

IN THE MATTER of the Public Inquiries Act, 2009, S.O. 2009, c.33 Sched.6

AND IN THE MATTER of the Elliot Lake Commission of Inquiry

AND IN THE MATTER of a Motion for Standing and Funding on behalf of Robert Wood,
B.Sc.Eng.

HONOURABLE PAUL BELANGER

Commissioner

-and-

ROBERT WOOD

Applicant

**MOTION OF THE APPLICANT,
ROBERT WOOD, B.Sc.Eng. FOR STANDING AND FUNDING**

TAKE NOTICE that the Applicant, Robert Wood, seeks of the Commissioner an Order granting him Standing to participate in the Elliot Lake Commission of Inquiry and for an Order granting him funding for the purpose of being able to retain legal counsel and services.

The within Motion for Standing and Funding is made pursuant to the Rules of Standing and Funding and paragraph 11 of the *Terms of Reference of the Order in Council* establishing the Elliot Lake Commission of Inquiry.

The particulars with respect to the motion are as follows:

1. Individual Seeking Standing

Robert Wood, B.Sc.Eng.
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2. Law Firm Representing Robert Wood,

O'Neill DeLorenzi Mendes
Barristers and Solicitors
116 Spring Street
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Phone: (705) 949-6901
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3. Lawyers in the Firm that would participate

Michael S. O'Neill
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Brian L. DeLorenzi
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Paralegal Support Staff

4. Nature of Persons Interest

- a) Robert Wood, was an employee and shareholder and retired engineer in the engineering firm of M. R. Wright & Associates Co. Ltd., whose address at that time was 71 Black Road, Unit #8, Sault Ste. Marie, Ontario, P6A 6J8. That firm was involved in conducting work for and on behalf of the owners of the Algo Centre Mall. It provided reports and some of the employees conducted inspections with respect to the premises. As a result of the collapse of the Algo Centre Mall in the City of Elliot Lake a significant issue will arise as to the cause of that unfortunate situation and the role, if any, that the firm of M. R. Wright & Associates Co. Ltd., may have had leading up to the collapse of the Algo Centre Mall. Robert Wood also seeks status on the basis that he participated in the preparation of an inspection report which inspection report bears his name and that of Mr. Greg Saunders, P.Eng., who was with the firm of M. R. Wright & Associates Co. Ltd.
- b) The firm of Mr. R. Wright & Associates Co. Ltd., is no longer in business. The assets of the firm were sold to the firm of Tulloch Engineering. The position of Robert Wood is that legal counsel representing the firm of M. R. Wright & Associates Co. Ltd., and/or other engineers or employees of

that firm cannot represent his interest and based upon the knowledge and information we have of the issues or potential issues in this matter that a conflict of interest would arise in any one person representing the interests of the engineers and/or employees of M. R. Wright & Associates Co. Ltd. Mr. Robert Wood, if granted status, would provide information for a specified period that the firm of M. R. Wright & Associates Co. Ltd., did work for and on behalf of the owner of the Algo Centre Mall and the role he played during the course of M. R. Wright & Associates Co. Ltd., doing work for and on behalf of the owner of the Algo Centre Mall. Robert Wood also seeks status on the basis that he participated in the preparation of an inspection report which report bears his name and that of Gregory Saunders, P. Eng., when he was with the firm of M. R. Wright & Associates Co. Ltd.

- c) What work the firm of M. R. Wright & Associates Co. Ltd., did, the inspections that were conducted and the role and function of Mr. Robert Wood appears to be an issue that will be canvassed by the Commission of Inquiry.

5. Nature and Standing Sought

- a) Robert Wood seeks full standing funding as it relates to the issue of and during the course of the Commission of Inquiry into the circumstances surrounding the collapse of the Algo Centre Mall. Robert Wood does not anticipate being needed or being involved during the time that the Commission of Inquiry may be investigating the emergency management and response issues subsequent to the collapse of the Algo Centre Mall. That matter, however, should be left open, depending upon what evidence is called and what the disclosure and production reveals. At this time, we have no information that would suggest that there should be any need for participation by Robert Wood in the Commission of Inquiry relating to the emergency management and response issues.
- b) At this point in time, it is unclear and uncertain as to the documentation and disclosure that will be received, however, based upon the nature of the issues arising from the Order in Council establishing the Commission of Inquiry into the collapse of the Algo Centre Mall, Robert Wood wishes to be permitted or have representation during the course of the hearing relating to the engineering matters and when evidence is called relating to the circumstances surrounding the collapse of the Algo Centre Mall. The matter of full or limited standing could be further addressed during the course of the proceedings and hearings and after disclosure is received.

6. Request for Funding

- a) Robert Wood seeks funding on the basis that he does not have adequate financial recourse that enables him to be fully represented and respond to the Summons served upon him by counsel for the Commission for production and disclosure of documentation.
- b) Since M. R. Wright & Associates Co. Ltd., is no longer in business he does not have the facility, manpower or financial resources to hire or retain assistance. He requires funding so as to permit the law firm of O'Neill DeLorenzi Mendes to assist him in complying with the request for documents and, in addition, for that firm to provide legal representation to him during the course of the Commission proceedings. The funds will be used by Robert Wood to retain that firm, it's legal counsel and paralegals to respond to the Commission's requirements and summons and to pay for the cost of travel, accommodation and attendance at any Commission proceedings.
- c) Robert Wood is prepared to provide such other material as the Commission may deem appropriate and necessary in order to facilitate the granting of an Order permitting him Standing and Funding in the event that the Commissioner has any concerns or questions with respect to the information provided.

7. Necessity or Request to Appear on Motion

There is no request made to attend and make oral submissions in support of the motion for Standing Funding, however, should the Commissioner deem it necessary or appropriate under the Rules that Robert Wood appear he is prepared to do so if requested by the Commissioner to address or clarify any information that would assist the Commissioner in deciding the issue of Standing and Funding.

8. Nature of the Order Sought to be Made

- a) That Robert Wood be granted Standing, to appear at the Inquiry when and at such times as the matter of the cause of the collapse of the Algo Centre Mall is dealt with. The nature and extent of the Standing granted may be revisited and subject to such further Order as the Commissioner may make with respect thereto.
- b) That Robert Wood be granted the maximum funding permitted to retain the law firm of O'Neill DeLorenzi Mendes as legal counsel to represent his interests with respect to the Elliot Lake Commission of Inquiry.

- c) Such further and other Order as may be necessary in all of the circumstances and appropriate with respect to the matters of Standing and Funding.

DATED at the City of Sault Ste. Marie, this Day of October, 2012.

SUBMITTED BY:

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On behalf of Robert Wood

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