



## **ORAL CLOSING STATEMENTS** **SENIORS ACTION GROUP OF ELLIOT LAKE [SAGE]**

### **Executive Summary**

The Commission of Inquiry has been convened to gather factual evidence as to what may have been the cause of the collapse of the Algo Centre Mall in 2012, and to ask for public input on ways to prevent such an incident from reoccurring. It further has been tasked with reviewing what occurred after the collapse by way of emergency procedures for rescue and recovery, by municipal forces and provincial and outside agencies. This latter task shall not be addressed in this brief, but, in a separate brief when Phase 2 of the Inquiry is completed.

At least one member from our organization has been present at all sessions of the Inquiry hearings and, coupled with the review of documents by many of our members, and reviewing of transcript evidence, SAGE has endeavoured to carefully follow and understand all evidence given and recorded. From this exhaustive undertaking, we have garnered many observations, which shall be articulated later in this brief, and a number of, what we consider, pertinent recommendations for consideration by Mr. Commissioner and his staff and counsel.

It should be emphasized that no member of SAGE has a law degree or legal background and we have done our best to follow the details of the Inquiry as it unfolded and, attempted to gather information and formulate Observations based on what we have heard and seen, in an effort to assist the Commissioner to arrive at his final recommendations, based on some grass roots, common sense observations from people who live here. We apologize for any lacking in correct legal proceeding and wording.

### **Background**

The collapse of the Algo Centre Mall in June 2012 was a tragedy that effected the lives of most citizens of Elliot Lake in some way. SAGE represents seniors of Elliot Lake, who comprise perhaps the largest demographic of the community. The mall was important to many seniors who depended on its location and convenience for their shopping and some services. However, seniors were not the only citizens

**effected. SAGE originally became involved due to, what was viewed as, some rather serious shortcomings of what occurred “post collapse”, but since, has discovered that there were also many yet unidentified actions or inaction’s which led up to the collapse.**

**As testimony unfolded, it was discovered that those who ought to have known certain conditions appeared to have no idea, or, simply had no desire to know how bad things were becoming. It appeared that almost every resident knew things were bad and getting worse with almost continued water penetration into and through the roof, and onto vital structural steel supporting the roof. Those who ought to have known and ought to have demanded immediate action to stop this deterioration appear to have been in denial, that is, until the last owner took possession.**

**SAGE felt that, in the interest of truth and, to prevent such a tragedy from ever reoccurring, that it may be able to gather facts and formulate recommendations to the Commissioner, for his consideration and submission to a higher power. A number of SAGE members are from varied backgrounds which involve construction management and building management as well as Emergency Response, so, it was felt that SAGE could make an effective and meaningful contribution to this Commission of Inquiry.**

### **Observations**

**While a good deal of evidence presented has been sketchy and peppered with many cases of memory loss, much has come to light as to what led up to this unfortunate occurrence which led to the death of two innocent citizens of this community and, the upset of many more lives and livelihoods.**

- 1) It has become quite clear that an original design was undertaken, against the professional advice of engineers and architects, to satisfy economic concerns.**
- 2) It has been quite clear that the lack of diligent maintenance and proper corrective actions through three successive owners allowed continued deterioration of the structure, despite numerous engineering reports pointing out concerns and identifying recommended corrective action, again, based on apparent economic concerns.**
- 3) It would appear that many decisions were made in secret between a compliant municipal council and the first two owners of the facility, with little regard for what was happening through many years right in front of their**

eyes.

- 4) It would appear that a number of professional reports identifying concerns and actions were never brought to the attention of municipal officials who could have ordered immediate actions, or, to the attention of subsequent owners of the facility.
- 5) It would appear that through the ownership of then first two owners of then facility, no action was ever sought by municipal or other authorities until the current and last owner took possession, despite the fact that everyone in the municipality knew of continued leakage from the roof and complaints from the municipality's own library staff.
- 6) It would appear that a bureaucratic system for complaints prevented the municipality from even recognizing that anyone had complained about the conditions in the facility, always citing a systemic barrier of process and procedures which the public was never made fully aware of. People believed that their concerns would be addressed, while, in reality, they were being ignored.
- 7) It would appear that the purchase of the mall by the second owner was carried out with as much secrecy as possible, between the purchaser and a cooperative municipal mayor who also sat on the board of directors of that same purchaser. Minimal information was given to council by the mayor/director in steering a decision of council to fund a couple studies and a building evaluation of the mall, and none of the deliverables were ever produced as required by the contract. In addition, the extent of the problems with said building and recommendations and costs to remediate were not given to the board itself in order for them to arrive at the decision to purchase it.
- 8] It would appear that the second owner was making healthy profits but chose to collect wealth rather than spend the monies on recommended remedial work to stop leakage and further deterioration, and the municipality chose to turn a blind eye to continuing leakage, despite being informed by their own library employees, and instead chose to hide behind an artificial requirement to get a written complaint sent directly to the Chief Building Official.
- 9]It would appear that the third owner either did not know what he was

**purchasing, and refused to undertake due diligence to find out what he was facing.**

**10] It would appear that the third owner became profit driven and simply promised things in hopes the problems could be solved with band aids and those seeking remedy would eventually leave him alone.**

**11] It would appear that, despite an entire year passing since the collapse, the City of Elliot Lake has done nothing to improve their procedures and policies and is awaiting the recommendations to come forth from this Commission before taking any positive action.**

### **Recommendations**

**SAGE has put forth sixteen individual Recommendations, directly to all Participants and the Commission Counsel, along with rationale for each. We have also presented eleven individual Observations which our Recommendations were partially based as well as six Comments, which we felt were relevant to the purpose of this Commission of Inquiry.**

### **Closing**

**SAGE would like to express our appreciation to both Mr. Commissioner and the Commission Staff and Counsel for permitting us to participate on behalf of our members and other concerned citizens of Elliot Lake. We have appreciated the opportunity to observe, listen, think outside our daily lives, and to be permitted to actively participate develop and submit our own Recommendations for the consideration of Mr. Commissioner in his final Recommendations to the Province of Ontario.**

**Thank you.**