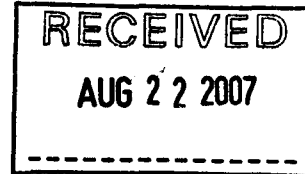


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**Fax Cover Sheet**

Date: August 21, 2007

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Message: Re: Cornwall Public Inquiry
Application for Standing/Funding on behalf of Ron Leroux

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BY FACSIMILE

August 21, 2007

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Dear Mesdames and Messrs:

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Page 3

**Re: The Cornwall Public Inquiry – Ron Leroux
Application for Standing/Funding**

Please find enclosed an Application for Standing and Funding on behalf of Ron Leroux.

Trusting that the foregoing is satisfactory.

Yours truly,

Lang Michener LLP



Per: Pradeep Chand

PC:bg
Encl.

***IN THE MATTER OF THE CORNWALL PUBLIC INQUIRY
THE HONOURABLE G. NORMAND GLAUDE, COMMISSIONER***

**AND IN THE MATTER OF an Application by Ron Leroux for Standing
AND IN THE MATTER OF an Application by Ron Leroux for Funding**

BETWEEN:

THE CORNWALL INQUIRY

- and -

RON LEROUX

APPLICATION FOR STANDING AND FUNDING

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Ottawa Agents for Ron Leroux

***IN THE MATTER OF THE CORNWALL PUBLIC INQUIRY
THE HONOURABLE G. NORMAND GLAUDE, COMMISSIONER***

**AND IN THE MATTER OF an Application by Ron Leroux for Standing
AND IN THE MATTER OF an Application by Ron Leroux for Funding**

BETWEEN:

THE CORNWALL INQUIRY

- and -

RON LEROUX

NOTICE OF APPLICATION

TAKE NOTICE that the Applicant will bring an Application on Thursday, the 23rd day of August , 2007, at 709 Cotton Mills Street, Cornwall, at 10:00 in the forenoon or so soon as this Application may be heard for an order allowing the Applicant standing to take part in the proceedings and for an Order recommending that the Province of Ontario fund the Applicant's participation.

GROUND FOR THIS APPLICATION ARE:

A. Standing

1. The Applicant is an individual who has a direct and substantial interest in the subject matter of this Inquiry;
2. The Applicant has extensive information, experience and firsthand knowledge of the institutional response to the justice system and other public institutions in relation to allegations of historical abuse of young people in the Cornwall area;

3. The Applicant represents a distinct and ascertainable interest and perspective which is essential to the Commission's mandate; and
4. Such further and other grounds as counsel may advise and this Honourable may permit.

B. Funding

1. The Applicant will not be able to participate in the Inquiry without funding;
2. It is anticipated that funding will be required for the following:
 - a) one junior counsel;
 - b) accommodations while in Cornwall;
 - c) Disbursements, such as photocopies, faxes, etc..
3. Such further and other grounds as Counsel may advise and the Honourable Court may permit

STATUTORY PROVISIONS OR RULES RELIED UPON WHICH THE APPLICANT PLACES RELIANCE ARE:

1. Public Inquiries Act, R.S.O. 1990, Chapter P. 41;
2. The Cornwall Public Inquiry Rules of Procedure and Practice; and
3. Such further and other provisions as counsel may advise and the Honourable Commissioner may permit.

IN SUPPORT OF THIS APPLICATION, THE APPLICANT RELIES UPON THE FOLLOWING:

1. Written Submissions for Standing;
2. The oral submissions of counsel;

3. Such further and other material as counsel may advise and the Honourable Commissioner may permit.

RELIEF SOUGHT:

1. An Order granting the Applicant full standing in Parts I and II of the Cornwall Inquiry;
2. An Order allowing funding of the Applicant's participation.

