 7152827, this is now -- again this is still
4 part of the CAS file and these notes appear to have been
5 made on August 5, 1988. So it looks as if, at this point,
6 you're now a little older, right? You've now left home, as
7 I understand it. You're working at that restaurant you
8 told us about last week?

9 **MR. TYO:** That's right.

10 **MR. WARDLE:** And you're being abused by Mr.
11 Leblanc and you called Children's Aid on another occasion.
12 Do you have any recollection of making that call?

13 **MR. TYO:** No.

14 **MR. WARDLE:** Okay. Do you have any
15 recollection of anyone from Children's Aid ever following
16 up on these initial comments in the notes I took you to
17 earlier, about the concern about your initial abuse and
18 whether there was some potential that you might offend down
19 the road in the same fashion? Did anyone from Children's
20 Aid ever follow up on that with you?

21 **MR. TYO:** I believe not with myself, but
22 maybe with my parents. No.

23 **MR. WARDLE:** Okay. And I think we've
24 already established that if CAS went to your parents and
25 not to you directly, that your parents were unlikely to be

1 very helpful, right?

2 MR. TYO: Yes.

3 MR. WARDLE: Okay.

4 THE COMMISSIONER: Before you leave that
5 page though, it's probably inconsequential but it says it
6 was typed on August 5th, 1988 and then there's a mention of
7 October 1st, '88. People might be slightly ahead of their
8 time ---

9 MR. WARDLE: I'm sorry, Mr. Commissioner,
10 you are quite right and I should just correct the record.

11 The notes we were looking at, Mr. Tyo, the
12 very last page, 7152827, although it says "typed August 5,
13 1988", there are actually three dates on that page, at
14 least three, and the note about your contact with CAS is
15 dated October 1, 1988. Do you see that?

16 MR. TYO: Yes.

17 MR. WARDLE: All right. So I'll ask the
18 question again. Do you recall any contact with CAS around
19 that time, October of 1988?

20 MR. TYO: No.

21 MR. WARDLE: Okay.

22 I must say, Mr. Commissioner, I'm just
23 looking at the date at the very bottom. There is some
24 mystery with this page which I can't decipher in terms of
25 the dating, because it's clearly dated August 5, '88.

1 **THE COMMISSIONER:** Yes. So October is
2 probably wrong, or ---

3 **MR. WARDLE:** Yes. My apologies.

4 **THE COMMISSIONER:** No, no, no, I wasn't ---
5 there's no apology needed. It's just a discrepancy in the
6 document.

7 **MR. WARDLE:** Yes.

8 **THE COMMISSIONER:** Okay.

9 **MR. WARDLE:** Thank you, sir. Those are all
10 my questions for you.

11 **THE COMMISSIONER:** Thank you.

12 Mr. Bennett, have you spoken to counsel or
13 are there other matters that you'd like to discuss?

14 **MR. ENGELMANN:** Due to the all-counsel
15 meeting we did not have an opportunity to speak. I
16 understand Mr. Bennett may just have a few questions.

17 **THE COMMISSIONER:** Okay.

18 **MR. ENGELMANN:** I've suggested to him that
19 he might just pose those questions.

20 **THE COMMISSIONER:** Exactly.

21 Come forward, sir.

22 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

23 **BENNETT:**

24 **MR. BENNETT:** Good afternoon, Mr. Tyo. My
25 name is David Bennett. I'm counsel for the Men's Project.

1 I just have a couple of questions. I wasn't here last week
2 when you were testifying, but I understand that at one
3 point you testified you went to the Men's Project and they
4 weren't able to assist you.

5 MR. TYO: At the time, that's right.

6 MR. BENNETT: And did they explain to you
7 that they didn't have funding for assisting people in your
8 situation?

9 MR. TYO: I believe they had the funding
10 through the Project Truth at the time. That wasn't the
11 reason why they ---

12 MR. BENNETT: What was your understanding
13 why they couldn't assist you?

14 MR. TYO: Because I abused myself, abuser.

15 MR. BENNETT: And at that point, you had
16 been over 18 when that ---

17 MR. TYO: That's right.

18 MR. BENNETT: And my understanding, at that
19 time, if you had been under 18 when you had been an abuser,
20 they would have been able to assist you?

21 MR. TYO: Just the remarks I got, as a
22 matter of fact, here at the time was that because I had
23 abused and a victim of an abuser, they couldn't help me at
24 that present time, and that's that.

25 MR. BENNETT: And so it wasn't explained to

1 you, at the time, that they had applied for funding for a
2 specific program for people in your situation and they
3 didn't have funding for -- they didn't have the capacity to
4 assist you?

5 **MR. TYO:** My understanding was that they had
6 the funding, but I'm not sure.

7 **MR. BENNETT:** And were they able to refer
8 you anywhere else?

9 **MR. TYO:** No.

10 **MR. BENNETT:** And that's because there were
11 no other services in the province?

12 **MR. TYO:** That's right.

13 **MR. BENNETT:** Thank you. Those are my only
14 questions.

15 **THE COMMISSIONER:** Thank you.

16 Mr. Chisholm?

17 **MR. CHISHOLM:** Mr. Commissioner, I've
18 canvassed my friends and they've agreed to allow me to go
19 last during this cross-examination.

20 **THE COMMISSIONER:** Fine.

21 Monsieur Rouleau?

22 **MR. ROULEAU:** I have a few questions, Mr.
23 Commissioner.

24 **THE COMMISSIONER:** Sure.

25 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

1 **ROULEAU:**

2 **MR. ROULEAU:** Good afternoon, Mr. Tyo. My
3 name is Claude Rouleau. I'm acting for Probation and
4 Corrections. I just have a few questions for you.

5 I wasn't present when you first testified
6 but I did read the transcript. Am I to understand that
7 what you said is that the OPP, in 2001, referred you to the
8 Men's Project? That's your understanding of what happened?

9 **MR. TYO:** Yes.

10 **MR. ROULEAU:** Would it be possible, sir,
11 that in the spring of 1997 Probation also referred you to
12 the Men's Project?

13 **MR. TYO:** It's a possibility.

14 **MR. ROULEAU:** It's possible?

15 **MR. TYO:** Yes.

16 **MR. ROULEAU:** Do you recall that or not?

17 **MR. TYO:** No, I don't.

18 **MR. ROULEAU:** And would it be possible that
19 you were also referred by Probation in the spring of 1997
20 to other services?

21 **MR. TYO:** I think any time that if they did
22 refer me, it goes back to about -- with being denied the
23 first time and it's all after that.

24 **MR. ROULEAU:** Okay. And Probation in fact
25 referred you -- and it was also because of the trauma that

1 was caused to you, that you had to deal with Probation, but
2 at the point in time, am I correct in saying that you
3 weren't ready in your life to go forward? And it's not
4 blame I'm doing --- we just know it's difficult.

5 MR. TYO: I can answer that easily. Along
6 the course of my life, I'm being focused to see Dr. John
7 Bradford.

8 MR. ROULEAU: At the ---

9 MR. TYO: As being an abuser rather than
10 being abused.

11 MR. ROULEAU: M'hm.

12 MR. TYO: Which seemed to be the way I was
13 being kicked a lot.

14 MR. ROULEAU: Okay. Although you were
15 abused before you became an abuser.

16 MR. TYO: That's right.

17 MR. ROULEAU: And that was frustrating at
18 some point.

19 MR. TYO: It was frustrating more focusing
20 on me getting the proper counselling for that aspect and
21 not for being abused.

22 MR. ROULEAU: And am I correct in saying
23 that that made it difficult for you to follow the
24 recommendations of Probation in terms, for example, to
25 attend Royal Ottawa Hospital?

1 MR. TYO: Yes.

2 MR. ROULEAU: It made it difficult?

3 MR. TYO: Yes, it did.

4 MR. ROULEAU: Okay. Am I correct also in
5 saying that the program Probation wanted you to attend in
6 Ottawa, at first dealt with being an abuser, but if you
7 keep on going, you could have -- but you weren't ready --
8 you could have gotten far enough to go to the root of you
9 being abused? Am I correct in saying that?

10 MR. TYO: Yes, which we're doing that now,
11 because I'm still attending to this date.

12 MR. ROULEAU: Okay. And in fact, it's just
13 recently that you gathered the strength that you needed to
14 meaningfully engage in addressing the issues, right?

15 MR. TYO: That's right.

16 MR. ROULEAU: And we're talking about a
17 year, a year and a half ago?

18 MR. TYO: Yes.

19 MR. ROULEAU: Approximately? Yes.

20 Have you at least completed with Probation
21 an assessment? And I'm talking about around 1997 or before
22 that. Was there an assessment done?

23 MR. TYO: You want to explain, assessment?

24 MR. ROULEAU: An assessment of what you
25 needed in terms of treatment and stuff like that. Do you

1 have any knowledge of that? Do you remember anything about
2 that?

3 **MR. TYO:** No.

4 **THE COMMISSIONER:** Are you saying he was on
5 probation or this was a service that Probation was
6 offering?

7 **MR. ROULEAU:** Well, maybe we can ask,
8 because I understand that he did testify to the fact that
9 he got into trouble and did plead guilty.

10 **THE COMMISSIONER:** Oh yes. Okay. So when
11 you were on probation, people were asking you to do things?

12 **MR. TYO:** Yes.

13 **THE COMMISSIONER:** Okay.

14 **MR. ROULEAU:** Okay. And it's just recently
15 that you managed to -- the strength to do it?

16 **MR. TYO:** Yes.

17 **MR. ROULEAU:** Going back a bit on the
18 timeframe, am I to understand that between 1987 and 1989,
19 which is the second incident with Mr. Leblanc, until 1999
20 when you spoke to the OPP with Project Truth, you didn't
21 speak about the abuse to anybody?

22 **MR. TYO:** Not that I recall.

23 **MR. ROULEAU:** So that was a period of
24 approximately 10 years where you kept all of this inside,
25 right?

1 **MR. TYO:** You are referring speaking to
2 what, counselling or ---

3 **MR. ROULEAU:** No, I mean the second set of
4 abuse. Nobody was aware of the second set of abuse until
5 1999.

6 **MR. TYO:** Yes, I believe so.

7 **MR. ROULEAU:** All right.

8 **THE COMMISSIONER:** You didn't tell anybody?

9 **MR. TYO:** No.

10 **MR. ROULEAU:** Am I correct in saying that
11 during that 10-year period, you had contacts with teachers,
12 police officers, probations officers and you never gathered
13 the strength, or you never could talk about the second
14 incident with Mr. Leblanc?

