

**THE ELLIOT LAKE
COMMISSION OF INQUIRY**

The Honourable Paul R. Bélanger,
Commissioner



**LA COMMISSION
D'ENQUÊTE ELLIOT LAKE**

L'honorable Paul R. Bélanger,
Commissaire

**Supplementary Ruling on Funding – Corporation of the City of Elliot Lake
("CEL")**

1. On November 8, 2012, I granted standing to the CEL in the following terms:

"The City of Elliot Lake has a clear and important interest in the issues raised by the Order in Council and meets the criteria for full standing. Full standing in all aspects of the work of the Commission is granted."

2. On the same date, I made the following ruling on funding:

"The City of Elliot Lake has evidently been directly impacted fiscally by the collapse of the Algo Centre Mall. The Municipality is a relatively small one and does not have sufficient reserves to fund legal representation, particularly for the entire term of the Commission hearings. There are no insurance proceeds to cover this representation. I recommend to the Attorney General that funding for one senior counsel and one junior counsel be provided in accordance with the Guidelines for Reimbursement of Legal Fees and Disbursements. Counsel for the City has advised that different lawyers from Wishart Law Firm LLP will replace counsel on occasion and that the City is not seeking funding for more than one senior counsel to be present at the Inquiry at any one point."

3. CEL makes an application for supplementary funding for: (i) Mr. Matthew Shoemaker, to be funded as a student-at-law until 18 June, 2013 and then to be funded as a junior lawyer when he is called to the bar on 18 June, 2013; and (ii) Ms. Alexandria Tomasovic to be funded as a junior lawyer commencing immediately. The requested additional funding would essentially double the maximum number of hours per day, from 20 to 40. The additional 20 hours, however, would be at a lower rate. Articling students are funded at a maximum of \$45 per hour and junior counsel at a maximum of \$132 per hour according to the *Guidelines for Reimbursement of Legal Fees and Disbursements* issued by the Attorney General.
4. I have carefully reviewed the Applicant's submissions and accompanying materials and I have concluded that its request is justified. It is beyond contention that the pace of the hearings has been unrelenting and intense without any interruption anticipated before mid-June of 2013. Document production to participants has been voluminous and continues unabated to this day.
5. The applicant's central role and that of its elected officials and employees are a constant and uninterrupted thread running through the entirety of the Commission's mandated

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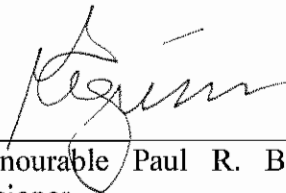
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examination of events commencing with historical events preceding the Algo Mall's construction until the post-collapse dismantling of the structure. It is now clear to me that no other participant has so central, important and ubiquitous an engagement with matters of concern to the Commission.

6. The applicant's counsel participation to this date has been constant and unflagging, as is made evident in the materials accompanying the application. I have obviously been an alert witness to that participation and I have been persuaded that the original recommendation was fundamentally inadequate.
7. The material provided to me by counsel is sufficiently clear and compendious for me to waive the necessity of a formal hearing.
8. I therefore recommend to the Attorney General that additional funding as requested in paragraph 3 be provided in accordance with the *Guidelines for Reimbursement of Legal Fees and Disbursements* for the applicant, and this additional funding be provided effective April 9, 2013, the date originally set for the hearing of this motion.

ISSUED at Elliot Lake, Ontario, this 21st day of April, 2013.



The Honourable Paul R. Bélanger,
Commissioner