THE APPLICANT MAY BE SERVED WITH DOCUMENTS PERTINENT TO THIS APPLICATION:

1. By service through counsel at 50 O'Connor Street, Ottawa Ontario K1P 6L2, fax 232-3191.

Dated at Ottawa 21st day of August, 2007

LANG MICHENER LLP
Barristers and Solicitors
300-50 O'Connor Street
Ottawa, Ontario K1P 6L2

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PRADEEP CHAND
L.S.U.C. Registration No.48983M

Ottawa Agents Mr. Ron Leroux

TO: THE CORNWALL INQUIRY
The Honourable Mr. Justice G. Normand Glaude, Commissioner
709 Cotton Mill Street
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K6H 7K7
Tel: (613) 232-7171
Fax:(613) 231-3191

***IN THE MATTER OF THE CORNWALL PUBLIC INQUIRY
THE HONOURABLE G. NORMAND GLAUDE, COMMISSIONER***

**AND IN THE MATTER OF an Application by Ron Leroux for Standing
AND IN THE MATTER OF an Application by Ron Leroux for Funding**

BETWEEN:

THE CORNWALL INQUIRY

- and -

RON LEROUX

APPLICATION FOR STANDING AND FUNDING

OVERVIEW

1. Mr. Ron Leroux is a victim of sexual abuse and is seeking standing and funding for Parts I and II of the Cornwall Public Inquiry (hereinafter "the Inquiry"). Mr. Leroux's application is submitted to allow him to fully participate in the Inquiry and to represent his interest and views with respect to the allegations of sexual abuse of young people in the Cornwall area between 1958 and 1993. Mr. Leroux has direct and substantial interest in the subject matter of this Inquiry because he is a victim of the abuse in question, was affected traumatically and his contributions, involvement and participation is critical to the success of this Inquiry. His unique perspective must be considered independently and separately from any coalition group of victims.

2. This application is also for funding to allow Mr. Leroux to play a crucial part in the Inquiry notwithstanding his right to fair representation and access to legal counsel. Without funding Mr. Leroux would be precluded from participating in the Inquiry.
3. Mr. Leroux respectfully submits that he satisfies the Commission's requirements both for standing and funding.

THE APPLICANT

4. Ron Leroux, was born in Cornwall, Ontario on January 23, 1947. As a young student, he attended St Columbans Boys School.
5. During his time at St-Columbans Boys School, Mr. Leroux was sexually abused by individuals in the Cornwall Area. He has also claimed to have witnessed other incidents of abuse by individuals of the Cornwall community.
6. Mr. Leroux knows and/or knew many of the individuals and/or institutions affected by this Inquiry.

APPLICATION FOR STANDING

7. Pursuant to the *Public Inquiries Act*, a Commissioner must give standing to any person who establishes that they have a substantial and direct interest in the subject matter of the inquiry.

Section 5(1) of the Public Inquiries Act provides as follows:

A Commission shall accord to any person who satisfies it that the person has a substantial and direct interest in the subject-matter of its inquiry an opportunity during the inquiry to give evidence and to call and examine or to cross-examine witnesses personally or by counsel on evidence relevant to the person's interest.

8. In *Re Royal Commission on Conduct of Waste Management* (1977), 80 D.L.R. 76 (Ont. H.C.) Lerner J. interpreted s. 5(1) of the *Provincial Inquiries Act* as follows:

Subject (1) requires the Commission to accord to any person who satisfies it that he has a substantial and direct interest in the subject-matter of the Inquiry, an opportunity to give evidence and to call and examine witnesses or cross-examine other witnesses who testify. A person having a substantial and direct interest in the subject matter of the Inquiry, therefore, is by the mandatory provision of s-s. (1), to be accorded "standing" before the Commission and, in effect, to participate as an independent party. This is a right which has important implications for such a person in that he is not dependent upon the decisions of Commission counsel in the placing of relevant evidence before the Commission.

