

THE ELLIOT LAKE COMMISSION OF INQUIRY - PHASE II

**WRITTEN SUBMISSIONS OF CITY OF TORONTO,
ON BEHALF OF HEAVY URBAN SEARCH AND RESCUE (TF-3)**

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**WRITTEN SUBMISSIONS OF CITY OF TORONTO,
ON BEHALF OF HEAVY URBAN SEARCH AND RESCUE**

PART I — OVERVIEW AND EXECUTIVE SUMMARY

1. Overview

1. The Algo Centre Mall collapse in Elliot Lake was a tragic event that had a significant impact on the community and a devastating impact on two families who lost loved ones as a result of the collapse. Phase II of this Inquiry has focussed on the rescue efforts as a result of the collapse. The City of Toronto ("Toronto") Heavy Urban Search and Rescue Team (referred to herein as "TF-3") was part of the rescue effort, and looks forward to the Commissioner's report and recommendations arising from the Inquiry's in-depth review of the Elliot Lake matter.

2. As described in these submissions, the Toronto TF-3 team is made up of many experienced and dedicated individuals who put their lives at risk to do the public service work they are trained to do. The Elliot Lake rescue was difficult and challenging for a number of reasons that are detailed in these submissions. Difficult decisions had to be made due to the hazardous conditions of the collapsed mall. A primary consideration that affects decisions on site is the safety of the rescue workers.

3. As in all rescue events like this there will be lessons learned that can be used for the future. This is particularly so with the Elliot Lake rescue effort, as a result of this Inquiry and the detailed look back and analysis of what transpired. Toronto submits that it would not be fair or appropriate to criticize the dedicated individuals involved in the rescue efforts on behalf of the Toronto TF-3 team. The team responded to the event consistent with their training, and using the best practices available in the circumstances. Further, as a result of this Inquiry it is clear from the expert medical evidence that the rescue efforts could not have changed the outcome for the two victims of the collapse.

4. The events in Elliot Lake and this Inquiry have had an impact on all of the members of the TF-3 team. Many of these members have long and distinguished careers dedicated to this type of work. In their evidence several of these members have acknowledged there are certain areas that the TF-3 team can improve on for future events. This is a reflection of the professionalism the TF-3 members bring to their careers.

2. Executive Summary of Events

5. On June 23, 2012 at approximately 2:15 p.m., a portion of the Elliot Lake Algo Centre Mall roof-top parking collapsed. The collapse occurred at approximately the centre of the structure, and the remainder of the building including the exterior walls remained standing. The nature of this collapse was unique and caused numerous difficulties to the rescuers as they attempted to locate and rescue anyone who was trapped in the rubble.

6. After the collapse first occurred, first responders from Elliot Lake attended to attempt to perform a rescue, before they were eventually removed by Elliot Lake Fire Chief Paul Officer due to the hazardous conditions.

7. At approximately 4:04 p.m. on June 23 the Province of Ontario (the "Province") requested that Toronto's Heavy Urban Search and Rescue team, which is known provincially as TF-3 and federally as TF-3 deploy to Elliot Lake. TF-3 deployed for Elliot Lake at 9:35 p.m. on June 23 and arrived in Elliot Lake at 4:18 a.m. on June 24.

8. The Ontario Provincial Police's ("OPP") medium search and rescue team, UCRT, was also deployed to Elliot Lake, and the first UCRT members arrived at 8:52 p.m. on June 23. UCRT is a smaller and quicker team that is intended to arrive at an emergency more quickly than TF-3, to begin rescue operations before TF-3 arrives with more manpower and equipment.

9. When UCRT first arrived, Constable Ryan Cox was acting as commander of the UCRT team. Constable Cox's first assessment of the site involved a plan whereby the UCRT members would rappel into the collapse zone from the roof to perform a search of the pile.

10. At 11:30 p.m. on June 23 Sergeant Jamie Gillespie arrived on scene and took over as team leader from Constable Cox. Sergeant Gillespie did not pursue the plan to rappel members into the collapse zone. However, a thermal camera and an air monitoring device were lowered into the area.

11. At 4:18 a.m. TF-3 arrived on site. TF-3 members first toured the collapse zone at 5:25 a.m. on June 24, and at 6:15 a.m. on June 24 the plan of rescue was approved by the Task Force Commander for the rescue, Staff Inspector Bill Needles of TF-3, and was implemented on the instructions of Captain Comella of TF-3.

12. During the entire event there was concern about the escalator area to the south of the collapse zone. A large slab of concrete had fallen onto the upper escalator, which caused it to partially collapse onto the lower escalators below. The concrete slab remained on the escalator, and continued to apply structural stresses to the area.

13. Throughout the operation the rescuers considered methods of shoring the escalator area. However, the escalator was very difficult and dangerous to stabilize because of the large amount of debris under it which was interconnected with the debris in the collapse zone, the large pieces of concrete that were hanging from the slab on the escalator, and the fact that the forces on the escalator were pushing it both downwards and towards the pile.

14. No solution was reached to stabilize the escalator area that would not involve rescuers having to operate in an extremely dangerous environment, in circumstances which could in fact hasten the possibility of collapse. As a result, the escalator area was made a "no-go" zone and the rescuers performed rescue operations away from this area.

15. Because the collapse occurred in the middle of a still-standing structure, the rescuers did not have free access to the debris pile. The initial plan developed by TF-3 was therefore to clear debris and install shoring into the building from the hotel lobby at the north end of the building. As this shoring progressed, alternate paths were created to access the debris pile from both the

east and the west sides.

16. Once the shoring was installed to allow the rescuers access to and from the debris pile, the plan was to work into the pile with the systematic removal of debris, by lifting, cutting, removing and stabilizing the debris. Larger pieces of concrete would be moved using manually-operated tools and equipment such as lifting bags, levers, and rollers.

17. While this shoring was occurring, searches of the pile were conducted using technical search teams, special cameras, and cadaver and search and rescue dogs.

18. By the evening of June 24, the cranes that were ordered by UCRT arrived and were set up. The cranes were used to remove the failed I-beam, which had been swaying over the debris pile, and a sports utility vehicle (the "SUV") which had fallen into the collapse zone and was adding stress to the beams that were still standing.

19. While crane operations are not part of TF-3's core training, a plan was arrived at to also use the crane to attempt a "snatch and grab" by removing a few slabs of concrete in the hopes of uncovering the potentially-viable victim. However, this victim was not located where she was believed to be, and additional slabs of concrete were removed using the crane.

20. On June 25 at 9:38 a.m. the rigging crew was removed from the debris pile to allow the engineers to re-evaluate the escalator area, after movement was noted in the escalator area. Shoring work continued at this time in other areas of the building.

21. By 12:00 pm on June 25 movement of the escalator was confirmed, and the remaining rescuers were removed from the building. At 1:30 p.m. on June 25, TF-3's embedded engineer, James Cranford, determined the beam under the escalator was 428% overstressed.

22. Staff Inspector Neadles was provided information about the stresses on the escalator, including that the escalator was moving both downwards and towards the debris pile where the victims were located, that the engineers were not sure why the beam had not already failed, that

further collapse could be imminent, and when it occurred it would be catastrophic. As a result, on June 25 at 2:00 p.m., Staff Inspector Neadles made the decision not to allow the rescuers back in the building unless the escalator area hazard could be neutralized.

23. These developments were made known first to the Elliot Lake Community Control Group ("CCG"), then to the believed-victims' families, and then to the media. At the time the developments were made known no method of eliminating the escalator hazard had been arrived at, despite continued discussions of possible shoring and stabilizing approaches.

24. Between 6:00 p.m. and 8:00 p.m. on June 25, Sergeant Phil Glavin of TF-3 proposed to Staff Inspector Neadles the possibility of continuing the rescue using Priestly Demolition Inc. ("Priestly"). Sergeant Glavin has a family relationship with the Priestly family, and through this connection he was aware of a unique piece of demolition equipment that Priestly owned, which is referred to as an articulating arm.

25. The articulating arm had never been used in a rescue operation, and the plan to use the machine was high risk and had the potential to cause further collapse of the building. However, since the rescuers were out of options, TF-3 sought authorization from Commissioner Dan Hefkey of Emergency Management Ontario, to deploy the Priestly articulating arm to continue the rescue. TF-3 was granted authority to deploy Priestly on June 26 at 1:36 a.m.

26. The Priestly articulating arm allowed for operations to continue in the collapse zone, without having to endanger the rescuers lives by having them enter the building. The Millennium crane operation and shoring operations could not be performed because these operations required placing the rescuers in the building.

27. Priestly began mobilizing on June 26 at 6:00 a.m., and arrived in Elliot Lake at 6:00 p.m. on June 26. By June 26 at 9:00 p.m. the articulating arm was assembled and had begun operations. Through the Priestly operation the first victim, Ms. Doloris Perizzolo, was uncovered on June 27 at 10:00 a.m. The second victim, Ms. Lucie Aylwin, was uncovered on

June 27 at 1:00 p.m.

28. The coroner, Dr. Mark Bradford, and the pathologist, Dr. Martin Queen, have provided evidence that both Ms. Perizzolo and Ms. Aylwin died near-immediately after the collapse.

29. TF-3 began demobilization on June 27 at 4:00 p.m., and departed Elliot Lake on June 27 at 8:20 p.m.

PART II — FACTS and ISSUES

1. TF-3 Training

30. TF-3 is the only heavy urban search and rescue team in Ontario. TF-3 is a multi-disciplinary team made up of members from Toronto Fire Services ("TFS"), Toronto Police Service ("TPS"), Toronto Emergency Medical Services ("EMS"), and Toronto Water.

Transcript from the Examination of Dan Hefkey, dated August 8, 2013, at pages 20216 (lines 6 to 21), 20217 (lines 16 to 20), and 20221 (lines 15 to 25).

31. TF-3 operates provincially pursuant to a memorandum of understanding between Toronto and the Province dated May 7, 2007 (the "MOU"). The MOU provides that Toronto is responsible for TF-3 training, although TF-3's funding comes from the Province and Toronto, and formerly from the Federal Government. The Province is responsible for the cost of deploying TF-3 provincially.

TF-3 MOU, Exhibit 768

Transcript from the Examination of Dan Hefkey, dated August 8, 2013, at pages 20218 (lines 2 to 14), and 20237 (line 22) to 20238 (line 25).

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 23994 (lines 8 to 18), and 24006 to 24007.

32. The TF-3 team is trained in accordance with National Fire Protection Association ("NFPA") standards 1006 and 1670. These standards are generally accepted across the North American rescue field.

Transcript from the Examination of Dan Hefkey, dated August 8, 2013, at page 20218 (lines 15 to 21).

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 23983 (line 25) to 23984 (line 9).

33. TF-3 members undergo extensive training based on the American FEMA model. Each new TF-3 member is required to take a four-hour introduction course, a level 1 operational structural collapse course, and four twenty-hour core skills courses (shoring and stabilization (floor), shoring and stabilization (wall), breaching techniques, and heavy object lift and move). After completing these courses the TF-3 members will have received technician-level training. TF-3 members are then required to complete a minimum of two core courses, one ten-hour skills maintenance course, and ten hours of on-line courses annually.

TF-3 slide show, at Exhibit 9278.

TF-3 Training History, at Exhibit 7664.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 23970 to 23986.

Transcript from the Examination of Tony Comella, dated September 6, 2013, at page 24413 (lines 11 to 14).

34. Over and above this training, TF-3 offers its members complementary training courses, which allow the members to experience training in different skill sets. TF-3 has offered over 660 training opportunities to its members since the team's inception in 1999.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 23974 to 23976, and 23941 (lines 8 to 21).

35. In order to train its members, TF-3 has created training facilities with obstacles designed to simulate the various NFPA 1670 disciplines, and to allow for the testing of the NFPA-required skill sets.

Transcript from the Examination of Tony Comella, dated September 6, 2013, at pages 24005 to 24006.

36. Above and beyond the TF-3 training, members can participate in semi-annual provincial and federal exercises, where the members can train with the other Canadian task force teams and provincial teams such as the OPP UCRT team.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24454 to 24456.

37. In addition to their TF-3 training, all TF-3 members receive extensive experience and training through their home agencies, much of which predates these members joining TF-3.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 23891 to 23899.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24447 to 24453.

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at pages 25178 to 25207.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at pages 25705 to 25707.

Transcript from the Examination of Scott Fowlds, dated September 19, 2013, at pages 26283 to 26298.

Transcript from the Examination of Chuck Guy, dated September 19, 2013, at pages 27039 to 27045, and 27048 to 27050.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27164 to 27170.

Transcript from the Examination of Don Sorel, dated October 1, 2013, at pages 27533 to 27543.

Transcript from the Examination of Phil Glavin, dated October 1, 2013, at pages 27633 to 27642.

TF-3 Training History, at Exhibit 7664.

38. With the exception of the TF-3 Task Force Commanders, who do not work in the hot zone, a TF-3 member must have taken the introduction course, the level 1 operational structural collapse course, and at least one core skills course, to be deployed.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 23985 to 23986.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24337 to 24339.

2. TF-3 Deployment

i. MOU Between the Province and Toronto

39. It is Toronto's position that TF-3 met the requirements of the MOU in its deployment to Elliot Lake.

40. While the MOU refers to operating guidelines, at the time of the Elliot Lake deployment TF-3 did not have any standard operating guidelines. A national operating guideline which would be used by all of the national task force teams was in draft form, but had not been completed.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 23994 to 23996 and 24015 (line 7) to 24016 (line 12).

41. The MOU requires that the continued ability of the City of Toronto to provide protection to its citizens be considered when TF-3 is deployed. A TF-3 deployment cannot leave the City of Toronto vulnerable.

TF-3 MOU, Exhibit 768 at p. 003.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 23989 to 24001.

ii. Process of TF-3's Deployment to Elliot Lake

42. On June 23, at 3:30 p.m., Captain Tony Comella of TF-3 received a call from TFS Division Fire Chief Doug Silver, advising that TF-3 may be called upon by the Ontario Fire Marshal ("OFM") to deploy to Elliot Lake to assist in the response to the Algo Centre Mall collapse. Division Chief Silver confirmed that TF-3 would be deploying at 4:04 p.m. on June 23.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 24058 (line 2) to 20459 (line 13).

43. While TF-3 has previously deployed for recovery missions on six occasions, the deployment to Elliot Lake was TF-3's first deployment where there were believed to be potentially-viable victims.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 23834 to 23839.

44. At the time TF-3 was deployed, twenty to thirty of TF-3's members were involved in training in the Rouge Valley, near Toronto. Of the members who participated in the training, only three to five were unable to attend at Elliot Lake.

Transcript from the Examination of Chuck Guy, dated September 19, 2013, at pages 27053 (lines 9 to 17), and 27055 (line 7) to 27056 (line 14).

45. Because the members involved in the training were spread over a large forested area, it took until 4:50 p.m. on June 23 for TF-3 to safely shut down the training exercise and leave Rouge Valley.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at page 27184 (lines 15 to 21).

46. Captain Martin McRae was involved in the training. At 5:05 p.m. on June 23, shortly after the training exercise had been shut down, Captain McRae began arranging for three drivers for the tractor trailers that are used to transport TF-3's equipment cache. Only one driver could be immediately sourced through TFS, and as a result two drivers were sourced from Toronto Water at 5:17 p.m. on June 23.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27184 (lines 1 to 13) and 27187 (line 2) to 27189 (line 8).

47. TF-3 does not have the funding necessary to purchase its own tractors, so tractors have to be sourced and rented to bring the TF-3 equipment cache to a deployment. Sourcing can take time, depending on the availability of the tractors from the preferred vendors. For Elliot Lake the tractors were sourced from Mississauga and obtained using a police escort.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 24070 (line 13) to 24071 (line 15).

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27183 (lines 19 to 25) and 27189 (lines 9 to 17).

48. Once deployment was confirmed the TPS Public Order Unit facility was assigned as the muster point, and the team members were called to request that they deploy.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at page 24059 (lines 6 to 10).

49. The call-outs for TFS members were performed manually by Captain McRae, on a seniority basis, as is required by the TFS members' union. TFS had planned to implement a

system whereby automatic calls, emails, and texts would be placed to the TFS TF-3 members' cell phones, however due to federal cutbacks this cost was removed from the TF-3's purchasing budget.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27202 to 271205.

50. The TPS Public Order Unit facility was chosen as the muster point because it could accommodate the parking of member vehicles in a secure parking lot, and because it could accommodate the tasks that needed to be performed before deployment.

Transcript from the Examination of Chuck Guy, dated September 19, 2013, at pages 27058 to 27060.

51. Once the TF-3 team members arrived at the muster point they were given a physical to ensure they were fit to deploy, and assigned their kit bags. The physicals are important to ensure that the entire team is healthy, so that an unhealthy member cannot compromise the rest of the team. Once these tasks were completed the team members were briefed on the operation.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 24060 to 24063.

Transcript from the Examination of Chuck Guy, dated September 19, 2013, at pages 27060 to 27063.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27195 to 27196.

52. While the majority of the team members were being prepared for deployment at the muster point, other team members were preparing the equipment cache for deployment and transporting the kit bags and team bus from the home of operations to the muster point.

Transcript from the Examination of Chuck Guy, dated September 19, 2013, at pages 27056 to 27057.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27189 to 27193.

53. Three tractor trailers of equipment and thirty-six TF-3 members were deployed to Elliot Lake. The team left for Elliot Lake at 9:35 p.m. on June 23 and arrived at 4:18 a.m. on June 24. The TF-3 convoy was escorted to Elliot Lake by marked TPS police vehicles.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 24066 and 24072.

Transcript from the Examination of Phil Glavin, dated October 1, 2013, at pages 27647 to 27648.

Captain Comella's TF-3 Timeline, Exhibit 6393, at pp. 1 and 2.

iii. Number of TF-3 Members Deployed

54. The number of members that TF-3 will deploy is discussed with the province. In this case, the OFM requested that a core contingent of members deploy as soon as possible.

June 23, 2012 at 4:25 p.m. Email from Ms. Chambers, at Exhibit 6340

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 24059 to 24060.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27196 to 27200.

55. At 7:28 p.m. on June 23 Staff Inspector Bill Neadles of TF-3 emailed Carol-Lyn Chambers of the OFM to advise that TF-3 had thirty-four members available to deploy at that time. A full TF-3 deployment is eighty-four members. Ms. Chambers responded by email at 7:37 p.m. on June 23 to request that TF-3 deploy with all available members, rather than wait for a larger deployment and delay the response.

Emails between Staff Inspector Neadles and Ms. Chambers, at Exhibit 6500.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at page 23929 (lines 24 and 25).

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at pages 25258 to 25260.

Transcript from the Examination of Dan Hefkey, dated October 8, 2013, at pages 28838 to 28839.

56. The number of members that can deploy is also affected by the number of members who respond to the call-out and the number of members who have the required minimum training. For Elliot Lake all TF-3 members who responded to the call-out were deployed.

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at pages 25247 and 25260.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 24059 to 24060.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27196 to 27200.

57. Because the collapse occurred while TF-3 was training, the TF-3 training cadre, which Staff Inspector Neadles described as "the absolute best of the best", deployed to Elliot Lake. In total, the following nine current or former TF-3 trainers were deployed: Captain Tony Comella, Commander Michael McCallion, Sergeant Phil Glavin, Captain Chuck Guy, Captain Martin McRae, Advanced Care Paramedic Brian Ogawa, Captain Chris Rowland, Don Sorel, and Firefighter Todd Tsukamoto.

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at page 25249 (lines 3 to 17).

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24334 to 24336.

58. Also among the TF-3 members that deployed were:

- a. Sergeant Scott Fowlds and his search and rescue dog, Ranger;
- b. Dr. Michael Feldman, and later Dr. Mark Freedman, of Sunnybrook Hospital in Toronto; and
- c. James Cranford, who is a structural engineer with Stephenson Engineering.

iv. Time for TF-3 Deployment

59. TF-3's mandate in the MOU is to deploy within six hours. It is therefore expected that it will take six hours from the time TF-3 receives the call to deploy to the time TF-3 is stood-up and ready to deploy. As set out below, TF-3 met this mandate by deploying in under six hours.

Transcript from the Examination of Dan Hefkey, dated August 9, 2013, at page 20369 (lines 1 and 2).

Transcript from the Examination of Carol-Lyn Chambers, dated September 18, 2013, at page 26094 (lines 8 to 11).

60. In an emergency the local municipality is the first line of defence. While TF-3 is deploying, the municipality's emergency services will assist the community and work to manage

the emergency.

Transcript from the Examination of Dan Hefkey, dated August 8, 2013, at page 20090 (lines 2 to 11).

61. In many circumstances where TF-3 is deployed, including the Elliot Lake response, the UCRT team will also deploy. UCRT has similar training to TF-3, but is a quicker and lighter team that is intended to deploy to emergencies faster, before the larger TF-3 team arrives.

Transcript from the Examination of Dan Hefkey, dated August 8, 2013, at page 20220 (lines 15 to 24).

Transcript from the Examination of Dan Hefkey, dated August 9, 2013, at page 20369 (lines 13 to 25).

Transcript from the Examination of Patrick Waddick, dated August 23, 2013, at pages 21967 to 21968.

Transcript from the Examination of Robert Bruce, dated August 23, 2013, at page 22189 (lines 3 to 18).

Transcript from the Examination of Tony Comella, dated September 4, 2013, at page 24068 (lines 5 to 16).

62. The tasks UCRT performs at an emergency are complementary to those TF-3 will perform once they arrive. It is expected that when UCRT arrives they will provide information to TF-3 while TF-3 is in the process of deploying.

Transcript from the Examination of Dan Hefkey, dated August 9, 2013, at pages 20369 and 20370.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 24068 to 24070.

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at page 25254 (lines 6 to 16).

63. In Elliot Lake the lighter UCRT team arrived first, and Sergeant Jamie Gillespie of UCRT sent photographs of the scene to TF-3. Sergeant Gillespie also spoke with Captain Comella two or three times prior to TF-3 arriving in Elliot Lake. Sergeant Gillespie discussed with Captain Comella logistical issues and what UCRT's initial response would be.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23539 to 23542.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 24072 to 24078.

64. The OFM was also involved in providing information to TF-3. Ms. Chambers provided Staff Inspector Neadles with photographs while TF-3 was on route. Staff Inspector Neadles

shared information he received with Commander McCallion and Captain Comella. The size and type of debris that would need to be dealt with in the rescue were clear to Commander McCallion from the photographs he saw.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24475 to 24477.

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at page 25271 (lines 15 to 25).

3. Incident Command

65. Fire Chief Paul Officer of the Elliot Lake Fire Department (the "ELFD") was the Incident Commander for the response to the mall collapse. Even after UCRT and TF-3 arrived, Incident Command remained with the ELFD. However, once TF-3 arrived Chief Officer transferred control of the rescue portion of the response to Staff Inspector Neadles.

Transcript from the Examination of John Thomas, dated August 15, 2013, at pages 21082 to 21083, 21098, 21163 to 21164, and 21205 to 21207.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at pages 25769 to 25770.

Transcript from the Examination of Paul Officer, dated August 21, 2013, at pages 21672 to 21673, 21678, and 21687 to 21688.

Transcript from the Examination of Paul Officer, dated August 22, 2013, at page 21937 (lines 16 to 23).

66. After control of the rescue portion of the incident was assigned to TF-3, TF-3 provided Incident Command with regular updates on the status and conduct of the rescue. When Staff Inspector Neadles and Chief Officer were off shift, other members of TF-3 would update the ELFD member who was serving as Incident Commander at that time.

Transcript from the Examination of Paul Officer, dated August 21, 2013, at pages 21678 to 21679 and 21687 to 21688.

Transcript from the Examination of John Thomas, dated August 20, 2013, at pages 21119 to 21121 and 21205 to 21207.

67. The ELFD also continued to play important roles in the rescue, including assisting with logistics and performing accountability duties to keep track of which rescuers were in the hot

zone and where in the hot zone each rescuer was.

Transcript from the Examination of Paul Officer, dated August 21, 2013, at pages 21687 to 21688.

Transcript from the Examination of John Thomas, dated August 15, 2013, at pages 21092 to 21093.

Transcript from the Examination of John Thomas, dated August 20, 2013, at pages 21123 to 21124.

68. Don Jones of the Ministry of Labour (the "MOL") provided evidence that he thought the members of Command were all capable and dedicated, and that they worked cooperatively and professionally.

Transcript from the Examination of Don Jones, dated September 26, 2013, at page 27469 (lines 4 to 12).

4. Compliance with the Incident Management System (IMS)

69. It is Toronto's position that TF-3 complied with all aspects of the Incident Management System ("IMS") that it could in the circumstances, given the nature of the incident and the resources and members that were able to be deployed by UCRT and TF-3.

i. IMS Is Voluntary and Scalable

70. While TF-3 uses IMS, IMS is a voluntary system that is not required to be followed. IMS is intended to be a template to manage an emergency. IMS is scalable and responders can choose what parts of the IMS system to follow in a given situation.

Incident Management System for Ontario, Exhibit 887.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 24019 (lines 21 to 23) and 24027 (lines 9 to 13).

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24461 to 24462.

Transcript from the Examination of Dan Hefkey, dated August 8, 2013, at pages 20242 (lines 1 to 7) and 20249 (lines 12 to 18).

Transcript from the Examination of Dan Hefkey, dated August 9, 2013, at page 20351 (lines 3 to 14).

71. In IMS the first and foremost responsibility of Incident Command is the safety of the

responders. Incident Command's priority is to make sure the team gets home safe. There will therefore be circumstances where the collapse site is too dangerous to permit rescuers to enter.

Transcript from the Examination of Dan Hefkey, dated August 8, 2013, at page 20267 (lines 20 to 25).

Transcript from the Examination of Coby Duerr, dated August 15, 2013, at pages 20857 (lines 6 to 12), 20937 (lines 1 to 16), and 20938 (lines 2 to 6).

72. Unfortunately, whether a rescue can be continued involves a risk / benefit calculation. Command must assess whether the risk to the rescuers could cause more harm than good.

Transcript from the Examination of Paul Officer, dated August 21, 2013, at pages 21531 to 21533.

Transcript from the Examination of Coby Duerr, dated August 15, 2013, at pages 20936 (line 18) to 20937 (line 16).

ii. IMS Core Activities

73. IMS contains five core activities: i. command, ii. operations, iii. logistics, iii. planning and, iv. administration and finance. Ideally, each of these activities would be assigned a single lead, however IMS does not require this and these activities can be performed with rescuers occupying multiple roles.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at page 24462 (lines 1 to 7).

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at pages 25215 (lines 9 to 23).

74. The TF-3 Task Force Commanders have provided evidence that in Elliot Lake the core activities were filled within the rescue section as follows:

- a. Command: Commander Michael McCallion and Staff Inspector Neadles were the Task Force Commanders for the rescue activities (referred to herein as "Command" or "Task Force Command"). Chief Officer was Incident Commander, and was in command of the overall incident.
- b. Operations: Captain Comella.

- c. Logistics: Captain McRae.
- d. Planning: the aspects of the role were filled by various members of the rescue, as discussed below.
- e. Administration and finance: the role was not required to be filled in Elliot Lake.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24462 to 24465.

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at pages 25215 and 25228.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 23923 to 23928.

75. In order to serve as a Task Force Commander, the TF-3 member must also have a command position with his home agency.

76. Staff Inspector Neadles is a Unit Commander of TPS' Public Safety and Emergency Management Unit. The Public Safety and Emergency Management Unit responds to unplanned large-scale events in Toronto. Staff Inspector Neadles also oversees five Incident Management Teams, which respond to planned large scale events in Toronto.

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at pages 25178 to 25183.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at pages 25704 to 25705.

77. Staff Inspector Neadles has been a member of TPS since 1976. Staff Inspector Neadles became involved in TF-3 in 2000, around the time the team started, and currently serves as one of four TF-3 Task Force Commanders.

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at pages 25178 (lines 8 to 16) and 25188 to 25192.

78. Commander McCallion oversees EMS' Public Safety Unit and is Commander of EMS' district 5, which includes EMS' special operations section.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24450 to 24449 and 24681 to 24683.

79. Commander McCallion has been with EMS since 1983, save for three months in 1989 when he served as an air traffic controller. Commander McCallion joined TF-3 in 2003 or 2004. He currently serves as one of the four TF-3 Task Force Commanders, and was previously a TF-3 instructor.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24444 to 24449.