15 **MR. TYO:** No, I don't.

16 **THE COMMISSIONER:** I'm sorry, do you
17 understand the question?

18 **MR. TYO:** No, I don't.

19 **MR. ROULEAU:** Okay. I will try to rephrase
20 it. There was a 10-year period between 1987 and '89 until
21 1999 where you knew you had been the victim of Mr. Leblanc.
22 I'm talking about the second set of abuse, all right?

23 **MR. TYO:** Okay.

24 **MR. ROULEAU:** During that 10-year period, am
25 I correct in saying that you were in contact with probation

1 officers, with teachers, with police officers?

2 MR. TYO: Yes.

3 MR. ROULEAU: You met those people, you saw
4 those people, right?

5 MR. TYO: Yes.

6 MR. ROULEAU: But you never told them about
7 the second incident with Leblanc? You never told anybody?

8 MR. TYO: No.

9 MR. ROULEAU: From '89 until '99, you never
10 told anybody, right?

11 MR. TYO: That's right.

12 THE COMMISSIONER: So the question is why?
13 Do you have an explanation as to why you never told
14 anybody?

15 MR. TYO: I can answer a lot of things --
16 no.

17 THE COMMISSIONER: Okay. That's fair.

18 MR. ROULEAU: I want to thank you, sir, for
19 sharing this with us and I wish you good luck.

20 MR. TYO: Thanks, sir.

21 THE COMMISSIONER: Thank you.

22 Mr. Scharbach?

23 MR. SCHARBACH: Good afternoon, Mr.
24 Commissioner.

25 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

1 **SCHARBACH:**

2 **MR. SCHARBACH:** Good afternoon, Mr. Tyo. My
3 name is Stephen Scharbach and I'm here representing the
4 Ministry of the Attorney General and I have a few questions
5 for you.

6 **MR. TYO:** Okay.

7 **MR. SCHARBACH:** I understand that you were
8 involved in two separate prosecutions involving Mr.
9 Leblanc; one in 1986 and the other around the year 2000.
10 Correct?

11 **MR. TYO:** That's right.

12 **MR. SCHARBACH:** I want to talk to you, first
13 of all, with respect to the first prosecution and I think
14 that you said with respect to that one that you were
15 disappointed by the sentence that Mr. Leblanc received.

16 **MR. TYO:** That's right.

17 **MR. SCHARBACH:** Which was a conditional
18 sentence?

19 **THE COMMISSIONER:** No.

20 **MR. SCHARBACH:** Sorry.

21 **THE COMMISSIONER:** Three years probation.

22 **MR. SCHARBACH:** He was given a three-year
23 probation and suspended sentence. And I think, going back
24 to what you said the week before last, I think you
25 mentioned that you've had your own brushes with the law,

1 and I'm not going to go into any detail about that, but
2 that's correct?

3 MR. TYO: That's right.

4 MR. SCHARBACH: And you mentioned as well
5 two weeks ago, the week before last, that you had pleaded
6 guilty to a couple of matters that were before the courts;
7 is that correct?

8 MR. TYO: That's right.

9 MR. SCHARBACH: And from your experience,
10 from that experience, can we take it that you would agree
11 that a person who is standing before a judge about to be
12 sentenced is entitled to have the judge take into account
13 not only the circumstances of the crime but also that
14 person's personal circumstances?

15 MR. TYO: Yes.

16 MR. SCHARBACH: And one of the circumstances
17 a judge may take into account is the fact that the person
18 pleads guilty; correct?

19 MR. TYO: Yes.

20 MR. SCHARBACH: That's usually a factor that
21 goes in favour of the accused, if I can put it that way; is
22 that correct?

23 MR. TYO: Yes.

24 MR. SCHARBACH: And one of the reasons that
25 is is because if the person pleads guilty, it will mean

1 that the victims don't have to testify; is that correct?

2 MR. TYO: That's right.

3 MR. SCHARBACH: And in cases where there's
4 abuse involved, it's often traumatic for the victims to
5 testify perhaps in open court and relate the details of
6 their abuse and face their abuser and perhaps be subject to
7 cross-examination by the abuser's lawyer; correct?

8 MR. TYO: Yes.

9 MR. SCHARBACH: And by pleading guilty, the
10 victims are spared that ordeal; correct?

11 MR. TYO: Yes.

12 MR. SCHARBACH: And that ordeal can be
13 traumatic for victims, but would you agree with me that the
14 chances -- it may be especially traumatic in the case of
15 sexual abuse?

16 MR. TYO: Yes.

17 MR. SCHARBACH: And it may be even more
18 especially the case -- in the case of sexual abuse that
19 involves children; correct?

20 MR. TYO: M'hm.

21 MR. SCHARBACH: And in your case, when
22 Leblanc pleaded guilty, he spared you and the other victims
23 the ordeal of having to testify in open court; correct?

24 MR. TYO: Yes.

25 MR. SCHARBACH: And that was a factor that,

1 I take it from your experience, a judge could take into
2 account as a factor in favour of the accused?

3 MR. TYO: I suppose, yeah.

4 MR. SCHARBACH: Yes.

5 Now, you mention that you are currently
6 seeing Dr. John Bradford?

7 MR. TYO: That's correct.

8 MR. SCHARBACH: He's at the Royal Ottawa
9 Hospital and he's a psychiatrist, as I understand?

10 MR. TYO: Yes.

11 MR. SCHARBACH: And he runs a clinic there
12 for people who have been abused or abuse?

13 MR. TYO: That's right, it's a sexual
14 behaviour clinic.

15 MR. SCHARBACH: Right.

16 And you mentioned, I think the week before
17 last, that your seeing him was -- you found it quite
18 effective?

19 MR. TYO: Oh yes, definitely.

20 MR. SCHARBACH: Now, I'm not sure if you're
21 aware of this, but let me ask you; were you aware that when
22 Mr. Leblanc was coming up for sentencing during the first
23 prosecution in 1986, a report by Dr. Bradford, the same Dr.
24 Bradford, was presented to the court in respect of Mr.
25 Leblanc?

1 **MR. TYO:** I wouldn't know that.

2 **MR. SCHARBACH:** And I take it you weren't
3 aware that Dr. Bradford in that case recommended that Mr.
4 Leblanc receive a non-custodial sentence with a period of
5 probation? You weren't aware of that?

6 **MR. TYO:** No.

7 **MR. SCHARBACH:** Okay. Now, with respect to
8 the second prosecution, I understand that your initial
9 contact with the police was through Constable Dupuis and
10 Constable Genier of the OPP; is that correct?

11 **MR. TYO:** That's correct.

12 **MR. SCHARBACH:** And between the time that
13 you made your initial statement, gave them your initial
14 statement and the time that Mr. Leblanc was sentenced,
15 would it be fair to say that you met with one or both of
16 those officers on several occasions?

17 **MR. TYO:** Yes.

18 **MR. SCHARBACH:** Okay. And I understand that
19 at least on one occasion you met with Constable Dupuis and
20 the Crown Attorney in this case, the Crown Attorney who was
21 assigned to prosecuting Mr. Leblanc for the second set?

22 **MR. TYO:** That's right.

23 **MR. SCHARBACH:** Is that correct?

24 And did you meet with that Crown Attorney
25 once or twice or more times?

1 MR. TYO: I don't recall. Once or twice.

2 MR. SCHARBACH: At least once though?

3 MR. TYO: Yes, definitely once for sure.

4 MR. SCHARBACH: Okay. So you had a face-to-
5 face meeting with the Crown in that case?

6 MR. TYO: Yes, and it was a lady. I forget
7 her name.

8 MR. SCHARBACH: Okay. If I told you that
9 her name was Claudette Wilhelm, does that help you at all?

10 MR. TYO: Not really, but I know it was a
11 female.

12 MR. SCHARBACH: And you met with her at
13 least on one occasion, I think, and you met with her in the
14 presence of one of the OPP officers; is that correct?

15 MR. TYO: I believe so, in the Cornwall
16 courts down here.

17 MR. SCHARBACH: Right.

18 And do you recall which OPP officer that
19 was?

20 MR. TYO: No, I don't recall.

21 MR. SCHARBACH: Okay. And do you remember
22 how long that meeting took place -- how long the meeting
23 took?

24 MR. TYO: I'm not sure. I believe 10-15
25 minutes. It was basically in reference to his plea to a

1 lesser charge.

2 **MR. SCHARBACH:** Okay. I understand that
3 there was some discussion with the Crown and you in an
4 effort to sort out the activities that were covered by the
5 first set of charges and the activities that were covered
6 in the second set of charges. Do you recall that?

7 **MR. TYO:** No.

8 **MR. SCHARBACH:** Okay. And my understanding
9 is as well that there was some discussion concerning Mr.
10 Leblanc's willingness to plead guilty to an attempted
11 buggery charge and not the actual -- the completed act.

12 **MR. TYO:** Yes, the one I was pissed off
13 about, yes.

14 **MR. SCHARBACH:** Right.

15 And I suggest to you that the Crown
16 Attorney, during that meeting, made it clear to you that
17 Mr. Leblanc was willing to plead guilty to the attempted
18 charge and she told you that if you were willing to testify
19 with respect to those charges, that she would proceed with
20 the charges as they were ---

21 **MR. TYO:** That's not how I recall it, no.

22 **MR. SCHARBACH:** Now, during that second --
23 during the first prosecution, I think you mentioned that
24 you had one meeting with the investigating officer, the
25 Cornwall Police officer in which you gave him your

1 statement. Is that correct?

2 MR. TYO: Yes.

3 MR. SCHARBACH: Or were there more meetings
4 than one?

5 MR. TYO: I don't recall. I'm not sure.

6 MR. SCHARBACH: All right.

7 During the second prosecution though, you
8 did have a face-to-face meeting with the Crown Attorney?

9 MR. TYO: Yes.

10 MR. SCHARBACH: And you were encouraged to
11 complete a Victim Impact Statement?

12 MR. TYO: Yes.

13 MR. SCHARBACH: And were you given
14 assistance with completing that Victim Impact Statement?

15 MR. TYO: I believe I wrote it out myself.

16 MR. SCHARBACH: Okay. And you were also
17 given the opportunity to read the Victim Impact Statement
18 allowed in court to the judge; correct?

19 MR. TYO: Yes. I think they were read in.

20 MR. SCHARBACH: I'm sorry?

21 MR. TYO: I think the Victim Impact
22 Statement was read in by the Crown Attorney.

23 MR. SCHARBACH: But what I'm trying to make
24 clear is you were given the option -- you were given the
25 chance, if you wanted it, to read it yourself to the Court?