9. As explained recently in J.A. O'Connor's ruling on standing dated May 4, 2004, in relation to the Maher Arar Inquiry, when determining eligibility for standing, a Commissioner must consider a variety of factors including his or her mandate, the nature of that aspect of the public inquiry for which standing is sought, the type of interest asserted by the applicant, and the connection of the particular applicant to the Inquiry's.
10. J. A. O'Connor also ruled that *Clearly individuals or groups whose interests may be adversely affected by the report of an Inquiry as set out in section 13 of the Inquiries Act, R.S.C. 1985, c. I-11, have a substantial and direct interest. However, a "substantial and direct interest" embodies more than a section 13 interest (see for example, Re Royal Commission on Conduct of Waste Management Inc. et al. (1977), 80 D.L.R. (3d) 76 (Div. Ct.)).*

Section 13 reads as follows:

13. No report shall be made against any person until reasonable notice has been given to the person of the charge of misconduct alleged against him and the person has been allowed full opportunity to be heard in person or by counsel. R.S., c. I-13, s. 13.

11. In *Re Ontario (Royal Commission on the Northern Environment) Re*, 1983 1 O. J. No. 994 (Ont. Div. Ct.) (QL) at paras. 7, 8, the Divisional Court elaborated on the "substantial and direct interest" test pursuant to section 5(1) of the Public Inquiries Act. In essence, the Court

held that a party will have a substantial and direct interest in the subject matter of a public inquiry where it is "greatly affected" by potential recommendations and findings flowing from the inquiry, or where the party has "vital information to give" concerning the inquiry.

12. In light of these interpretations, it is clear that Mr. Leroux has a substantial and direct interest in the Inquiry which warrants being granted full standing.

PART I OF THE INQUIRY

13. Part I of the Inquiry, will focus on the institutional response of the justice system and other public institutions, including the interaction of that response with other public and community sectors, in relation to:

- (a) allegations of historical abuse of young people in the Cornwall area, including the policies and practices then in place to respond to such allegations; and
- (b) the creation and development of policies and practices that were designed to improve the response to allegations of abuse in order to make recommendations directed to the further improvement of the response in similar circumstances.

STANDING FOR PART I OF THE INQUIRY

14. Pursuant to Part II, paragraph 8 of the *Rules of Practice and Procedure*, an individual may be granted standing by the Commissioner, if the Commissioner is satisfied that they:

- (a) are directly and substantially affected by Part I of the Inquiry in which event the party may participate in accordance with s. 5 (1) of the Public Inquiries Act, or
- (b) represent distinct ascertainable interests and perspectives that are essential to his mandate in Part I, which the Commissioner considers ought to be separately

represented before the Inquiry, in which event the party may participate in a manner to be determined by the Commissioner.

15. The goal of the Commission is to make recommendations directed to the further improvement of the response in similar circumstances.
16. The Commission's mandate undoubtedly seeks to consider the interests of the victims of abuse in the Cornwall Area. As a victim, it is essential for Mr. Leroux to be granted standing as a full party in this Inquiry because he is one of the only individuals to be able to assist the Inquiry in uncovering the truth surrounding the abuse of victims in the Cornwall area.
17. Mr. Leroux can provide pertinent suggestions for the creation and development of policies and practices that would have assisted him during his trying times and that could assist today. He can also provide his views on ways the community could have facilitated his struggle and what the community could do in similar circumstances.
18. Mr. Leroux can also speak directly on his interactions with the various institutions in the Cornwall Area and provide a personal perspective on their shortfalls. He witnessed what programs and procedures were in place to assist these victims and he saw them fail.
19. Mr. Leroux's accounts and recollection of the events relating to this Inquiry are vital to its success and mandatory for the satisfaction of its mandate.
20. As a victim, Mr. Leroux has a real and substantial interest in the Inquiry and its findings. He has an exclusive viewpoint on the events in question before the Inquiry and can provide exceptional assistance in Part I of the Inquiry. Mr. Leroux submits that he fulfills the requirement for standing of Part I of the Inquiry.