80. Captain Tony Comella and Captain Martin McRae took on the operations and logistics roles, respectively, because those are their full-time jobs with TF-3.

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at page 25250 (lines 4 to 20).

81. Captain Comella has been with TFS since 1987 and has been with TF-3 since its inception in 1999. Captain Comella has been the full-time TF-3 team coordinator since 2004. Prior to becoming TF-3's team coordinator, Captain Comella was a firefighter working on the heavy rescue squad. Captain Comella is one of only two Canadians on the NFPA 1006 Committee, which is responsible for setting the NFPA 1006 standards.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 23891 (lines 8 to 23) and 23893 (lines 7 to 25).

Transcript from the Examination of Tony Comella, dated September 6, 2013, at page 24412 (lines 11 to 20).

82. Captain McRae has been a member of TFS for 29 years, and has been a member of TF-3 since 2003. Captain McRae serves as a trainer for both TF-3 and TFS (in particular with respect to rescue training for the TFS heavy rescue trucks).

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27164 to 27165, and 27167 (lines 13 to 18).

83. At one point during his examination, Captain Comella was taken to a document wherein he was referred to as "rescue manager", which is an older term not used in IMS. Occasionally members of the rescue also used the term "incident commander" when referring to roles such as Task Force Commander or other titles intended to reflect command over aspects of the incident.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at page 24051.

84. Members of TF-3's leadership also referred to themselves as participating in different functions of the command structure. The Commission heard evidence that the members of TF-3 leadership "wore multi-hats" by participating in multiple IMS roles, as the situation required. Due to the shortfall of rescuers that were able to perform the core IMS (leadership) roles, these roles at times became a joint effort.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27211 to 27212.

85. Toronto submits that the fact that rescuers may have referred to their positions using terms not found in IMS, or may have assisted in more than one IMS core function, does not mean the rescuers were not in fact following IMS. Ms. Chambers gave evidence that the IMS system was complied with by TF-3, UCRT, and ELFD.

Transcript from the Examination of Carol-Lyn Chambers, dated September 18, 2013, at pages 26211 to 26212.

86. In an email exchange with Staff Inspector Neadles, Mr. Sorel referred to "fundamental errors made by our team on the ground." On examination, Mr. Sorel described the "fundamental errors" as not relating to the command or tactics used in the rescue, but rather to the fact that:

- a. TF-3 did not bring its camp and food to Elliot Lake; and,
- b. civilians attended on site to bring food and water.

Email exchange, at Exhibit 7555.

Transcript from the Examination of Don Sorel, dated October 1, 2013, at pages 27600 to 27607 and 27611 to 27613.

87. Since TF-3 trains using its own camp and food, it was Mr. Sorel's position that TF-3 should also deploy in this manner. Mr. Sorel was concerned that civilian food, if prepared improperly, could make an entire rescue squad ill. Mr. Sorel further stated that it is easier to manage a rescue if the rescuers remain on site in the camp. However, there is no evidence that

these concerns had any negative effect on the deployment in Elliot Lake.

Transcript from the Examination of Don Sorel, dated October 1, 2013, at pages 27603 and 27612 to 27613.

88. At the time Mr. Sorel sent his email, he was not aware that the OFM had requested that TF-3 deploy without its camp.

Transcript from the Examination of Don Sorel, dated October 1, 2013, at pages 27602 to 27603.

89. Commissioner Hefkey provided evidence as to how IMS would be expected to work "in a perfect world." However, operations such as the one that took place in Elliot Lake rarely happen in a perfect world.

90. It is respectfully submitted that TF-3 leadership acted reasonably and appropriately in implementing IMS in the manner they did, in the circumstances of the Elliot Lake response.

5. Planning

91. It is Toronto's position that TF-3 performed the planning aspects of the rescue in a reasonable and effective manner, particularly given the inability of certain members of UCRT and TF-3 to deploy to Elliot Lake.

i. IMS Recommendations

92. While IMS is not mandatory and is scalable, IMS recommends that a planning section be established and that a Planning Chief document the incident action plan (the "IAP"). However, a full-time Planning Chief is not required by IMS, and members can be field-promoted into planning roles.

Incident Management System for Ontario, at Exhibit 887, p. ending 040.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 24048 to 24049.

93. At the time of the Elliot Lake deployment, Division Chief Silver was the only TF-3 member with formal planning training. Division Chief Silver was unable to deploy to Elliot

Lake because he was involved in the federal emergency service funding meetings that were occurring in Ottawa.

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at pages 25215 to 25219.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at page 25669 (lines 8 to 22).

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27201 to 271202.

94. TF-3 wanted to send more of its members for formal planning training earlier, and was involved in discussions with the other national teams about instituting a common planning course. However, the planning course could not be implemented as a result of the then-approaching reduction in national emergency funding, as is discussed in greater detail below.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at page 27175 (lines 10 to 24).

ii. UCRT's Inability to Contribute to Command

95. Like TF-3, UCRT deployed to Elliot Lake with a partial team. A full UCRT deployment would have involved twenty-eight members, but including the paramedics only eleven UCRT members were able to deploy to Elliot Lake. Deploying twenty-eight members would have permitted UCRT to operate on a twenty-four-hour cycle.

Transcript from the Examination of Patrick Waddick, dated August 23, 2013, at pages 22070 to 22071.

Transcript from the Examination of Robert Bruce, dated August 23, 2013, at pages 22115 to 22116.

96. OPP Chief Superintendent Robert Bruce gave evidence that UCRT should have deployed a staff sergeant to Elliot Lake, and that UCRT let Sergeant Gillespie down by not providing him with the appropriate command structure.

Transcript from the Examination of Robert Bruce, dated August 23, 2013, at pages 2211547 to 22148 and 22150 (lines 3 to 9).

97. Chief Superintendent Bruce acknowledged that UCRT was not able to support Incident Command as well as they could have. Sergeant Gillespie gave evidence that UCRT could not

provide any members to form part of Command during the day shift. When UCRT was on scene during the night shift, Sergeant Gillespie had to decide whether to form part of Command or to remain with his team. Sergeant Gillespie made the decision to stay with the UCRT team.

Transcript from the Examination of Robert Bruce, dated August 23, 2013, at page 22150 (lines 16 to 24).

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23587 to 23588.

98. Commander McCallion and Staff Inspector Neadles gave evidence that they expected UCRT would form part of Command. Had UCRT been able to provide members to form part of Command, these members would have been capable of performing a role in planning.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24505 to 24506 and 24594 (lines 1 to 10).

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at pages 25296 (lines 15 to 23) and 25306 (lines 3 to 6).

Transcript from the Examination of Carol-Lyn Chambers, dated September 18, 2013, at pages 26248 (lines 4 to 23) and 26249 (lines 11 to 20).

99. Not having a UCRT presence in Command put more pressure on TF-3 to occupy all of the rescue leadership positions, including planning. Staff Inspector Neadles gave evidence that had Sergeant Gillespie and Staff Sergeant Jim Bock (who did not deploy with UCRT) been able to form part of Command they would have had large roles in Command, which would have taken pressure off TF-3 to fill all of the IMS roles.

Transcript from the Examination of Carol-Lyn Chambers, dated September 18, 2013, at pages 26248 (lines 4 to 23) and 26249 (lines 11 to 20).

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at pages 25747 to 25748, and 25815 (lines 1 to 18).

iii. Planning Section

100. Commander McCallion and Staff Inspector Neadles discussed the impact the number of rescuers would have on planning, and sought to address any shortfall by having themselves, Captain Comella, and Captain McRae jointly form the planning section. This planning section

also requested and accepted planning advice from other members of the rescue, including the engineers.

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at pages 25219 (lines 4 to 17) and 25253 (lines 8 to 21).

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 24026 to 24027 and 24051 (lines 7 to 19).

101. Captain Comella's role in planning was to continuously evaluate the scene with other members of the rescue such as Sergeant Gillespie, Roger Jeffreys (the MOL engineer), and Mr. Cranford, and then make proposals to Staff Inspector Neadles and Commander McCallion. Captain McRae played only a small role in planning, when the situation called for it.

Transcript from the Examination of Tony Comella, dated September 6, 2013, at pages 24430 to 24432.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27210 to 271212.

102. Captain Comella's proposals were just a part of the overall IAP that the Task Force Commanders were implementing. Captain Comella's proposals had to be combined with the information that was coming into the Command post, and evaluated to ensure they complied with the rest of the overall IAP. When approved, Captain Comella's proposals would become part of the IAP and put into action.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at page 23578 (lines 13 to 18).

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 24026 to 24027, 24032 to 24034, and 24048 (lines 4 to 21).

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24131 (lines 11 to 21) and 24333 (lines 15 to 22).

Transcript from the Examination of Tony Comella, dated September 6, 2013, at pages 24430 to 24432.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24482 to 24483.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27212 to 27213.

iv. Role of the Engineers and Doctor

103. The Engineers who were in Elliot Lake and Dr. Feldman also played important roles in planning.

104. The role of TF-3's embedded engineer is set out in the TF-3 Engineer Team Description document. While this document was not in existence at the time of the Elliot Lake deployment, it accurately sets out James Cranford's role in the rescue.

TF-3 Engineer Team Description, at Exhibit 245.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 24035 to 24036.

105. TF-3's engineers act in an advisory capacity only. However, they are expected to monitor changes in the structure and assist TF-3 in understanding the building and offering expertise that assists TF-3 in planning the rescue.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 24036 to 24040.

106. In Elliot Lake Mr. Cranford would offer advice and answer the questions posed to him about the stresses on the buildings. Mr. Cranford identified what areas of the building he considered to be more safe and those he considered to be less safe, and what elements of the building may have better survived the collapse.

Transcript from the Examination of James Cranford, dated September 9, 2013, at pages 24727 to 24728.

107. Mr. Cranford's role as TF-3's embedded engineer also included assisting in designing shoring and performing calculations with respect to the structure.

Transcript from the Examination of Roger Jeffreys, dated October 3, 2013, at pages 28094 to 28096.

108. TF-3 also utilized the MOL engineers, and primarily Roger Jeffreys, to assist with planning the rescue. Mr. Jeffreys and Mr. Cranford formed part of the "evaluation team" or "engineering team" with Captain Comella, and would offer advice as they toured the building. This advice was used by Captain Comella in making proposals to Command.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 24085 (line 18) to 24086 (line 19).

Transcript from the Examination of James Cranford, dated September 9, 2013, at page 24733 (lines 12 to 22).

109. Sergeant Gillespie was also frequently involved in these planning discussions, particularly when TF-3 first arrived and when the rescuers were removed from the building, as discussed below.

110. Mr. Jeffreys did not give advice on how to perform the steps in the rescue. However, he did advise as to the risks involved in certain areas of the structure.

Transcript from the Examination of Roger Jeffreys, dated October 3, 2013, at pages 28066 to 28067.

111. Mr. Jeffreys and Mr. Cranford primarily provided their advice to Captain Comella. This is not contrary to the IMS doctrine. The expectation was that Captain Comella would then pass the engineers' information up the chain of command.

Transcript from the Examination of Dan Hefkey, dated October 8, 2013, at pages 28722 to 28723.

112. Dr. Feldman's role in planning the rescue was to provide medical intelligence that may be of use in planning the rescue, based on his training as a disaster medical specialist and his experience as an emergency physician.

Transcript from the Examination of Dr. Michael Feldman, dated September 18, 2013, at page 26031 (lines 1 to 11).

113. Dr. Feldman also performed an information-gathering role, to determine the local medical capabilities and gather medical information for the suspected victims. Dr. Feldman reported to Commander McCallion, and attended team briefings so he could remain current on the status of the rescue.

Transcript from the Examination of Dr. Michael Feldman, dated September 18, 2013, at pages 26016 (lines 6 to 9), and 26022 to 26023.

114. It is submitted that in the circumstances, without a formally-trained Planning Chief available from either TF-3 or UCRT, the Task Force Commanders took the reasonable and

appropriate approach of planning by committee, and utilizing the available resources in a reasonable and appropriate manner.

6. The Incident Action Plan

115. It is Toronto's position that in the circumstances of the Algo Centre Mall collapse TF-3 designed and implemented a reasonable and effective IAP. The plan was proceeding as anticipated until the shifting of the escalator, which the rescuers were not able to prevent or mitigate.

i. Form of the Incident Action Plan

116. IMS does not require that an IAP be in writing. An IAP can be delivered verbally, in writing, or through a combination of both.

Transcript from the Examination of Dan Hefkey, dated August 8, 2013, at pages 20276 (lines 8 to 11) and 20288 (lines 6 to 19).

Transcript from the Examination of Dan Hefkey, dated August 9, 2013, at pages 20352 to 20354.

117. The IMS forms are intended to guide rescuers. There is no IMS requirement that forms be used. There will be circumstances where the manpower on site will be better used elsewhere than in completing IMS forms.

Transcript from the Examination of Dan Hefkey, dated August 8, 2013, at page 20269 (lines 20 to 25).

Transcript from the Examination of Dan Hefkey, dated August 9, 2013, at pages 20351 (line 4) to 20352 (line 24).

118. An IAP does not have to be reached through the participation of all members of the planning section. IMS is not meant to be an impediment, and if Command is comfortable initiating a plan without input from all members of the planning section, this is acceptable under IMS.

Transcript from the Examination of Dan Hefkey, dated August 9, 2013, at pages 20354 to 20355.

119. An IAP is intended to keep track of i. the rescue objectives, ii. whether the objectives

have been achieved, and iii. new challenges encountered during the rescue. These intentions were accomplished in part using a white board which listed, i. the tasks, ii. when each task was started, and iii. when each task was completed. As the rescue progressed, new tasks were added to the white board, and completed tasks were identified.

Transcript from the Examination of Dan Hefkey, dated August 8, 2013, at page 20276 (lines 22 to 25).

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24467 (lines 1 to 4) and 24491 (line 20) to 24492 (line 9).

Photographs of the White Boards, at Exhibits 7961 and 7948.

120. The intentions of the IAP were also accomplished through the use of a building floor plan, on which the zones of operations were set out and the anticipated locations of the victims were identified. The floor plan was updated as the rescue progressed.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24468 (line 4) to 24469 (line 4) and 24491 (line 20) to 24492 (line 9).

Floor Plan with Zones Identified, at Exhibit 7946.

121. While Staff Inspector Neadles did appoint a scribe later in the deployment, at the outset Staff Inspector Neadles made the conscious decision to deploy the available manpower to the debris pile, rather than to use a member as his scribe. Staff Inspector Neadles documented the progress of the rescue, and kept the OFM and others current on the status of the rescue, through a series of update emails.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at page 24470 (lines 9 to 11).

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at pages 25236 to 25238.

Transcript from the Examination of Bill Neadles, dated September 11, 2013, at pages 25734 to 25735.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at pages 25741 to 25742.

122. The three other members of the planning section kept notes during the deployment, as did the TF-3 rescue squad leaders, Captain Rowland and Captain Guy. The notes taken by Captains Comella, McRae, Rowland, and Guy were compiled by Captain Comella into a single

spreadsheet, which was marked as Exhibit 6393.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at page 24040 (lines 4 to 19).

Captain Comella's TF-3 Notes Compilation, at Exhibit 6393.

Commander McCallion's notes, at Exhibit 6342.

123. While Toronto takes the position that any lack in note-taking and written planning did not have an impact on the conduct of the rescue, Toronto recognizes the importance of planning documentation and note-taking, and addresses such matters in the recommendations section below.

ii. Details of the Incident Action Plan

124. As is intended, UCRT arrived in Elliot Lake prior to TF-3, and began the initial stages of the rescue. When UCRT members first arrived on site at 8:52 p.m. on June 23, Constable Cox was acting as lead of the UCRT team. The UCRT member who would have otherwise initially taken charge was Sergeant Dolderman, but he was unavailable to attend and Constable Cox was promoted into this position.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at pages 22253 (lines 1 to 22), 22289 (lines 8 to 10), 22290 (lines 9 to 17), and 22343 (lines 10 to 11).

125. Constable Cox's first assessment of the site involved a lowering operation whereby the UCRT members would rappel into the collapse zone from the roof to perform a search of the pile.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at pages 22303 (lines 24 and 25), and 22305 (lines 2 to 5)

126. At 11:30 p.m. on June 23 Sergeant Gillespie arrived on scene and took over as team leader from Constable Cox. Sergeant Gillespie did not pursue the plan to rappel members into the collapse zone because the rescuers would not have an escape route. Sergeant Gillespie gave evidence that he was not comfortable with this plan and believed it to be unsafe. As a result, a

thermal camera and an air monitoring device were lowered into the collapse area.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at page 22296 (lines 14 to 24), 22306 (line 16) to 22307 (line 10), and 22309 (lines 3 to 7).

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23550 (lines 16 to 19), 23550 (line 20) to 23552 (line 16), and 23552 (line 24) to 23553 (line 3).

127. That TF-3 was deploying to Elliot Lake did not factor into UCRT's initial planning. The work that UCRT performed prior to TF-3 arriving involved the "recce" or "size-up" of the scene.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at page 22310 (lines 4 to 15).

128. It does not appear that any work within the building took place prior to TF-3 arriving. While Sergeant Gillespie tasked Constable Chris Collins and Constable Patrick Waddick with tasks relating to shoring at 3:45 a.m. on June 24, the UCRT team was stood down at 4:00 a.m. on June 24.

Jamie Gillespie's Handwritten Notes, Exhibit 6378, at pp. 6 and 7.

129. TF-3 arrived on site at 4:18 a.m. on June 24. At 5:25 a.m. on June 24 Captain Comella met with Captain Thomas, Sergeant Gillespie, Michel Lacroix, and Roger Jeffreys to tour the collapse site and to discuss tactics to create a plan of rescue.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23577 to 23580.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 24085 to 24090.

Transcript from the Examination of Roger Jeffreys, dated October 3, 2013, at pages 28104 to 28105.

Transcript from the Examination of John Thomas, dated August 15, 2013, at pages 21095 to 21096.

Captain Comella's TF-3 Notes Compilation, at Exhibit 6393, at p. 2.

130. Captain Comella wanted to determine the problems the rescuers would be facing, and to formulate a plan to rescue any victims. To accomplish this goal, the initial tour of the building involved a free and open group discussion of the safest approach to the rescue.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 24101 to 24102.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24111 to 24112.

131. During the initial tour, Captain Comella could see clearly down into the collapse zone from the second floor, and was able to see the concrete slab that had fallen onto the escalator, the failed I-beam that was hanging down into the collapse zone, the widow-makers that remained from the collapsed core slabs, and the broken doors on the parking surface which were all hanging over the collapse zone.

Photographs of the top of the escalator area, at Exhibit 7924 at p. 45.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 24093 to 24099 and 24101 (lines 1 to 21).

132. During this tour Captain Comella was also able to see the bowed beam under the escalator area, which was only slightly bowed at that time (and not as bowed as it appears in the photograph as Exhibit 6227, page 29, which Captain Comella described as "extremely bowed"). The possibility of shoring of this beam was discussed at this time.

Photograph of the bowed beam, Exhibit 6227, p. 29.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 24099 to 24100.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24112 to 24113.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23578 to 23580.

133. Initially the rescuers were not able to determine why the collapse had occurred. The collapse was unusual because it occurred in the middle of the building, with the remainder of the building still standing. There was no visible mechanism of the cause of collapse, which caused concerns for the safety of the rest of the building and the risk of a secondary collapse.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 24100 to 24101.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27274 to 27275.

134. The initial plan that was proposed to Task Force Command was reached through discussions between Captain Comella, Sergeant Gillespie, Mr. Cranford, and Mr. Jeffreys. The

planning took place in the UCRT van and included the engineers considering certain architectural plans for the building. Captain Comella and Sergeant Gillespie were in agreement as to the options that were recommended to Task Force Command.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24112 (lines 3 to 16) and 24115 (lines 19 to 22).

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24121 to 24128.

Transcript from the Examination of Roger Jeffreys, dated October 3, 2013, at pages 28102 to 28103.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at page 23580 (lines 2 to 9).

135. The initial plan was proposed orally by Captain Comella to Staff Inspector Neadles on June 24 at 6:10 a.m. Once approved by Staff Inspector Neadles, the proposed plan became the initial IAP. Staff Inspector Neadles instructed Captain Comella to implement the plan on June 24 at 6:15 a.m. Mr. Jeffreys and Mr. Cranford were present at this de-briefing. The initial IAP is recorded in Captain Comella's notes in the June 24, 6:00 a.m. entry, although these notes were created after the meeting between Captain Comella and Staff Inspector Neadles.

Captain Comella's TF-3 Notes Compilation, Exhibit 6393, p. 2.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at page 24132 to 24133 and 24137 (lines 3 to 7).

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at pages 25280 to 25284.

136. The IAP was implemented using rescue squads working on 12-hour cycles. At 6:16 a.m. on June 24 Captain Comella requested that Captain McRae split the TF-3 team into day and night shifts. The staging for the operations in the building began at 6:16 a.m. on June 24. At 8:20 a.m. on June 24 the TF-3 day shift team began its rescue operations.

Captain Comella's TF-3 Notes Compilation, at Exhibit 6393, at p. 2.

137. Captain Guy was field-promoted to be the rescue squad leader for the TF-3 day shift and Captain Rowland was field-promoted to be the rescue squad leader for TF-3's night shift.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 23922 to 23923.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at page 24144 (lines 20 to 21).

Transcript from the Examination of Chuck Guy, dated September 24, 2013, at page 27047 (lines 12 to 13).

138. Captain Guy has been with TFS for 24 years and joined TF-3 in 2001. In addition to his role as a TF-3 trainer, Captain Guy is a member and trainer of TFS' auto extrication team and has been a technical rescue instructor for TFS for 15 years. Captain Guy was previously field-promoted to Rescue Squad Leader in the TF-3 response to the Goderich hurricane.

Transcript from the Examination of Chuck Guy, dated September 24, 2013, at pages 27038 to 27042, and 27047 (lines 10 to 13).

139. Captain Rowland was not called as a witness to the Inquiry, and he has not provided evidence as to his qualifications. However, the significant level of training that Captain Rowland has received through TF-3 can be seen in the TF-3 training history document. Captain Rowland's training history references his involvement in 204 training opportunities between 2004 and 2012.

TF-3 Training History, at Exhibit 7664, at pp. 39 to 43.

140. Due to the size of their deployment, UCRT was only able to supply one shift to the rescue, and UCRT fell under TF-3's command as an operations section. Sergeant Gillespie was in charge of the UCRT team, reporting to Commander McCallion and Staff Inspector Neadles.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23586 to 23588, 23592 to 23593 and 23597 (lines 2 to 8).

Transcript from the Examination of Jamie Gillespie, dated September 4, 2013, at pages 23859 to 23860.

141. The overarching theme of the initial plan was to start at safe ground and work towards the debris pile. A building collapse rescue is not something that can be performed quickly. There are procedures that must be followed and the rescuers have to proceed from good ground to bad ground in order to protect the workers.

Transcript from the Examination of Paul Officer, dated August 21, 2013, at page 21607 (lines 13 to 19).

142. The "evaluation team" determined that the north entrance was the most stable part of the building, and that the rescuers would approach the debris pile through shoring the hotel lobby area. Through shoring the rescuers would be able to stabilize a path into and out of the collapse zone, stabilize the remaining structure (both to protect the rescuers and any viable victims from further collapse), and provide a warning of further collapse through the sounds of the wood shores breaking. In the event of a further collapse, the rescuers would also be able to use the shores as protection from falling debris.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23578 to 23580.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at page 24113 to 24115.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24486 to 24487.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27218 to 271219, and 27276 to 27277.

Transcript from the Examination of Phil Glavin, dated October 1, 2013, at pages 27684 to 27685.

Transcript from the Examination of Roger Jeffreys, dated October 3, 2013, at pages 28101 to 28102.

143. Once the rescuers were able to access the debris pile through the stabilized path they could begin the controlled movement of the debris pile to get to the victims, through what is known as "tunnelling." In the rescue world "tunnelling" refers to the systematic removal of debris, using methods such as, i. lifting debris to go underneath it, ii. lifting debris out of the way, iii. cutting and removing debris, and iv. stabilizing debris using shoring. The object of "tunnelling" is: i. to gain complete control of anything within a debris pile that can move, ii. to stop secondary movement, and iii. to allow the rescuers to move safely through the debris pile to get to any victims. "Tunnelling" in the rescue world is not meant as the literal meaning of tunnelling, such as digging under the collapse zone.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24115 to 24121, 24138 to 24140, and 24347 to 24348.

Transcript from the Examination of Tony Comella, dated September 6, 2013, at pages 24428 to 24429.

144. Through "tunnelling" larger pieces of concrete could be moved using simple machines such as lifting bags, levers, and rollers, and the debris pile could be stabilized to avoid any shift as debris was removed. TF-3 trains moving pieces of concrete that weigh between 5,000 and 16,000 pounds that can be stacked to obtain even greater weights. TF-3 was familiar with concrete the size of the slabs in Elliot Lake, and was trained and capable of moving them manually.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27278 to 27279.

145. By "tunnelling" the rescuers could stabilize the debris pile, and work towards the victims through the void spaces formed in the collapse and in the "tunnelling" process. This method of rescue is what is taught to rescuers across North America in the rescue systems 1 and 2 training, and is the preferred method of technical rescue.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at page 24118 (lines 2 to 16).

Transcript from the Examination of Chuck Guy, dated September 24, 2013, at pages 27150 to 27151.

146. Breaking tools, such as electric breakers and jackhammers, could not be used on the debris pile because these tools apply downward force on the pile, which could cause further harm to anyone trapped below.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at page 23487 to 23488.

147. As the rescuers made their way to the debris pile through shoring and "tunnelling" they would encounter new information, which the members of the planning section would evaluate and implement into the IAP. The rescue process required constant reassessing and analyzing new information as it was received.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24129 to 24130.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at page 27276 (lines 6 to 22).

Transcript from the Examination of Paul Officer, dated August 29, 2013, at pages 23438 to 23439.

148. The IMS system recognizes that emergencies are dynamic and change over time. As Commissioner Hefkey said, "At no point ... do I find that I'm able to go into a situation and really ... predict how it's going to end. In some cases we can't."

Transcript from the Examination of Dan Hefkey, dated August 8, 2013, at pages 20268 (line 23) to 20269 (line 1).

149. Beginning at 10:00 a.m. on June 24 the TF-3 members begin exposing the columns, beams, beams and ceilings in the building.

Captain Comella's TF-3 Notes Compilation, at Exhibit 6393, at p. 3.

150. The initial shoring began at 10:20 a.m., and involved the TF-3 day shift entering through the hotel lobby area and the insertion of two T-spot shores and two raker shores in the areas identified on the zone map as zones 1 to 3. This process also involved the removal of debris to allow for the insertion of the shores and to provide clear access through the area.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24115 (lines 3 to 18) and 24144 (lines 10 to 18).

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24488 to 24489.

Transcript from the Examination of Chuck Guy, dated September 24, 2013, at page 27090 (lines 7 to 23).

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27218 to 271219, 27277 to 27278, and 27279 to 27280.

Captain Comella's TF-3 Notes Compilation, at Exhibit 6393, at p. 3.

Zone Map, at Exhibit 7946.

151. As a result of concerns Mr. Cranford had during a building tour, Captain Guy's team was instructed to install a raker shore in the area where the Pepsi machine was located.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24165 to 24166.

152. During the shoring operation, the rescuers also performed searches and marked the building using FEMA symbols, so the rescuers would know what areas were safe or not, and where victims were believed to be located. As part of the searches, call-outs were performed on

June 24 at 9:40 a.m., 10:05 a.m., and 10:18 a.m. When the members of the search team were not performing searches they assisted with the shoring operation.

Transcript from the Examination of Chuck Guy, dated September 24, 2013, at pages 27090 to 27097.

Transcript from the Examination of Phil Glavin, dated October 1, 2013, at pages 27682 to 27683.

Photographs of search markings, at Exhibit 7936.

Photographs of the shoring, at Exhibit 7938.

Captain Comella's TF-3 Notes Compilation, at Exhibit 6393, at p. 3.

153. During the first TF-3 shift, the Millennium Crane Rentals ("Millennium") crane arrived and was set up. Captain Comella was not initially part of the planning for the crane; however he understood the crane would likely be used to remove the failed I-beam that was hanging over the debris pile (which is what the crane was initially used for).