1 **MR. TYO:** Yes, we were given -- you had an
2 opportunity to -- either they read it in or you can read it
3 in.

4 **MR. SCHARBACH:** And you chose to let the
5 Crown read it in, which, I take it, she did?

6 **MR. TYO:** Yes.

7 **MR. SCHARBACH:** And you were informed of the
8 date for the sentencing hearing?

9 **MR. TYO:** Yes.

10 **MR. SCHARBACH:** And you were invited to
11 attend?

12 **MR. TYO:** I went up that day, but I got up
13 there late. So I missed a lot of the sentencing.

14 **MR. SCHARBACH:** You got there before it was
15 completed though?

16 **MR. TYO:** Yes, really close to the end.

17 **MR. SCHARBACH:** So were you there to see Mr.
18 Leblanc be sentenced to several years in jail?

19 **MR. TYO:** In the ending, yes, towards the
20 end of the day.

21 **MR. SCHARBACH:** So when you compare your
22 involvement in the first prosecution to your involvement in
23 the second prosecution, would it be fair to say that you
24 were given more opportunity for involvement in the second
25 prosecution than you were in the first?

1 MR. TYO: I don't really agree, no.

2 MR. SCHARBACH: No? All right.

3 Were you given -- would you agree that you
4 were given more information with respect to the
5 prosecution?

6 MR. TYO: Are you talking the second one or
7 first one?

8 MR. SCHARBACH: The second one, sorry.

9 MR. TYO: Between the police officers, I was
10 given substantial information.

11 MR. SCHARBACH: Right.

12 And I think you've already told us that you
13 were informed of the sentencing date?

14 MR. TYO: Yes.

15 MR. SCHARBACH: You were given the
16 opportunity to ---

17 MR. TYO: To be there.

18 MR. SCHARBACH: --- be there and to read
19 your Victim Impact Statement if you wanted to?

20 MR. TYO: That's right.

21 MR. SCHARBACH: And you had a face-to-face
22 meeting in the second case, whereas you didn't in the
23 first, I take it -- with the Crown, I mean?

24 MR. TYO: I don't remember much of the first
25 one. I had a face-to-face in the second one, yes.

1 **MR. SCHARBACH:** All right.

2 Those are my questions. Thank you, Mr. Tyo.

3 **THE COMMISSIONER:** Thank you.

4 Mr. Manderville.

5 **MR. TYO:** Before, I need to use the
6 bathroom.

7 **THE COMMISSIONER:** Well, why don't we take a
8 short break then. We'll take the afternoon break at this
9 point and come back in 15.

10 **THE REGISTRAR:** Order; all rise. À l'ordre;
11 veuillez vous lever.

12 The hearing will resume at 3:25.

13 --- Upon recessing at 3:08 p.m./

14 L'audience est suspendue à 15h08

15 --- Upon resuming at 3:31 p.m./

16 L'audience est reprise à 15h31

17 **THE REGISTRAR:** Order; all rise. À l'ordre;
18 veuillez vous lever.

19 This hearing of the Cornwall Public Inquiry
20 is now in session. Please be seated. Veuillez vous
21 asseoir.

22 **THE COMMISSIONER:** Mr. Manderville.

23 **MR. MANDERVILLE:** Good afternoon, Mr.
24 Commissioner.

25 **THE COMMISSIONER:** How are you doing today?

1 **MR. MANDERVILLE:** Well, thanks.

2 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

3 **MANDERVILLE:**

4 **MR. MANDERVILLE:** Mr. Tyo, my name is Peter
5 Manderville. I'm counsel for the Cornwall Police Service.

6 Both in your testimony with Mr. Engelmann
7 and then today with some of the other counsel, you have
8 been referred to some documents going back to 1986 and
9 other years; correct?

10 **MR. TYO:** That's right.

11 **MR. MANDERVILLE:** And your answer to a
12 number of questions, quite accurately, is "I don't recall"
13 and you're being asked to recall events of 20 years ago in
14 some cases; aren't you?

15 **MR. TYO:** That's right.

16 **MR. MANDERVILLE:** And I'm going to suggest
17 to you generally that if we look at a document in here that
18 was created at the time, it's likely that that document
19 will more accurately reflect what was going on than what
20 you can recall, sitting here today, isn't it?

21 **MR. TYO:** That's right.

22 **MR. MANDERVILLE:** And I want to talk about
23 initially the so-called first period of abuse with Mr.
24 Leblanc, and that, in your case, occurred from around May
25 1985 to January 1986; correct?

1 MR. TYO: Yes.

2 MR. MANDERVILLE: And in January 1986 you
3 went to Mrs. Raymond to tell her about the abuse, didn't
4 you?

5 MR. TYO: Yes.

6 MR. MANDERVILLE: And I'm going to suggest
7 to you that that was something you were embarrassed about
8 and uncomfortable doing.

9 MR. TYO: That's right.

10 MR. MANDERVILLE: And, in fact, Mr. Leblanc
11 had such a hold on you as a young boy that you actually
12 felt he was your friend, didn't you?

13 MR. TYO: That's right.

14 MR. MANDERVILLE: And you were reluctant to
15 tattle on a friend, weren't you?

16 MR. TYO: Yes.

17 MR. MANDERVILLE: And, in fact, if we could
18 refer Mr. Tyo to Exhibit 98(c), Document Number 107069,
19 that's the Will State of Ms. Raymond in the initial
20 criminal proceeding involving Mr. Leblanc.

21 Mr. Tyo, when a prosecution is initiated,
22 just to assist you, the Crown and the police put together
23 "will states" of some of the witnesses so that it's a
24 synopsis of what their evidence is going to be, and what
25 you're looking at in front of you is the brief Will State

1 of Ms. Raymond back in 1986.

2 Do you have that in front of you, sir?

3 **MR. TYO:** Yes.

4 **THE COMMISSIONER:** It's on the screen here.

5 **MR. ENGELMANN:** Excuse me; if this could be
6 taken off the screen?

7 **THE REGISTRAR:** It's not on the public
8 screen.

9 **MR. ENGELMANN:** It's not on the public
10 screen?

11 **THE REGISTRAR:** No.

12 **MR. ENGELMANN:** That's fine. Sorry.

13 **THE COMMISSIONER:** Thank you.

14 Can we put it back on now? Thank you.

15 **MR. MANDERVILLE:** I would ask that you
16 scroll to the bottom of the first page, towards the bottom
17 of the first page. Ms. Raymond, in her statement, the last
18 five lines, says:

19 "That was January 5, '86. On Tuesday,
20 January 7, Jason..."

21 And that's you, isn't it?

22 **MR. TYO:** Yes.

23 **MR. MANDERVILLE:** "...came over to the
24 school and said he wanted to talk to
25 me. He said Jean-Luc was sexually

1 abusing Scott and that he had tried to
2 do it to him but he wouldn't let him."

3 I take it then, Mr. Tyo, you were
4 sufficiently embarrassed that even though you wanted to
5 tell Mrs. Raymond something wrong was happening, it was
6 easier to tell her about Scott than it was about yourself?

7 **MR. TYO:** Yes.

8 **MR. MANDERVILLE:** And, in fact, you
9 initially denied that Jean-Luc Leblanc was doing anything
10 to you, didn't you?

11 **MR. TYO:** I wouldn't necessarily say I
12 denied it, but I just didn't tell her that anything was
13 happening to me at the time.

14 **MR. MANDERVILLE:** And subsequently you did
15 reveal "Yes, indeed, Mr. Leblanc had abused me sexually"?

16 **MR. TYO:** Yes.

17 **MR. MANDERVILLE:** And Mrs. Raymond's Will
18 State goes on to indicate she notified the school of what
19 she had been told by you and by Scott and the school got
20 the Children's Aid Society and the police involved on
21 January 24, 1986.

22 Does that sound about right to you?

23 **MR. TYO:** I believe so, yes.

24 **MR. MANDERVILLE:** You do believe so?

25 **MR. TYO:** Yes.

1 **MR. MANDERVILLE:** Okay. And the next
2 document I'd ask Mr. Tyo be shown is Exhibit 100, document
3 108879 and, Mr. Commissioner, I don't believe there is any
4 "C" suffix appended to that. And this is the will state of
5 Constable Brian Paiement, a one-page document. And you see
6 Constable Paiement is indicating that on January 24, 1986,
7 as a result of a complaint received, he interviewed Scott
8 Burgess. And further down, in the third paragraph, he
9 indicates he interviewed you on January 25, 1986. Do you
10 see that?

11 **THE COMMISSIONER:** That's in the black part.

12 **MR. MANDERVILLE:** Just above the blackened
13 out part, somewhat blackened out part.

14 **MR. TYO:** I can barely read it.

15 **MR. MANDERVILLE:** He interviewed Jody
16 Burgess and Jason Tyo and as a result of these interviews,
17 statements were taken.

18 **MR. TYO:** Okay.

19 **MR. MANDERVILLE:** Now, Mr. Wardle, the
20 gentleman just to my right, took you through some
21 Children's Aid Society documents and one thing I want to
22 note in passing is some of the information he reviewed with
23 you was your interaction with the CAS in 1987 and 1988,
24 wasn't it?

25 **MR. TYO:** Can you repeat that? I lost my --

1 -

2 **MR. MANDERVILLE:** Mr. Wardle took you
3 through a Children's Aid Society document discussing their
4 interactions with you and your family in 1987 and 1988. Do
5 you recall that a little earlier today?

6 **MR. TYO:** Yes.

7 **MR. MANDERVILLE:** And I take it that at the
8 time you are dealing with the Children's Aid Society in
9 1987 and 1988, you were in fact again being abused by Mr.
10 Leblanc at that time, weren't you?

11 **MR. TYO:** Yes.

12 **MR. MANDERVILLE:** And again his measure of
13 control over you was such that you didn't want to reveal
14 that to anyone, did you?

15 **MR. TYO:** That's right.

16 **MR. MANDERVILLE:** I think last week you told
17 Mr. Engelmann you felt you'd been sucked back into that
18 hole, I think was your expression. Do you recall that?

19 **MR. TYO:** Yes.

20 **MR. MANDERVILLE:** And I would ask that Mr.
21 Tyo be taken to Exhibit 105C and in particular, within that
22 document, at page number 7152823.

23 Now, Mr. Tyo, do you have that page in front
24 of you that begins at the top, "Opening and Transfer
25 Summary?"

1 **MR. TYO:** Yes.

2 **MR. MANDERVILLE:** Further down the page it
3 says "Situation as presented by clients and/or
4 collaterals." Do you have that?

