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Elliot Lake Commission
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115	Apr/11/2013 6:46:31 PM	Receive		2:25	9	Success

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K7L 4L5
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JOHN CURTIS B.A.(Hon.), LL.B., Mediator

COVER PAGE

DATE: April 11, 2013
MATTER: Re: Thomas Derreck
FROM: JOHN CURTIS
TO: Elliott Lake Commission of Inquiry
613-749-5250 and 705-848-1910

PAGES INCLUDING THIS COVER PAGE: 9

INSTRUCTIONS/ COMMENTS:

Please find attached a letter dated April 11, 2013 with a Motion for Standing and Funding for Thomas Derreck with supporting Affidavit of Thomas Derreck

John Curtis

CONFIDENTIALITY CAUTION

This transmission is intended only for the addressee, it may contain privileged or confidential information. Any unauthorized disclosure is strictly prohibited. If you have received this transmission in error, please notify us immediately so that we may correct our transmission. Please then destroy the original. Thank you

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Barrister & Solicitor

DELIVERED BY FAX

Elliot Lake Commission of Inquiry
2380 St-Laurent Blvd.
Ottawa, Ontario
K1G 6C4

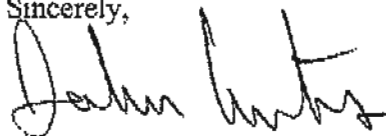
April 11, 2013

Attention: The Honourable Paul R. Belanger, Commissioner

RE: Thomas Derreck

Please find included in this transmission a Motion for Standing and Funding to participate in the Elliot Lake Commission of Inquiry made by Thomas Derreck and a supporting Affidavit sworn by Mr. Derreck on April 11, 2013.

Sincerely,



John S. Curtis
Counsel for Thomas Derreck

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

AND IN THE MATTER of the Elliot Lake Commission of Inquiry

AND IN THE MATTER of Motion for Standing and Funding on behalf of Thomas Derreck

HONOURABLE PAUL BELANGER

Commissioner

-and-

THOMAS DERRECK

Applicant

**MOTION OF THE APPLICANT,
THOMAS DERRECK, FOR STANDING AND FUNDING**

TAKE NOTICE that the Applicant, Thomas Derreck, seeks of the Commissioner and Order granting him Standing to participate in the Elliot Lake Commission of Inquiry and 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 and Funding

Thomas A.W. Derreck
118 Nicholsons Point Road
RR#3, Bath Ontario
KOH 1G0

2. Law Firm Representing Thomas Derreck

John S. Curtis
Barrister & Solicitor
83 College Street
Kingston, ON
K7L 4L5
Tel: 613-328-4015

3. Lawyers in the Firm that would participate

John S. Curtis
Email: john@johncurtis.ca

Paralegal support staff

4. Nature of Person's Interest

- a) Thomas Derreck was the Chief Administrative Officer (CAO) for the City of Elliot Lake from October 10, 2006 until July 24, 2007 and as such he has a substantial and direct interest in the subject matter of the Inquiry.
- b) What actions were taken by Thomas Derreck and those to who reported to him and to whom he reported while he was acting as CAO for the City of Elliot Lake appear to be issues that will be canvassed by the Commission of Inquiry. Thomas Derreck has documents and information and knowledge relevant to the events surrounding the collapse of the Algo Centre Mall. His participation will therefore further the conduct of the Inquiry and contribute to the openness and fairness of the Inquiry.
- c) Some detail of his involvement in events surrounding the collapse of the Algo Centre Mall in Elliot Lake are set out in his Affidavit sworn April 11, 2013, which is included as a document in support of this Motion.

5. Nature of Standing Sought

- a) Thomas Derreck, seeks Standing and Funding during the Course of the Commission of Inquiry into the circumstances surrounding the collapse of the Algo Centre Mall.
- b) Thomas Derreck 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 disclosure and production reveals. At this time, there is no information to suggest that there should be any need for participation by Thomas Derreck in the Commission of Inquiry relating to the emergency management and response matters.
- c) At this point it is unclear and uncertain as to the oral evidence yet to be heard, the documentation and disclosure that will be received, however