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24158 and 24175.

154. As discussed above, not all members of the planning group are required by IMS to be part of all aspects of planning. Captain Comella was not initially involved in formulating a plan for the crane because he was examining the building for changes in conditions with Mr. Jeffreys and Mr. Cranford.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24158 (lines 12 to 19), 24164 to 24165, and 24178 to 24179.

155. Once the crane was set up, the priority became to remove the hanging I-beam. The removal of the I-beam began on June 24 at 9:04 p.m. During the removal all other operations within the building were temporarily halted for safety reasons.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at page 24179 (lines 9 to 11) and 24181 to 24184.

156. During the second TF-3 shift, Sergeant Glavin of TF-3 deployed the wolf pack camera through various areas of the debris pile and the surrounding building. The wolf pack camera is a camera located on the end of a bendable rod, which can be pushed into voids or used to look

around walls or debris. The wolf pack camera was deployed both to search for possible victims and to look around obstacles to assist with the planning of future stages of the rescue.

Transcript from the Examination of Phil Glavin, dated October 1, 2013, at pages 27670 to 27680.

157. The shoring in the building continued during the second TF-3 shift. On June 24 at 10:40 p.m., once the shoring in the hotel lobby was substantially completed, Captain Comella, Mr. Jeffreys, and Mr. Cranford discussed shoring to the west of the debris pile in order to gain access to the debris pile. This aspect of the plan was subsequently put into action by Task Force Command. The new areas of shoring are identified as zones 6, 7, and 8 on the zone map.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24184 to 24188.

Transcript from the Examination of Chuck Guy, dated September 24, 2013, at pages 27104 to 27112.

Zone map, at Exhibit 7946.

158. The shoring of zones 6, 7, and 8 would create a safe path for debris management and removal, so the rescuers could remove debris as they moved forward into the collapse zone.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24190 (lines 1 to 18).

159. With this new area of shoring the rescuers were attempting to access the victims through two separate approaches, with the UCRT team also shoring to the east of the debris pile in the areas identified as zones 1 and 2. Having two approaches would allow the rescue to continue if one of the approaches encountered a problem.

Transcript from the Examination of Phil Glavin, dated October 1, 2013, at pages 27680 to 27682, and 27756 to 277587.

Zone map, at Exhibit 7946.

160. At the same time as this shoring was occurring, debris was being removed from the debris pile by the Millennium crane using TF-3 and UCRT riggers. The primary safety officer for the rigging operation was Jamie Gillespie.

Captain Comella's TF-3 Timeline, Exhibit 6393, at p. 6.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23651 to 23652.

161. The rigging operations were stopped twice to rehab the riggers. During these occasions the debris pile was searched using the wolf pack camera, UCRT's LifeLocator, TF-3's search and rescue dog, and UCRT's dual purpose dog.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at page 23663 to 23664 and 23666 to 23667.

162. The rigging operation was halted at 9:38 a.m. on June 25, in order to assess movement in the escalator area. However, rescue operations continued in other areas of the building.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23701 (lines 1 to 6), and 23704(line 10) to 23705 (line 4).

Transcript from the Examination of Paul Officer, dated August 29, 2013, at pages 23443 (line 20) to 23445 (line 8).

163. After the riggers were removed, the plan to "tunnel" into the debris pile from the north side of the collapse was discussed. The expectation was that the rescuers would move material from the debris pile into the empty rooms in zones 7 and 8. The removal could be achieved by lifting and rolling the material using pry bars, fulcrums, and rollers.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23705 to 23707 and 23756 to 23757.

Transcript from the Examination of Chuck Guy, dated September 24, 2013, at pages 27150 to 27151.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at page 27227 (lines 13 to 18).

Diagram of the mall with zones, at Exhibit 7946.

164. If not for the continued movement of the escalator area, the rescuers would have "tunnelled" into the debris pile towards the victims during the June 25 day shift.

Transcript from the Examination of Bill Neadles, dated September 11, 2013, at page 25394 (line 23) to 25395 (line 9).

165. The rescuers who were still working in the building were removed at 12:05 p.m. on June 25. However, work continued in areas outside the hot zone so the rescue could move forward

once any further plan was devised and Captain Comella continued considering options to move the rescue forward.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24353 to 24355 and 24280 to 24281.

Transcript from the Examination of Tony Comella, dated September 6, 2013, at pages 24392 to 24393.

166. As is discussed in greater detail below, Priestly was first contacted about the possibility of deploying to Elliot Lake to assist in the rescue at approximately 8:00 p.m. on June 25.

167. Through the Priestly operation the rescuers located and uncovered the two victims, Lucie Aylwin and Doloris Perizzolo, on June 27.

iii. Chief Officer's Involvement in the Incident Action Plan

168. When TF-3 arrived on site on the morning of June 24, Chief Officer delegated authority over the rescue portion of the incident to Staff Inspector Neadles and TF-3.

Transcript from the Examination of Paul Officer, dated August 29, 2013, at pages 23439 (lines 8 to 11).

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at pages 25287 to 25288.

169. When TF-3 was implementing the IAP, Staff Inspector Neadles toured the area with Chief Officer and advised him of the plan, including how the rescuers intended to get to the victims.

Transcript from the Examination of Paul Officer, dated August 29, 2013, at pages 23437 (line 18) to 23438 (line 21).

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at page 25291 (lines 9 to 13).

170. As the rescuers moved forward with the IAP, Staff Inspector Neadles kept Chief Officer informed as to the rescue status and strategies. Most of these meetings were performed verbally and face-to-face. Chief Officer described himself and Staff Inspector Neadles as being "pretty much always together."

Transcript from the Examination of Paul Officer, dated August 22, 2013, at page 21746 (lines 19 to 25).

Transcript from the Examination of Paul Officer, dated August 29, 2013, at page 23442 (lines 2 to 25).

171. It was Chief Officer's evidence that he didn't need to know the intimate details of the rescue portion of the incident. Chief Officer wanted to know the general aspects of the rescue, and felt he was getting the information he required.

Transcript from the Examination of Paul Officer, dated August 22, 2013, at pages 21741 (line 20) to 21742 (line 8), and 21928 (lines 2 to 14).

Transcript from the Examination of Paul Officer, dated August 29, 2013, at page 23441 (lines 21 to 23) and 23442 (lines 9 to 21).

172. If Chief Officer was unhappy with any rescue plan, he could have requested that a new plan be developed. When Chief Officer had concerns over a proposed operation, as he did with the Millennium crane operations, he took an active role in obtaining greater details of the operation, and in providing his approval of the operation. Chief Officer was otherwise never given reason to question any of TF-3's planning.

Transcript from the Examination of Paul Officer, dated August 22, 2013, at pages 21749 to 21751.

Transcript from the Examination of Paul Officer, dated August 29, 2013, at page 23441 (lines 6 to 12).

iv. Task Member Briefings of the Incident Action Plan

173. Under IMS, operational debriefings can be conducted by the leaders of the rescue squads that will be performing the task-level aspects of the IAP. IMS does not require that all rescuers know all aspects of the IAP. Each rescuer is only required to know the aspects of the IAP that the particular rescuer is involved in.

Transcript from the Examination of Dan Hefkey, dated August 9, 2013, at page 20356 (lines 8 to 18).

174. Task members are expected to focus on the task they are assigned, not on the bigger picture. The task members do not need to know, and may never know, all the information that is provided to Command.

Transcript from the Examination of Tony Comella, dated September 6, 2013, at pages 24426 (line 11) to 24427 (line 4).

175. Before the first TF-3 shift, TF-3's day shift rescue squad leader, Captain Guy, met with Captain Comella and Mr. Cranford to discuss in detail the tasks for that shift, including the preparatory work that would need to be performed. Captain Guy would not necessarily have been briefed on the entire IAP at this stage, as certain aspects of the IAP were not discoverable until the initial shoring was completed and additional areas of the building could be assessed.

Transcript from the Examination of Chuck Guy, dated September 24, 2013, at pages 27082 to 27089.

176. Before commencing work, the day shift task members were briefed on the team bus regarding the tasks for that shift, including that the team would be setting up cut tables and making entry from the north end of the building to perform shoring work.

Transcript from the Examination of Chuck Guy, dated September 24, 2013, at pages 27078 to 27082.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27214 to 271215.

177. Around the time the first TF-3 shift was completed in the early evening of June 24, Captain Guy had separate meetings with Captain Rowland of TF-3 and Chris Collins of UCRT to brief them on what work had been completed during the first shift, and what work remained to be performed by the night shift.

Transcript from the Examination of Chuck Guy, dated September 24, 2013, at pages 27104 to 27107.

178. When Captain Guy returned for the June 25 day shift he met with Captain Rowland for a briefing on what work had been completed the previous night, and what work would be performed on the day shift.

Transcript from the Examination of Chuck Guy, dated September 24, 2013, at pages 27109 to 27112.

179. The TF-3 rescue squad leaders also met with members of Command before beginning their shifts to exchange information with respect to what had occurred during the previous shift and the objectives for the next shift.

Transcript from the Examination of Chuck Guy, dated September 24, 2013, at page 27115 (lines 17 to 25).

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27217 to 271219.

180. After the meetings with the outgoing TF-3 rescue squad leader and Task Force Command, the incoming TF-3 rescue squad leader provided a briefing for the incoming task members, and set out the tasks for that operational period.

Transcript from the Examination of Phil Glavin, dated October 1, 2013, at pages 27715 to 27716.

181. UCRT's instructions and taskings came from Sergeant Gillespie, who obtained his information and instructions from Staff Inspector Neadles and Commander McCallion. While there was no official Command briefing when UCRT returned to shift on the evening of June 24, Sergeant Gillespie was provided sufficient information to task his team.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at page 23598 (lines 1 to 9).

Transcript from the Examination of Jamie Gillespie, dated September 4, 2013, at pages 23860 to 23861.

Transcript from the Examination of Steve Hulsman, dated August 28, 2013, at page 22939 (lines 5 to 15).

182. Sergeant Gillespie was also provided a TF-3 radio so he could remain in contact with Task Force Command. Sergeant Gillespie could then communicate to the UCRT team their rescue squad instructions.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23598 to 23599.

Transcript from the Examination of Daniel Bailey, dated August 27, 2013, at page 22820 (lines 22 to 24).

Transcript from the Examination of Steve Hulsman, dated August 28, 2013, at page 22939 (lines 9 to 15).

183. Constable Steve Hulsman of UCRT confirmed that UCRT was briefed on the IAP, including that the rescue would need safe entry and exit points, and that the initial IAP involved shoring the interior of the building in order to gain access to the debris pile from the north.

Transcript from the Examination of Steve Hulsman, dated August 28, 2013, at pages 22937 to 22938.

184. While UCRT and TF-3 train with both groups having a presence in Command, UCRT did not have sufficient members to form a permanent part of Command. As a result, Commander McCallion and Staff Inspector Neadles served as Task Force Commanders for the rescue, and Sergeant Gillespie reported to them. Sergeant Gillespie felt that TF-3 was more-than-capable of performing the Command functions.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23599 to 23601.

185. Constables Ryan Cox and Patrick Waddick of UCRT provided evidence that the ELFD, TF-3, and UCRT task members worked and meshed very well together. Constable Cox described the operations on the ground as running smoothly and properly.

Transcript from the Examination of Patrick Waddick, dated August 23, 2013, at page 22046 (lines 11 to 15).

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at page 22434 (lines 4 to 9).

186. Captains John Thomas and Darren Connors of the ELFD described the relationship between TF-3 and the ELFD as being excellent. Neither Captain Thomas nor Captain Connors had any issues with the communications between the ELFD and TF-3.

Transcript from the Examination of John Thomas, dated August 20, 2013, at pages 21166 to 21167.

Transcript from the Examination of Darren Connors, dated August 21, 2013, at page 21468 (lines 24) to 21469 (line 15).

7. Crane Operations

187. It is Toronto's position that while crane operations do not form part of their training or the NFPA standards and guidelines, the crane operations that were performed as part of the rescue were conducted in as safe a manner as the situation allowed. While crane operations are inherently dangerous, and TF-3 does not recommend their use in all rescue operations, the crane was of assistance in Elliot Lake.

i. TF-3 Crane Operation Training

188. NFPA 1670 does not provide for operations using cranes. Crane operations are not part of TF-3's core training and TF-3 does not own any heavy equipment such as cranes. Crane operations are also not part of UCRT's in-house training.

NFPA 1670, at Exhibit 7834.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24211 to 24212.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at page 23497 (lines 12 to 14).

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at pages 25755 to 25760.

189. However, TF-3 provides crane operation awareness level training to its members. The training is performed as part of TF-3's complementary training, and consists of a one day course taught by Mr. Sorel.

Transcript from the Examination of Chuck Guy, dated September 24, 2013, at pages 27075 to 27076.

190. Mr. Sorel, who has extensive rigging experience through his home agency of Toronto Water, was deployed to Elliot Lake. In addition to any members who had taken the complementary crane operation course, all TF-3 trainers who deployed to Elliot Lake also had crane operation training.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at page 24052 (lines 1 to 11).

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24211 (line 19) to 24212 (line 10).

191. Through their training, TF-3 considers crane operations to be a last resort. In crane operations the rescuers lose control and there is an inherent danger that is often not worth the increased speed. Crane operations can cause the collapse zone to become dynamic and potentially lead to further structural collapse. Crane operations can result in further danger to the viability of a victim, and to the rescuers working on or near the debris pile.

Transcript from the Examination of Coby Duerr, dated August 15, 2013, at pages 20918 (line 2) to 20919 (line 5), and 20934 (line 16) to 20935 (line 14).

Transcript from the Examination of Tony Comella, dated September 4, 2013, at page 23969 (lines 17 to 23).

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24478 to 24479.

Transcript from the Examination of Chuck Guy, dated September 24, 2013, at pages 27149 to 27150.

192. Structural collapse rescues do not happen quickly, even when cranes are being used. Assistant Deputy Chief Duerr of the Calgary task force team described the interlaced effect of a collapse zone as being like "pick-up sticks." Buildings do not collapse in an orderly fashion, and the collapsed debris is often attached to each other. When the rescuers lift debris they have to look at all of the various pieces, and may have to shore other pieces of debris before they can perform a lift.

Transcript from the Examination of Coby Duerr, dated August 15, 2013, at pages 20857 to 20858, and 20931 to 20932.

193. TF-3 would not necessarily have ordered a crane upon seeing the collapse site, for the above reasons. However, that TF-3's training does not specifically involve crane operations did not affect the timing of the crane operations in Elliot Lake. Constable Cox had already requested a crane at 6:17 p.m. on June 23 before TF-3 deployed, to Staff Inspector Neadles' knowledge. The crane was ordered at 11:15 p.m. on June 23, before TF-3 arrived in Elliot Lake.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 24078 to 24081.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24478 to 24479.

Transcript from the Examination of Dan Hefkey, dated October 8, 2013, at page 28673 (lines 1 to 9).

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at pages 25260 to 25261.

ii. Removal of the I-Beam

194. The crane operations began on June 24 at approximately 7:50 p.m., shortly after the rescuers completed a hand search for victims in areas of the building outside of the collapse

zone.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at pages 22323 to 22324.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at page 23623 (lines 13 to 17).

195. While there was some confusion in Incident Command over who ordered the crane, as is referenced in Natalie Bray's notes, there was no confusion as to the potential usefulness of the crane.

Natalie Bray Notes, Exhibit 3743 at p. 18.

Transcript from the Examination of Paul Officer, dated August 22, 2013, at pages 21708 (lines 2 to 24) and 21711 (lines 5 to 25).

196. One particular area where TF-3 felt the crane could be of assistance was the removal of the partially-failed I-beam, which remained attached at one end above the debris pile and would sway in the wind. This I-beam was cut and removed without incident using the crane, by midnight on the evening of June 24/25.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24200 to 24201.

Transcript from the Examination of Paul Officer, dated August 22, 2013, at pages 21711 (lines 5 to 25) and 21752 (lines 14 to 25).

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27222 to 271223.

197. While the evidence is that the operation was performed in a safe manner, the removal of the I-beam provides an example of the potential danger of crane operations. When the beam was cut it swung towards areas of the standing structure, including the escalator area. Had the beam hit the escalator, or any part of the standing structure, it could have caused further collapse in the building.

Video of the Removal of the I-beam, at Exhibit 7829.

iii. Removal of the SUV

198. The crane was also useful to the rescue for removing the SUV which was in the debris

pile. The removal of the SUV was suggested by Mr. Cranford, because the SUV was resting on a partially collapsed beam, which was putting stresses on part of the structure that had not collapsed.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23659 to 23660.

Transcript from the Examination of James Cranford, dated September 9, 2013, at pages 24795 to 24796.

199. Before the rigging could be commenced, shoring on the north side of the collapse area was needed to create a secure route out of the building if something happened during the rigging.

Transcript from the Examination of Roger Jeffreys, dated October 3, 2013, at pages 28200 to 28201.

Transcript from the Examination of Rob deBortoli, dated October 7, 2013, at page 28497 (lines 1 to 7).

200. Other than having to cut a tire that was caught between two pieces of concrete, and some swinging as the SUV was hoisted, the SUV was rigged and removed without incident on June 25 at 2:20 a.m. There was no contact with the debris pile, or any movement in the debris pile or structural elements, when the SUV was removed.

Transcript from the Examination of Patrick Waddick, dated August 23, 2013, at pages 22007 to 22008.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at page 22381 (lines 13 to 23).

Videos of the Removal of the SUV, at Exhibits 7819 and 7820.

201. However, the video of the removal of the SUV again shows the potential danger of crane operations. As the SUV was removed it swung towards the escalator area. Had the SUV hit this area, the escalator and the concrete slabs that were resting on top of it could have collapsed into the area where the riggers and the victims were located.

Video of the Removal of the SUV, at Exhibit 7820.

202. That the items that were hoisted out of the debris pile swung as they were being hoisted is not a reflection of the skills and efforts of the members of the rigging and crane operation. This sort of movement is anticipated in crane operations and is part of the reason crane operations do

not form part of the NFPA urban search and rescue operations and standards.

iv. Removal of the Slabs

203. Captain Comella was concerned that if the rescuers began removing slabs from the debris pile with the crane, the debris pile could become dynamic. If a piece fell it could collapse more of the building and kill rescuers who were inside and anyone trapped under the debris pile.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23635 (lines 15 to 21) and 23644 to 23645.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24200 to 24201, 24216 to 24219, and 24342 to 24344.

204. However, the LifeLocator results suggested the rescuers may have been able to expose the potentially-viable victim by lifting a few pieces of concrete, and Sergeant Gillespie and Captain Comella agreed to recommend a plan whereby the rescuers would risk performing crane operations. Roger Jeffreys was part of the conversation in which this proposal was discussed.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23635 to 23636, and 23643 to 23645.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24208 to 24209, 24215 (lines 10 to 24), 24219 (lines 5 to 24), and 24221 to 24222.

205. The plan that was implemented involved removing a few slabs using the crane, and then reassessing. Captain Comella referred to the plan as a "snatch and grab", due to the fact that the rescuers were willing to perform a high risk operation to reach the potentially-viable victim by lifting a small amount of concrete.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23651 to 23652.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at page 24219 (lines 5 to 16).

Captain Comella's TF-3 Timeline, Exhibit 6393, at p. 6 at 00:00 and 02:10.

206. Initially, Sergeant Gillespie and Captain Comella performed the safety watch over the rigging operations, until Captain Comella left for rest between 2:45 and 3:15 a.m. on June 25. At

the time he left, Captain Comella had seen one piece of concrete and possibly the SUV removed. After Captain Comella left, Sergeant Gillespie remained in command of the rigging operation and overseeing the safety of the operation.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23662 to 23663.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24213 to 24215.

Captain Comella's TF-3 Timeline, Exhibit 6393, at p. 6.

207. During the rigging operation more than three slabs were removed, although the exact number is unknown. It was Sergeant Gillespie's evidence that he was constantly reassessing the operation during the rigging. Captain Comella was not on shift to see any re-evaluation, but agrees they could have occurred.

Transcript from the Examination of Patrick Waddick, dated August 23, 2013, at page 22006 (lines 10 to 14).

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at page 23652 (lines 14 to 17).

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24223 to 24225.

208. Constable Waddick and Sergeant Gillespie's evidence was that the rigging operation was conducted with the idea of ensuring the debris pile did not move, so as to not cause further harm to any potentially-viable person underneath.

Transcript from the Examination of Patrick Waddick, dated August 23, 2013, at page 22006 (lines 15 to 19).

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23652 to 23653.

209. None of the riggers who were examined saw any pieces of concrete fall and hit the debris pile, or any shifting of the debris pile during the rigging. Constable Waddick provided evidence that he did not hear any sounds which suggested any movement in the debris pile.

Transcript from the Examination of Patrick Waddick, dated August 23, 2013, at pages 22017 to 22019.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at pages 22382 to 22383.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23690 to 23691.

Transcript from the Examination of Don Sorel, dated October 1, 2013, at pages 27573 to 27576, and 27583 (lines 13 to 16).

210. The rigging was complicated by the fact that the pieces of concrete were unstable and difficult to sling. Constable Cox provided evidence that any slabs that may have broken during the rigging were allowed to break intentionally because some of the concrete was crumbling and was held together with pretension cables.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at page 23689 to 23691.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at pages 22382 to 22383.

211. Captain Guy saw a piece of concrete that broke in the shape of an "M". When the slab broke, Captain Guy heard the sound of concrete hitting concrete, but could not tell from his vantage point whether the slab contacted the debris pile. However, Captain Guy did not feel any vibration that caused him concern, and the piece of concrete was hoisted out in the shape it had broken.

Transcript from the Examination of Chuck Guy, dated September 24, 2013, at page 27113 to 27115, and 27153 to 27155.

212. Mr. Sorel was involved in the rigging when the piece of concrete broke in the "M" shape. It was Mr. Sorel's evidence that the riggers intentionally rigged the concrete so that it would break and fold in a safe manner, and that it folded-up as was intended and did not fall back onto the debris pile.

Transcript from the Examination of Don Sorel, dated October 1, 2013, at pages 27576 to 27577.

213. The shoring operations were temporarily stopped twice during the crane operations to address safety concerns from a shoring safety officer. It is the safety officer's job to stop work to assess potential dangers to any of the rescue squads. If there is a concern, the safety officer should err on the side of caution.

Transcript from the Examination of Steve Hulsman, dated August 28, 2013, at pages 22948 to 22953.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23659 to 23660.

Transcript from the Examination of Jamie Gillespie, dated September 4, 2013, at pages 23864 to 23866.

214. The rigging operations were temporarily stopped on June 25 at 4:08 a.m. to rehabilitate the rigging crew. During this time the debris pile was searched using the LifeLocator, the TF-3 search and rescue dog, and UCRT's dual-purpose dog, as discussed below. A search using the wolf pack camera was also conducted by TF-3's search team at this time, but no potential indications of a viable victim were identified.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at page 23663 to 23664.

Transcript from the Examination of Phil Glavin, dated October 1, 2013, at pages 27679 (lines 4 to 15).

215. At 6:35 a.m. on June 25 the riggers were again removed for rehabilitation, after Commander McCallion (in his role as Task Force Commander) attended to investigate Captain Rowland's safety concerns. Captain Rowland was concerned that pieces of concrete were being lifted over the area where his rescue squad was shoring, without any notification. There was a wall between the shoring team and the rigging, so the shoring team could not see when pieces were being lifted.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24542 to 24544 and 24551 to 24554.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23670 to 23675.

216. Commander McCallion met with Sergeant Gillespie to convey Captain Rowland's concerns as well as two additional safety concerns Commander McCallion witnessed, being:

- a. the fact that the riggers were operating too close to the escalator area that had been declared a "no go" zone; and,
- b. that Mr. Sorel was lying down on his side, with his arm under a slab of concrete, to retrieve the end of a lifting sling.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24558 to 24565.

Transcript from the Examination of Don Sorel, dated October 1, 2013, at pages 27622 to 27624.

217. Mr. Sorel acknowledged that placing his arm under the slab was unsafe, and that it was something he shouldn't have been doing. Mr. Sorel further acknowledged he was acting outside of TF-3's training, and that Commander McCallion was correct to rebuke him.

Transcript from the Examination of Don Sorel, dated October 1, 2013, at pages 27578 to 27579.

218. While the conversation between Commander McCallion and Sergeant Gillespie became heated, it was quickly diffused through both Sergeant Gillespie and Commander McCallion explaining their positions and discussing a plan to continue moving forward. Sergeant Gillespie and Commander McCallion agreed that the riggers would remove two more pieces of concrete to see if they could uncover the potentially-viable victim.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23681 to 23682.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24559 to 24568 and 25705 to 24707.

219. The riggers were subsequently removed from the debris pile by Sergeant Gillespie on June 25 at 9:38 a.m., after he saw the widening gap between the escalator area and the floor, as discussed below. Sergeant Gillespie agreed with Captain Comella that the area should be assessed by an engineer before any rescuers were allowed back onto the debris pile.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at page 23704 to 23705, and 23716 (lines 9 to 24).

Transcript from the Examination of Don Sorel, dated October 1, 2013, at page 27585 (lines 4 to 9).

220. While all of the riggers wanted to continue the crane operations, they were tired, and tired rescuers make mistakes. Mr. Sorel described the riggers' fatigue at the time they were removed as, "We'd had it. We were done anyway."

Transcript from the Examination of Don Sorel, dated October 1, 2013, at pages 27584 (line 14) to 27585 (line 1) and 27587 (line 21) to 27588 (line 7).

221. When the riggers were removed from the debris pile, TF-3 considered a plan to "tunnel" into the debris pile from the north side of the collapse. TF-3 considered this operation safer than lifting slabs over the unstable area and the potentially-viable victim. Shoring of the escalator area with steel was also discussed at this stage.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23705 to 23707.

222. If the escalator hazard was able to be resolved, and the rigging operation had continued, TF-3 had members with rigging training other than Mr. Sorel who could have continued rigging, including the eight other trainers who deployed to Elliot Lake.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24211 to 24213.

223. Once the rigging was halted, and it was determined that the rescuers would not be allowed back in the building, as discussed below, Commander McCallion instructed Millennium to leave the site. When Commander McCallion first asked Millennium to leave the site, Dave Selvers refused to do so until he received instructions from the OPP. While it was within Commander McCallion's authority and power to ask Millennium to leave, Millennium did eventually leave when the OPP confirmed to Mr. Selvers that he was authorized to do so.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23759 to 23763.

Transcript from the Examination of Jamie Gillespie, dated September 4, 2013, at pages 23863 to 23864.

8. Consideration of Shoring the Escalator Before the Rescuers Were Removed

224. It is Toronto's position that the rescuers considered all reasonable and appropriate efforts to shore the escalator area. However, due to the extremely dangerous situation caused by the slab on the escalator the rescuers were unable to devise a method to eliminate the escalator hazard without placing the rescuers in undue danger and without risking further collapse.

225. From the beginning of the operation, the beam that was supporting the escalator area was

under considerable stress and was visibly bowed. Initially, the beam was bowed downwards by approximately two to three centimetres.

Photograph of the bowed beam under the escalator, Exhibit 6227, p. 29.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at pages 22315 to 22319.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at page 23574 (lines 4 to 22).

226. Even early in the rescue attempting to shore the escalator area would have been risky. Sergeant Gillespie gave evidence that the area would be difficult to shore because of the many hazards, including the widow-makers hanging from the slab on the escalator, the load on the beam, and the large amount of debris below the escalator. Shoring the beam would also require the rescuers to work underneath the focal point of what Sergeant Gillespie referred to as "tons of rubble on an unstable beam. It was a very hazardous place to be."

Photographs of the debris under the escalator area, Exhibit 7924, pp. 16, 18 and 20

Photograph of the slab on the escalator, Exhibit 7924, p. 45

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23561 (lines 13 to 25), 23564 (lines 18 to 21), and 23571 to 23574.

Transcript from the Examination of Jamie Gillespie, dated September 4, 2013, at pages 23874 (lines 13 to 21).

227. Prior to TF-3's arrival, Sergeant Gillespie discussed shoring the escalator area with Mr. Jeffreys. Sergeant Gillespie did not believe wood shores would be able to shore the area, and decided to source steel to attempt to shore the area. However, Sergeant Gillespie was of the opinion that even if one used steel, the shoring of the escalator area was "not going to be an easy fix, ever."