5 **MR. TYO:** Yes.

6 **MR. MANDERVILLE:** I'm going to read what
7 that paragraph says:

8 "Brian Paiement of the CPD reported
9 that Jason Tyo gave a very unwilling
10 statement and Brian Paiement and
11 Jason's mother had to 'pull it out of
12 him'."

13 I take it at the time you were very
14 reluctant to tattle on your friend Jean-Luc; am I right?

15 **MR. TYO:** Yes.

16 **MR. MANDERVILLE:** And very reluctant to tell
17 the police and your mother what Jean-Luc was up to?

18 **MR. TYO:** It sounds right, yes.

19 **MR. MANDERVILLE:** Now, you did give a
20 statement and, as a result, Mr. Leblanc was arrested two
21 days later on January 27th. And you understand he pled
22 guilty to the charges against him; correct?

23 **MR. TYO:** Yes.

24 **MR. MANDERVILLE:** And I take it, Mr. Tyo,
25 you understand that once a person has been charged with a

1 crime by the police, the responsibility for handling the
2 prosecution goes to the Crown Attorney's Office, right?

3 MR. TYO: Yes.

4 MR. MANDERVILLE: And I take it you
5 understand that in running the prosecution, it's the Crown
6 Attorney's Office who decides whether witnesses or victims
7 will get any further interviews during the prosecution?

8 MR. TYO: Yes.

9 MR. MANDERVILLE: You understand that?

10 MR. TYO: Yeah.

11 MR. MANDERVILLE: Thank you, Mr. Tyo. Those
12 are my questions.

13 THE COMMISSIONER: Thank you.

14 Mr. Kozloff?

15 MR. KOZLOFF: Good afternoon, Mr.
16 Commissioner. The OPP has no questions for the witness.
17 Thank you.

18 THE COMMISSIONER: Thank you.

19 Mr. Carroll?

20 MR. CARROLL: None. Thank you.

21 THE COMMISSIONER: Thank you.

22 Ms. Tymochenko?

23 MS. TYMOCHENKO: None. Thank you.

24 THE COMMISSIONER: Thank you.

25 And so that comes to Mr. Chisholm.

1 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
2 CHISHOLM:

3 **MR. CHISHOLM:** Good afternoon, Mr. Tyo. My
4 name is Peter Chisholm. I'm counsel for the Children's Aid
5 Society of the United Counties of Stormont, Dundas and
6 Glengarry. I would like to ask you a few questions, if I
7 may.

8 Sir, can you tell us about, back in the 1985
9 and 1986, what your relationship was like with Dawn
10 Raymond, please?

11 **MR. TYO:** She was my schoolteacher. The
12 relationship was good. I couldn't ask for a better friend.

13 **MR. CHISHOLM:** So is it fair to say she was
14 more than a schoolteacher, she was a friend?

15 **MR. TYO:** Yes.

16 **MR. CHISHOLM:** Am I correct in understanding
17 that you and Scott Burgess would attend at Mrs. Raymond's
18 residence on weekends and other occasions to visit her?

19 **MR. TYO:** Yeah.

20 **MR. CHISHOLM:** How often would that have
21 taken place back in 1985 and 1986?

22 **MR. TYO:** Several times each -- in a course
23 of a month, a couple of times.

24 **MR. CHISHOLM:** And would I be correct in
25 describing the relationship that you enjoyed with Mrs.

1 Raymond as being a close friendship?

2 MR. TYO: Yes.

3 MR. CHISHOLM: Yes. Would it be fair to say
4 that you trusted Mrs. Raymond with respect to anything that
5 you told her and anything she told you?

6 MR. TYO: Yes.

7 MR. CHISHOLM: Was there anybody in the
8 world back in 1986, in January of '86, that you trusted
9 more than Mrs. Raymond?

10 MR. TYO: Unfortunately, no.

11 MR. CHISHOLM: No? Is it fair to say you
12 would have no reason not to be comfortable with Mrs.
13 Raymond back in January of 1986?

14 MR. TYO: There's no reason.

15 MR. CHISHOLM: Would there be any reason why
16 in January of 1986 you would not have been in a position to
17 share with Mrs. Raymond any allegations by you to the
18 effect that you were being physically abused at your home?

19 MR. TYO: I don't recall.

20 MR. CHISHOLM: You would have no -- you
21 can't recall any reason why you would be reluctant to
22 disclose that fact to Mrs. Raymond?

23 MR. TYO: No, that's right.

24 MR. CHISHOLM: Would there be any reason why
25 you would not disclose to Mrs. Raymond the fact that you,

1 from your evidence last week and today, the fact that you
2 had made a telephone call to the Children's Aid Society
3 before you went to see Mrs. Raymond to disclose the fact
4 that you were being abused?

5 MR. TYO: No, no reason.

6 MR. CHISHOLM: No reason?

7 MR. TYO: No.

8 MR. CHISHOLM: In terms of the timelines
9 that we've heard about, last week and today, I take it
10 you'd agree that you wouldn't be in a position to disagree
11 that on January the 7th, 1986 you attended at Mrs. Raymond's
12 school and had that first discussion with respect to
13 disclosing the abuse by Jean-Luc Leblanc; is that fair to
14 say?

15 MR. TYO: Yes.

16 MR. CHISHOLM: And you've told Mr. Engelmann
17 last week and counsel today about the telephone call that
18 you say that you made to the Children's Aid Society before
19 you disclosed to Mrs. Raymond. Do you recall that
20 telephone call?

21 MR. TYO: Yes.

22 MR. CHISHOLM: And you told Mr. Wardle today
23 that you were at your residence when you made the telephone
24 call; is that right?

25 MR. TYO: That's right.

1 **MR. CHISHOLM:** And you're certain it was in
2 the evening. You are telling us, if I understand your
3 evidence ---

4 **MR. TYO:** I know for a fact it was in the
5 evening; 7 o'clock.

6 **MR. CHISHOLM:** 7 o'clock.
7 And you know for a fact it was a Friday
8 night; is that right?

9 **MR. TYO:** Yes, yes.

10 **MR. CHISHOLM:** And I take it if the
11 suggestion was put to you that it was January the 3rd, 1986
12 as being the Friday you're speaking of, you're not in a
13 position to disagree with that; is that fair to say?

14 **MR. TYO:** Yes. The exact date, I can't ---

15 **MR. CHISHOLM:** But if we were to hear later
16 on from Mrs. Raymond as to when you came to see her and
17 take your testimony in relation to when you saw her and
18 that was back Friday the 3rd, you wouldn't disagree with
19 that?

20 **MR. TYO:** No.

21 **MR. CHISHOLM:** Can you tell me, sir, how
22 many calls you made to the Children's Aid Society on that
23 Friday evening?

24 **MR. TYO:** Just the one.

25 **MR. CHISHOLM:** Did you recall -- did you

1 receive any calls back from the Children's Aid Society on
2 that Friday evening?

3 MR. TYO: It's a little -- I assume there
4 was. I'm not sure.

5 MR. CHISHOLM: You assume?

6 MR. TYO: I assume there was a relay call
7 after a while, after that initial call.

8 MR. TYO: But you have no recollection of a
9 call being placed to your residence that evening?

10 MR. TYO: Not that evening, no.

11 MR. CHISHOLM: Okay. I just want to make
12 sure I understand your evidence. You assume that a call
13 was placed to your residence that evening?

14 MR. TYO: Not that evening; a couple of
15 weeks later.

16 MR. CHISHOLM: A couple of weeks later.

17 MR. TYO: Well, after the time that I called
18 on that Friday.

19 MR. CHISHOLM: But you have no recollection
20 of a call being placed to your residence on that evening?

21 MR. TYO: No.

22 THE COMMISSIONER: Were you there all that
23 evening?

24 MR. TYO: I was.

25 THE COMMISSIONER: Okay.

1 **MR. CHISHOLM:** And you told us you spoke to
2 a female.

3 **MR. TYO:** Yes.

4 **MR. CHISHOLM:** And I believe you told Mr.
5 Wardle this afternoon that the call lasted less than five
6 minutes; is that fair to say?

7 **MR. TYO:** Yes.

8 **MR. CHISHOLM:** And, do I understand from
9 your evidence today that you told the person you spoke to
10 who you were?

11 **MR. TYO:** Yes.

12 **MR. CHISHOLM:** You gave a telephone number?

13 **MR. TYO:** Yes.

14 **MR. CHISHOLM:** To call back at?

15 **MR. TYO:** Yes.

16 **MR. CHISHOLM:** Is that telephone number you
17 gave, your parents' residence telephone number?

18 **MR. TYO:** Yes.

19 **MR. CHISHOLM:** And, can you tell us, sir,
20 what, to the best of your recollection, what it was that
21 you told the person that you had called?

22 **MR. TYO:** I was straightforward. I was
23 being physically abused inside my home and sexually abused
24 outside of my home and I was fed up.

25 **MR. CHISHOLM:** Did you say anything else?

1 **MR. TYO:** I can't remember. I told the
2 specifics but it was pretty much down to that.

3 **MR. CHISHOLM:** And, can you recall, to the
4 best of your recollection, what was said to you? Last week
5 you had, if I understand your evidence, some difficulty
6 recalling what was said, but you were, if I understand your
7 evidence, disappointed by the response; is that fair to
8 say?

9 **MR. TYO:** Yes.

10 **MR. CHISHOLM:** Do you recall what was said
11 to you?

12 **MR. TYO:** Not 100 per cent of everything;
13 that somebody will get back to me.

14 **MR. CHISHOLM:** Is it possible, sir, that on
15 the Friday evening that you speak of, that in fact you
16 spoke to someone from TAS, Telephone Answering Service, as
17 opposed to CAS?

18 **MR. TYO:** It was the Children's Aid Society.
19 The one on York Street in Cornwall is where I called.

20 **MR. CHISHOLM:** Well, you dialed a telephone
21 number.

22 **MR. TYO:** Yeah.

23 **MR. CHISHOLM:** And your evidence is that you
24 dialed the one from the phonebook?

25 **MR. TYO:** Yes.

1 **MR. CHISHOLM:** That's associated with the
2 Children's Aid Society?

3 **MR. TYO:** Yes.

4 **MR. CHISHOLM:** Do you know whether you spoke
5 to some -- the person that answered that phone was in the
6 CAS office on York Street in Cornwall?

7 **MR. TYO:** Well, I wouldn't be entirely sure
8 but I was speaking to somebody.

9 **MR. CHISHOLM:** You were speaking to
10 somebody.

11 **MR. TYO:** Yes.