based on the nature of the issues arising from the order in Council establishing the Commission of Inquiry into the collapse of the Algo Centre Mall, Thomas Derreck wishes to be permitted to have representation during the course of the hearing when evidence is called relating to the circumstances surrounding the collapse of the Algo Centre Mall and more particularly with respect to the involvement of the City of Elliot Lake with respect to the involvement of its Fire Services Department and the Building Services Department and as the principal funder of the Elliott Lake Public Library which was a tenant at 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) Thomas Derreck seeks full 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 of Inquiry for production and disclosure of documentation.
- b) Thomas Derreck is currently financially dependent entirely on pension income and does not have adequate financial resources to obtain the assistance of counsel and does not have the financial resources to cover his own costs of travel and accommodation associated with participation in the Inquiry without funding.
- c) The Funding requested will be used by Thomas Derreck to retain the legal counsel of John S. Curtis to assist him in complying with requests for documentation, summonses, and to have legal representation during the course of Commission proceedings and to cover the costs of travel and accommodation associated with such representation.
- d) The Funding requested will further be used by Thomas Derreck to compensate his for own costs such as travel and accommodation associated with having to appear before the Commission of Inquiry.

7. Documents in Support of Motion

- a) In support of the Motion for Standing and Funding, Thomas Derreck files with this Motion and Affidavit sworn April 11, 2013 setting out certain material facts that he relies upon to assist the Commissioner in the

Commissioner's determination with respect to him being granted Standing and Funding.

- b) Thomas Derreck 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 information provided.

8. Necessity or Request to Appear on Motion

There is no request to attend and make oral submissions in support of the motion for Standing and Funding, however, should the Commissioner deem it necessary or appropriate under the Rules, that Mr. Thomas Derreck, appear on this motion, 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.

9. Nature of Order Sought to be Made

- a) That Thomas Derreck 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 Thomas Derreck be granted the maximum Funding permitted to retain the services of John Curtis as legal counsel to represent his interests with respect to the Elliot Lake Commission of Inquiry and to compensate Thomas Derreck personally for any costs and expenses associated with having to appear before the Commission of Inquiry.
- c) Funding Should be granted effective April 8th, 2013.
- d) 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 Kingston, Ontario, this 11th day of April, 2013.

Respectfully Submitted by:

John S. Curtis
Barrister & Solicitor

83 College Street
Kingston, Ontario
K7L 4L5

LSUC # 40178N

john@johncurtis.ca

613-328-4015

On behalf of Thomas Derreck

TO: Elliot Lake Commission of Inquiry
2380 St-Laurent Blvd.
Ottawa, Ontario
K1G 6C4

613-749-4028 (tel)
613 749-5250 (fax)

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

AND IN THE MATTER of the Elliot Lake Commission of Inquiry

AND IN THE MATTER of Motion for Standing and Funding on behalf of Thomas Derreck

HONOURABLE PAUL BELANGER

Commissioner

-and-

THOMAS DERRECK

Applicant

AFFIDAVIT OF THOMAS DERRECK

Sworn April 11, 2013

I, Thomas Derreck, of the Village of Bath, in the County of Lennox and Addington,

MAKE OATH AND SAY:

1. I am the Applicant in the above noted matter and as such have information relevant to the Elliot Lake Commission of Inquiry.
2. The following paragraphs are based on information and belief and I do verily believe all such information to be true.
3. On October 10, 2006 I commenced employment as Chief Administrative Officer (CAO) for the City of Elliot Lake.
4. I held the position of CAO until July 24th, 2007.
5. Some time between October 12, 2006 and October 14, 2006, I attended at the Elliott Lake Public Library located at the Algo Centre Mall and learned of a longstanding problem with a leak in the ceiling.
6. On the same day I discovered this leak I started a process aimed at remedying the situation which began with asking an Building Inspector with the City's Building Services Department to conduct an inspection of the leak and to report back to

me. This action on my part lead to a series of actions taken by and involving the City of Elliott Lake that I believe should be considered as relevant events surrounding the collapse of the Algo Centre Mall.

7. I am currently almost entirely dependent on my pension and savings to support myself financially. My pension is currently earning me less than \$3000/month. The income from my pension is not enough to allow me to afford legal representation and not enough to cover my own travel and accommodation costs associated with my participation in the proceedings of the Elliot Lake Commission of Inquiry.

8. I swear this affidavit for the purpose of obtaining Standing and Funding for my participation in the Elliot Lake Commission of Inquiry and for no other or improper purpose.

SWORN BEFORE me
at Kingston

on April 11, 2013

JOHN S. CURTIS

(Notary Public and Commissioner for taking Affidavits)


} _____
} THOMAS DERRECK
}
}
}
}