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23562 to 23564.

228. Shoring the escalator was also considered by TF-3 beginning with Captain Comella's initial tour of the building with Mr. Cranford, Sergeant Gillespie, and Mr. Jeffreys, at 5:25 a.m. on June 24. However, shoring the area was determined to be difficult and hazardous due to the

two forces that were acting on beam, causing it to bow downward and inward towards the collapse area. It also appeared that only friction and cables were holding the slab on top of the escalator.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24112 to 24113.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23619 to 23620.

229. Mr. Jeffreys advised Captain Comella that the escalator area was an "extreme high risk". Mr. Jeffreys gave evidence that there is no greater risk than "extreme high risk", and that he was not aware of any way the risk could have been mitigated. Captain Comella therefore made the area a no-go zone in the initial IAP.

Transcript from the Examination of Roger Jeffreys, dated October 3, 2013, at pages 28106 to 28109, and 28223 to 28224.

230. At this time, the movement of the escalator area appeared to have settled, and shoring was therefore discussed as something that may need to be attempted through future planning. During subsequent site tours, Captain Comella, Mr. Jeffreys, and Mr. Cranford continued to consider ways to shore the escalator or to restrain the slab from sliding off of the escalator.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24112 to 24113, and 24170 to 24174.

Transcript from the Examination of Tony Comella, dated September 6, 2013, at page 24391 (line 2 to 25).

231. Shoring the escalator would require removing the debris from under the beam to install the shores, which would be difficult since this debris was interconnected with each other. While some of this debris could be removed by hand, other debris would be very difficult to remove. To remove the debris the rescuers would have to work in the area where the escalator would fall if the beam failed.

Exhibit 7924, Photographs 14 and 17

Transcript from the Examination of James Cranford, dated September 9, 2013, at pages 24782 to 24783 and 24977 to 24978.

232. Mr. Cranford estimated that there was tons of debris hanging from the slab that would need to be removed from the escalator area. Once any hanging debris was removed there was a possibility the change could cause the slab to slide into the collapse zone. Mr. Cranford gave evidence that there were too many variables to know what would happen if the hanging material was removed.

Transcript from the Examination of James Cranford, dated September 9, 2013, at pages 24978 to 24979, and 24782 to 24783.

233. In order to shore the horizontal movement of the escalator area, the rescuers would have had to shore against the debris pile. This would put pressure on the debris pile, and could cause further harm to the victims.

Transcript from the Examination of Patrick Waddick, dated August 23, 2013, at page 22084 (lines 5 to 14).

234. Early on, Staff Inspector Neadles also considered the possibility of removing the slabs from the escalator using the crane. However it was quickly determined that the removal of the slabs on the escalator was not possible.

Transcript from the Examination of Bill Neadles, dated September 11, 2013, at pages 25342 to 25345, and 25353 (lines 16 to 25).

9. Movement of the Escalator Area

235. It is Toronto's position that the rescuers acted reasonably and appropriately in monitoring and measuring the movement of the escalator and the forces that were acting upon it.

236. On June 24 at 10:45 p.m., Captain Comella identified that the cracks between the steel escalator landing and the tile floor appeared to have widened, which indicated possible continued movement of the escalator area. Since Captain Comella was not sure at this stage whether the crack had in fact widened he began to monitor the area.

Photograph of the top of the escalator area, Exhibit 9444.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24192 to 24198.

237. On June 25 at 8:30 a.m., while viewing the area with Mr. Jeffries, Captain Comella noted what he considered to be further movement in the escalator area. Mr. Jeffries noted that significant movement appeared to have occurred over night.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24226 to 24227.

Transcript from the Examination of Roger Jeffries, dated October 3, 2013, at page 28117 (lines 17 to 19).

Exhibit 6393, p. 1864

238. At this time the riggers were removed from the debris pile by Sergeant Gillespie, after he was shown the widening gap between the escalator area and the floor so the area could be assessed by the engineers.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at page 23704 to 23705, and 23716 (lines 9 to 19).

239. Sergeant Gillespie gave evidence that there was an obvious gap between the top of the escalator and the floor area, which got bigger as time went on and the escalator continued to separate down and away from the building. The area where the separation occurred can be seen in photographs 53 and 55 of Exhibit 7924.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23613 to 23615 and 23703 (lines 10 to 13).

Transcript from the Examination of Jamie Gillespie, dated September 4, 2013, at pages 23869 to 23870.

Photographs of the top of the escalator area, Exhibit 7924 at pp. 53 and 55.

240. At this time, Captain Comella, Mr. Jeffries, and Mr. Cranford again attended near the underside of the escalator to discuss supporting the escalator. Steel shoring was again discussed, but because the movement was occurring both vertically and horizontally it was determined that the problem could not be solved using steel or wood shores.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24237 to 24239.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23707 to 23708.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27285 to 27286.

Transcript from the Examination of Roger Jeffreys, dated October 3, 2013, at pages 28099 to 28100.

241. Shoring the escalator area, even using steel, would only affect the vertical movement. Additionally, unlike with wood shoring, when steel shoring fails it does not provide the audible warning to the rescuers that wood shoring provides. UCRT also does not normally use steel shoring.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23564 (lines 13 to 23) and 23571 (lines 10 to 21).

Transcript from the Examination of Tony Comella, dated September 5, 2013, at page 24239 (lines 2 to 10).

242. Methods of securing the escalator horizontally were also discussed. Mr. Cranford, Sergeant Gillespie, Captain Comella, and Mr. Jeffreys discussed tying the beam back to the hillside to the south of the building using rock anchors to attempt to remove the tension of the inward or horizontal forces. However, the rock anchors would need to be anchored into the hillside behind the building, and the process would take a number of days. The process would also involve the rescuers working in an extremely dangerous area to secure the rock anchors to the escalator area.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23620 to 23621.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at page 24239 (lines 3 to 21).

Transcript from the Examination of James Cranford, dated September 9, 2013, at page 24878 (lines 3 to 16).

Transcript from the Examination of Roger Jeffreys, dated October 3, 2013, at pages 28100 (lines 2 to 10) and 28217 (lines 5 to 24).

243. Captain Comella gave evidence that every feasible option for eliminating the horizontal forces on the escalator area was discussed, but that no option was arrived at which did not involve placing rescuers on top of the slab and risking catastrophic failure.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24239 to 24240.

244. At 10:00 a.m. on June 25, Mr. Cranford began performing calculations to measure the forces that were acting on the escalator area. At 11:30 a.m. on June 25 Mr. Cranford sent sketches back to his office to be analysed with structural engineering software.

Transcript from the Examination of James Cranford, dated September 9, 2013, at page 24809 (lines 2 to 10).

245. At 10:45 a.m. on June 25, Captain Comella advised Task Force Command and Incident Command of the potential movement in the escalator area, and that he was going to monitor the area.

Transcript from the Examination of Paul Officer, dated August 22, 2013, at pages 21768 to 21769.

Transcript from the Examination of Bill Neadles, dated September 11, 2013, at pages 25395 to 25396.

246. In order to test for movement, Captain Comella installed a monitoring device on the top of the escalator, and Captain McRae tasked Captain Guy's rescue squad with installing a monitoring device underneath the escalator.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24232 to 24233.

Transcript from the Examination of Chuck Guy, dated September 24, 2013, at pages 27117 to 27118.

247. The monitoring device on the top of the escalator was made from wood blocks located on the escalator landing that were touching wood blocks located on the tile floor. When the device was installed the pieces of wood on the landing were in contact and flush with the pieces of wood on the floor, so the rescuers could monitor both horizontal and vertical movement.

Photographs of the measuring devices at the top of the escalator, Exhibit 6227, p. 28.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24232 to 24237.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 24246 to 24248.

248. Captain Comella did not have anything to affix the upper measuring device to the ground. However, the area where the device was installed was declared a no-go zone so that the rescuers

would not accidentally move the device. Mr. Cranford gave evidence that affixing the device to the floor was not necessary.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24234 (lines 16 to 25).

Transcript from the Examination of James Cranford, dated September 9, 2013, at pages 24804 to 24805.

249. Ryan Priestly of Priestly Demolition gave evidence that this monitoring device was reliable and would have worked in the circumstances. Mr. Jeffreys referred to the device as an excellent approach, and gave evidence that in the circumstances the rescuers were looking for signs of movement not precise measurements.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at pages 27811 to 27812.

Transcript from the Examination of Roger Jeffreys, dated October 3, 2013, at pages 28218 to 28219.

250. The monitoring device that was installed under the escalator consisted of a post in vertical position, which extended from the floor to within two feet of the ceiling. A piece of ceiling drywall was attached to the ceiling, extending down. This piece of ceiling tile was painted orange with black markers, so that vertical movement could be measured against it using the vertical post.

Transcript from the Examination of Chuck Guy, dated September 24, 2013, at pages 27118 to 27120.

251. Captain Comella tasked Captain McRae with monitoring the devices. Captain McRae did not note any movement during this monitoring; however, because the area at the top of the escalator was declared a no-go area he was only able to view the upper device through a window that was 50 to 60 feet away from the device.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 24248 to 24250.

252. At 10:55 a.m. on June 25 Staff Inspector Neadles advised Chief Officer that TF-3 believed the escalator area was continuing to move. At this time, rescuers were continuing the rescue outside of the collapse zone while the engineers were assessing the building.

Transcript from the Examination of Paul Officer, dated August 22, 2013, at page 21768 (lines 5 to 11).

Transcript from the Examination of Paul Officer, dated August 29, 2013, at pages 23443 to 23445.

253. The measuring devices were explained to Incident Command, and Incident Command was advised of the calculations Mr. Cranford was performing.

Transcript from the Examination of John Thomas, dated August 20, 2013, at pages 21131 to 21135.

254. At 12:00 p.m. on June 25 Captain Comella noted approximately 2 mm of movement in the device at the top of the escalator. Mr. Jeffreys estimated the movement to be actually half an inch to three-quarters of an inch. Captain Comella and Mr. Jeffreys were able to see movement in the device that Captain McRae did not see because they entered the no-go area to view the measuring device from 5 to 6 feet away.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at page 24245 (lines 14 to 22).

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27272 to 27273.

Transcript from the Examination of Roger Jeffreys, dated October 3, 2013, at pages 28120 to 28127.

Roger Jeffreys Handwritten Notes, at Exhibit 9449, p. 733.

Roger Jeffreys' photograph of the measuring devices showing movement, at Exhibit 6226, p. 28

255. Upon confirming the continued movement, Captain Comella requested that all rescuers who were working in the building be removed. At 1:20 p.m. on June 25, upon being advised of the continued movement, Commander McCallion confirmed that all rescuers were to be removed from the building.

Captain Comella's TF-3 Notes Compilation, at Exhibit 6393 at p. 9.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at page 24599 (lines 8 to 15).

256. At 12:30 p.m. on June 25 Mr. Cranford received from his office the results of the software analysis. Mr. Cranford revised the calculations at 1:15 p.m. on June 25 to send back to his office, and received the adjusted results from his office at 1:30 p.m. on June 25.

Transcript from the Examination of James Cranford, dated September 9, 2013, at page 24809 (lines 11 to 17).

257. Through these calculations, Mr. Cranford determined the beam under the escalator was 428% overstressed. This indicated that the beam was carrying 4.28 times the load it was designed to carry. Failure of the beam would be catastrophic and could result in a collapse into the rescue zone.

James Cranford's calculations, at Exhibit 7800.

Transcript from the Examination of James Cranford, dated September 9, 2013, at pages 24812 to 24825, and 24957 (lines 1 to 17).

258. Mr. Cranford determined that it would take eleven wood shores to support the beam, which would take up almost the entire width of the area under the beam.

Transcript from the Examination of James Cranford, dated September 9, 2013, at page 24827 (lines 11 to 15).

259. Constable Waddick and Sergeant Gillespie were called back to the scene at 1:30 p.m. on June 25 to discuss shoring the beam under the escalator.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23717 to 23719.

Transcript from the Examination of Patrick Waddick, dated August 23, 2013, at pages 22029 to 22030.

260. At 1:33 p.m. on June 25 Mr. Cranford discussed his calculations of the escalator area with Captain Comella, Sergeant Gillespie, and Constable Waddick. This discussion included consideration of Mr. Cranford's calculation of what was required to shore the escalator.

James Cranford Timeline, at Exhibit 7545

Transcript from the Examination of James Cranford, dated September 9, 2013, at pages 24931 to 42933.

261. At 2:00 p.m. on June 25 Mr. Cranford discussed the calculations with Mr. Sanders and Mr. Jeffreys of the MOL. At this meeting the possibility of bracing the area was discussed, however all of the ideas involved significant time to accomplish and the need for rescuers to work underneath the beam. No safe practical way of stabilizing the escalator was found.

James Cranford Timeline, at Exhibit 7545.

Roger Jeffreys Handwritten Notes, at Exhibit 9449, p. 733.

Transcript from the Examination of James Cranford, dated September 9, 2013, at pages 24931 to 42933.

Transcript from the Examination of Roger Jeffreys, dated October 3, 2013, at pages 28130 and 28140 to 28141.

Transcript from the Examination of Brian Sanders, dated October 4, 2013, at pages 28305 to 28306.

262. Mr. Jeffreys expressed to Captain Comella and Mr. Cranford that the movement was significant and caused him concern. When a building is shifting without any additional load being placed on it, this indicates something in the building is beginning to yield or give way. Mr. Jeffreys believes he told Captain Comella that the movement could potentially lead to a collapse of the area.

Transcript from the Examination of Roger Jeffreys, dated October 3, 2013, at pages 28128 to 28129.

263. It was Mr. Jeffreys' opinion then, and it is still his opinion, that the beam under the escalator was going to fail. Mr. Jeffreys told Captain Comella that he was not sure why the beam had not already failed, and that the area around the escalator posed an "extreme risk".

Transcript from the Examination of Roger Jeffreys, dated October 3, 2013, at page 28135 (lines 5 to 25).

264. Mr. Cranford advised Captain Comella that movement was a warning sign that something within the steel frame of the building was moving. This meant that steel somewhere within the structure had exceeded its yielding point and had started to fail. Mr. Cranford advised that at some point the steel would fail, and the result could be catastrophic and sudden.

Transcript from the Examination of James Cranford, dated September 9, 2013, at pages 24806 to 24808.

265. Mr. Jeffreys gave evidence that to determine for certain whether the beam would fail would require getting "up close and personal" with the beam, including stripping away material that was covering the beam. Mr. Jeffreys would not have gone into the area to conduct the measurements, and he is sure Mr. Cranford would not have either. Thinking of how close he got

to this area still gives Mr. Jeffreys "cold shivers".

Transcript from the Examination of Roger Jeffreys, dated October 3, 2013, at pages 28134 to 28135.

266. Mr. Sanders also observed the height differential between the blocks on the device above the escalator, which indicated to him that the structure was moving. Mr. Sanders believed that this change meant the structure would ultimately collapse.

Transcript from the Examination of Brian Sanders, dated October 4, 2013, at pages 28301 to 28302.

267. In his June 25, 5:25 p.m. email to Gabriel Mansour of the MOL, Mr. Sanders wrote that, "based on the readings, this beam will ultimately fail", and that "Once failure occurs, the damage will most likely be catastrophic from all accounts."

Transcript from the Examination of Brian Sanders, dated October 4, 2013, at pages 28315 to 28316

June 25, 5:25 p.m. email from Brian Sanders to Gabriel Mansour, at Exhibit 9280.

268. The problem of shoring the beam under the escalator never went away. Various possibilities were discussed. However, it was determined that putting rescuers under the beam for several hours was not something that could be done.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at page 24173 (line 12) to 24174 (line 4).

Transcript from the Examination of James Cranford, dated September 9, 2013, at pages 24770 (lines 3 to 12).

269. Certain rescuers have provided evidence that they did not see any movement in the escalator area. However, these rescuers would not be expected to notice any such movement – their job was to concentrate on the tasks they were assigned. The individual rescuers relied on the safety officers to identify dangerous conditions.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at page 22379 (lines 17 to 24).

10. Removal of the Rescuers from the Building

270. It is Toronto's position that the TF-3 Task Force Commanders acted reasonably and

appropriately by removing the rescuers from the building, in the face of the information they received from the engineers and other rescuers about the stresses on the escalator area, and the potential for catastrophic collapse without warning.

i. Decision to Remove the Rescuers from the Building

271. At 11:08 a.m. on June 25 Incident Command was made aware that the rigging team had been removed from the debris pile to allow the engineers to reassess the escalator area. It was not known at this time that all rescuers would subsequently be removed from the debris pile, and work was at that time continuing in other areas of the building. Ms. Chambers was also notified of the development around this time.

Transcript from the Examination of Paul Officer, dated August 22, 2013, at page 21772 to 21773.

Transcript from the Examination of Carol-Lyn Chambers, dated September 18, 2013, at page 26155 (lines 8 to 19).

Natalie Bray Notes, Exhibit 6336, at p. 1984.

272. At 1:20 p.m. on June 25 Captain Comella confirmed to Commander McCallion that the building was continuing to move. In or about this time Commander McCallion confirmed that all rescuers who had been performing shoring work in the building were to be removed, and made Staff Inspector Neadles aware that the rescuers had been removed from the building.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at page 24599 (lines 8 to 15).

Transcript from the Examination of Bill Neadles, dated September 11, 2013, at pages 25421 (lines 3 to 21).

273. At 1:28 p.m. on June 25 Staff Inspector Neadles advised Chief Officer that the rescuers had been removed from the building, and provided him with the information that led to this development, including the information received from the engineers.

Transcript from the Examination of Paul Officer, dated August 29, 2013, at pages 23445 to 23446.

274. At a 1:33 p.m. on June 25 Command meeting members of the rescue, including Chief

Officer, Captain Comella, Mr. Cranford, Commander McCallion, Mr. Jones, Mr. Jeffreys, and David Howse and Bob Thorpe of the OFM discussed that the building was continuing to shift and that all rescuers had been removed from the building.

Transcript from the Examination of Paul Officer, dated August 22, 2013, at page 21782 to 21786.

Transcript from the Examination of Paul Officer, dated September 19, 2013, at page 26416 to 26417.

Chief Officer Notes, Exhibit 8025, at p. 6.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24262 to 24265.

Commander McCallion's handwritten notes, at Exhibit 6342, p. 27

275. At this meeting Mr. Cranford discussed the results of his calculations, and advised that he was concerned that rescuers moving debris within the building, or working with the rubble that was resting on the escalator, could result in a catastrophic collapse.

Transcript from the Examination of James Cranford, dated September 9, 2013, at pages 24809 (lines 18 to 20) and 24924 (lines 7 to 25).

276. It was Chief Officer's evidence that members of the MOL were so concerned with what they heard that they were going to put a stop order on the building.

Transcript from the Examination of Paul Officer, dated September 19, 2013, at page 26417 to 26418.

277. Staff Inspector Neadles recalls a meeting with members of the rescue, including Mr. Cranford, Mr. Jeffreys, and Captain Comella, which would appear to be the June 25 1:33 p.m. meeting, wherein he was advised that,

- a. the device Captain Comella had set-up showed that the building had shifted significantly;
- b. the escalator was moving both downwards and towards the debris pile where the victims were located;
- c. the escalator with the slabs on top was subject to failure;

- d. Mr. Cranford had conducted calculations which showed the beam under the escalator to be over 100% overstressed; and,
- e. further collapse could be imminent.

Transcript from the Examination of Bill Neadles, dated September 11, 2013, at pages 25426 to 25431.

278. Staff Inspector Neadles recalls that Captain Comella, Mr. Jeffreys, and Mr. Cranford all agreed with the above information, and that they had been collectively working to assess the situation.

Transcript from the Examination of Bill Neadles, dated September 11, 2013, at pages 25426 to 25431.

279. Upon receiving this information, Staff Inspector Neadles made the determination not to risk placing the rescuers back in the building, and that the operations within the building would cease. Staff Inspector Neadles considered the rescue to be halted unless and until the escalator area hazard could be neutralized.

Transcript from the Examination of Bill Neadles, dated September 11, 2013, at pages 25431 to 25433 and 25442 (lines 16 to 22).

280. Staff Inspector Neadles wanted to put the dogs and the LifeLocator back on the debris pile in order to obtain "real time" indications of whether there was anyone alive in the debris. This possibility was discussed between Commander McCallion, Sergeant Gillespie, the dog handlers, and others at a June 25 2:00 p.m. meeting. However, Sergeant Gillespie was not willing to risk putting rescuers in the building to conduct these searches.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23723 to 23724.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24578 to 24579, and 24585 to 24589.

281. While Commander McCallion and Staff Inspector Neadles discussed the survivability of the victims, these discussions were not remarkable. Survivability was not a factor in the decision to remove the rescuers from the building.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24631 to 24633.

282. Staff Inspector Neadles gave evidence that he would have made the same decision to remove the rescuers even if signs of life had been detected 10 minutes earlier. If the potentially-viable victim had been closer to being uncovered the decision may have been different, however Staff Inspector Neadles could not risk the rescuers' lives for the amount of time it would take to reach the potentially-viable victim.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at pages 25663 to 25665.

283. Sergeant Gillespie did not object to the rescuers being removed from the pile, and gave evidence that, "If the building fell on my members, first of all, I could never live with that."

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23738 to 23739.

Transcript from the Examination of Jamie Gillespie, dated September 4, 2013, at page 23872 (lines 4 to 8).

284. Chief Officer agreed that after receiving the information about the escalator area he would have made the same decision that Staff Inspector Neadles made, and stated that he believed to do otherwise would be negligent.

Transcript from the Examination of Paul Officer, dated August 29, 2013, at page 23446 (lines 13 to 21).

285. Mr. Jeffreys did not disagree with the decision to remove the rescuers from the building. Mr. Jeffreys gave evidence that if the rescuers had continued to work in the area, and they were there when the building collapsed, they likely would have been killed.

Transcript from the Examination of Roger Jeffreys, dated October 3, 2013, at pages 28209 to 28210.

286. Assistant Deputy Chief Coby Duerr of Task Force Two provided evidence that he would never second guess a structural engineer, and that the structural engineer has a capacity beyond that of others involved in the rescue to determine whether or not the building is static or in a dynamic state.

Transcript from the Examination of Coby Duerr, dated August 15, 2013, at pages 20935 to 20936.

287. Dr. Feldman gave evidence that TF-3 followed established procedures. He considered the safety of the rescuers to be paramount, and believes that it was important in light of the potential for additional structural collapse that no rescuers were hurt.

Transcript from the Examination of Dr. Michael Feldman, dated September 18, 2013, at pages 26061 to 26062.

288. When the rescuers were removed from the building, the TF-3 and ELFD members were briefed on the development in the command tent at approximately 6:30 p.m. on June 25 by Staff Inspector Neadles. Sergeant Gillespie briefed the UCRT team at around the same time at the Hampton Hotel.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at page 24285 (lines 12 to 16).

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23727 to 23728.

289. When the TF-3 and ELFD members were briefed, survivability was not explained as a factor in the rescuers being removed from the pile.

Transcript from the Examination of Chuck Guy, dated September 24, 2013, at page 27157 (lines 3 to 8).

290. Many of the task-level rescuers were disappointed that they could not continue the rescue inside the building, and the decision was difficult to accept. The rescuers had been working to reach the potentially-viable victim with every ounce of their energy and motivation. To learn that they would not be able to complete the task was difficult to take. Many of the task-level rescuers wanted to continue the rescue, despite the increasing danger.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23740 to 23741.

291. However, the task-level rescuers did understand the reason they were removed from the building. Constable Cox described the escalator movement as an imminent threat, and that the removal of the rescuers from the debris pile was the "right thing to do." Constable Waddick

acknowledged that even a small amount of movement within the escalator area could have caused the slab that was resting on it to come loose.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at page 22376 (lines 10 to 17).

Transcript from the Examination of Patrick Waddick, dated August 23, 2013, at page 22075 (lines 17 to 24).

292. It is Toronto's position that Staff Inspector Neadles did what was required of him as Task Force Commander by relying on qualified people to provide him with insight into the rescue, and using this information to make the difficult decision to remove the rescuers from the building.

Transcript from the Examination of Coby Duerr, dated August 15, 2013, at pages 20935 to 20936.

ii. Confusion of the MOL's Role in the Removal of the Rescuers

293. While it was Staff Inspector Neadles' evidence that it was his decision not to allow the rescuers back into the building after he was briefed on the structural instability of the escalator area, there is conflicting evidence as to any role the MOL played in this process.

294. The MOL witnesses took the position that they did not place any order on the building that would affect the rescuers' ability to perform the rescue.

295. However, there is evidence that there were at least discussions involving the MOL placing an order on the building which would prohibit anyone from entering. It was Chief Officer's understanding at the June 25 1:33 p.m. meeting that the MOL would be placing an order on the building which would prohibit anyone, including the rescuers, from entering. Staff Inspector Neadles understood that the MOL was contemplating placing a stop order on the building.

Transcript from the Examination of Bill Neadles, dated September 11, 2013, at page 25472 (lines 4 to 10).

Transcript from the Examination of Paul Officer, dated August 22, 2013, at pages 21784 (lines 11 to 20), 21797 (lines 16 to 24), 21808 to 21809, and 21815 to 21816.

Transcript from the Examination of Paul Officer, dated September 19, 2013, at page 26416 to 26418.

296. Bob Thorpe of the OFM indicated in an email that it was his understanding on June 25 at 1:50 p.m. that the building would be deemed closed by the MOL, and that the MOL engineer had notified his office that the building would soon be ordered closed.

June 25, 2:22 p.m. email from Carol-Lyn Chambers, at Exhibit 7109.

297. There is evidence in the notes taken by Natalie Bray and Inspector Percy Jollymore that a member of the MOL announced at the June 25 3:00 p.m. CCG meeting that the MOL would be placing a stop order on the building.

Percy Jollymore Notes, at Exhibit 6396, p. 11.

Natalie Bray Notes, at Exhibit 3743, p. 35.

Transcript from the Examination of Paul Officer, dated September 19, 2013, at page 26423 to 26425.

298. It was Ms. Bray's evidence that it was Don Jones who said the MOL would be making the order, and that no one would be allowed on the property. Ms. Bray was under the impression that nobody would be allowed back on site, and she thinks others were under this impression too. It was Ms. Bray's recollection that no one at the CCG meeting objected to the statement that the MOL would be putting a stop order on the building.

Transcript from the Examination of Natalie Bray, dated October 4, 2013, at page 28336 to 28338, and 28349 (lines 10 to 16).

299. It was Sergeant Gillespie's recollection that Commander McCallion told him the MOL had placed an order on the building stopping the rescue. However, this information appears to be a miscommunication or misunderstanding of the information that the rescuers were removed from the building based, in part, on information received from the MOL engineer, Roger Jeffreys. It is Commander McCallion's evidence that he told Sergeant Gillespie that the rescuers were removed from the building because of information provided by the "engineering group" and that he told Sergeant Gillespie that an MOL engineer was part of the "engineering group".

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23729 to 23730.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24586 to 24587.

300. In any event, even if Sergeant Gillespie was told that the MOL had placed a stop order on the building, it is clear that many people involved in the incident had the understanding that the MOL played a role in the rescuers being removed from the building.

301. Toronto takes the position that whether or not the MOL placed a stop order on the building, or was considering doing so, did not affect the rescuers' ability to continue the rescue when a plan was arrived at to use Priestly equipment, as is discussed below. An MOL stop order can be rescinded if it is no longer required.

Transcript from the Examination of Dan Hefkey, dated October 8, 2013, at pages 28839 to 28840.

iii. Ontario Mine Rescue

302. When the rescuers were removed from the building, Staff Inspector Neadles had not considered using Ontario Mine Rescue ("OMR") to continue the rescue. While Staff Inspector Neadles had heard of OMR, they were not at the front of his mind.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at pages 25555 to 25556.

303. Staff Inspector Neadles' decisions were based on the structural integrity of the building. It was Staff Inspector Neadles' belief that if the building was too dangerous for TF-3 and UCRT, it would be too dangerous for any group, including OMR, to go inside. Staff Inspector Neadles would not have permitted OMR to enter the building while he was in charge of the rescue portion of the incident.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at pages 25776 to 25777.

304. The OFM considered whether OMR could assist in the rescue, and they too determined that OMR would not be able to assist with the rescue in the circumstances.