12 **MR. CHISHOLM:** If I put it to you, sir, that
13 perhaps you were speaking to someone from TAS; would you be
14 in a position to disagree with me?

15 **THE COMMISSIONER:** Well, just ---

16 **MR. TYO:** Yes -- go ahead.

17 **THE COMMISSIONER:** No, you go ahead.

18 **MR. TYO:** I'm calling the local CAS number;
19 I assume I'm speaking to somebody there.

20 **THE COMMISSIONER:** Mr. Chisholm, be fair to
21 him. What is TAS? It's an answering service.

22 **MR. TYO:** It is.

23 **MR. CHISHOLM:** TAS, sir, as I understand it,
24 is a Telephone Answering Service that would be utilized at
25 the time by the Children's Aid Society for after-hours

1 calls. And given what you've told us about the timeframe
2 of this call, that is the reason why I'm asking you these
3 questions about TAS.

4 MR. TYO: Okay.

5 MR. CHISHOLM: You spoke to someone -- you
6 told us that, you know what, it was someone from the TAS or
7 someone from the CAS you spoke to?

8 MR. TYO: No.

9 MR. CHISHOLM: You don't know?

10 MR. TYO: No.

11 MR. CHISHOLM: Is it possible that it was
12 someone from TAS that you spoke to?

13 MR. TYO: It could be possible.

14 MR. CHISHOLM: And you have told us there
15 were no return calls to you that night that you recall?

16 MR. TYO: Not that night, no.

17 MR. CHISHOLM: But you told us that whatever
18 was said to you, you were disappointed with?

19 MR. TYO: Yeah.

20 MR. CHISHOLM: If I could take you back to
21 your time -- your involvement -- your relationship with
22 Mrs. Raymond in 1985. Did you ever tell Mrs. Raymond that
23 you would go to Buckingham, Quebec with Jean-Luc Leblanc?

24 MR. TYO: Have I ever told her? I don't
25 recall.

1 **MR. CHISHOLM:** Is it possible that you told
2 her that?

3 **MR. TYO:** It could be possible.

4 **MR. CHISHOLM:** Again, in the summer of 1985,
5 did you ever tell Mrs. Raymond that you would go skinny
6 dipping with Jean-Luc Leblanc?

7 **MR. TYO:** Again, I don't remember.

8 **MR. CHISHOLM:** Is it possible, sir, that you
9 would have told her that?

10 **MR. TYO:** It could be.

11 **MR. CHISHOLM:** In terms of the chronology of
12 events, you've told us about the telephone call that you
13 made on January the 3rd of 1986. Do you recall the events
14 of January the 4th, 1986, where you were that day, Saturday,
15 January the 4th?

16 **MR. TYO:** Where I was, I don't recall.

17 **MR. CHISHOLM:** I'm sorry?

18 **MR. TYO:** Where I was on the Saturday?

19 **MR. CHISHOLM:** Yes.

20 **MR. TYO:** I don't remember.

21 **MR. CHISHOLM:** You don't recall.

22 Do you recall going to the airport to pick
23 up Mrs. Raymond at any time during that following weekend?

24 **MR. TYO:** To be honest, I've been told I
25 went there, but I don't remember going to the airport.

1 **MR. CHISHOLM:** And, sir, if I suggested to
2 you that on January the 4th, 1986, you spent the evening at
3 Mr. Leblanc's residence, would you disagree with me?

4 **MR. TYO:** No.

5 **MR. CHISHOLM:** Now, if I understand
6 correctly, you told Mrs. Raymond about the abuse on January
7 the 7th, 1986. If I understand your evidence from last
8 week, you believed you attended Gladstone Public School to
9 make that disclosure to Mrs. Raymond; is that right?

10 **MR. TYO:** Yes.

11 **MR. CHISHOLM:** And do you recall what you
12 said at that time to Mrs. Raymond?

13 **MR. TYO:** Do I what?

14 **MR. CHISHOLM:** Do you recall what you said
15 whenever you attended Gladstone Public School and told Mrs.
16 Leblanc (sic) -- Mrs. Raymond, excuse me, about the fact
17 that Mr. Leblanc was doing something inappropriate?

18 **MR. TYO:** No, I don't recall.

19 **MR. CHISHOLM:** You don't recall that?
20 Did you tell Mrs. Raymond that you had made
21 the telephone call to the Children's Aid Society on the 3rd
22 of January 1986?

23 **MR. TYO:** I don't believe I told her.

24 **MR. CHISHOLM:** And is there any reason why
25 you would not have told her that, sir?

1 **MR. TYO:** No.

2 **MR. CHISHOLM:** Did you view that as being an
3 important fact in your discussions with Mrs. Raymond, the
4 fact that she would call the Children's Aid Society and
5 nothing was being done about it?

6 **MR. TYO:** I didn't think it was necessary to
7 tell her at the time. I was just more concerned on getting
8 the abuse off my shoulders.

9 **MR. CHISHOLM:** And you told Mrs. Raymond
10 about the fact that Mr. Leblanc was abusing you; correct?

11 **MR. TYO:** Did I tell her?

12 **MR. CHISHOLM:** Yes.

13 **MR. TYO:** Yes, at a later date, I believe.

14 **MR. CHISHOLM:** Yes.

15 January the 11th, 1986, if I put it to you
16 that it was that date that you confirmed that you were
17 being abused, would you disagree with me?

18 **MR. TYO:** No.

19 **MR. CHISHOLM:** Did you tell Mrs. Raymond
20 about the abuse that you told us about today that you were
21 suffering at home at the hands of your parents?

22 **MR. TYO:** No.

23 **MR. CHISHOLM:** And why was that, sir?

24 **MR. TYO:** Through a lot of my other
25 questions, I don't know.

1 MR. CHISHOLM: You don't know why?

2 MR. TYO: No.

3 MR. CHISHOLM: Did you ever tell -- in the
4 three years following January the 7th, 1986, did you ever
5 tell Mrs. Raymond that you were being abused at home?

6 MR. TYO: I don't believe so.

7 MR. CHISHOLM: Did you ever tell anyone that
8 you were being abused at home?

9 MR. TYO: My older sister.

10 MR. CHISHOLM: Am I correct that you have
11 three sisters; is that right?

12 MR. TYO: That's right.

13 MR. CHISHOLM: Which of your three sisters
14 did you tell?

15 MR. TYO: That would be Shirley.

16 MR. CHISHOLM: Shirley?

17 MR. TYO: Yes.

18 MR. CHISHOLM: And when was it that you told
19 Shirley?

20 MR. TYO: Prior to whenever I left home at
21 the age of 16.

22 MR. CHISHOLM: And by that point your sister
23 had already left home; is that right?

24 MR. TYO: Yes.

25 MR. CHISHOLM: Shirley had left home?

1 MR. TYO: Yes, for ---

2 MR. CHISHOLM: All your sisters had left
3 home; is that right?

4 MR. TYO: For all the same reasons, that's
5 right.

6 MR. CHISHOLM: At the age of 16?

7 MR. TYO: Yes.

8 MR. CHISHOLM: Now, today you told Mr.
9 Wardle that you received a telephone call back in response
10 to the call that you made to the Children's Aid Society.

11 MR. TYO: Yes.

12 MR. CHISHOLM: And you touched on that with
13 me today. I believe your evidence was it was within a
14 couple of weeks you received a telephone call back?

15 MR. TYO: Yes, I believe it was a week or
16 two maybe.

17 MR. CHISHOLM: Okay. And can you tell us,
18 sir -- I take it you don't remember -- if you knew at the
19 time, you don't know the name of the person that called you
20 back?

21 MR. TYO: No.

22 MR. CHISHOLM: Can you tell us ---

23 MR. TYO: All I recall is telling the person
24 that, "I told my schoolteacher. It's being dealt with and
25 that's that." I made it very brief. They disappointed me

1 the first time. They're not going to disappoint me a
2 second time. So that call was not very long.

3 **MR. CHISHOLM:** Was that a male or a female
4 that called?

5 **MR. TYO:** It was a female.

6 **MR. CHISHOLM:** A female.

7 And in your mind -- you told the person that
8 called you back that it was being dealt with, right?

9 **MR. TYO:** Yeah. I had lost all hope with
10 the CAS. So I wasn't engaging in no conversation with
11 them.

12 **MR. CHISHOLM:** From the one telephone call,
13 you lost all hope with CAS?

14 **MR. TYO:** Yes, certainly.

15 **MR. CHISHOLM:** Is that right?

16 **MR. TYO:** Yes.

17 **MR. CHISHOLM:** You had no previous
18 involvement with the Children's Aid Society; is that right?

19 **MR. TYO:** To my knowledge, when I was
20 younger, I guess my parents -- I don't know.

21 **MR. WARDLE:** Could we have that repeated,
22 please?

23 **THE COMMISSIONER:** What did you just say?

24 **MR. TYO:** He's asking me was there any other
25 involvement with the CAS.

1 **THE COMMISSIONER:** Yes.

2 **MR. TYO:** To my knowledge, when I was a
3 younger infant there was.

4 **THE COMMISSIONER:** Okay.

5 **MR. TYO:** If that's helpful.

6 **MR. CHISHOLM:** And you told the person that
7 called you that the matter was being dealt with, right?

8 **MR. TYO:** Yes.

9 **MR. CHISHOLM:** Can you tell us how the
10 matter involving the physical abuse that you told us about,
11 that you were suffering at home was being dealt with?

12 **MR. TYO:** I had never really exposed any of
13 the physical abuse to anybody. I had kept that to myself,
14 still to myself.

15 **MR. CHISHOLM:** So in your mind that issue is
16 not being dealt with?

17 **MR. TYO:** No.

18 **MR. CHISHOLM:** And do you recall the time of
19 day, sir that the call came to you from the Children's Aid
20 Society, the call back?

21 **MR. TYO:** I don't really remember. I would
22 assume it would be after school.

23 **MR. CHISHOLM:** You were at home, obviously?

24 **MR. TYO:** Yes.

25 **MR. CHISHOLM:** Do you recall whether anyone

1 else was in your residence at the time?

2 MR. TYO: I don't remember.

3 MR. CHISHOLM: Last week, sir, Mr. Engelmann
4 asked you about how you felt after the phone call on the
5 Friday night to the Children's Aid Society. And for the
6 purposes of the transcript, I'm looking at Volume 60, pages
7 120 and 121. And your response to Mr. Engelmann was, "They
8 shut the door on me again."