PART II OF THE INQUIRY

21. Part II of the Inquiry will inquire into and report on the processes, services or programs that will encourage community healing and reconciliation in Cornwall.

22. Pursuant to Part II, paragraph 54 *Rules of Practice and Procedure*, persons or groups may be granted standing by the Commissioner for Part II of the Inquiry if the Commissioner is satisfied that:

- a) they are sufficiently affected by Part II of the Inquiry; or
- b) they represent distinct ascertainable interests and perspectives that are essential to his mandate in Part II, and which the Commissioner considers ought to be separately represented before the Inquiry. In order to avoid duplication, groups of similar interest are encouraged to seek joint standing.

STANDING FOR PART II OF THE INQUIRY

23. Mr. Leroux represent a distinct ascertainable interest essential to Part II of the inquiry because as a victim he wishes to see the development of programs, services and processes that will allow other victims and the community to come to a reconciliation of this matter.
24. In order for the Inquiry to meet its mandate in Part II, it must consult with the victims individually. Listen to their struggles and listen to their recommendations. Victims can provide enlightening solutions to help others in similar situations.
25. It is not possible for the inquiry to make recommendations based on the perspective of a group. Each individual victim has distinct perspectives and the Commission must be open to consider them all.
26. As a result, it is submitted that Mr. Leroux can assist the Commission in fulfilling its mandate and therefore meets the requirements for standing as outlined in the *Rules of Practice and Procedure* for Part II.
27. Alternatively, should the Commission not grant Mr. Leroux standing, the Applicant submits that he be granted intervener status, pursuant to Rule 13.01(1) of the *Rules of Civil Procedure*, R.R.O. 1990, Reg 194 as amended, which reads as follows:

13.01 (1) A person who is not a party to a proceeding may move for leave to intervene as an added party if the person claims,

(a) an interest in the subject matter of the proceeding;

(b) that the person may be adversely affected by a judgment in the proceeding; or

(c) that there exists between the person and one or more of the parties to the proceeding a question of law or fact in common with one or more of the questions in issue in the proceeding. R.R.O. 1990, Reg. 194, r. 13.01 (1).

28. In the *Halpern v. Toronto (City) Clerk* decision, Justice Lang refers to the criteria in Rule 13.01 to determine whether or not a moving party should be granted leave to intervene as an added party. The test was cited by Master Robert Beaudoin in *Canadian Blood Services v. Freeman and Canadian Aids Society* (File no.: 02-CV-20980). The test is as follows:

- (1) Does the proposed intervenor have sufficient, direct "interest" in this Charter challenge judicial review?
- (2) What useful contribution could the proposed intervenor make to the proceeding?
- (3) If such interest and useful contribution are established, would the intervenor's involvement either prejudice or delay the determination of the rights of the parties to the proceeding?
- (4) Is any such prejudice or delay counterbalanced by the useful contribution of the proposed intervenor?
- (5) What terms or conditions might be imposed on the intervention to ensure that the goals are met of useful contribution without undue delay or prejudice?

29. In determining whether or not a moving party should be granted leave to intervene as a added party, the moving party must only meet one of the criteria set out in 13.01 (1) a), b) or c).

30. Mr. Leroux submits that he meets the requirement in Rule 13.01(1). He has a direct interest in the subject matter of the Inquiry and he can make a useful contribution without causing delay or prejudice to any of the parties.

31. In considering the useful contribution criterion a Court must be satisfied that the intervention is not a duplication of another party's evidence and that the intervention is not requested to fulfill the lack of resources of another party.

Stadium Corp of Ontario Ltd v. Toronto (City), [1992] 10 O.R. (3d) 203.
Halpern v. Toronto (City) Clerk,

32. Mr. Leroux's contributions cannot be a duplication because they are actual, personal and are beyond public interest. With his contribution the Commission would be able to make educated and informed recommendations. Mr. Leroux does not wish to utilise the Inquiry as a public arena or to share his torment with the public, but rather share his tragic story to assist the Commission in fulfilling its goal.