Transcript from the Examination of Carol-Lyn Chambers, dated September 18, 2013, at pages 26170 to 26172.

305. Alex Gryska, the Director of OMR, gave evidence that similar to TF-3 and UCRT the first objective of OMR is to ensure the safety of the mine rescue and recovery teams. While OMR will go a long way to effect a rescue, they will not put their people at risk. OMR does not walk to death's door to save a life, as was suggested by some witnesses.

Transcript from the Examination of Alex Gryska, dated September 23, 2013, at pages 26668 to 26669, and 26682 to 26683.

306. Mr. Gryska compared the OMR training to the NFPA standards, and concluded that the members of TF-3 and UCRT have a higher level of structural collapse training than the members of OMR.

OMR Training Comparison Document, at Exhibit 9750.

Transcript from the Examination of Alex Gryska, dated September 23, 2013, at pages 26647 to 26648.

307. Mr. Gryska gave evidence that if he had been provided with the information that Staff Inspector Neadles received, he would not have acted contrary to this information, and would not have deployed an OMR team into the building. OMR would have exercised the same cautions that the Elliot Lake rescuers exercised.

Transcript from the Examination of Alex Gryska, dated September 23, 2013, at pages 26695 to 26696, and 266703 to 26704.

308. When assistance was offered to Staff Inspector Neadles that he could use to continue the rescue, Staff Inspector Neadles accepted the assistance. For example, Staff Inspector Neadles accepted Penguin Solutions' offer to provide the robot camera.

Transcript from the Examination of Bill Neadles, dated September 11, 2013, at pages 15516 to 25517.

309. It is respectfully submitted that OMR would not have been able to continue the rescue by deploying its members into the building, and that OMR not being deployed had no negative effect on the rescue.

11. Staff Inspector Neadles' Communication of the Rescuers Being Removed

310. It is Toronto's position that Staff Inspector Neadles acted reasonably and appropriately in providing the most accurate and up-to-date information he had available to the CCG, the victims' families, and the media, promptly after the decision was made to remove the rescuers from the building.

i. June 25 3:00 p.m. Community Control Group Meeting

311. Staff Inspector Neadles began attending CCG meetings beginning with the June 24 2:00 p.m. meeting. Chief Officer believes that he invited Staff Inspector Neadles to the CCG meeting because Staff Inspector Neadles was the "rescue expert" and had intimate detail of how the rescue was proceeding.

Transcript from the Examination of Paul Officer, dated August 22, 2013, at page 21747 (lines 1 to 14).

312. Staff Inspector Neadles attended the June 25 3:00 p.m. CCG meeting to advise that the rescuers had been removed from the building. Staff Inspector Neadles considered it important to provide the group with the information he had at that point.

Transcript from the Examination of Bill Neadles, dated September 11, 2013, at page 25450 (lines 18 to 23).

313. At the June 25 3:00 p.m. CCG meeting, Staff Inspector Neadles told the group that the rescue was over and would be reverted to a recovery. Staff Inspector Neadles' decision was based on what the engineers had said about the escalator area continuing to move both horizontally and vertically, and the fact that TF-3 did not have equipment that could deal with this issue. TF-3 had no options to continue at that point.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24611 to 24612.

Transcript from the Examination of Bill Neadles, dated September 11, 2013, at pages 25467 to 25469.

314. No one at the CCG meeting disagreed with the decision to remove the rescuers from the

building.

Transcript from the Examination of Roger Jeffreys, dated October 3, 2013, at page 28219 (lines 5 to 7).

Transcript from the Examination of Rob deBortoli, dated October 7, 2013, at page 28497 (lines 14 to 20).

Transcript from the Examination of Rick Hamilton, dated October 7, 2013, at page 28525 (lines 9 to 25).

315. While there is a dispute as to what was said by the MOL at the June 25 3:00 p.m. meeting, the notes from the meeting and the recollections of people in attendance indicate that the MOL at least discussed putting a stop order on the building, which would prohibit anyone from entering.

Transcript from the Examination of Natalie Bray, dated October 4, 2013, at page 28336 to 28338, and 28349 (lines 10 to 16).

Transcript from the Examination of Paul Officer, dated September 19, 2013, at page 26423 to 26425.

Percy Jollymore Notes, at Exhibit 6396, p. 11.

Natalie Bray Notes, at Exhibit 3743, p. 35.

316. Based on the information he had at the time, Staff Inspector Neadles considered TF-3's authority to continue the rescue to be over, and he therefore returned the authority over the rescue to the ELFD. This act is referred to in notes from the meeting as Staff Inspector Neadles returning the "scene" to the ELFD; however it is Chief Officer's evidence that it was always his scene. It was the rescue portion of the incident, which Chief Officer had delegated to Staff Inspector Neadles, that was returned to the ELFD.

Transcript from the Examination of Bill Neadles, dated September 11, 2013, at page 25481 (lines 1 to 19).

Natalie Bray Notes, at Exhibit 3743, p. 35.

Transcript from the Examination of Paul Officer, dated August 22, 2013, at pages 21744 to 21745.

317. While Staff Inspector Neadles may have used the phrase "rescue to recovery" at the June 25 3:00 p.m. meeting, this was not his decision to make. The authority to change the operation from a rescue to recovery rested with Chief Officer, and Chief Officer provided evidence that he

never made such a determination.

Transcript from the Examination of Paul Officer, dated August 22, 2013, at page 21847 (lines 9 to 18).

Transcript from the Examination of Paul Officer, dated September 19, 2013, at page 26428 (lines 3 to 13).

318. Staff Inspector Neadles gave evidence that if he could go back and change what he said in communicating the halting of the rescue, he would. At the time of the June 25 3:00 p.m. meeting, Staff Inspector Neadles had not yet had an opportunity to discuss potential next steps with his team, and the possibility of continuing the rescue with Priestly had not yet been raised.

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at pages 25453 to 25456.

319. However, regardless of whether the operation was termed a "rescue" or a "recovery" at this stage, TF-3 was continuing to search for a way to continue the rescue, and the rescue was continued using a plan that was introduced by TF-3.

320. Even if the operation was designated a recovery at this stage, this designation did not prevent the rescue from subsequently re-starting when TF-3 arrived at a plan to move forward. If the MOL did place a stop work order on the building, the MOL could remove the order when a method of continuing the rescue was found.

Transcript from the Examination of Dan Hefkey, dated October 8, 2013, at pages 28839 to 28840.

321. Commissioner Hefkey gave evidence that it is not useful to make a clear distinction between rescue and recovery.

Transcript from the Examination of Dan Hefkey, dated October 8, 2013, at page 28851 (lines 9 to 14).

322. It is respectfully submitted that the information that Staff Inspector Neadles provided at the CCG meeting was the best information he had at the time, and that Staff Inspector Neadles was acting within his role as rescue Task Force Commander by providing to the CCG the most current information about the important development in the rescue as promptly as he could.

ii. Staff Inspector Neadles' Interaction with the Families

323. Staff Inspector Neadles attended to speak with the families at the personal request of Mayor Hamilton. It was not part of Staff Inspector Neadles' duties as Task Force Commander to update the families on the status of the rescue, and he did not schedule this attendance to speak to the families.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at pages 25715 to 25716.

324. While Mayor Hamilton did not consider that he made a "personal request" to Staff Inspector Neadles, he agreed that he asked Staff Inspector Neadles to accompany him on this visit to the families in case there were questions about specifics of what had occurred.

Transcript from the Examination of Rick Hamilton, dated October 7, 2013, at pages 28973 to 28574.

325. Staff Inspector Neadles gave evidence that when he met with the victims' families at Collins Hall on the afternoon of June 25 he would not have told the families that the building would be demolished and the victims would be dug out. Staff Inspector Neadles would have told the families that the rescuers had stopped working, but he does not recall saying that TF-3 would be going home.

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at pages 25482 to 25491.

326. The information that Staff Inspector Neadles provided the families is the same information that was discussed in the June 25 3:00 p.m. CCG meeting and in the Command meetings about the movement of the escalator, and was the most up-to-date information he had. The possibility of continuing the rescue with Priestly had not yet been discussed.

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at pages 25491 to 25492.

327. Staff Inspector Neadles gave the information he had to the families as honestly as he could. It is part of Staff Inspector Neadles' moral philosophy to be honest with families in situations such as this, to tell the truth, and to not give any false hope. At the time he met with the families Staff Inspector Neadles was not in a position to give them any hope.

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at pages 25491 to 25492.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24640 to 24643.

328. The victims' families have given evidence that they were not all present when Staff Inspector Neadles announced that the rescuers had been removed from the building. However, Staff Inspector Neadles was not introduced to the family members, and was not aware that they were not all present. He was under the impression that all of the people who should be hearing the news were present.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at pages 25709 to 25710, and 25713 to 25716.

Transcript from the Examination of Robin Kerr, dated September 25, 2013, at page 27365 (lines 12 to 15).

329. Mayor Hamilton also gave evidence that he was not aware that all the family members were not present at the time that Mr. Neadles was speaking to the families.

Transcript from the Examination of Rick Hamilton, dated October 7, 2013, at page 28575 (lines 5 to 12).

330. Robin Kerr of Victim Services of Algoma was critical of how the families were informed that the rescuers had been removed from the building. However, Ms. Kerr acknowledged that after Staff Inspector Neadles arrived at Collins Hall she had to attend to other matters. Ms. Kerr did not hear what was said to the victims' families, and did not hear what questions were asked by the victims' families and what answers were given. She did not know when Staff Inspector Neadles left Collins Hall.

Transcript from the Examination of Robin Kerr, dated September 25, 2013, at pages 27364 (line 3) to 27365 (line 2).

331. It is respectfully submitted that Staff Inspector Neadles provided the victims' families with the best and most complete information he had at the time, as honestly as he could, when requested to do so by the mayor.

iii. Communication to the Public at the June 25 5:00 p.m. Press Conference

332. Staff Inspector Neadles was asked by Mayor Hamilton to attend the press conferences, beginning with the June 24 5:00 p.m. press conference. Staff Inspector Neadles was involved in scheduling the press conferences.

Transcript from the Examination of Bill Neadles, dated September 11, 2013, at page 25357 (lines 1 to 9).

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at page 25745 (lines 6 to 13).

333. Media relations are not something that would generally be performed by a TF-3 Task Force Commander, and in Elliot Lake the communications with the media were a large imposition on Staff Inspector Neadles' time, which time could have been spent on other aspects of the rescue.

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at pages 25311 to 25312.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at page 25745 to 25747.

334. In the June 25 5:00 p.m. press conference Staff Inspector Neadles provided the public with information about the movement of the escalator. Just like he did with the victims' families, Staff Inspector Neadles provided the most up-to-date information he had, as honestly as he could. The information that was given at the press conference is what was discussed at the June 25 3:00 p.m. CCG meeting and in the Command meetings about the movement of the escalator.

Transcript from the Examination of Bill Neadles, dated September 11, 2013, at pages 25494 to 25495.

335. The possibility of continuing the rescue with Priestly had not yet been raised at the time of the press conference, and Staff Inspector Neadles could not offer the public any hope about being able to continue the rescue at this stage.

336. During this press conference, Staff Inspector Neadles referenced the MOL putting a stop order on the building, and that a demolition company would be retained to demolish the building in a respectful way to recover the victims. This is what Staff Inspector Neadles understood at the

time and what was discussed in the June 25 3:00 p.m. CCG meeting.

Transcript from the Examination of Bill Neadles, dated September 11, 2013, at pages 25499 to 25500.

Percy Jollymore Notes, at Exhibit 6396, p. 11.

Natalie Bray Notes, at Exhibit 3743, p. 35.

337. While there is confusion as to what, if any, order the MOL was considering at this stage, it is clear that members of the rescue, including Chief Officer and Staff Inspector Neadles, understood that the MOL would be putting a stop order on the building.

Transcript from the Examination of Bill Neadles, dated September 11, 2013, at page 25472 (lines 4 to 10).

Transcript from the Examination of Paul Officer, dated September 19, 2013, at page 26423 to 26425.

Percy Jollymore Notes, at Exhibit 6396, p. 11.

Natalie Bray Notes, at Exhibit 3743, p. 35

338. Staff Inspector Neadles provided the updates on the status of the rescue to the CCG, the families, and the media before he had been able to speak with his team members about any possible ways to continue the rescue. However, even if Staff Inspector Neadles had been able to speak with his team members between June 25 at 2:00 p.m. (when he confirmed the rescuers would not be allowed back in the building) and the end of the June 25 5:00 p.m. press conference, the information he had to provide likely would not have changed. As is discussed below, the plan to continue the rescue was proposed by Sergeant Phil Glavin of TF-3, who was off-shift between 6:00 a.m. and 6:00 p.m. on June 25, and not aware of the developments in the operation during that time. Sergeant Glavin was not able to speak to Staff Inspector Neadles to propose a new plan until sometime between 6:00 p.m. and 8:00 p.m. on June 25.

339. It is respectfully submitted that Staff Inspector Neadles provided the public with the best and most complete information he had at the time, as honestly as he could, when requested to do so by the mayor.

12. Operations After the Rescuers Were Removed From the Building

340. It is Toronto's position that TF-3 continued to search for methods to continue the rescue after the rescuers were removed from the building, and continued to perform preparatory work that would be needed if the rescue was to continue. TF-3 was not preparing to leave Elliot Lake after the rescuers were removed from the building.

i. Work Performed After the Rescuers Were Removed From the Building

341. Before the June 25 3:00 p.m. CCG meeting, Commander McCallion and Staff Inspector Neadles met in the command tent to discuss having the engineers re-evaluate the site. Commander McCallion believes that at this time Captain Comella and the engineering group were asked to look for next steps to continue the rescue.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24605 to 24610.

342. It was Chief Officer's understanding that Staff Inspector Neadles tasked members of the rescue with continuing to monitor the building, and to attempt to come up with other options to continue the rescue.

Transcript from the Examination of Paul Officer, dated September 19, 2013, at page 26422 (lines 17 to 24).

343. As Operations Chief and Logistics Chief, respectively, Captain Comella and Captain McRae understood TF-3 was still in rescue mode, and was moving towards another direction to continue the rescue. Through his role in reassessing the building Captain Comella continued to consider options to move the rescue forward. Neither Captain Comella nor Captain McRae was ever told that the operation was not still a rescue.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24353 to 24355, and 24280 (lines 17 to 22).

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27256 to 27257.

Transcript from the Examination of Bill Needles, dated September 11 2013, at pages 25438 to 25439.

344. After the rescuers were removed from the building, work continued in other areas so that the rescue could move forward once any further plan was formulated.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24280 to 24281.

345. On June 25 at 2:00 p.m. Captain Guy was instructed to remove the pneumatic shores from the building, and to replace them with wooden shores. The pneumatic shores could be needed if the rescue was going to continue. If TF-3 had not wanted to use the shores to continue the rescue they would have been left in the building and collected after the event.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24269 to 24271.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 24256 to 24258.

346. Beginning at 2:40 p.m. on June 25 continued shoring occurred on the outside of the building. Part of the purpose of this shoring was to keep the rescuers occupied and to show the public that the rescuers were still working. When this shoring was underway there was a threat of non-rescuers attempting to breach the building's cordon to conduct the rescue themselves.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24291 to 24292 and 24352 (lines 1 to 10).

347. Additional steps took place in anticipation of continuing the rescue operation, including installing additional lighting and moving the command tent at 4:00 p.m. on June 25, and the moving of the cutting table at 7:15 p.m. on June 25.

Transcript from the Examination of Tony Comella, dated September 6, 2013, at pages 24392 to 24393.

348. Although the plan for Priestly had not been approved at this time, TF-3 began preparation work for the Priestly operation because they believed the Priestly plan would be approved, and because there was a substantial amount of work that needed to be completed to be ready for Priestly.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27271 to 27272.

349. Beginning at 8:48 p.m. on June 25 a number of shores were installed under the walkway near the building main entrance, to provide stability to the area and a warning to Priestly of a possible collapse. There was concern that the vibrations caused by the Priestly articulating arm moving into position could have caused a secondary collapse.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24292 to 24295 and 24355 to 24358.

Transcript from the Examination of Bill Needles, dated September 12, 2013, at pages 25593 to 25596.

350. A gravel pad was built in front of the building to provide a level platform for the articulating arm, and roads within Elliot Lake were filled in so the curbs would not be damaged during the transportation of the articulating arm.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at pages 27817 to 27819.

ii. TF-3 Was Not Leaving on June 25

351. When the TF-3 and ELFD members were briefed on the decision to remove the rescuers from the building, the TF-3 members were told only that there was a *possibility* they would be going home.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24635 to 24636.

352. As Logistics Chief, Captain McRae would have been one of the first people to know if TF-3 was leaving Elliot Lake, as he would have been in charge of demobilization. No TF-3 demobilization occurred on June 25. Captain Guy recalls being told at the debriefing not to load the trucks. As can be seen from the compilation of TF-3 notes, when TF-3 did demobilize on June 27 the notes about the demobilization belong to Captain McRae and the demobilization plan was created by Captain McRae.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27270 to 27271.

Transcript from the Examination of Bill Neadles, dated September 11, 2013, at pages 25502 to 25503.

Transcript from the Examination of Chuck Guy, dated September 24, 2013, at page 27136 (lines 15 to 16).

Captain Comella's TF-3 Notes Compilation, at Exhibit 6393, p. 11.

353. Since TF-3 was provincially-deployed, TF-3 needed to be released by the Province in order to return to Toronto. TF-3 did not ask to be released on the evening of June 25, and was not released by the Province at that time.

Transcript from the Examination of Carol-Lyn Chambers, dated September 18, 2013, at page 26254 (lines 12 to 20).

354. Commissioner Hefkey gave evidence that he did not understand the rescue operations to have stopped on June 25. He understood that the physical work on the debris pile had been halted, but that members of the rescue were focussed on establishing alternative methods for continuing the rescue. It is Commissioner Hefkey's understanding that the rescue operations would have continued even if not for the call from Premier McGuinty.

Transcript from the Examination of Dan Hefkey, dated October 8, 2013, at pages 28868 to 28869.

355. Mayor Hamilton gave evidence that he received no indication that TF-3 was leaving following the June 25 3:00 p.m. CCG meeting. Rob deBortoli provided evidence that following the June 25 5:00 p.m. press conference discussions of next steps took place that involved members of TF-3.

Transcript from the Examination of Rick Hamilton, dated October 7, 2013, at page 28529 (lines 9 to 14).

Transcript from the Examination of Rob deBortoli, dated October 7, 2013, at pages 28456 to 28457.

356. Michael Mantha recalls a conversation he had with Staff Inspector Neadles after the rescuers were removed from the building, in which Staff Inspector Neadles explained that TF-3 was still looking into options, and was still talking with the ELFD about what could be done.

Transcript from the Examination of Mike Mantha, dated September 23, 2013, at pages 26770 (lines 10 to 16).

357. The fact that Dr. Feldman, Mr. Sorel, and Mr. Cranford were permitted to return to Toronto on June 25 does not signify that TF-3 was no longer searching for options to continue the rescue.

358. After Mr. Cranford left there were still had engineers on site, namely Mr. Jeffreys and Mr. Sanders. Staff Inspector Neadles gave evidence that he was confident that Mr. Jeffreys would be able to perform the role of engineer going forward. On his way back to Toronto, Mr. Cranford called to ask if he was needed to assist with the Priestly operation, but was told he could continue home. Staff Inspector Neadles gave evidence that if he had required advice from Stephenson Engineering he could have received it by telephone, and that allowing Mr. Cranford to return to Toronto did not delay the rescue efforts.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at pages 25546 to 25548 and 25787 to 25788.

359. Dr. Feldman left Elliot Lake in order to attend to his previously-scheduled shifts at Sunnybrook Hospital. Dr. Feldman was replaced in Elliot Lake by Dr. Mark Freedman. Dr. Feldman had been asking Dr. Freedman to replace him in Elliot Lake since before the rescuers were removed from the building. Dr. Freedman was present in Elliot Lake when the victims were located.

Emails between Dr. Feldman and Dr. Freedman, at Exhibit 7496.

Transcript from the Examination of Dr. Michael Feldman, dated September 18, 2013, at pages 26058 to 26061.

360. Mr. Sorel requested and was granted permission to return to his duties as Toronto Water's on-call manager for an issue involving the Coxwell Trunk Sewer. Mr. Sorel's primary role in the rescue was as a rigger, and at the time he returned to Toronto the Millennium operation had been halted and Millennium was being instructed to leave the site.

Transcript from the Examination of Don Sorel, dated October 1, 2013, at pages 27550 to 27551, and 27589 to 27590.

361. On June 27 at 2:30 p.m., after the Priestly operation was completed and both victims had

been removed, TF-3 began creating its demobilization plan. Demobilization began at 4:00 p.m. on June 27, and TF-3 departed Elliot Lake at 8:20 p.m. on June 27.

Captain Comella's TF-3 Timeline, at Exhibit 6393, p. 11.

13. The Priestly Operation

362. It is Toronto's position that the Priestly operation was not the type of operation that would normally form part of a rescue operation. While the operation was performed as well as could be expected, the operation was dangerous and could have caused further harm to anyone trapped in the debris pile.

363. Given the danger involved in the Priestly operation, and the fact that the Priestly articulating arm is a unique piece of demolition equipment that had never previously been used in a rescue, Toronto takes the position that it would not be fair or appropriate to criticize TF-3 or anyone else involved for not arriving at a plan to use Priestly earlier in the rescue. The plan to use Priestly was reached because a task member, Sergeant Glavin, had a family relationship with Priestly and therefore had a deeper understanding of Priestly's demolition equipment than a rescue member could otherwise be reasonably expected to have.

i. TF-3's Contact With Priestly

364. The Priestly articulating arm is a specialized and unique piece of demolition equipment that has a 150-foot telescopic boom with an elbow that allows the boom to bend and reach down. The end of the boom can be fitted with different attachments, including a rotating grapple that can delicately cut, pick up, and pile debris, and an attachment for crushing debris. The Priestly articulating arm has the most height of any demolition machine in Ontario.

Transcript from the Examination of Phil Glavin, dated October 1, 2013, at pages 27661 to 27662.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at pages 27824 to 27829 and 27928 to 27930.

Photograph of the articulating arm, Exhibit 7950.

365. The articulating arm is not a crane. With a crane the only option is to lift debris vertically using riggers to sling the debris to assist with the removal. The articulating arm's hydraulic equipment allows it to manipulate debris by pulling it out at an angle, turning it, and applying downward pressure to it. The articulating arm can operate without deploying riggers or other rescuers on the debris pile.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at pages 27923 to 27925.

366. On June 24 at 10:00 a.m., before Sergeant Glavin began his first shift, he called his brother who works for Priestly to ask about the availability of the Priestly articulating arm. Sergeant Glavin believed that the articulating arm may be of assistance in the event of a secondary collapse. Sergeant Glavin was not considering that the rescuers could be removed from the building over concerns of the escalator area. Sergeant Glavin was not asked to contact Priestly, and he did not tell Staff Inspector Neadles he had spoken to his brother.

Transcript from the Examination of Phil Glavin, dated October 1, 2013, at pages 27661 to 27666.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at pages 27919 to 27920.

367. Sergeant Glavin had an intimate knowledge of Priestly's operations due to his family's close connections with the Priestly family. Sergeant Glavin does not believe Staff Inspector Neadles was previously aware of the articulating arm.

Transcript from the Examination of Bill Neadles, dated September 11, 2013, at pages 25506 to 25507.

Transcript from the Examination of Phil Glavin, dated October 1, 2013, at pages 27659 to 27661 and 27761 to 27762.

368. Priestly purchased the articulating arm in 2004, after Priestly assisted TF-3 at the 2003 Bloor Street explosion, and after Priestly provided Toronto with a list of its equipment.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at page 27919 (lines 1 to 16).

369. Staff Inspector Neadles' knowledge of Priestly was limited to recovery situations. TF-3 has not performed any training with the Priestly articulating arm. Staff Inspector Neadles does not believe any of the rescue teams in Canada have trained with such equipment.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at pages 25761 to 25762.

370. Sergeant Glavin was off-shift when the rescuers were removed from the building. Before going off-shift, Sergeant Glavin considered the rescue to be proceeding well and had received no indication that the rescue would be halted. Sergeant Glavin returned to the site at 6:00 p.m. on June 25. While he was on his way to the church for dinner he was advised that the rescuers had been removed from the building.

Transcript from the Examination of Phil Glavin, dated October 1, 2013, at pages 27713 to 27714, 27721 to 27722, and 27758 to 27759.

371. As soon as Sergeant Glavin heard that the rescuers had been removed from the building he located Staff Inspector Neadles at the church. At this time Sergeant Glavin advised Staff Inspector Neadles that he may have a plan to continue the rescue, and told him about the Priestly articulating arm.

Transcript from the Examination of Phil Glavin, dated October 1, 2013, at pages 27722 to 27723, and 27726 (lines 17 to 25).

372. The conversation between Sergeant Glavin and Staff Inspector Neadles occurred sometime between Sergeant Glavin returning to the site on June 25 at 6:00 p.m. and 8:00 p.m. (when he contacted Priestly), and "long before" Staff Inspector Neadles' call with Premier Dalton McGuinty. Staff Inspector Neadles considered Sergeant Glavin's proposal the first "real indication of a go-forward plan" that he had been presented.

Transcript from the Examination of Bill Neadles, dated September 11, 2013, at page 25506 (lines 9 to 13).

Transcript from the Examination of Phil Glavin, dated October 1, 2013, at page 27738 (lines 3 to 7).

Ryan Priestly Handwritten Notes, at Exhibit 6622.

373. Staff Inspector Neadles tasked Sergeant Glavin with exploring Priestly's ability to continue the rescue. Staff Inspector Neadles gave Sergeant Glavin the "amber light" to move forward with a plan involving Priestly, and to lean towards putting final details on the plan.

Transcript from the Examination of Bill Neadles, dated September 1, 2013, at page 25510 (lines 6 to 21)

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at page 25576 (lines 3 to 14).

Transcript from the Examination of Phil Glavin, dated October 1, 2013, at page 27727 (lines 1 to 22).

Sergeant Glavin's Deployment Notes, at Exhibit 7617, p. 7.

374. After speaking with Sergeant Glavin, Staff Inspector Neadles met with Commander McCallion to tell him that TF-3 may be able to continue the rescue with Priestly's heavy equipment, and that TF-3 was looking into the logistics for deploying Priestly. This conversation occurred before Staff Inspector Neadles' telephone call with Premier McGuinty at 8:30 p.m. on June 25.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at page 24648 to 24650.

375. Mr. Mantha recalls that when he spoke to Staff Inspector Neadles between 7:00 and 8:00 p.m. on June 25, Staff Inspector Neadles raised the possibility of continuing the rescue using Priestly.

Transcript from the Examination of Mike Mantha, dated September 25, 2013, at pages 26772 to 26774.

376. At 8:00 p.m. on June 25 Sergeant Glavin attempted to contact Ryan Priestly, but could not reach him. Sergeant Glavin therefore called his brother to advise him that the plan to use the Priestly articulating arm was in a "lean-forward position".

Transcript from the Examination of Phil Glavin, dated October 1, 2013, at page 27728 (lines 10 to 19).

Ryan Priestly Handwritten Notes, at Exhibit 6622.

377. Sergeant Glavin was subsequently able to speak to Ryan Priestly by telephone. During a series of five or six phone calls spanning a period of an hour or so Sergeant Glavin explained what TF-3 wanted from Priestly. Sergeant Glavin provided Mr. Priestly with photographs of the site and other information (such as the characteristics of the building, the height of the building, and the estimated size of the slabs) to assist Mr. Priestly to determine if Priestly could perform the operation.

Transcript from the Examination of Phil Glavin, dated October 1, 2013, at pages 27728 to 27734, and 27738 to 27739.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at pages 27809 to 27816.

Sergeant Glavin's Deployment Notes, at Exhibit 7617, pp. 7 and 8.

378. Because he had knowledge of the layout of the building through his role on the technical and dog search teams, Sergeant Glavin was able to describe a rough plan of how Priestly could continue the rescue.

Transcript from the Examination of Bill Neadles, dated September 11, 2013, at pages 25508 to 25510.

379. Mr. Priestly was asked whether the Millennium cranes could assist him in this operation, but he advised they could not. Each of the Priestly machines that were deployed to Elliot Lake was capable of hoisting debris, which is the one purpose of a crane.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at pages 27835 to 27836.