9 Do you recall being asked that question and
10 making that statement?

11 MR. TYO: Yes.

12 MR. CHISHOLM: And "they" -- the "they" you
13 referred to was the Children's Aid Society; is that right?

14 MR. TYO: Yes.

15 MR. CHISHOLM: And what did you mean when
16 you said "They shut the door on me again"?

17 MR. TYO: I don't know.

18 MR. CHISHOLM: You don't know.

19 If Exhibit P-101 could be brought up on the
20 screen, please?

21 Do you see the document in front of you, Mr.
22 Tyo? That, I understand, is your Will State Statement that
23 was prepared in 1986. Do you understand that to be the
24 case for this document?

25 MR. TYO: Yeah.

1 **MR. CHISHOLM:** And have you reviewed this
2 document before?

3 **MR. TYO:** Yes.

4 **MR. CHISHOLM:** Yes?

5 **MR. TYO:** Yes.

6 **MR. CHISHOLM:** And would you agree with me
7 there's no mention anywhere in that document of you
8 contacting the Children's Aid Society on January the 3rd,
9 1986 or at any other time?

10 **MR. TYO:** Sorry?

11 **MR. CHISHOLM:** Would you agree with me, sir,
12 that there's no mention -- you may want to take a moment to
13 review the document. There's no mention in that document
14 of you contacting the Children's Aid Society to report the
15 abuse on January 3rd, 1986 or any other time?

16 **MR. TYO:** Yeah, that's right.

17 **MR. CHISHOLM:** You would agree with that?

18 **MR. TYO:** Yeah.

19 **MR. CHISHOLM:** If the Exhibit P103 could be
20 put up, please?

21 **THE REGISTRAR:** Is this a "C" exhibit?

22 **MR. CHISHOLM:** Is it a "C"? I apologize.

23 **THE REGISTRAR:** It's not on the public
24 screen.

25 **MR. CHISHOLM:** It's not on the public

1 screen?

2 Just on the first page, sir, this, as I
3 understand, is a videotaped interview report with you with
4 respect to a February 3, 2000 interview conducted by the
5 Ontario Provincial Police. You spoke of this interview
6 last week, I believe, with Mr. Engelmann. Is that right?

7 MR. TYO: Yes.

8 MR. CHISHOLM: And do you recall, sir -- do
9 you recall attending at the Long Sault OPP Detachment and
10 meeting with Detective Constable Dupuis and Detective
11 Constable Genier?

12 MR. TYO: Yes.

13 MR. CHISHOLM: You recall that.

14 Have you reviewed this transcript or this
15 report of the interview recently?

16 MR. TYO: Am I what, sir?

17 MR. CHISHOLM: Have you had the chance to
18 review this report of the interview recently?

19 MR. TYO: Not completely.

20 MR. CHISHOLM: Not completely.

21 Do you have any independent recollection of
22 the interview?

23 MR. TYO: Yes.

24 MR. CHISHOLM: And during that interview,
25 did you ever make reference to the fact that you had

1 previously disclosed to the Children's Aid Society that you
2 had been abused?

3 **THE COMMISSIONER:** Abused?

4 **MR. CHISHOLM:** Abused by Mr. Leblanc and/or
5 your parents?

6 **MR. TYO:** Have I -- do you want to say that
7 again?

8 **MR. CHISHOLM:** Sure. Did you tell Constable
9 Dupuis or Constable Genier that you had disclosed to the
10 Children's Aid Society that you had been abused by Mr.
11 Leblanc and/or your parents at home?

12 **MR. TYO:** Have I disclosed it to them?

13 **MR. CHISHOLM:** Yes, on February the 3rd,
14 2000, during that interview, is it ---

15 **MR. TYO:** Well, they're obviously there for
16 the abuse from Jean-Luc, but I never mentioned about my
17 parents or anything.

18 **MR. CHISHOLM:** But tell me this, sir; did
19 you tell, when you were discussing the issue of Jean-Luc's
20 abuse, did you ever tell either of these officers that you
21 had disclosed to the Children's Aid Society the fact that
22 you were being abused by Mr. Leblanc?

23 **MR. TYO:** No, I don't believe I told them.
24 I was never asked, either.

25 **MR. CHISHOLM:** At Bates page -- if Exhibit

1 C-103, Bates page 1037189 can be put to the witness,
2 please?

3 Sir, do you have ---

4 **THE COMMISSIONER:** It's on the screen.

5 **MR. CHISHOLM:** I'm showing you page 1037189,
6 Mr. Tyo, and on that page you're to having a discussion
7 with Detective Constable Genier about the relationship that
8 you had with your mother, is that fair to say?

9 **MR. TYO:** Yes.

10 **MR. CHISHOLM:** And right about in the middle
11 of the page, you state:

12 "My mother wouldn't know much because I have tried to talk
13 to her and I brought it up a little bit and it's just -- I
14 don't think the conversation is going to go anywhere".

15 You recall making that statement during your
16 interview with Constable Genier?

17 **MR. TYO:** Yes.

18 **MR. CHISHOLM:** Can you tell us when, Sir,
19 was it you were trying to -- you're speaking of the abuse
20 at the hands of Mr. Leblanc when you made that statement,
21 is that right?

22 **MR. TYO:** Yes.

23 **MR. CHISHOLM:** And can you tell us when it
24 was that you made the attempt to speak to your mother?

25 **MR. TYO:** I've told my mother a couple

1 times, she just never believed me.

2 MR. CHISHOLM: When, in relation to January
3 of 1986, did you disclose that to your mother?

4 MR. TYO: I don't recall.

5 MR. CHISHOLM: Was it before or after
6 January of 1986?

7 MR. TYO: Probably the conversations after,
8 I believe, I don't remember.

9 MR. CHISHOLM: So after you had called the
10 CAS, after you had told Mrs. Raymond?

11 MR. TYO: Yeah.

12 MR. CHISHOLM: It was after.

13 If I can get you to turn the page please the
14 Bates page 1037190. In the middle of that page, Sir, you
15 indicate --"I really ---

16 I'm sorry.

17 THE COMMISSIONER: Yeah.

18 MR. CHISHOLM: "I really had nobody to talk
19 to, that's why I disclosed the first incident to the
20 schoolteacher"; you recall making that statement, Sir?

21 MR. TYO: Yes.

22 MR. CHISHOLM: And you've indicated there
23 that it was Mrs. Raymond --- that Mrs. Raymond is the one
24 you're referring to when you refer to the schoolteacher?

25 MR. TYO: Yes.

1 **MR. CHISHOLM:** Would you agree with me,
2 there's no reference to you disclosing to the Children's
3 Aid Society in that interview?

4 **MR. TYO:** That's right.

5 **MR. CHISHOLM:** You never told.

6 **MR. TYO:** No.

7 **MR. CHISHOLM:** The officers were asking you
8 about disclosing and you never brought up the fact that CAS
9 was called by you.

10 **MR. TYO:** No.

11 **MR. CHISHOLM:** Madam Registrar, if Document
12 200004 could be brought up please?

13 This is an affidavit sworn by you on
14 November 4, 2005. You see the first page in front of you,
15 Mr. Tyo?

16 **THE REGISTRAR:** Is this public.

17 **MR. CHISHOLM:** This has not been made an
18 exhibit yet, it can ---

19 **THE COMMISSIONER:** I'm sorry?

20 **MR. CHISHOLM:** I just want to ensure that
21 this document was a matter of some discussion last week and
22 I just want to --- Madam Registrar, can you ensure that
23 redactions ---

24 **THE COMMISSIONER:** Right. Redactions were -
25 - okay.

1 **MR. CHISHOLM:** So they've taken place on the
2 document that you have ---

3 **THE COMMISSIONER:** So it can be public.

4 **MR. CHISHOLM:** It can be.

5 **MR. LEE:** My understanding is that this was
6 made an exhibit to the standing and finding application and
7 it's going to be reintroduced here and will be made a new
8 exhibit. And so long as there are the redactions actions
9 applied which I understand there are, it can be made a
10 public exhibit and that's all right.

11 **THE COMMISSIONER:** All right. So it should
12 be made an exhibit then. So what exhibit are we at now?

13 **THE REGISTRAR:** P-106.

14 **THE COMMISSIONER:** P-106.

15 **---EXHIBIT NO./PIÈCE NO P-106:**

16 Affidavit of Jason Tyo - November 4, 2005.

17 **MR. CHISHOLM:** This document does not have
18 Bates Numbers attached to it that I am aware of, but if I
19 could take you to the third page of your affidavit, Mr.
20 Tyo. Sir, on that page, which you're looking at on the
21 screen, is a heading entitled -- sorry, you have the hard
22 copy in front of you as well, Sir?

23 **MR. TYO:** Yeah.

24 **MR. CHISHOLM:** You have there, Sir, the
25 heading entitled "Failings of the institutional response",

1 is that right?

2 MR. TYO: That's right.

3 MR. CHISHOLM: And you go on to speak of
4 what you perceived to be the failings of the institutional
5 response that date, is that fair to say?

6 MR. TYO: Yeah.

7 MR. CHISHOLM: Did you make any reference to
8 the Children's Aid Society failing you in that affidavit,
9 Sir?

10 MR. TYO: No, but it was mentioned to Mr.
11 Soyles.

12 MR. CHISHOLM: I am sorry?

13 MR. TYO: Nope.

14 MR. CHISHOLM: It was mentioned to whom?

15 MR. TYO: Mr. Soyles, whenever we were doing
16 the report.

17 MR. CHISHOLM: If I can direct your
18 attention to paragraph 9 of the affidavit, again on page 3,
19 you indicate: "Thereafter, I reported the abuse to my
20 teacher in 1983, Jean-Luc Leblanc may receive probation of
21 three years"; see that sentence, Sir?

22 MR. TYO: Yeah.

23 MR. CHISHOLM: And again, you indicate there
24 that you reported the abuse to your teacher in 1983; we
25 know the date is incorrect, is that right?

1 MR. TYO: Yes.

2 MR. CHISHOLM: And again, no reference to
3 the CAS -- about you reporting to the CAS, it's to the
4 teacher.

5 MR. TYO: That's right.

6 MR. CHISHOLM: Is that fair to say?

7 MR. TYO: Yes.

8 MR. CHISHOLM: Trying to bring you back to
9 January of 1986, Mr. Engelmann asked you about this last
10 week. You recall, I take it vaguely, giving a statement to
11 a member of the Cornwall Police Department at the time, is
12 that right, with respect to Jean-Luc Leblanc?

13 MR. TYO: Yes.

14 MR. CHISHOLM: If I understand your evidence
15 correctly, you have no recollection of any involvement with
16 the Children's Aid Society thereafter?

