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Barrister, Solicitor, Notary

October 3, 2012

Elliot Lake Commission of Inquiry
1400 Blair Place
Ottawa ON
K1J 9B8

E-mail: info@elliottlakeinquiry.ca

Dear Sirs:

**Re: Application for Standing and Funding
 NorDev (1425164 Ontario Ltd)
 And Non-Profit Retirement Residences of Elliot Lake Inc.**

I enclose our application for standing and funding, and look forward to making representations in support thereof on October 26, 2012.

Yours very truly,

KEARNS LAW OFFICE
per:

Douglas Kearns
enc.

IN THE MATTER OF THE ELLIOT LAKE INQUIRY
THE HONOURABLE PAUL R. BELANGER, COMMISSIONER

NON-PROFIT RETIREMENT RESIDENCES OF
ELLIOT LAKE INC. AND 1425164 ONTARIO LTD.

("Applicants" Joint)

NOTICE OF APPLICATION

Take notice that the Applicants will make application, including oral submissions if allowed, to the Inquiry on Friday, October 26, 2012 at 9:30 a.m. or so soon thereafter as the matter made be heard at the Maple Room, Hampton Inn, Elliot Lake, Ontario.

Said Application is for the following Order of the Commissioner:

- a. That Non-Profit Retirement Residences of Elliot Lake Inc. and 1425164 Ontario Ltd. be jointly granted standing at the Inquiry, upon the following suggested terms:
 1. That they be jointly represented by one counsel, being Douglas Kearns (LSUC 20648N) of Kearns Law Office, 15 Manitoba Road, Elliot Lake, Ontario P5A 2A6 Phone 705 848 3601, Fax 705 848 8416, kearn1@bellnet.ca;
 2. That such standing be granted with respect to all aspects of the Inquiry with the exception of that evidence and submissions dealing with "the emergency management and response by responsible bodies and individuals subsequent to the collapse" as set out in Order in Council setting up the Inquiry;
 3. That the Commissioner recommend to the Attorney General that the cost to the Applicants of the services of their solicitor be funded by the Province in accordance with applicable Management Board of Cabinet directives and guidelines respecting rates or remuneration and reimbursement and the assessment of accounts.

The Applicants ask that the Inquiry consider the following facts:

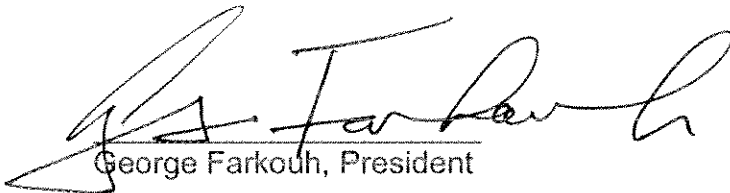
1. Non-Profit Retirement Residences of Elliot Lake Inc. was the sole shareholder of 1309900 Ontario Limited, later amalgamated into 1425164 Ontario Ltd., which owned the Algo Centre Mall from 1999 to 2005;

2. The Inquiry will be examining, among other things, the information available to the Applicants during the time that they owned the Algo Centre Mall, and their procedures and actions with respect to the maintenance of the Mall structure, and as such the Applicants have a substantial and direct interest in the subject matter of the Inquiry.
3. The cost to the Applicants of legal counsel for representation at the Commission will be significant and unbudgeted. If the funding of their counsel is not undertaken by the Province, the Boards of the Applicants (which are the same) will need to consider if they will fund these services on their own, and if not, the assistance to the Commission that the Applicants believe they can be, may not be available.

Dated at Elliot Lake, Ontario this 27th day of September, 2012

Non-Profit Retirement Residences of Elliot Lake Inc.
and
1425164 Ontario Ltd.

Per:



George Farkouh, President

I have the authority to bind the Corporations