380. During their conversations, Sergeant Glavin also asked Mr. Priestly what could be done to prepare for the articulating arm, and was told that a gravel pad should be built to give the articulating arm a level platform to operate from.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at pages 27817 to 27818.

381. As a result of information provided by Mr. Priestly, a gravel pad was built at the front of the building and areas of road in Elliot Lake were filled-in so the curbs would not be damaged while the articulating arm was being transported to the building.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at page 27819 (lines 3 to 12).

382. In-between calls to Mr. Priestly, Sergeant Glavin updated Staff Inspector Neadles on the progress they were making. Sergeant Glavin also discussed the proposed Priestly Plan with Captain Comella, so Captain Comella could assist in the plan and in preparing the site for the Priestly operation.

Transcript from the Examination of Phil Glavin, dated October 1, 2013, at pages 27734 to 27736 and 27762 (lines 16 to 20).

383. While Sergeant Glavin was working to formulate a plan with Mr. Priestly, Staff Inspector Neadles left to attend on a telephone call with Premier McGuinty. At approximately 9:00 p.m. on June 25, after the call with the Premier, Staff Inspector Neadles was able to again speak with Sergeant Glavin.

Transcript from the Examination of Phil Glavin, dated October 1, 2013, at pages 27736 to 27738, and 27760 to 27761.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at page 25572 (lines 4 to 7).

384. By 11:56 p.m. on June 25, the plan with Priestly had been formulated, and Staff Inspector Neadles outlined the plan to Commissioner Hefkey in order to obtain approval for the plan.

Dan Hefkey's notes, at Exhibit 7812, p. 008.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at pages 25575 to 25579.

385. During a 1:36 a.m. June 26 telephone call, Commissioner Hefkey provided Staff Inspector Neadles with the authority to implement the Priestly plan.

Dan Hefkey's notes, at Exhibit 7812, p. 008.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at page 25580 (lines 4 to 15) and 25583 (lines 10 to 15).

386. At 1:46 a.m. on June 26, Sergeant Glavin confirmed to Mr. Priestly that the Priestly Plan had been approved, and requested that Priestly deploy to Elliot Lake.

Transcript from the Examination of Phil Glavin, dated October 1, 2013, at pages 27739 to 27740.

Ryan Priestly Handwritten Notes, at Exhibit 6622.

June 26, 4:51 a.m. email from Ryan Priestly, at Exhibit 9571.

387. Priestly began mobilizing on June 26 at 6:00 a.m., and arrived in Elliot Lake at 6:00 p.m. on June 26. By 9:00 p.m. on June 26 the articulating arm was assembled and had begun operations.

Ryan Priestly Handwritten Notes, at Exhibit 6622.

388. While the Priestly convoy was on route with a TPS escort, the local OPP detachments in Parry Sound and Sudbury facilitated the movement of the articulating arm to Elliot Lake.

Transcript from the Examination of Phil Glavin, dated October 1, 2013, at pages 27743 to 27744.

389. Captain Comella provided evidence that he believes he also discussed the possibility of continuing the rescue with heavy equipment with Commander McCallion and in a meeting involving the engineering group, around the time the rescuers were removed from the building (although the possibility of using Priestly was not mentioned).

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24251 to 24258 and 24265 to 24266.

390. Commander McCallion does not recall any such discussion, and there is no reference to any such discussion in the notes taken by Commander McCallion or Captain Comella.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24597 to 24599.

Captain Comella's TF-3 Notes Compilation, at Exhibit 6393.

Commander McCallion's notes, at Exhibit 6342.

391. It was Staff Inspector Neadles' evidence that if he had been provided with an option to continue the rescue with heavy equipment at the time the rescuers were being removed from the pile, he would have looked into the option. Staff Inspector Neadles has no recollection of being provided with such an option at this time.

Transcript from the Examination of Bill Neadles, dated September 11 2013, at pages 25497 to 25499.

392. None of the other rescuers or engineer witnesses provided any evidence that continuing the rescue with Priestly or other heavy equipment was considered a possibility before it was raised by Sergeant Glavin.

393. It is submitted that any conversations Captain Comella had about continuing the rescue with heavy equipment occurred after Sergeant Glavin raised the possibility of continuing the rescue with Priestly, and that the possibility of continuing the rescue with Priestly only became

an option in or around 8:00 p.m. on June 25.

ii. Concerns with the Priestly Operation

394. The plan to continue the rescue using the Priestly articulating arm was not without risks. While the articulating arm is an exceptional piece of equipment, it had never been used in a situation similar to Elliot Lake.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at page 27828 (lines 19 to 24).

395. There was a very serious risk that in attempting to eliminate the danger caused by the escalator area, the escalator and the slab could fall into the debris pile where the victims were located. If Ms Aylwin was alive there was a very real possibility that the Priestly operation could have hastened her death.

Transcript from the Examination of Paul Officer, dated August 22, 2013, at page 21859 (lines 4 to 25).

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at pages 25763 to 25764.

396. The operation performed by Priestly was not the preferred method of rescue, and was considered by the rescuers to be a "last-ditch" effort. Mayor Hamilton recalls that when Staff Inspector Neadles introduced the idea of the Priestly operation at the June 25 8:30 CCG meeting he referred to it as a "last-ditch effort".

Transcript from the Examination of Paul Officer, dated August 22, 2013, at pages 21859 to 21860.

Transcript from the Examination of Rick Hamilton, dated October 7, 2013, at page 28542 (lines 1 to 9).

397. Toronto respectfully submits that it would not be appropriate to use hindsight to fault the rescuers for not arriving at a plan to use Priestly's articulating arm earlier in the operation, particularly considering, among other things discussed herein,

- a. the unique nature of the articulating arm (the existence of which was known to Sergeant Glavin through a family connection);

b. the fact that the articulating arm is a demolition machine that had never been used in a rescue; and,

c. the serious risks to any viable victims that were posed by the use of the articulating arm. To continue the rescue using equipment such as the articulating arm is far outside of TF-3's training.

398. There is ample evidence referred to herein to conclude that the rescuers, and in particular Captain Comella, Mr. Jeffries, and Mr. Cranford, never stopped considering how they could eliminate the hazards posed by the escalator area in order to continue the rescue.

iii. Call with Premier McGuinty

399. By 8:30 p.m. on June 25, when Staff Inspector Neadles attended on the telephone call with Premier McGuinty, he had already begun discussions with Sergeant Glavin about the possibility of Priestly continuing the rescue. However, the plan had only been outlined in a general way, and Staff Inspector Neadles could not provide much detail of the plan during the telephone call.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at pages 25550 and 25587.

Transcript from the Examination of Premier Dalton McGuinty, dated October 9, 2013, at page 28929 (lines 15 and 16).

400. During the call Staff Inspector Neadles did outline the preliminary discussions he had with Sergeant Glavin. Commissioner Hefkey recalls Staff Inspector Neadles raising the possibility of continuing the rescue with Priestly, as is referenced in his notes from the call.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at page 25550 (lines 1 to 14).

Transcript from the Examination of Dan Hefkey, dated October 8, 2013, at pages 28636 to 28637.

Dan Hefkey Notes, at Exhibit 7812, p. 007.

401. While Premier McGuinty does not recall Priestly being discussed, there is reference in

Commissioner Hefkey's notes to Premier McGuinty still being on the call after the reference to Staff Inspector Neadles discussing Priestly. When he was examined, Premier McGuinty acknowledged that Staff Inspector Neadles could have discussed Priestly on the call, and that he had no reason to doubt Commissioner Hefkey's note-taking.

Dan Hefkey Notes, at Exhibit 7812, p. 007.

Transcript from the Examination of Premier Dalton McGuinty, dated October 9, 2013, at pages 28989 to 28990.

402. That continuing the rescue with heavy equipment would be a risky operation was made clear to Premier McGuinty.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at page 25563 to 25564.

Transcript from the Examination of Dan Hefkey, dated October 8, 2013, at page 28640 (lines 11 to 19).

403. Premier McGuinty did not order the rescue to continue. Staff Inspector Neadles characterized Premier McGuinty as being a person of authority willing and wanting to do whatever he could to move the rescue forward. He did not understand the Premier to be pressuring him to continue the rescue.

Transcript from the Examination of Premier Dalton McGuinty, dated October 9, 2013, at page 28942 (lines 2 to 4).

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at page 25566 (lines 4 to 14).

404. Staff Inspector Neadles was relieved to hear from the Premier because he understood he would thereafter be in a position to move forward with the rescue, and he expected that the plan TF-3 was working on with Priestly would get approved.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at pages 25566 to 25567.

405. It is Commissioner Hefkey's understanding that the rescue operations would have continued even if not for the call from the Premier.

Transcript from the Examination of Dan Hefkey, dated October 8, 2013, at pages 28868 to 28869.

406. It is respectfully submitted that while Premier McGuinty was of assistance in implementing the plan to continue the rescue, the plan was being formulated before Premier McGuinty became directly involved and would have been implemented even if the Premier had not become involved directly.

iv. Conduct of the Priestly Operation

407. Ryan Priestly gave evidence that he considered the Priestly operation to be a rescue mission, and that he operated with a sense of urgency. The need for urgency was conveyed to him as far back as his calls with Sergeant Glavin on the evening of June 25.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at pages 27815 to 27816, and 27844 to 27847.

408. The plan for the Priestly operation was arrived at through the joint efforts of Captain Comella, Mr. Priestly, and Mr. Jeffreys (who provided an engineering background to the plan). Mr. Priestly asked that the Priestly operation plan be reduced to writing, as was his practice in the demolition industry.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at pages 27848 to 27849.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at pages 27848 to 27851.

Transcript from the Examination of Roger Jeffreys, dated October 3, 2013, at page 28188 (lines 6 to 23).

409. The plan that was arrived at involved two options. Plan "A" was for Priestly to reach through the hole in the roof with the articulating arm to attempt to cause controlled failure of the escalator away from the debris pile, and then to remove the front of the building near the main doors using the articulating arm, a Link Belt 460, and a Komatsu PC490. If Priestly was not able to cause the controlled failure of the escalator in this manner, plan "B" was for Priestly to first remove part of the front of the building, and then cause the controlled failure of the escalator. Once the front of the building and the hazards were removed, the rescuers and the Priestly equipment would be able to access the debris pile to remove the debris to uncover the victims.

Priestly Plan, at Exhibit 7296

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24306 to 24307.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at pages 27852 to 27861.

410. The Link Belt 460 is a demolition machine that is similar to a smaller articulating arm, and is used in tearing down steel buildings and cutting rebar. The Link Belt is capable of cutting thicker steel than the articulating arm can. The Komatsu PC490 is a smaller demolition machine that has a grapple for precise material handling.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at pages 27831 to 27835.

Photograph of the Link Belt 460, at Exhibit 9899 and 9578.

Photograph of the Komatsu PC490, at Exhibit 990.

411. The demolition work began on June 26 at 9:00 p.m., and was completed on June 27 at 6:00 a.m.

Ryan Priestly Handwritten Notes, at Exhibit 6622.

412. The articulating arm was unable to reach through the hole in the roof to push down the escalator in a controlled way. Mr. Priestly therefore proceeded with plan "B", which involved starting at the penthouse and "nibbling" from the top down. Once the front of the building in the collapse area was removed, the beam under the escalator was cut and the escalator and debris on top was lowered in one piece.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at pages 27868 to 27893.

Photographs at Exhibits 9580, 9897, and 9898.

413. While the Priestly operation was ongoing, the cadaver and search and rescue dogs were deployed to search for victims in both the debris pile and the debris that had been removed. There were no live indications in any of the searches.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at pages 22409 to 22411, 22415 and 22427 to 22479.

Transcript from the Examination of Scott Fowlds, dated September 19, 2013, at pages 26358 to 26360.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at page 27899 (lines 7 to 15).

414. When Sergeant Bailey had concerns as to what he understood was the proposed manner of deploying his dog, Sergeant Bailey's concerns were considered and the searches were performed in a manner agreeable to him.

Transcript from the Examination of Daniel Bailey, dated August 27, 2013, at pages 22792 to 22793.

Transcript from the Examination of Daniel Bailey, dated August 28, 2013, at pages 22867 to 22868.

415. It was clear to Mr. Priestly that the rescuers wanted to make sure nothing fell in the area where the victims were believed to be located, and Mr. Priestly operated with the intention of not letting anything fall in this area.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at page 27847 (lines 2 to 20).

416. Mr. Priestly does not believe anything fell from the core slab when he was removing it. He saw no evidence of new debris on the pile, and could see fresh dust on the debris pile which indicated to him that nothing new had fallen on the debris pile. When the escalator area was removed, it was not pulled over the debris pile.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at pages 27891 to 27892, 27897 to 27898, and 27927 (lines 5 to 16).

417. While some small debris fell when Priestly was removing the widow-makers, this material did not fall in the areas where the victims were located.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at pages 27926 to 27927.

418. When the Priestly operation began a pylon was placed in the area where the potentially-viable victim was believed to be located. At the end of the Priestly operation this pylon had not moved. There was no evidence of a shift in the debris pile during the Priestly operation.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24363 to 24365.

Transcript from the Examination of Bill Needles, dated September 12, 2013, at pages 25788 to 25789.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at page 27928 (lines 10 to 23).

419. Once the front of the building and the escalator area were removed, the rescuers were able to access the debris pile. At this stage Mr. Priestly began taking detailed instructions from Captain Comella, and the Priestly equipment started gently removing debris from the pile. The debris was removed little-by-little, and during this process the rescuers sifted through the smaller debris by hand. When a piece of debris was pulled back, the rescuers would check for any evidence of a potential victim underneath before the debris was removed.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at pages 27894 to 27897, and 27903 to 27904.

420. It is submitted that while the Priestly operation was a last-ditch effort, it was performed with urgency and in the safest manner possible in an attempt to rescue anyone who may have still been alive in the collapse zone.

v. Order of Removal of the Victims

421. Ms. Perizzolo was the first victim to be uncovered, at approximately 10:00 a.m. on June 27. The process of locating and removing Ms. Perizzolo was performed with urgency, but proceeded carefully so as not to cause any further harm.

Ryan Priestly Handwritten Notes, at Exhibit 6622.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at page 27910 (lines 13 to 24).

422. After the identification team had concluded its work with Ms. Perizzolo, Mr. Priestly returned to the operation of locating and uncovering Ms. Aylwin. It took approximately 1.5 to 2 hours to perform this work, and Ms. Aylwin was uncovered at 1:00 p.m. on June 27. During this process another 40 tons of material had to be removed to reach Ms. Aylwin.

Ryan Priestly Handwritten Notes, at Exhibit 6622.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at pages 27911 to 27912.

423. The reason that Ms. Aylwin, who was thought to be potentially-viable, was not located first was explained by a number of witnesses.

424. Captain Comella described the Priestly operation as involving the systematic removal of debris, akin to peeling back an onion. Staff Inspector Neadles provided evidence that debris was removed from the pile in the order that would cause the least movement within the pile.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24313 to 24314.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at page 25814 (lines 1 to 25).

425. Captain Guy gave evidence that with the way the slabs within the debris pile were configured, the slabs that were covering Ms. Perizzolo had to be removed before the slabs covering Ms. Aylwin could be removed. The slabs that were covering Ms. Perizzolo had to be removed to gain access to Ms. Aylwin, regardless of whether Ms. Perizzolo had been there or not. Ideally the rescuers would have gone straight to the potentially-viable victim; however, because of the way the slabs were configured they gained access to Ms. Perizzolo first.

Transcript from the Examination of Chuck Guy, dated September 24, 2013, at pages 27151 to 27152.

426. Mr. Priestly gave evidence that material from other areas of the debris pile had to be removed first to access the debris where Ms. Aylwin was believed to be located. Mr. Priestly agreed that this process was like peeling an onion. The debris had to be removed as gently and delicately as possible, starting from the top of the debris pile.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at pages 27906 to 27908, 27921 to 27922, and 27927 (lines 17 to 23).

427. While Constable Waddick questioned the effectiveness of the Priestly equipment to remove the rubble from the victims, Mr. Priestly provided a detailed explanation for how Priestly was able to effectively and efficiently remove the rubble by lifting it straight up into the air with the Komatsu PC490, then backing up the machine and lowering the rubble to the ground outside of the collapse zone. Once the rescuers checked to ensure there were no victims under the debris that was lifted, the debris would be piled outside of the collapse zone. Mr. Priestly did not drag any debris off of the pile.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at pages 27908 to 27910.

428. The debris would have been removed in the same systematic fashion regardless of whether it was removed using the Millennium crane or the Priestly equipment. Constable Waddick provided evidence that during the Millennium operation the rescuers could not remove concrete on the south end without causing a slide on the north end because the pile was much higher on the north end. The riggers therefore removed pieces progressively through the debris pile on the north end to stabilize the area where the victims were believed to be.

Transcript from the Examination of Patrick Waddick, dated August 23, 2013, at pages 22015 to 22016.

429. Constable Cox gave evidence that when they were removing slabs using the Millennium crane "everything is overlaying and intertwined". As a result they had to remove the slabs using a systematic process, and slabs away from the area had to be removed in order to safely remove debris in the area they wanted to uncover.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at page 22375 (lines 12 to 19).

430. Similarly, Mr. Sorel gave evidence that during the Millennium operation the riggers had to remove the higher-sitting pieces in order to get to the pieces in the area where the potentially-viable victim was believed to be located.

Transcript from the Examination of Don Sorel, dated October 1, 2013, at page 27582 (lines 6 to 22).

431. It is submitted that the order of removal of the victims was dictated by the composition of the debris pile, and was in no way the result of the rescuers not working diligently to locate and uncover Ms. Aylwin.

vi. Number of Slabs to Reach Ms. Aylwin

432. Constable Cox gave evidence that when the rigging concluded on the morning of June 25, he *estimated* that only a few more slabs would have to be removed to reach where Ms. Aylwin was believed to be located. However, Constable Cox gave evidence that it ended up taking "a lot longer than three slabs" to locate Ms. Aylwin.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at page 22379 (lines 4 to 13).

433. Constable Cox further gave evidence that when the rescuers were removed from the building they did not know how close they were to Ms. Aylwin. Constable Cox stated that "it could have been the next slab, it could have been 30 slabs, we don't know because it wasn't the case of right where we thought the person was."

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at page 22375 (lines 1 to 12).

434. Constable Waddick gave evidence that it was his "ballpark guesstimate" that it would have taken three to four more hours to uncover Ms. Aylwin at the time the riggers were removed.

Transcript from the Examination of Patrick Waddick, dated August 23, 2013, at page 22080 (lines 5 to 11).

435. As can be seen from Ryan Priestly's and Captain McRae's notes, even after Priestly had completed removing the escalator area and the front of the building at 6:00 a.m. on June 27, it took seven more hours to locate Ms. Aylwin at 1:02 p.m. on June 27. With the escalator area and the front of the building out of the way, the process of debris removal would have been much quicker.

Captain Comella's TF-3 Notes Compilation, at Exhibit 6393, at p. 11.

Ryan Priestly Handwritten Notes, at Exhibit 6622.

436. Mr. Priestly's notes show Ms. Perizzolo being located at 10:00 a.m. on June 27. However, Captain McRae's notes, which appear more accurate, show Ms. Perizzolo being located at 8:55 a.m. on June 27 and removed at 9:07 a.m. on June 27. Even after Ms. Perizzolo was removed at 9:07 a.m. on June 27, it took four more hours and the removal of forty tons of material to locate Ms. Aylwin at 1:02 p.m. on June 27

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at page 27912 (lines 2 to 7).

Captain Comella's TF-3 Notes Compilation, at Exhibit 6393, at p. 11.

Ryan Priestly Handwritten Notes, at Exhibit 6622.

437. Mr. Priestly has provided evidence explaining how the Priestly equipment was able to remove the debris much quicker than the Millennium crane was able to. Mr. Jeffreys gave

evidence that Priestly was able to remove debris more quickly, safely, and precisely than Millennium was.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at pages 27933 to 27936.

Transcript from the Examination of Roger Jeffreys, dated October 3, 2013, at pages 28210 to 28215.

438. Toronto respectfully submits that the estimates that Ms. Aylwin would have been located using the Millennium crane if three more slabs had been removed are inaccurate. The actual events show that it took far more time, and that far more material had to be removed, to locate Ms. Aylwin than was estimated by Constable Waddick and Constable Cox.

439. It is further submitted that if the Millennium crane operations had been able to continue it would have taken Millennium more than seven hours (and likely significantly more than seven hours) to locate Ms. Aylwin. It took Priestly seven hours to locate Ms. Aylwin using more efficient equipment, after the escalator and the front of the building were removed to allow the rescuers and the heavy equipment direct access to the debris pile.

440. It is emphasized again that the Millennium operation could not be continued after the morning of June 25 because the crane operations required placing rescuers in the collapse zone, after the escalator area was found to be moving and in danger of further collapse without warning.

14. Cause and Time of Death

441. It is Toronto's position that the medical evidence shows that both Ms. Aylwin and Ms. Perizzolo died near-immediately after the collapse, and that nothing the rescuers did or did not do would have resulted in a live rescue of either victim.

i. Doloris Perizzolo

442. It is apparent from the medical evidence that Doloris Perizzolo died near-immediately after the collapse. Ms. Perizzolo was located by the first responders upon their initial entry to the

collapse zone. The first responders tried to get a pulse on her wrist, but were unable to and she was cold to the touch.

Transcript from the Examination of John Thomas, dated August 15, 2013, at pages 21055 to 21057.

443. Dr. Marc Bradford is the coroner who was present when Lucie Aylwin and Doloris Perizzolo were located, and who pronounced their deaths. Dr. Bradford has been a coroner since 2000 and has investigated approximately 250 deaths.

Transcript from the Examination of Dr. Marc Bradford, dated August 29, 2013, at page 23135 (lines 16 to 19).

444. Dr. Bradford provided evidence that Ms. Perizzolo was hit from above by a large amount of debris. Dr. Bradford described the numerous injuries to Ms. Perizzolo, including a tremendous head injury with fractures to her skull and a hinge fracture whereby her neck was disassociated from her skull.

Transcript from the Examination of Dr. Marc Bradford, dated August 29, 2013, at pages 23194 to 23195, 23208 (lines 3 to 25), and 23248 to 23250.

Perizzolo Final Autopsy Report, at Exhibit 9259.

445. Dr. Bradford further gave evidence that Ms. Perizzolo suffered brain damage and her carotid artery had been cut. Because the carotid artery is a major, high pressure artery Ms. Perizzolo would have bled out very quickly.

Transcript from the Examination of Dr. Marc Bradford, dated August 29, 2013, at pages 23208 to 23209.

446. Dr. Martin Queen is the pathologist who performed the autopsy on Ms. Aylwin and Ms. Perizzolo. In 1992 Dr. Queen received a fellowship from the Royal College of Physicians and Surgeons in anatomical pathology and is a diplomat of the American Board of Pathology in anatomical pathology.

Transcript from the Examination of Dr. Martin Queen, dated September 20, 2013, at page 26450 (lines 4 to 24).

447. In the final autopsy Dr. Queen found that exsanguination caused by the carotid artery

laceration was the most proximate cause of death. The hinge fracture could have also rapidly caused Ms. Perizzolo's death. Dr. Bradford agreed with Dr. Queen's findings as to cause of death.

Perizzolo Final Autopsy Report, at Exhibit 9259, p. 31.

Transcript from the Examination of Dr. Martin Queen, dated September 20, 2013, at pages 26465 to 26466.

Transcript from the Examination of Dr. Marc Bradford, dated August 29, 2013, at pages 23209 to 23210, 23248 to 23249, 23251 (lines 6 to 21), and 23312 to 23315.

448. Dr. Bradford described Ms. Perizzolo's injuries as massive and not survivable. It was Dr. Bradford's opinion that Ms. Perizzolo died "very, very quickly" and near-instantaneously. Dr. Queen provided evidence that Ms. Perizzolo would have been rendered unconscious almost immediately, and would have bled out in a few minutes.

Perizzolo Final Autopsy Report, at Exhibit 9259, p. 31.

Transcript from the Examination of Dr. Marc Bradford, dated August 29, 2013, at pages 23229 to 23230, and 23251 (lines 6 to 21).

Transcript from the Examination of Dr. Martin Queen, dated September 20, 2013, at pages 26466 to 26467.

449. Toronto respectfully requests that this Commission make a finding in accordance with the medical evidence that Ms. Perizzolo died near-immediately after the collapse, and that her death was inevitable after the collapse and was in no way impacted by the rescuers' efforts.

ii. Lucie Aylwin

450. Lucie Aylwin was found pinned and crushed under a massive amount of concrete. Dr. Bradford provided evidence of the large number of injuries suffered by Ms. Aylwin, including severe rib fractures and a significant back fracture referred to as a "chance fracture", which was caused by a violent forward flexion. The chance fracture appears to have been caused by Ms. Aylwin being struck in the back while in a standing position, then flexing forward and falling face down onto the floor. The extent of the fractures was severe and implied very significant

trauma.

Aylwin Final Autopsy Report, at Exhibit 9260.

Aylwin CT Scan, at Exhibit 9248.

Transcript from the Examination of Dr. Marc Bradford, dated August 29, 2013, at pages 23213 (lines 9 to 21), 23262 (lines 3 to 21), and 23278 (lines 1 to 15).

Transcript from the Examination of Dr. Martin Queen, dated September 20, 2013, at pages 26471 to 26475, and 26511 to 26512.

451. Dr. Queen concluded that Ms. Aylwin died from crush asphyxia (the inability to exchange carbon dioxide for oxygen) due to chest compression. Dr. Queen found petechiae (broken superficial blood vessels) in Ms. Aylwin's skin, which supported this finding.

Aylwin Final Autopsy Report, at Exhibit 9260, pp. 5 and 10.

Transcript from the Examination of Dr. Marc Bradford, dated August 29, 2013, at page 23212 (lines 7 to 22), 23260 (lines 17 to 23), and 23265 to 23266.

Transcript from the Examination of Dr. Martin Queen, dated September 20, 2013, at pages 26505 to 26515.

452. Dr. Queen found that the crush asphyxia was likely caused by a significant blunt force crushing injury to Ms. Aylwin's back. This force caused multiple fractures to Ms. Aylwin's spinal column and ribs in her back. With all the weight on her back, Ms. Aylwin would not have been able to move her rib cage or diaphragm, which is necessary for her to breathe. As a result of the crush, Ms. Aylwin's heart would not have had any blood to pump, which could have killed her quite quickly.

Transcript from the Examination of Dr. Martin Queen, dated September 20, 2013, at pages 26505 to 26515.

453. Dr. Queen's work was peer-reviewed by the chief forensic pathologist for the Province of Ontario, Dr. Michael Pollanen. Dr. Pollanen answered all of the questions on the peer review form in the affirmative, including agreeing that the cause of death and other opinions provided by Dr. Queen were reasonable.

Transcript from the Examination of Dr. Martin Queen, dated September 20, 2013, at page 26561 to 26562, and 26568 to 26570.

Peer Review Form for Ms. Aylwin, at Exhibit 9236.

454. Dr. Bradford found Dr. Queen's conclusion that Ms. Aylwin died quickly to be reasonable and he agreed with Dr. Queen's findings. Dr. Bradford's opinion was that Ms. Aylwin died very rapidly and near-immediately after sustaining her injuries.

Transcript from the Examination of Dr. Marc Bradford, dated August 29, 2013, at pages 23213 (lines 9 to 21), 23235 (lines 4 to 11), and 23319 (lines 15 to 25).

455. There was no inflammatory response in injuries such as Ms. Aylwin's knee laceration. Such responses are near immediate and occur in every circumstance with living people. The absence of inflammatory response reflects that Ms. Aylwin did not survive after receiving the injury. Dr. Queen gave evidence that this is consistent with Ms. Aylwin being deceased almost immediately and at most within a few hours.

Transcript from the Examination of Dr. Marc Bradford, dated August 29, 2013, at pages 23273 to 23274, and 23282 (lines 3 to 25).

Transcript from the Examination of Dr. Martin Queen, dated September 20, 2013, at pages 26476 to 26482, and 26483 to 26485.

456. As a brittle diabetic who would not have been receiving her insulin, Ms. Aylwin would have been under tremendous physiological stress. This would have caused her sugar levels to go up quickly and for Ms. Aylwin to become dehydrated quickly had she survived the collapse.