17 MR. TYO: That's right.

18 MR. CHISHOLM: And your mother told you that
19 there was never any Children's Aid Society involvement,
20 right?

21 MR. TYO: Yeah, right up to this day of age.

22 MR. CHISHOLM: Would I be correct that you
23 have no recollection of Bruce -- first of all you told Mr.
24 Wardle today you have no recollection of a Bruce Duncan, is
25 that right?

1 **MR. TYO:** That's right.

2 **MR. CHISHOLM:** It would be fair to say that
3 you have no recollection of Mr. Duncan calling your home to
4 arrange a home interview?

5 **MR. TYO:** He arranged that with me or my
6 parents?

7 **MR. CHISHOLM:** Well, he may have made the
8 call to your parents but I am just asking you, do you have
9 a recollection, I suspect your answer will be "No".

10 **MR. TYO:** No.

11 **MR. CHISHOLM:** And I take it, Sir, you
12 wouldn't recall a home visit by Mr. Duncan on February 3,
13 1986?

14 **MR. TYO:** Not that I recall.

15 **MR. CHISHOLM:** I take it you don't recall
16 either of your parents advising that Mr. Duncan had
17 attended your home on February 3, 1986; is that fair to
18 say?

19 **MR. TYO:** Yeah.

20 **MR. CHISHOLM:** Do you recall ever making a
21 statement to either of your parents or Mr. Duncan to the
22 effect that you were not abused and therefore did not need
23 counselling?

24 **MR. TYO:** No.

25 **MR. CHISHOLM:** Is it possible that you would

1 have made such a statement Sir?

2 MR. TYO: Is it possible?

3 MR. CHISHOLM: Yes.

4 MR. TYO: No, I don't think so.

5 MR. CHISHOLM: You don't think it's
6 possible?

7 MR. TYO: No.

8 MR. CHISHOLM: And you told Mr. Wardle
9 earlier today that you have no recollections of any
10 discussions with your parents, specifically your mother, in
11 relation to arranging counselling; that's right Mr. ---

12 MR. TYO: Yes, Sir.

13 MR. CHISHOLM: Is it possible Sir, that you
14 had those discussions with your mother and you just don't
15 recall today?

16 MR. TYO: To be honest, I don't think it's
17 possible but could have been.

18 MR. CHISHOLM: So it is possible?

19 MR. TYO: It is possible.

20 MR. CHISHOLM: Does the name Doris McLean
21 mean anything to you?

22 MR. TYO: No.

23 MR. CHISHOLM: You don't recall that name?

24 MR. TYO: No.

25 MR. CHISHOLM: And, you told Mr. Wardle

1 today when he asked you about the name of Bob Smith, you
2 said, from your younger days or younger life that name
3 meant nothing to you.

4 **MR. TYO:** That's right.

5 **MR. CHISHOLM:** Do you know who Bob Smith is
6 in your present day?

7 **MR. TYO:** Yeah, because just a few years
8 back, I was seeing him for abusing, that's recently.

9 **MR. CHISHOLM:** What do you understand Mr.
10 Smith ---

11 **MR. TYO:** He is involved with the Children's
12 Treatment Centre.

13 **MR. CHISHOLM:** In Cornwall today?

14 **MR. TYO:** I don't remember having any
15 dealings with him as a child, now as an adult, I do. And
16 I've dealt with him recently.

17 **MR. CHISHOLM:** As an adult, right?

18 **MR. TYO:** Yeah, right. And that's for the
19 abusing part, not being abused, I speak with that.

20 **MR. CHISHOLM:** I'm sorry. Just so I
21 understand your evidence -- you dealt with Bob Smith as an
22 adult but not with the issue of you suffering abuse.

23 **MR. TYO:** That's right.

24 **MR. CHISHOLM:** I take it, Sir, you have no
25 recollection of discussions with your mother involving Bob

1 Smith's program that would have been offered in 1986-87?

2 MR. TYO: No.

3 MR. CHISHOLM: Is it possible that you had
4 those discussions?

5 MR. TYO: It could be possible.

6 MR. CHISHOLM: Mr. Wardle asked you earlier
7 today whether you had any recollections or whether the name
8 Lynn LeBreton meant anything to you and you indicated that
9 it did not; you recall making that statement?

10 MR. TYO: Yes.

11 MR. CHISHOLM: If I suggest to you that Ms.
12 LeBreton was and is, was in 1987 a Child Protection Worker
13 employed by the CAS, would that assist you in your
14 recollection at all?

15 MR. TYO: No.

16 MR. CHISHOLM: If I could have Exhibit 105C
17 pulled up, that was entered as an exhibit today.

18 This is the -- you recall this is the Bert
19 and Joan Moyes' file. I'd like to take you please to Bates
20 page 7152826, please.

21 Do you have a hard copy in front of you Mr.
22 Tyo as well as on the screen?

23 MR. TYO: Yeah.

24 MR. CHISHOLM: And you found page 7152826
25 all right?

1 **MR. TYO:** Yeah.

2 **MR. CHISHOLM:** And this is, as I understand
3 it, is a closing summary that Mr. -- I believe, you were
4 directed to this page earlier today; is that right?

5 **MR. TYO:** Yes.

6 **MR. CHISHOLM:** Now, if I could take you to
7 the heading entitled "Current Situation" and four lines
8 down, it states:

9 "When Jason came by to speak to me, he
10 appeared to be very relaxed and did not
11 hesitate to discuss the past sexual
12 abuse and clearly stated that he had
13 dealt with the ordeal and did not
14 require any assistance from us".

15 You see that sentence, Sir? Now does that
16 help you to recall Ms. LeBreton at all?

17 **MR. TYO:** No.

18 **MR. CHISHOLM:** You keep saying no and, in
19 terms of the timing of a meeting, if I suggest to you that
20 on May the 7th, 1987, that you attended at the CAS office on
21 York Street in Cornwall and met with Ms. LeBreton, would
22 you disagree with me?

23 **MR. TYO:** I wouldn't disagree, no.

24 **MR. CHISHOLM:** And would you disagree with
25 Ms. LeBreton's assessment that I just read to you and under

1 the heading "Current Situation"?

2 MR. TYO: This is from what I'm reading, my
3 parents are, I'm assuming so, yeah, I would disagree.

4 MR. CHISHOLM: I'm sorry; I didn't hear what
5 you said.

6 MR. TYO: From what I'm reading here, it
7 seems to be my parents are speaking on my behalf.

8 MR. CHISHOLM: Right.

9 MR. TYO: I disagree with that, Sir.

10 MR. CHISHOLM: Okay, but what I just read to
11 you starting on the fourth line, the very end of the fourth
12 line:

13 "When Jason came by to speak to me, he
14 appeared to be very relaxed and did not
15 hesitate to discuss the past sexual
16 abuse and clearly stated that he had
17 dealt with the ordeal and did not
18 require any assistance from us."

19 That's not your parents speaking there, sir,
20 is it?

21 MR. TYO: Okay.

22 MR. CHISHOLM: Right?

23 You agree that Ms. LeBreton's report is
24 reporting on what you said to her and not your parents; is
25 that fair to say?

1 MR. TYO: Yes.

2 MR. CHISHOLM: And do you have any reason to
3 disagree with Ms. LeBreton in terms of the report that she
4 made and signed on June the 26th, 1987?

5 MR. TYO: No.

6 MR. CHISHOLM: You have nothing that would
7 lead you to disagree with what Ms. LeBreton has written
8 here?

9 MR. TYO: No.

10 MR. CHISHOLM: Is that right?

11 MR. TYO: That's right.

12 MR. CHISHOLM: And again, that doesn't help
13 you to recall a conversation you had with Ms. LeBreton?

14 MR. TYO: No.

15 MR. CHISHOLM: But if I understand your
16 evidence, you agree -- you're not disagreeing with me ---

17 MR. TYO: Well, there's notes right there.
18 I'm not disagreeing.

19 MR. CHISHOLM: In fact, you would agree that
20 that conversation did take place?

21 MR. TYO: I assume, yes.

22 MR. CHISHOLM: And you would agree with me
23 that what Ms. LeBreton wrote about that conversation is
24 accurate?

25 MR. TYO: Not 100 per cent, but ---

1 **MR. CHISHOLM:** But you have no reason to
2 disagree with me?

3 **MR. TYO:** No.

4 **MR. CHISHOLM:** If I could get you to turn
5 the page, please, and again we're on Bates page 7152827.
6 Now, there was some discussion -- you have that page in
7 front of you, Mr. Tyo?

8 **MR. TYO:** Yes.

9 **MR. CHISHOLM:** There was some discussion
10 this afternoon, rightfully so, about confusion in the
11 dates. We see a recording date on the second line dated
12 March 9, 1988. We see a typed date of August 5, 1998 --
13 sorry ---

14 **THE COMMISSIONER:** Eighty-eight (88).

15 **MR. CHISHOLM:** --- 1988, excuse me. And
16 then the line below that, we see an October 1, 1988 date.
17 And finally we see that this document was signed with a
18 date of August 5, 1988. If I suggested to you, sir, again
19 this would be a theory on my part, but if the date of
20 October 1, 1987 was put to you, do you recall meeting with
21 Ms. LeBreton on that date?

22 **MR. TYO:** No.

23 **MR. CHISHOLM:** No.

24 Do you recall ever attending the Children's
25 Aid Society office and indicating that you did not want to

1 go back home?

2 MR. TYO: No, I don't recall that.

3 MR. CHISHOLM: You don't recall that?

4 And again I'm reading from the first
5 paragraph, the second line:

6 "He states that his mother calls him
7 names and that he is never allowed to
8 see his sisters."

9 Do you recall stating that, sir?

10 MR. TYO: No, I don't.

11 MR. CHISHOLM: And reading on:

12 "He stated that his birthday just
13 passed and that he did not even get a
14 happy birthday from his mom."

15 Do you recall making such a statement?

16 MR. TYO: No.

17 MR. CHISHOLM: Is it possible that you made
18 those statements to Ms. LeBreton?

19 MR. TYO: It's possible, yes.

20 MR. CHISHOLM: You have nothing to suggest
21 you didn't make those statements. Is that fair to say?

22 MR. TYO: Yes.

23 THE COMMISSIONER: What is your date of
24 birth, sir?

25 MR. TYO: April 18th, 1972.

1 **MR. CHISHOLM:** And again, if I could direct
2 your attention to the last paragraph on that page, sir,
3 starting:

4 "While this work, I was on sick leave.
5 The matter was redirected back, so upon
6 return Jason was contacted to determine
7 whether the situation was still the
8 same."