Transcript from the Examination of Dr. Martin Queen, dated September 20, 2013, at pages 26532 (line 9) to 26533 (line 9).

457. Ms. Aylwin showed no evidence of dehydration or hyperglycaemia (high blood sugar). Dr. Bradford expected that these signs would have been present had there been a significant survival interval. Dr. Queen provided evidence that the absence of evidence of dehydration or hyperglycaemia is the single strongest evidence that if there was any survival time it was quite limited.

Transcript from the Examination of Dr. Marc Bradford, dated August 29, 2013, at pages 23284 to 23287, 23294 to 23295, and 23321 to 23322.

Transcript from the Examination of Dr. Martin Queen, dated September 20, 2013, at pages 26524 to 26533.

Aylwin Final Autopsy Report, at Exhibit 9260, p. 10.

458. Dr. Queen gave evidence that the cellular samples taken from Ms. Aylwin showed no evidence of a significant survival time, and that there was no evidence of changes in Ms. Aylwin's brain that would indicate a survival interval.

Transcript from the Examination of Dr. Martin Queen, dated September 20, 2013, at pages 26520 to 26522.

Aylwin Final Autopsy Report, at Exhibit 9260, p. 10.

459. There was discussion about whether Ms. Aylwin's raised creatinine levels were suggestive of a survival interval. However, Dr. Gerald Posen described the raised levels as possibly having come from a new medication Ms. Aylwin was taking with respect to her diabetes. On her last doctor visit, Ms. Aylwin had elevated blood pressure and she was placed on a drug to combat renal dysfunction of diabetes. This drug can cause creatinine levels to increase. The raised creatinine levels are asymptomatic, and would only have been noticed when Ms. Aylwin's doctor checked the levels. Ms. Aylwin's creatinine levels had not been checked since she was prescribed the medication.

Dr. Posen's Report, at Exhibit 9893.

Transcript from the Examination of Dr. Gerald Posen, dated October 4, 2013, at pages 28253 to 28254, and 28256 to 28258.

460. No increase in Ms. Aylwin's myoglobin was found. If the increased level of creatinine had been caused by Ms. Aylwin surviving the initial collapse with a crush injury, Ms. Aylwin's myoglobin levels would have also increased with the creatinine levels.

Transcript from the Examination of Dr. Gerald Posen, dated October 4, 2013, at pages 28258 to 28263.

461. Dr. Posen concluded that Ms. Aylwin's elevated creatinine levels were not due to acute renal failure, but were due to other factors such as the medication or the crushing forces. It was

Dr. Posen's conclusion that Ms. Aylwin died soon after the crush injury. Nothing in Dr. Posen's analysis supported the theory that Ms. Aylwin was trapped for a period of time and then suffered the crush injury.

Transcript from the Examination of Dr. Gerald Posen, dated October 4, 2013, at pages 28263 (lines 3 to 21), and 28265 to 28266.

462. Dr. Bradford and Dr. Queen found no evidence of Ms. Aylwin trying to claw her way out.

Aylwin Final Autopsy Report, at Exhibit 9260, p. 10.

Transcript from the Examination of Dr. Marc Bradford, dated August 29, 2013, at pages 23193 to 23194.

Transcript from the Examination of Dr. Martin Queen, dated September 20, 2013, at page 26518 to 26520.

463. As a firefighter with 26 years experience, Captain Comella has witnessed dozens of trapped victims and knows what to look for with respect to signs of a survival interval. Captain Comella was present when Ms. Aylwin was located, and did not observe any signs that she had tried to fight her way out.

Transcript from the Examination of Tony Comella, dated September 6, 2013, at pages 24400 to 24405.

464. Dr. Bradford was asked to describe the possibility that Ms. Aylwin had survived at the times when certain potential signs of life were indicated, and responded that:

- a. while it is possible Ms. Aylwin survived one hour after the collapse (when the first responders heard what they believed to be mumbling from the debris pile), it is more likely that she died before this;
- b. he would give the same response as he did for one hour to the question about whether it is possible Ms. Aylwin survived twenty hours after the collapse (when rescuers heard what they believed to be tapping from the debris pile);
- c. the possibility of survival after twenty-two hours (when the search and rescue dog

gave an indication of a potential live victim) was "decreasing rapidly";

d. survival thirty-one hours after the collapse (when there was a second possible live indication from UCRT's dog) was only "possible";

e. survival thirty-four hours after the collapse (when the LifeLocator was first deployed) was "approaching vanishingly small probabilities"; and

f. survival forty hours after the collapse (when the LifeLocator was deployed the second time) was only "remotely possible".

Dr. Bradford further gave evidence that the longer the suggested time of survival, the less likely that it occurred, and that he was "being technical saying 'possible'" in response to the questions about possible survival intervals.

Transcript from the Examination of Dr. Marc Bradford, dated August 29, 2013, at pages 23236, and 23298 to 23300.

465. Dr. Queen was asked similar questions about the possibility that Ms. Aylwin had survived for certain periods of time after the collapse, and responded that:

a. he could not rule out Ms. Aylwin being alive one hour after the collapse;

b. on the balance of probabilities it was highly unlikely Ms. Aylwin was alive twelve hours after collapse;

c. a survival time of twenty hours was "highly unlikely", and that he did not think there was a reasonable possibility of such a survival time;

d. it was "highly unlikely" that Ms. Aylwin survived twenty-two hours after the collapse;

e. it was "inconceivable" that Ms. Aylwin was alive twenty-four hours after the collapse; and

- f. he would give the same response to the question of whether Ms. Aylwin had survived thirty-one hours as he gave about the possibility that Ms. Aylwin survived twenty-four hours.

Transcript from the Examination of Dr. Martin Queen, dated September 20, 2013, at pages 26605 to 26606, 26534 to 26535, and 26558 to 26559.

466. Dr. Queen found that death was most likely near-immediate and inevitable after crushing forces were applied. Dr. Queen provided evidence that the combined findings from the autopsy report mitigated the likelihood of any significant survival time. While Dr. Queen could not say with 100% certainty when the crushing forces were applied, looking at the entire case the most probable time of injury was at the initial collapse. On the balance of probabilities, Dr. Queen believed Ms. Aylwin's death occurred at or near the time of collapse and that all of her injuries occurred at the same time.

Transcript from the Examination of Dr. Martin Queen, dated September 20, 2013, at page 26552 to 26553, 26558 (lines 6 to 20), and 26592 to 26593.

Aylwin Final Autopsy Report, at Exhibit 9260, p. 10.

467. Dr. Bradford found that it was very unlikely that Ms. Aylwin survived the initial collapse, and then died as the result of a subsequent crushing force. Dr. Bradford found that the evidence did not support such a scenario.

Transcript from the Examination of Dr. Marc Bradford, dated August 29, 2013, at pages 23296 to 23297, 23320 to 23321, and 23325 to 23326.

468. Toronto respectfully requests that this Commission make a finding in accordance with the medical evidence that Ms. Aylwin died near-immediately after the collapse, and that her death was inevitable after the collapse and was in no way impacted by the rescuers' efforts.

15. Signs of Life While TF-3 was on Scene

469. It is Toronto's position that the rescuers acted reasonably and appropriately in relying on the signs of life they encountered during the rescue, and in advising the public of the signs of

life. In hindsight, and in view of the medical evidence, it now appears clear that both victims died near-immediately, and could not have been the source of any possible signs of life. However, the information that was known during the rescue supported the belief that there were potentially-live victims in the debris pile.

i. Search and Rescue Dogs

470. On June 24 at 12:10 p.m. Sergeant Fowlds deployed his search and rescue dog Ranger onto the debris pile. Ranger gave indications of a possible live hit towards the centre of the pile, in the area identified in exhibit 9672.

Photograph indicating where Ranger gave indications, Exhibit 9672.

Transcript from the Examination of Scott Fowlds, dated September 19, 2013, at pages 26330 to 26336.

471. UCRT's dual purpose dog, Dare, was deployed for search and rescue purposes on June 24 at 9:30 p.m. Dare searched the debris pile thoroughly and only showed interest, and did not bark, where Ms. Perizzolo was located.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at pages 22331 to 22340.

472. Dare is trained to provided a steady, constant bark when he is indicating a live hit. Dare gave two barks in the general area where Ms. Aylwin was later located. Constable Daniel Bailey interpreted this as a live indication.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at pages 22331 to 22340.

Transcript from the Examination of Daniel Bailey, dated August 27, 2013, at pages 22734 to 22746.

473. On June 25 at approximately 4:00 a.m. Ranger again performed a search of the debris pile. During this search Ranger did not bark to indicate any live victim.

Transcript from the Examination of Scott Fowlds, dated September 19, 2013, at pages 26341 to 26347.

474. On June 25 at 5:03 a.m. Dare performed another search of the debris pile. Constable Bailey gave evidence that Dare did not indicate a live victim, but that Dare did indicate a

deceased person in the area he had previously given a possible live indication.

Transcript from the Examination of Daniel Bailey, dated August 27, 2013, at pages 22759 to 22761.

475. Constable Cox described the indications Dare gave during the June 24 at 9:30 p.m. search as possibly resulting from the "gray area" between the odours given off by a live person and those given off by a recently-deceased person.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at pages 22340 to 22341.

476. Staff Sergeant Wayde Jacklin of UCRT provided evidence that the dog can indicate a live person when the person has in fact passed away. Nobody has been able to answer when the smell of a recently-deceased person changes to a smell a dog will no longer recognize as a live person. A potential indication from a search and rescue dog does not necessarily mean that the dog has in fact located a live person.

Transcript from the Examination of Wayde Jacklin, dated August 27, 2013, at pages 22598 to 22601.

477. Even where the search and rescue dog provides a potential live indication, further corroboration is needed before the indication can be considered reliable. As Assistant Deputy Chief Duerr stated, indications from search dogs are not "the end all and be all."

Transcript from the Examination of Coby Duerr, dated August 15, 2013, at pages 20850 and 20851.

478. Visual corroboration of a person trapped in the rubble is the best form of corroboration. TF-3 deployed its wolf pack camera throughout the search, but was not able to locate visual evidence of a live person within the debris pile.

Transcript from the Examination of Coby Duerr, dated August 15, 2013, at page 20851 (lines 4 to 7).

Transcript from the Examination of Phil Glavin, dated October 1, 2013, at pages 27670 to 27680.

479. Sergeant Bailey gave evidence that he would believe a pathologist's finding that a person died shortly after the collapse, and that he did not know from Dare's indications whether Dare had in fact located a live person.

Transcript from the Examination of Daniel Bailey, dated August 28, 2013, at page 22862 (lines 3 to 22).

ii. Tapping

480. While members of TF-3's technical search team believe they heard tapping in response to their call-outs on June 24 at 9:40 a.m., they did not receive any verbal response that could assist in confirming that there was someone alive in the rubble.

Transcript from the Examination of Scott Fowlds, dated September 19, 2013, at pages 26315 to 26316.

Captain Comella's TF-3 Notes Compilation, at Exhibit 6393, at p. 3.

481. Sergeant Fowlds was a member of the search team that heard the tapping. It was Sergeant Fowlds' evidence that he was on the second floor of the building, overlooking the east side of the collapse site, when he heard tapping. Sergeant Fowlds was not able to pinpoint where the sound was coming from, other than to say he believed it was coming from the rubble pile.

Transcript from the Examination of Scott Fowlds, dated September 19, 2013, at pages 26315 to 26326.

482. Although an "all quiet" was called for when the search team performed the call-outs, there were rescuers who had been working in the building who could have caused the tapping sounds.

Transcript from the Examination of Scott Fowlds, dated September 19, 2013, at pages 26319 to 26320 and 26323.

483. Commander McCallion gave evidence that the tapping could also have been caused by the nature of the site or wind passing through the building. When he was told of the tapping by Sergeant Jim Lawson of the TF-3 technical search team Commander McCallion was concerned that the tapping may not have been as purposeful as Sergeant Lawson believed it to be.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24501 to 24503.

484. When Ms. Aylwin was recovered from the collapse zone her hands showed no marks to suggest she tried to claw her way out of the debris pile. Dr. Queen found that there were no positive signs on Ms. Aylwin's fingernails that she had used her fingers for tapping. Dr. Queen did not note any damage to Ms. Aylwin's toenails which would suggest she had kicking to make

a tapping sound.

Transcript from the Examination of Tony Comella, dated September 6, 2013, at pages 24400 to 24405.

Transcript from the Examination of Dr. Martin Queen, dated September 20, 2013, at pages 26586 (line 24) to 24587 (line 3), and page 26588 (lines 9 to 14).

iii. LifeLocator

485. UCRT deployed its LifeLocator twice as part of the rescue. The first deployment occurred on June 24 at 11:30 p.m. Constable Hulsman was not able to operate the LifeLocator in accordance with the manufacturer recommendations on this deployment, and the LifeLocator was deployed from the end of a rope that was lowered from a crane basket. The LifeLocator readings were taken in four locations, all in the same general area.

Transcript from the Examination of Steve Hulsman, dated August 28, 2013, at pages 22997 to 22999, and 23002 to 23004.

486. The second deployment of the LifeLocator occurred on June 25 at 5:30 a.m. On this occasion, Constable Hulsman was able to access the debris pile and place the LifeLocator on the surface. On the second deployment the LifeLocator was only deployed in one location, which was in the same general area as the first deployment.

Transcript from the Examination of Steve Hulsman, dated August 28, 2013, at page 23024 to 23026.

487. In both instances Constable Hulsman reported that he had detected signs of breathing. The readings from June 24 showed movement between 2.7 and 6.2 metres. The readings from June 25 showed movement between 2.7 and 4.3 metres. Any movement 6.2 metres from the device would be below the floor of the building.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at page 22328 to 22331.

Transcript from the Examination of Steve Hulsman, dated August 28, 2013, at pages 23010 to 23012, and 23021 (lines 4 to 25).

488. The LifeLocator does not only pick up movement below it. Movement to the side and above the LifeLocator can be picked up, and radio frequencies from walkie-talkies can interfere

with the LifeLocator.

Transcript from the Examination of Steve Hulsman, dated August 28, 2013, at page 22958 to 22961, and 22968 to 22969.

489. The manufacturer of the LifeLocator recommends that no people be within 15 metres of the LifeLocator when it is deployed. However, Constable Hulsman and other members of the rescue were within 15 metres when the LifeLocator was deployed.

Transcript from the Examination of Steve Hulsman, dated August 28, 2013, at page 22964 (lines 4 to 7).

Transcript from the Examination of Darren Connors, dated August 21, 2013, at page 21445 (lines 12 to 22).

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at pages 22328 to 22330.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at page 27240 (lines 14 to 22).

490. Constable Hulsman sent the LifeLocator to the manufacturer, GSSI, to assist in interpreting the result. Because the LifeLocator's battery had previously gone flat, Constable Hulsman was not able to identify which files related to the two deployments from Elliot Lake. However, he was able to identify to the manufacturer three files that showed movement.

Transcript from the Examination of Steve Hulsman, dated August 28, 2013, at pages 22985 to 22986.

491. The manufacturer provided testing results from one of the three files, which showed people moving between 4 and 10 metres from the device. GSSI concluded that the breathing came from the rescuers, and that the source of the “breathing” was the movement.

February 13, 2013 Letter from GSSI to Constable Hulsman, at Exhibit 9214.

March 20, 2013 Letter from GSSI to Commission Counsel, at Exhibit 9120

March 28, 2013 letter from GSSI to Commission Counsel, at Exhibit 9213

Transcript from the Examination of Steve Hulsman, dated August 28, 2013, at pages 23034 to 23039.

492. The results of GSSI's testing of the LifeLocator showed movement which was not identified by Constable Hulsman. That movement was visible on the raw files, but not on the

device Constable Hulsman was viewing, could indicate a malfunction in the machine.

February 13, 2013 Letter from GSSI to Constable Hulsman, Exhibit 9214.

Transcript from the Examination of Steve Hulsman, dated August 28, 2013, at pages 203037 to 203038, and 23122 to 23124.

493. GSSI declined Commission Counsel's request to give evidence at the Inquiry to assist in interpreting LifeLocator results, and as such the information contained in GSSI's letters is the best information the Commission has to interpret the results of the LifeLocator readings.

July 25, 2013 letter from GSSI to Commission Counsel, at Exhibit 9215

494. When asked during the Inquiry if the anomalies in the readings caused him to doubt the accuracy of the results, Constable Hulsman replied that they would have if not for his knowledge that the dogs had previously indicated live hits in the area.

Transcript from the Examination of Steve Hulsman, dated August 28, 2013, at page 23021 (lines 4 to 25).

495. Constable Hulsman's opinion was that the evidence of the pathologist should be preferred to the results of the LifeLocator. Like other search equipment, the LifeLocator is not 100% accurate, and there is a risk of false readings and false detections.

Transcript from the Examination of Steve Hulsman, dated August 28, 2013, at page 23111 to 23112.

496. It is submitted that the presence of rescuers in the general area where the LifeLocator was deployed gave off a false positive that appeared to be an indication of life, but in hindsight was inaccurate.

497. While the rescuers did receive indications that were interpreted as potential signs of life at the time, these indications are not in and of themselves proof of life. Dr. Bradford gave evidence that the signs of life reported by the rescuers would not cause him to change his report or his opinion as to the time of death of either victim.

Transcript from the Examination of Dr. Marc Bradford, dated August 29, 2013, at pages 23306 to 23307.

498. When asked about the possible signs of life Dr. Queen stated to determine their reliability he would want to talk to a psychologist and ask how people react to this kind of situation. Dr. Queen would want to know whether there is “overwhelming wishful thinking going on” and if it would be easy to “misinterpret things in a noisy chaotic scene.” Dr. Queen had a lot of questions about the reliability of the potential signs of life, but he did not have the answers.

Transcript from the Examination of Dr. Martin Queen, dated August 29, 2013, at pages 26560 (line 1) to 26561 (line 5).

499. Toronto submits that the medical evidence reported by Dr. Bradford, Dr. Queen, and Dr. Posen is more reliable than the potential signs of life reported by the rescuers, and where this evidence conflicts the Commissioner should rely on the medical evidence.

iv. Communications of the Signs of Life

500. While with hindsight the medical evidence appears clear that both Ms. Perizzolo and Ms. Aylwin died shortly after the collapse, at the time they were reported to the media the potential signs of life appeared credible.

501. Commander McCallion briefed Staff Inspector Neadles on the LifeLocator results he was provided. Commander McCallion was told that the machine had a plus / minus factor that could explain the results. Commander McCallion was not provided any qualifier about the results being faint or about there being rescuers within 15 metres of the LifeLocator.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24535 to 24540.

Transcript from the Examination of Bill Neadles, dated September 11, 2013, at pages 25371 to 25372.

502. Staff Inspector Neadles gave evidence that he would not have questioned UCRT on the LifeLocator results and would not have expected other TF-3 members to question the results. At the time, Staff Inspector Neadles considered the LifeLocator results to be a valid confirmation of life.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24539 to 24540.

Transcript from the Examination of Bill Neadles, dated September 11, 2013, at pages 25371 (lines 13 to 14), 25374 to 25376, and 25420 (lines 13 to 15).

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at pages 25812 to 25813.

16. Other Matters Raised in the Inquiry

503. There were other matters that were raised in the Inquiry that Toronto submits are irrelevant to how the rescue was conducted. It is Toronto's position that while there were communication issues and lessons-learned, any issues involving TF-3 did not delay the rescuers' ability to perform the rescue.

504. Toronto submits that it is almost inevitable that there will be personality conflicts and differences of opinion in dangerous and high-tension situations such as the Elliot Lake rescue.

i. Exchange Between Commander McCallion, Constable Bailey, and Constable Cox

505. During their evidence, Constables Cox and Bailey described how when they were approaching the debris pile during the removal of Ms. Aylwin, they were stopped from entering by Commander McCallion.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at pages 22419 to 22422.

Transcript from the Examination of Daniel Bailey, dated August 27, 2013, at pages 22810 to 22816.

506. It is Constables Cox and Bailey's evidence that they were approaching the debris pile in order to determine whether their dogs had hit on the correct location where Ms. Aylwin was located. At the time the UCRT members were approaching him, Commander McCallion was standing stationary performing his role in the removal operation.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at page 22420 (lines 8 to 11).

Transcript from the Examination of Daniel Bailey, dated August 27, 2013, at page 22815 (lines 21 to 22).

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at page 24664 to 24665.

507. It was Commander McCallion's evidence that he understood why the UCRT members wanted to see whether the dogs had hit in the correct location, but that he did not want anyone else on the debris pile when the coroner and the OPP identification officer were attending to the victim.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24663 to 24665.

508. Captain Guy was present for the exchange and provided a similar recollection to Commander McCallion. Captain Guy recalls that Commander McCallion told the UCRT members that there would be a time and place for them to make their observations, but at this time Command wanted to limit debris pile access to the rescuers who were assigned to the identification team.

Transcript from the Examination of Chuck Guy, dated September 24, 2013, at pages 27147 to 27148.

509. Commander McCallion ranked higher in the Elliot Lake chain of command than any of the UCRT members. When Commander McCallion gave a UCRT member an instruction, this was an order that was expected to be followed. Commander McCallion gave evidence that it was unwarranted that these members would question his orders. However, this exchange appears to be a communication matter more than anything.

Transcript from the Examination of Jamie Gillespie, dated September 4, 2013, at pages 23862 to 23863.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24694 to 24695.

510. In any event it was Commander McCallion's evidence that the situation resolved itself, and that the UCRT members took notes from the side of the debris pile and left without any further issue.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at page 24665 (lines 10 to 14).

511. Constable Cox stated that the exchange was not something he would normally make note of, and referred to the exchange as simply a misunderstanding in a stressful situation. He described making the entries in his notebook out of frustration.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at pages 22421 (lines 16 to 25) and 22481 (lines 18 to 22).

ii. Exchange Between Commander McCallion and Sergeant Gillespie

512. There was an exchange between Sergeant Gillespie and Commander McCallion during the rigging operation that became heated on both sides. However, the interaction was quickly diffused and worked through by Commander McCallion and Sergeant Gillespie.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23675 (lines 23 to 25), and 23681 to 23682.

513. Mr. Sorel described the exchange as appropriate in the circumstances, although because of what he described as differences in managerial styles he would not have had the exchange in front of the task members.

Transcript from the Examination of Don Sorel, dated October 1, 2013, at pages 27580 to 27581.

514. Constable Cox described this exchange as a "distraction", and stated that while he did not know the reason for the exchange there may have been a reason.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at pages 22422 to 22423.

515. Commander McCallion described the exchanges he was involved in as being personality conflicts, which did not affect the rescue.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24671 (lines 8 to 16), and 24694 to 24696.

iii. Stoppages in the Rigging

516. Constable Cox's notes describe Captain Guy as "constantly shut down scene for no reason." On examination Constable Cox acknowledged that he was referring to stoppages in the

shoring operations while the rigging was occurring, and that to say the stoppages occurred for no reason was incorrect. Constable Cox acknowledged that it was Captain Guy and Captain Rowland's duty as safety officers to temporarily stop an operation if they had a safety concern. Constable Cox stated that this sort of occurrence is again not something that typically makes it into his notes.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at pages 22425 to 22426, and 22463 to 22465.

517. Constable Hulsman gave evidence that the stoppages were the result of legitimate safety concerns over a twisted beam. On one of these stoppages, Constable Hulsman saw an engineer assessing the structure with Captain Rowland.

Transcript from the Examination of Steve Hulsman, dated August 28, 2013, at pages 22948 to 22953.

iv. Other Matters Involving UCRT and TF-3

518. In his notes Constable Cox describes Commander McCallion, Captain Guy, and Captain Rowland (who was not called as a witness) as TF-3 members who have "no place at one of our scenes." However, as set out above, the behaviour of these three TF-3 members appears to have been misunderstood by Constable Cox at the time, in part due to Constable Cox's frustration with the rescuers being removed from the building. Constable Cox described this observation as having nothing to do with the skill of the three TF-3 members, and that the issues he had were "more of a personality issue than a performance issue."

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at pages 22426 to 22427, and 22436 (lines 20 to 23).

519. The three TF-3 members are not deserving of this sort of comment about them professionally or personally. Captain Guy has been a firefighter for 24 years and a member of TF-3 since 2011. He is one of TF-3's instructors. Commander McCallion has been with EMS since 1983, and joined TF-3 in 2003 or 2004. He is one of four TF-3 Task Force Commanders and was previously a TF-3 instructor.

Transcript from the Examination of Chuck Guy, dated September 24, 2013, at pages 27038 to 27039.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24444 to 24449.

520. In response to Constable Cox's comment, Captain Guy expressed that he was upset that someone would think this of him, and that he did not know what the basis for the comment was. While Captain Rowland was not examined, Captain Guy expressed similar concerns about Captain Rowland being referred to in this manner.

Transcript from the Examination of Chuck Guy, dated September 24, 2013, at pages 27148 to 27149.

521. Certain of the UCRT witnesses criticized the placement of the shores that were installed under the walkway near the main entrance, saying different shores in different locations would have better supported the walkway. However, the purpose of the shores was to support the beams (not support the walkway slabs) and to provide early warning of potential collapse. The shores were designed and constructed in the manner that TF-3 felt best served these functions.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24293 to 24294.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at page 24652 to 24653.

Transcript from the Examination of Bill Needles, dated September 12, 2013, at pages 25593 to 25595.

522. Mr. Priestly gave evidence that there were badly rusted beams under the walkway, that the shoring provided an extra safety factor for the people working in the area, and that he benefited from the shoring.

Transcript from the Examination of Ryan Priestly, dated October 2, 2013, at pages 27915 to 27916.

523. UCRT also criticized the placement and effectiveness of the raker shore that was built at the rear of the building. However, this shoring was intended to keep the rescuers occupied and to show the public that the rescuers were continuing to work. At this time, there were threats of non-rescuers attempting to conduct their own rescue.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24291 to 24292, and 24352 (lines 1 to 10).

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at pages 25593 to 25595.

524. Constable Cox provided evidence that at one point he understood TF-3's dog, Ranger, refused to enter the debris pile. Constable Cox was 50 feet away at the time. Ranger's handler, Sergeant Fowlds, gave evidence that Ranger was on a four-foot leash at the time and was being held back from entering the debris pile, not refusing to enter the pile.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at pages 22411 to 22412, and 22469 (lines 18 to 25).

Transcript from the Examination of Scott Fowlds, dated September 19, 2013, at pages 26364 to 26365.

525. Constable Cox gave evidence that there were communication breakdowns and that it seemed like UCRT was not being included in the planning process. However, Constable Cox further gave evidence that he does not know how much input Sergeant Gillespie had, and that his opinion comes from the "outside looking in." Conversely, both Sergeant Bailey and Constable Hulsman gave evidence that Sergeant Gillespie was receiving information from command and was providing this information to the UCRT team. Sergeant Gillespie gave evidence that he made the decision to remain with the UCRT team and to not become involved in Command.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at page 22434 (lines 5 to 19).

Transcript from the Examination of Daniel Bailey, dated August 27, 2013, at page 22820 (lines 22 to 24).

Transcript from the Examination of Steve Hulsman, dated August 28, 2013, at page 22939 (lines 9 to 15).

526. Both Commander McCallion and Constable Cox described the issues between UCRT and TF-3 command as not having any impact on how the rescue itself was carried out.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at pages 22409 to 22411 and 22482 (lines 2 to 12).

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at page 24671 (lines 13 to 16).

527. Any potential issues between UCRT and TF-3 that are described in UCRT's debriefing session must be viewed with caution. Sergeant Gillespie, the UCRT team leader in Elliot Lake,

was not present at the debriefing. Constable Cox agreed that the debriefing without Sergeant Gillespie was "missing a significant amount of information".

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at pages 22434 to 22435.

528. As Sergeant Bailey stated when discussing the UCRT debriefing, when rescuers took issue with things they saw, but did not speak to the people involved (in his case, the dog handlers), the issues became exaggerated.

Transcript from the Examination of Daniel Bailey, dated August 27, 2013, at pages 22821 to 22822.

529. Any potential issues between UCRT and TF-3 that are described in UCRT's after action report should also be viewed with caution. Sergeant Gillespie gave evidence that he prepared the report fairly shortly after the event, when he was still feeling frustrated. It was Sergeant Gillespie's evidence that the references to "command and control issues" and his being "hampered in his efforts" were "overstatements".

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23798 to 23801.

530. It is respectfully submitted that while there were instances of disagreement between UCRT and TF-3, these disagreements did not negatively affect the conduct of the rescue. How such disagreements can be avoided in the future is discussed in the recommendations section below.

v. Millennium Criticism

531. During his examination, Dave Selvers of Millennium Crane was critical of TF-3 and their ability to respond to a collapsed building.

532. However, Mr. Selvers' criticism should be considered with extreme caution. During cross-examination Mr. Selvers acknowledged that:

- a. the only rescue he had been involved in where there was a potentially-live victim

involved a VIA Rail train derailment in Hornepayne, Ontario;

Transcript from the Examination of Dave Selvers, dated September 10, 2013, at pages 25129 to 25132.

b. he was not familiar with IMS and had not taken any IMS courses;

Transcript from the Examination of Dave Selvers, dated September 10, 2013, at pages 25135 to 25136.

c. he had no command training with respect to rescues;

Transcript from the Examination of Dave Selvers, dated September 10, 2013, at page 25136 (lines 3 to 12).

d. he was not familiar with the NFPA standards and had no NFPA training;

Transcript from the Examination of Dave Selvers, dated September 10, 2013, at pages 25136 to 25137.

e. he had no medical training as it relates to emergency responses, other than CPR training;

Transcript from the Examination of Dave Selvers, dated September 10, 2013, at pages 25137 to 25138.

f. he was not aware of TF-3's training, policies, or procedures, and had never been on a deployment with TF-3;

Transcript from the Examination of Dave Selvers, dated September 10, 2013, at pages 25139 (lines 14 to 21) and 25141 (lines 2 to 4).

g. he had no structural collapse training or structural engineer training; and

Transcript from the Examination of Dave Selvers, dated September 10, 2013, at pages 25141 (lines 5 to 7), and 25142 to 25143.

h. he was not part of the command structure at Elliot Lake, and was not aware of any of the thoughts, plans, or ideas that went into any rescue plan.

Transcript from the Examination of Dave Selvers, dated September 10, 2013, at page 25141 (lines 8 to 16).

533. Mr. Selvers also gave evidence that while he was on scene he took it upon himself to walk around the escalator area without getting permission to do so. At the time he took these

walks Mr. Selvers knew the rescuers were concerned that the escalator area could collapse. Had Staff Inspector Neadles known that Mr. Selvers was entering this area, he would have had Mr. Selvers escorted from site.

Transcript from the Examination of Dave Selvers, dated September 10, 2013, at pages 25144 to 25145.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at pages 25692 to 25693.

534. It was Staff Inspector Neadles' evidence that someone in Mr. Selvers' position would not know, and would not be expected to know, everything that was occurring on site. Mr. Selvers was expected to do only what he was directed to do, and he had no business walking through the Command tent.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at pages 25688 to 25689.

535. Staff Inspector Neadles further addresses Mr. Selvers' comments at pages 25680 to 25689 and 25692 to 25704 of his September 12, 2013 transcript.

536. At the time of the rescue, Millennium was under investigation by the MOL for a work site fatality that occurred during a crane operation. Following the investigation, Millennium was found guilty of failing to ensure that the crane was maintained in a condition that would not endanger a worker and was fined \$70,000.

July 16, 2013 Court Bulletin, at Exhibit 9584

Transcript from the Examination of Dave Selvers, dated September 10, 2013, at pages 25168 to 25172.

vi. Trophy Shots

537. There was reference made by UCRT members about "firefighters" taking "trophy shots" during the Elliot Lake response.

Transcript from the Examination of Daniel Bailey, dated August 27, 2013, at page 22830 (lines 8 to 17).

538. According to Sergeant Bailey, the so-called "trophy shots" allegedly involved two occasions of a single firefighter taking pictures of people posing near the debris that had been

removed from the building and placed in the mall parking lot. Sergeant Bailey does not allege that any "trophy shots" were taken on the debris pile or in the area where the victims were located. Sergeant Bailey confirmed that none of the photographs he was shown were what he would consider "trophy shots".

Transcript from the Examination of Daniel Bailey, dated August 28, 2013, at pages 22848 to 22849, and 22850 to 22851.

539. It is Toronto's position that in any event, this is an irrelevant issue to how the rescue was conducted.

PART IV — RECOMMENDATIONS

1. Importance of TF-3

540. UCRT and TF-3 are intended to complement each other. UCRT is a smaller, faster team which is expected to deploy quicker to an emergency, and perform the initial reconnaissance and initiate the rescue. TF-3 is a larger team that deploys more manpower and resources, and is therefore slower to deploy. When TF-3 arrives on scene it provides the manpower and resources that UCRT is unable to provide due to its smaller size, and the two teams will work together to perform the rescue.

541. The differences in the size and resources of UCRT and TF-3 affect the length of time the teams can deploy for and the tasks the teams can perform when employed. UCRT is sustainable for one day, whereas TF-3 can sustain a response for ten days. UCRT is not able to treat as many injured people as TF-3 can. TF-3 deploys with doctors and structural engineers, which UCRT does not do.

Transcript from the Examination of Dan Hefkey, dated August 8, 2013, at page 20221 (lines 5 to 14).

Transcript from the Examination of Dan Hefkey, dated August 9, 2013, at pages 20365 to 20366.

Transcript from the Examination of Coby Duerr, dated August 15, 2013, at page 20843 (lines 4 to 18).

Transcript from the Examination of Robert Bruce, dated August 23, 2013, at pages 22189 to 22191.

Transcript from the Examination of Ryan Cox, dated August 26, 2013, at page 22312 (lines 7 to 20).

Transcript from the Examination of Dan Hefkey, dated October 8, 2013, at pages 28784 to 28788.

542. As a medium team, UCRT's mandate involves responding to collapses involving smaller structures than TF-3's mandate. As a heavy team, TF-3's mandate includes responding to the collapse of any type of structure from light frame to reinforced concrete.

Transcript from the Examination of Dan Hefkey, dated August 8, 2013, at page 20221 (lines 5 to 14).

Transcript from the Examination of Coby Duerr, dated August 15, 2013, at page 20843 (lines 4 to 18).

543. Without a heavy team in Ontario the Province may need to call upon an American FEMA team for assistance if there was a disaster that was beyond the medium capabilities. The cost to deploy TF-3 is substantially less than the cost to deploy FEMA to Canada.

Transcript from the Examination of Tony Comella, dated September 6, 2013, at pages 24413 to 24414.

544. Toronto respectfully submits that the Province of Ontario has a responsibility to its citizens to maintain search and rescue teams that are capable of deploying to disasters in Ontario, without having to seek help from outside the province or outside the country.

545. Toronto respectfully requests that this Commission make a recommendation or finding that TF-3 is a necessary and important piece in responding to future disasters in Ontario.

2. TF-3's Mandate

546. It is clear from the evidence that at the time of the Elliot Lake deployment, there was confusion as to what costs TF-3 could incur without receiving authority from the OFM (which deployed TF-3).

547. It was Staff Inspector Neadles' understanding that he needed the OFM's approval on the number of TF-3 members that could deploy and the equipment TF-3 could bring. There is support for this understanding in the fact that Ms. Chambers requested that certain equipment such as the camp and team food be left behind, and that she requested that TF-3 deploy with a

partial team.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at pages 25569 to 25570.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27199 to 271200.

548. It was also Staff Inspector Neadles' understanding that once the determination was made that it was too unsafe to enter the building, TF-3 had reached its mandate. It was Staff Inspector Neadles' understanding that he would need the OFM's authority to incur costs that were greater than \$10,000, and that he needed financial approval from the OFM to move forward with the Priestly operation.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at pages 25567 to 25569, 25570 to 25571, 25583 (lines 8 to 15), 25805 (line 3) to 25806 (line 3), and 25613 to 25616.

549. Ms. Chambers and Commissioner Hefkey gave evidence that TF-3 would not need approval to deploy resources such as the Priestly articulating arm. However, Commissioner Hefkey acknowledged that it was reasonable for Staff Inspector Neadles to have concluded that he was required to seek authorization to deploy Priestly.

Transcript from the Examination of Carol-Lyn Chambers, dated September 18, 2013, at pages 26257 to 26258.

Transcript from the Examination of Dan Hefkey, dated October 8, 2013, at pages 28645 to 28646, and 28648 to 28649.

550. Commissioner Hefkey considered the confusion over the extent of TF-3's mandate to be a lesson learned from Elliot Lake.

Transcript from the Examination of Dan Hefkey, dated October 8, 2013, at pages 28645 to 28647, and 28648 to 28650.

551. Part of the confusion as to TF-3's mandate is expected to be cleared up in the new MOU that the Province and Toronto are currently negotiating. To assist in this process, Toronto welcomes recommendations or clarity on TF-3's mandate, and what expenses TF-3 can incur and what resources it can deploy without approval from the Province.

Transcript from the Examination of Dan Hefkey, dated October 8, 2013, at page 28859 (lines 9 to 25).

552. It is respectfully requested that this Commission make a recommendation that TF-3 and the Province of Ontario negotiate and put in place mutually-agreeable and/or pre-approved criteria that will clearly define what costs TF-3 may incur when deployed provincially, without the need to seek further approval or authority from the Province.

3. TF-3 Funding

553. Prior to this year, TF-3 received federal funding through the Joint Emergency Preparedness Program ("JEPP"). This funding varied from year-to-year, from as high as \$1.4 million to as low as \$460,000.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at page 23989 (lines 14 to 21).

554. The JEPP funding was cancelled as of April 1, 2013. As a result TF-3 no longer has any federal funding and this funding has not been otherwise replaced.

Transcript from the Examination of Dan Hefkey, dated August 9, 2013, at page 20361 (lines 15 to 25).

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 23989 to 23991.

555. In 2012, TF-3 received \$300,000 in funding from the Province, \$400,000 in funding from Toronto, and \$468,000 in federal funding. As a result of the loss of the JEPP funding, TF-3 has lost what amounted to 40% of its 2012 funding. Assistant Deputy Chief Duerr, the witness called by the Commission to provide evidence with respect to urban search and rescue, described the loss of JEPP funding as being a significant blow to the Canadian heavy urban search and rescue teams.

Transcript from the Examination of Dan Hefkey, dated August 9, 2013, at pages 20361 to 20362.

Transcript from the Examination of Coby Duerr, dated August 15, 2013, at pages 20837 to 20838.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at page 23989 to 23990.

556. The loss of JEPP funding will affect TF-3's future expenditures, including the purchase of

equipment that is used up or has a life cycle, and items that allow TF-3 to deploy for longer periods of time such as the camp tents and food and other perishables. If TF-3 is not able to purchase the items needed to deploy for longer periods of time, TF-3 will lose its heavy capabilities or demobilize entirely. In either case, there would be no team with heavy capabilities in Ontario.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 23991 to 23992.

Transcript from the Examination of Dan Hefkey, dated August 9, 2013, at pages 20364 (lines 8 to 21), 20371 (line 2) to 20372 (line 21).

Transcript from the Examination of Coby Duerr, dated August 15, 2013, at pages 20838 (lines 2 to 25), and 20912 (line 11) to 20913 (line 19).

557. The Halifax heavy urban search and rescue team has already demobilized because of cuts to its funding.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 23993 to 23994.

558. Many of Toronto's recommendations herein, and the recommendations Toronto expects other participants will make, will require funding that TF-3 does not currently have. Toronto currently has significantly less funding than it did at the time of the Algo Centre Mall collapse.

559. Toronto welcomes any recommendations the Commission may make with respect to future funding for TF-3. Toronto would strongly support a recommendation that the federal government reinstate the JEPP funding and/or that the Province consider implementing a similar program.

4. Interaction Between TF-3 and UCRT

560. There is some confusion about the roles that UCRT and TF-3 will fill when they both deploy to the same event. Certain witnesses have said that TF-3 automatically takes over operations, while other witnesses have said the two teams will have an equal role in operations. It was Constable Waddick's belief that UCRT would serve as Chief of Operations for the rescue.

Transcript from the Examination of Bill Needles, dated September 12, 2013, at pages 25677 to 25679.

Transcript from the Examination of Tony Comella, dated September 5, 2013, at pages 24110 (lines 5 to 11).

Transcript from the Examination of Patrick Waddick, dated August 23, 2013, at page 21998 (lines 4 to 14).

561. There is no memorandum of understanding or other document between TF-3 and UCRT which sets out the duties and responsibilities of the teams on a joint deployment, although the creation of a memorandum of understanding has been discussed. A memorandum of understanding setting out the roles and expectations of UCRT and TF-3 when they deploy together could help resolve some of the command and communications issues that occurred in Elliot Lake.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at pages 23600 to 23601.

Transcript from the Examination of Robert Bruce, dated August 23, 2013, at pages 22132 to 22133.

Transcript from the Examination of Bill Needles, dated September 12, 2013, at pages 25771 to 25772.

562. Toronto respectfully requests that this Commission make a recommendation that UCRT and TF-3 negotiate and put in place a mutually-agreeable memorandum of understanding that will clearly define their respective roles and responsibilities when both teams are deployed to the same incident.

5. Rescue Operation Communications

563. Certain issues have been raised during the Inquiry about communications between UCRT and TF-3. Many of the communication issues would not have been present if UCRT had been able to supply members to fill Command roles. Staff Sergeant Jacklin gave evidence that it would have been beneficial to have had a high-ranking UCRT member on scene to instruct the UCRT members. Staff Sergeant Jacklin gave evidence that sometimes there was a disconnect between the instructions TF-3 provided, and what was understood by UCRT.

Transcript from the Examination of Jamie Gillespie, dated September 3, 2013, at page 23800 (lines 19 to 25).

Transcript from the Examination of Jamie Gillespie, dated September 4, 2013, at pages 23860 to 23862.

Transcript from the Examination of Wayde Jacklin, dated August 27, 2013, at page 22653 (lines 2 to 11).

564. While the rescuers have provided evidence that it is only necessary for the task members to know the role of the person they report to, and that not all rescuers will know all aspects of the plan at all times, this Commission has heard evidence of confusion about the roles of some rescuers or what certain aspects of the plan were.

565. Many of these issues can be improved through enhanced communications and planning training. As part of any future operations of this nature, TF-3 expects to employ an easily-visible board at the accountability station, which would identify, 1) the roles and responsibilities of each member of the rescue, and 2) who each rescuer reports to. Each shifts' objectives would be recorded in a similar manner, so anyone on site will be able to see what the IAP is for that operational period.

566. TF-3 expects that on future deployments a preliminary IAP will be written down in a manner that can be reviewed by rescuers, and that a copy of the IAP will be available at the accountability station. As the IAP evolves through each operational period, updated IAPs will be displayed at accountability and updated as necessary.

567. Toronto does not take the position that the entire IAP must be recorded at the beginning of the incident. Rescues like what occurred in Elliot Lake are dynamic, and the rescuers need to be able to evaluate and re-evaluate as the rescue progresses to develop IAPs that best address the changing conditions of the rescue as they are encountered.

568. Toronto further does not recommend that all aspects of IMS be made mandatory. Each rescue operation is unique, and the rescuers must have the latitude to perform each rescue in the way best suited for that particular rescue, and to implement only those aspects of IMS that are appropriate and beneficial in the circumstances.

6. TF-3 Training

569. Elliot Lake was the first time TF-3 has deployed in circumstances where there may be viable victims to rescue.

570. Mr. Gryska gave evidence that there is a learning process from OMR deployments, which get reflected in OMR's policies and procedures. The same holds true for TF-3.

Transcript from the Examination of Alex Gryska, dated September 23, 2013, at page 26705 (lines 12 to 25).

571. OMR has learned from their shortcomings from past deployments. In deploying 25 to 35 times per year since 1929, OMR has had the opportunity to perfect its policies and procedures. TF-3 is still early in this process, and is working to create policies and procedures that reflect how to best approach a rescue. How OMR performs rescues now is not how they performed rescues when the company first started.

Transcript from the Examination of Alex Gryska, dated September 23, 2013, at pages 26705 to 26706.

i. Planning Training

572. Heavy urban search and rescue is a work in progress, and TF-3 hopes to learn from this event and subsequent events. One area TF-3 is seeking to improve is planning. As a result of lessons learned from the Elliot Lake deployment, TF-3's Command group has already begun the process of improving planning.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24674 to 24675.

573. Since the Elliot Lake deployment, Division Chief Silver, Captain Comella, and Captain McRae have taken the five-day Planning Section Training at the School of Excellence in Brandon, Manitoba, and are now all qualified to act as Planning Chief on subsequent deployments.

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at pages 25217 to 25218.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27172 to 27175.

574. While funding will be required to accomplish this goal, Division Chief Silver will be designing an in-house course based on the training he received in Brandon, so more TF-3 members can receive planning training.

Transcript from the Examination of Bill Needles, dated September 12, 2013, at page 25670 (lines 9 to 16).

ii. Scribe / Form Training

575. While the Commission has heard evidence that any shortfall in note-taking did not have a negative effect on the operation, TF-3 acknowledges the importance of notes in looking back at a response.

576. Commander McCallion gave evidence that on a future deployment he will assign himself a scribe, and ensure the IMS forms are used.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at page 24675 (lines 21 to 25).

577. TF-3 is looking into obtaining digital records for Command staff, to allow them to more efficiently take notes on deployments.

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27269 to 27270.

578. TF-3 has begun working on providing better direction to documenting a rescue. Training on using the forms is now part of the core training. While it is still expected that the planning process and the IAP will involve oral instructions, and that IAPs will develop over the course of the rescue, TF-3 is moving forward with a greater use of forms on deployment.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at page 24672 (lines 6 to 9).

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27269 to 27270.

579. Toronto does not recommend that each rescuer be trained in note-taking, or that each rescuer be required or expected to take notes. This would negatively affect the task members' ability to perform the work they are assigned. Rather, Toronto recommends that the task members continue to provide information up to their rescue squad leaders, and that the rescue squad leaders or the Command members above them document this information.

iii. Rigging Training

580. While rigging and crane operations are not part of the NFPA standards, and are not a core part of TF-3's training, TF-3 acknowledges that there will be occasions where crane operations will be helpful in a rescue.

581. TF-3 would like to train more of its members in crane operations, however it does not own any heavy equipment, and funding such training will be an issue going forward with the loss of the JEPP funding.

582. Toronto does not support a recommendation that crane operations be considered as the primary method of urban search and rescue. To do so would be contrary to the NFPA standards, and the training that has been accepted across North America.

7. Debriefings and After Action Reports

583. While they are not required to comply with IMS, TF-3 acknowledges there are benefits to debriefings and after action reports, such as identifying lessons learned and improving future deployments.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at page 24011 (lines 13 to 18).

Transcript from the Examination of Dan Hefkey, dated August 9, 2013, at page 20356 (lines 19 to 22).

584. TF-3's MOU for provincial deployments requires that TF-3 provide the Province with an account of all the occasions on which the TF-3 team has been deployed provincially. To date,

the Province has not requested any further accounting from TF-3 beyond the invoicing from deployments. However, TF-3 acknowledges that an after action report could also benefit the Province.

TF-3 MOU, at Exhibit 768 at p. 006

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 24008 to 24011.

585. Since TF-3 is a multi-disciplinary group, debriefings and after action reports are difficult to accomplish. There are financial considerations to gathering the team members back together after a deployment, and TF-3 currently has no mechanism to pay for this to happen.

Transcript from the Examination of Tony Comella, dated September 4, 2013, at pages 24011 to 24012.

Transcript from the Examination of Bill Neadles, dated September 10, 2013, at page 25210 (lines 6 to 21).

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at page 24666 to 24668.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at page 25655 (lines 10 to 23).

Transcript from the Examination of Martin McRae, dated September 25, 2013, at pages 27266 to 27267.

586. The bus-ride home from a deployment is not necessarily the best time to hold a debriefing, as the rescuers will be tired and any rescuers that are driving other TF-3 vehicles will not be present. There is also a concern that emotions of the rescuers may still be too raw this close to an event to allow for an effective and considered debriefing session.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at page 24668 to 24669.

Transcript from the Examination of Bill Neadles, dated September 12, 2013, at pages 25652 to 25653.

587. Toronto welcomes recommendations as to a mechanism and funding to bring the TF-3 members back together for debriefings and to assist in the preparation of after action reports.

8. Media Relations

588. When asked about what might have been done differently in hindsight, Rob deBortoli stated that the City of Elliot Lake would definitely assign somebody to assist with media relations.

Transcript from the Examination of Rob deBortoli, dated October 7, 2013, at page 28468 (lines 14 to 18).

589. Mayor Hamilton was expected to be the official media spokesperson in Elliot Lake. However, because of Staff Inspector Neadles' insight into the details of the rescue operation he attended at certain press conferences. As Chief Officer put it with respect to Staff Inspector Neadles' role in the press conferences, "Bill being the rescue expert, he basically gave the bad news to the community".

Transcript from the Examination of Paul Officer, dated August 22, 2013, at pages 21819 (lines 6 to 9) and 21914 (line 1 through 8).

590. It is Toronto's recommendation that in future deployments a media officer be designated by the community where the emergency has occurred. While the Incident Commander and Task Force Commander may need to provide information to the media officer, the role of addressing the media should not be taken on by the individuals who are commanding the rescue or the incident. The time required to participate in media events takes the Incident Commander and Task Force Commander away from the many other tasks that require their attention.

Transcript from the Examination of Michael McCallion, dated September 6, 2013, at pages 24676 to 24677.

591. Toronto looks forward to participating in the phase II policy round tables, and looks forward to the Commission's report from phase II of the Inquiry.

All of which is submitted this 8th day of November, 2013.

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Appendix 1 – Brief Chronology of Events

Date	Time	Event
June 23	2:15 p.m.	Algo Centre Mall collapses
	2:34 p.m.	UCRT is requested to deploy to Elliot lake
	4:04 p.m.	Province requests that TF-3 deploy to Elliot Lake
	8:52 p.m.	UCRT members under Constable Cox's authority first arrive in Elliot Lake. Initial plan is to rappel members into the collapse zone
	9:35 p.m.	TF-3 deploys for Elliot Lake
	11:15 p.m.	Millennium crane ordered by UCRT
	11:30 p.m.	Sergeant Gillespie of UCRT arrives in Elliot Lake and assumes authority of UCRT. The plan to rappel members into the collapse zone is not pursued
June 24	4:00 a.m.	UCRT is stood down for rest
	4:18 a.m.	TF-3 arrives at Elliot Lake
	5:25 a.m.	TF-3 members tour the building with Sergeant Gillespie and Roger Jeffreys to plan rescue
	6:15 a.m.	Staff Inspector Neadles instructs Captain Comella to implement initial plan
	6:16 a.m.	Captain Comella requests that Captain McRae split the TF-3 team into day and night shifts, and staging for the operations in the building begins
	8:20 a.m.	The TF-3 day shift team begins rescue operations
	9:40 a.m.	Tapping believed to be heard by TF-3 search members
	10:00 a.m.	TF-3 exposes hallway columns, beams, and ceilings
	10:20 a.m.	Zones 1 to 3 are established in the building to begin shoring in these

areas

12:10 p.m. Rescue dog (Ranger) deployed on pile. Gives potential live indication

7:50 p.m. Millennium crane operations begin

9:04 p.m. The hanging I-beam is removed using the Millennium crane

9:30 p.m. Dual purpose dog (Dare) deployed on pile. Barks twice

10:40 p.m. Zones 6, 7 and 8 are created to allow for a second access point to the pile

11:30 p.m. First deployment of LifeLocator. Potential signs of breathing detected.

June 25 2:20 a.m. The SUV is removed using the Millennium crane. Crane operations continue lifting concrete from the debris pile

4:00 a.m. Rescue dog (Ranger) deployed. No indication of live victims

5:03 a.m. Dual purpose dog (Dare) deployed. Indicates deceased person where the dog had previously barked twice

5:30 a.m. Second deployment of LifeLocator. Potential signs of breathing detected

8:30 a.m. Continued movement in the escalator is identified. Area is monitored visually

9:38 a.m. The riggers are removed from the pile so the engineers can reassess the escalator area. Operations continue in other areas of the building

10:00 a.m. Mr. Cranford begins calculations of the stresses on the escalator area

10:40 a.m. Devices are installed to monitor movement in the escalator

12:00 p.m. Monitoring devices confirm continued movement of the escalator

12:05 p.m. The remaining rescuers are removed from the building by Captain Comella

1:20 p.m. Commander McCallion confirms that all remaining rescuers are to be removed from the building

- 1:30 p.m. Mr. Cranford calculates beam under the escalator calculated to be 428% overstressed
- 1:33 p.m. Mr. Cranford discusses stress calculations with members of the rescue
- 2:00 p.m. Command meeting wherein Mr. Cranford and the MOL engineers discuss the stresses on the escalator
- 2:00 p.m. Staff Inspector Neadles makes decision not to allow rescuers back in the building
- 3:00 p.m. CCG meeting. Staff Inspector Neadles advises that rescuers have been removed. Notes show MOL as discussing placing stop order on the building
- 5:00 p.m. Staff Inspector Neadles announces at press conference that rescue has been halted.
- Between 6:00 and 8:00 p.m. Sergeant Glavin proposes to Staff Inspector Neadles the possibility of continuing the rescue using Priestly equipment.
- 8:00 p.m. Priestly is contacted by Sergeant Glavin. Discussions between Mr. Priestly and Sergeant Glavin continue through the night
- 8:30 p.m. Staff Inspector Neadles attends call with Premier McGuinty
- 8:30 p.m. During the 8:30 p.m. CCG meeting Staff Inspector Neadles advises of possibility of continuing rescue with Priestly
- 11:56 p.m. Priestly plan formulated
- June 26** 1:36 a.m. TF-3 given authority by Commissioner Hefkey to deploy Priestly
- 1:46 a.m. TF-3 advises Priestly of authority to deploy
- 6:00 a.m. Priestly begins mobilizing in Toronto, and subsequently travels to Elliot lake by police escort
- 6:00 p.m. Priestly articulating arm arrives in Elliot Lake
- 9:00 p.m. Priestly articulating arm begins operations at Elliot Lake
- June 27** 6:00 a.m. Priestly completes the removal of the escalator and the front of the

building

8:55 a.m. Doloris Perizzolo uncovered
9:07 a.m. Doloris Perizzolo removed
1:02 p.m. Lucie Aylwin uncovered
1:30 p.m. Lucie Aylwin is removed
4:00 p.m. TF-3 begins demobilization
8:00 p.m. TF-3 demobilization complete
8:20 p.m. TF-3 departs Elliot Lake

Appendix 2 - List of Recommendations Supported by Toronto

1. That this Commission make a recommendation or finding that TF-3 is a necessary and important piece in responding to future emergency events in Ontario.
2. That this Commission make a recommendation that TF-3 and the Province of Ontario negotiate and put in place mutually-agreeable and/or pre-approved criteria that will clearly define what costs TF-3 may incur when deployed provincially, without the need to seek further approval or authority from the Province.
3. That this Commission make a recommendation that the Federal Government reinstate the JEPP funding and/or that the Province consider implementing a similar program.
4. That this Commission make a recommendation that UCRT and TF-3 negotiate and put in place a mutually-agreeable memorandum of understanding that will clearly define their respective roles and responsibilities when both teams are deployed to the same incident.
5. That this Commission not make a recommendation or finding that the entire incident action plan must be developed at the beginning of the incident. Rescues are dynamic and the rescuers must be able to evaluate and re-evaluate as the rescue progresses to develop incident action plans that best address the changing conditions.
6. That this Commission not make a recommendation that all aspects of IMS be made mandatory. Each rescue operation is unique, and the rescuers must have the latitude to perform each rescue in the way best suited for that particular rescue, and to implement only those aspects of IMS that are appropriate and beneficial in the circumstances.
7. That this Commission not make a recommendation that each rescuer, and particularly task-level rescuers, be required or expected to take notes during a deployment. Toronto recommends that task-level members continue to provide information up to their rescue squad leaders, and that the rescue squad leaders and/or the Command members document the event.

8. That this Commission not make a recommendation that crane operations be considered as the primary method of urban search and rescue. To do so would be contrary to the NFPA standards and the training that has been accepted across North America.

9. That this Commission make a recommendation that in future rescue operations a media officer be designated by the community where the emergency has occurred.