9 Do you recall ever being contacted by the
10 CAS to discuss your situation involving your mother and
11 your stepfather?

12 **MR. TYO:** Yes, I could have been.

13 **MR. CHISHOLM:** You have some recollection of
14 that?

15 **MR. TYO:** Yes.

16 **MR. CHISHOLM:** What is it? Can you tell us
17 what it is you recall of that contact by the CAS?

18 **MR. TYO:** I know there was one phone call
19 when I stipulated to them that there was no concern of
20 anything -- of any abuse or anything anymore, but that's
21 the phone call and taking it back to the allegations of the
22 abuse.

23 **MR. CHISHOLM:** Well, you're saying there was
24 a phone call that they made and you indicated there was no
25 abuse anymore?

1 **MR. TYO:** M'hm. I remember indicating to a
2 lady over the telephone that everything was fine.

3 **MR. CHISHOLM:** Right.

4 And do you recall, when you say "anymore",
5 did you tell -- I just want to be clear that I understand
6 your evidence. Do you recall making any statements to the
7 CAS that you were being physically abused at home?

8 **MR. TYO:** Do I recall? No.

9 **MR. CHISHOLM:** Would you disagree with Ms.
10 LeBreton's assessment of the -- let me read this to you,
11 again the last paragraph, third line ---

12 **MR. TYO:** If I could stop you there? The
13 only thing I would disagree with in here would be where I
14 would request to go to my father's, considering I don't
15 even know the man.

16 **MR. CHISHOLM:** Again, you're referring to
17 the first paragraph that I had taken you to? And I will
18 just, for the completion of the record, read that. Again,
19 the first paragraph:

20 "He also said that he is not getting
21 along with his stepfather. Jason was
22 requesting that I place him with his
23 natural father."

24 **MR. TYO:** I would disagree with that.

25 **MR. CHISHOLM:** You would disagree with that?

1 **MR. TYO:** Certainly. I don't even know my
2 father.

3 **MR. CHISHOLM:** Is that the only reason why
4 you disagree with that?

5 **MR. TYO:** Yes.

6 **MR. CHISHOLM:** And in terms of the last
7 paragraph, Ms. LeBreton wrote:

8 "When speaking with Jason he clearly
9 indicated that everything was fine and
10 when asked about his previous request
11 he stated that he had overreacted in an
12 anger situation as a sort of vendetta
13 for not getting his own way."

14 Does that help you to recall the telephone -
15 - the contact that you had with the CAS that you described?

16 **MR. TYO:** No. Vendetta?

17 **THE COMMISSIONER:** I'm sorry?

18 **MR. TYO:** Sorry, I was just thinking.

19 **MR. CHISHOLM:** Would you disagree with what
20 Ms. LeBreton wrote in that last paragraph?

21 **MR. TYO:** There are some parts I do disagree
22 with, yes.

23 **MR. CHISHOLM:** What parts would that be,
24 sir?

25 **MR. TYO:** The sort of vendetta of not

1 getting my own way. I disagree with that. A lot of times
2 you hush because you're going to get a beating if you don't
3 -- you know, my mother was very abusive. Obviously they're
4 not acknowledging that here, but anyways.

5 **MR. CHISHOLM:** Did you tell -- did you ever
6 tell the CAS that your mother was -- apart from the
7 conversation that you told us about on January 3rd, 1986,
8 did you ever tell anyone at the CAS that your mother was
9 abusive? And again, apart from the ---

10 **MR. TYO:** Yes.

11 **MR. CHISHOLM:** Apart from the first
12 paragraph of this page that I put to you just a few minutes
13 ago.

14 **MR. TYO:** Besides with the -- from telling
15 them from the phone call, that would be about probably it.

16 **MR. CHISHOLM:** And that phone call you're
17 making reference to is the January 3, 1986 phone call?

18 **MR. TYO:** Yes.

19 **MR. CHISHOLM:** Is it fair to say, sir, that
20 Mr. Leblanc forced you -- in looking at the matter today,
21 is it fair to say that Mr. Leblanc forced you to do things
22 that you didn't want to do?

23 **MR. TYO:** Yes.

24 **MR. CHISHOLM:** Now, am I understanding your
25 evidence to be that you should have been forced by the

1 Children's Aid Society into taking counselling or being
2 forced to take ---

3 **MR. TYO:** I wouldn't necessarily say forced
4 but some more heftier intervention should have taken place,
5 on my parents' part as well.

6 **MR. CHISHOLM:** But speaking just from the
7 perspective of the Children's Aid Society, I take it you
8 would agree with me that you wouldn't want the Society to
9 force treatment upon you?

10 **MR. TYO:** I wouldn't want?

11 **MR. CHISHOLM:** Yes.

12 **MR. TYO:** No, not really, I guess.

13 **MR. CHISHOLM:** Now, apart, sir, from your
14 involvement as a child with the Children's Aid Society,
15 were you ever involved with the Children's Aid Society
16 thereafter, as an adult?

17 **MR. TYO:** As an adult, yes.

18 **MR. CHISHOLM:** Okay. Thanks.

19 Those are my questions. I would like to
20 take this opportunity to wish you the best of luck in the
21 future.

22 **MR. TYO:** No problem.

23 **THE COMMISSIONER:** Thank you.

24 Mr. Lee.

25 **MR. LEE:** Good afternoon, Mr. Commissioner.

1 Just a few questions.

2 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:

3 MR. LEE: Good afternoon, Mr. Tyo.

4 Earlier this afternoon you were answering
5 questions asked by Mr. Scharbach here on behalf of the
6 Ministry of the Attorney General. He was asking you in
7 particular about in 1986 when Jean-Luc Leblanc pled guilty
8 and your understanding of exactly what a guilty plea means,
9 and in particular he asked you about victims being spared
10 the ordeal of testifying. Do you recall that?

11 MR. TYO: From earlier?

12 MR. LEE: Earlier today when Mr. Scharbach
13 was asking you that.

14 MR. TYO: Yes.

15 MR. LEE: Do you recall if back in 1986 if
16 it was ever explained to you in that way?

17 MR. TYO: No.

18 MR. LEE: Do you recall ever being asked
19 whether you wanted to testify or whether you would rather
20 be spared the ordeal?

21 MR. TYO: The first -- we're talking the
22 first?

23 MR. LEE: Yes, 1986, the first time around.

24 MR. TYO: No.

25 MR. LEE: Not the second time around. You

1 don't ever recall that discussion at all.

2 In January of 1986, you told us that you
3 disclosed your abuse by Jean-Luc Leblanc to Dawn Raymond;
4 is that correct?

5 MR. TYO: That's right.

6 MR. LEE: Why did you go to Mrs. Raymond?
7 What were you hoping for?

8 MR. TYO: Results.

9 MR. LEE: In what way results?

10 MR. TYO: To disclose the abuse and for some
11 action to be taken.

12 MR. LEE: Do you remember now at the time
13 what you were hoping that action would be?

14 MR. TYO: Do I remember?

15 MR. LEE: Sitting here now today, can you
16 think back to in 1986 what your frame of mind would have
17 been in terms of when you went to Dawn Raymond what did you
18 hope would happen specifically?

19 MR. TYO: That the abuse would stop.

20 MR. LEE: The abuse by whom, Jean-Luc
21 Leblanc?

22 MR. TYO: Jean-Luc Leblanc, yes.

23 MR. LEE: Can you tell us why you didn't
24 disclose in 1986 that you were being physically abused at
25 home?

1 **MR. TYO:** The beatings would be worse.

2 **MR. LEE:** Just a few moments ago Mr.
3 Chisholm from the Children's Aid Society asked you a few
4 questions about whether it was possible that you were, in
5 fact, on that Friday evening of January 3rd speaking with
6 someone from TAS, the Telephone Answering Service. When
7 you called on that January evening, who did you think you
8 were speaking with?

9 **MR. TYO:** A person. I was speaking to a
10 female lady.

11 **MR. LEE:** And what did you think her job
12 was?

13 **MR. TYO:** A child protection person.

14 **MR. LEE:** Did you think she was employed by
15 the Children's Aid Society?

16 **MR. TYO:** I assumed.

17 **MR. LEE:** Do you recall if she said anything
18 to you on that phone call to make you think otherwise?

19 **MR. TYO:** Not that I recall.

20 **MR. LEE:** A moment ago Mr. Chisholm brought
21 you to a document that is Exhibit C-105 and that is -- I
22 would like to pull up one page of that that he just brought
23 you to. It's Bates number 7152826 and this is a document
24 under the title -- this is part of a closing summary that
25 you just looked at. And under "Current situation" this is

1 the section where Mr. Chisholm was reading to you and one
2 part in particular there he brought you to when -- and I
3 will read it in the middle paragraph. It says:

4 "When Jason came by to speak to me, he
5 appeared to be very relaxed and did not
6 hesitate to discuss the past sexual
7 abuse and clearly stated that he had
8 dealt with the ordeal and did not
9 require any assistance from us. He
10 stated that he came on to the whole
11 situation during the end and that he
12 was the one who reported it and
13 therefore felt that he did not need any
14 counselling for the abuse."

15 Do you see that there, sir?

16 **MR. TYO:** Yes.

17 **MR. LEE:** What is your date of birth, Jason?

18 **MR. TYO:** April 18th, 1972.

19 **MR. LEE:** If you look down at the bottom of
20 this document, it's dated June 26th, 1987. Do you see that
21 there?

22 **MR. TYO:** Yes.

23 **MR. LEE:** How old would you have been on
24 that date? Would you agree with me that if you were born
25 in 1972 and this was 1987, you would have been 15 years old

1 on June 26th, 1987? **MR. TYO:** Yes.

2 **MR. LEE:** Thank you very much, Jason. Those
3 are my questions.

4 **THE COMMISSIONER:** Thank you.
5 Mr. Engelmann?

6 **MR. ENGELMANN:** I have no questions.
7 Thank you, Mr. Tyo:

8 **THE COMMISSIONER:** Mr. Tyo, I'd like to
9 thank you for coming on both days and appreciate your
10 contribution to this Inquiry.

11 **MR. TYO:** No problem.

12 **THE COMMISSIONER:** Thank you very much.

13 **THE REGISTRAR:** Order; all rise. À l'ordre;
14 veuillez vous lever.

15 This hearing is now adjourned. L'audience
16 est ajournée.

17 --- Upon adjourning at 4:37 p.m./

18 L'audience est ajournée à 16h37

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C E R T I F I C A T I O N

I, Sean Prouse a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sean Prouse, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hauts sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Sean Prouse, CVR-CM