PARTICULARS OF STANDING

33. With respect to a grant of full standing in Parts I and II of the Inquiry Mr. Leroux submits that such Standing include the following:

- a) access to documents collected by the Commission, subject to the Rules of Procedure and Practice;
- b) advance notice of documents which are proposed to be introduced into evidence;
- c) advance provision of statements of anticipated evidence;
- d) a seat at the counsel table;
- e) the opportunity to suggest witnesses to be called by the Commission Counsel, failing which an opportunity to apply to the Commissioner to lead the evidence of a particular witness;
- f) the opportunity to cross-examine witnesses on matters relevant to the basis upon which standing was granted;
- g) an opportunity to review transcripts (a certified copy of the transcripts may be purchased from the court reporter); and
- h) the opportunity to make closing submissions;

34. The above Particulars of Standing are consistent with those granted to parties with Standing in at least Part I of the *Ipperwash Inquiry* as well as those granted to those with Standing at the Walkerton Inquiry.

Reference: Ipperwash Inquiry, Ruling on Standing and Funding, May 7, 2004, p. 2-3

Victims Group Application for Standing and Funding of Brief of Authorities

Reference: Walkerton Inquiry, Ruling on Standing and Funding, October 3, 2000, p. 64-65.

Victims Group Application for Standing and Funding of Brief of Authorities.

CONSOLIDATION

35. Mr. Leroux understands that the Commission wishes to avoid duplication and has encouraged joint submissions for standing. Mr. Leroux was represented by The Victims Group as organized by the Ledroit law firm which successfully was granted standing and funding by this Honourable Commission.
36. The solicitor client relationship between Mr. Leroux and the Ledroit law firm broke down such that it would be inappropriate for the relationship to continue. As a result, Mr. Leroux requested to be represented by other counsel.
37. It is respectfully submitted that Mr. Leroux's right to representation and right to be heard be respected in this forum. It further submitted that Mr. Leroux's interest, reputation and rights be independent from that group.
38. Mr. Leroux has an important contribution to make to the Inquiry's investigations into the horrific situation in Cornwall. He has a unique perspective that would be jeopardized if he was forced to work as part of a coalition with as part of a coalition with a The Victims' group.

REQUEST FOR FUNDING

A. Criteria for Funding

39. The *Rules of Practice and Procedure* provide that the Commission may make recommendations to the Attorney General regarding funding to parties who have been granted standing, to the extent of the party's interest, where in the Commission's view the party would not be otherwise able to participate in the Inquiry without funding.

The Notice of Hearing provides that applications for funding should provide:

- A statement of how the applicant satisfies the criteria for funding set out in the *Rules of Practice and Procedure*, and in demonstrating why an applicant would not otherwise be able to participate without such funding, the application may include financial information and, for organizations, financial statements, operating budgets, the number of members and membership fee structure.
 - A description of the purposes for which the funds are required, how the funds will be disbursed and how they will be accounted for;
 - A statement of the extent to which the applicant will contribute its own funds and personnel to participate in the Inquiry; and
 - The name, address, telephone number and position of the individual who will be responsible for administering the funds, and a description of the financial controls put in place to ensure that the funds are disbursed for the purpose of the Inquiry.
40. Mr. Leroux would be precluded from participating in the Inquiry without funding. Mr. Leroux does not have any financial resources of his own, and cannot participate effectively in the Inquiry without funding.
41. Without the requisite funding, Mr. Leroux would not otherwise be able to participate in the Cornwall Inquiry. Mr. Leroux recognizes that the Inquiry will be a lengthy and expensive process and respectfully submits that its participation is mandatory and funding is essential.
42. Furthermore, Mr. Leroux has the potential for civil or administrative remedies and is concerned that these remedies may be impacted by his participation at the Inquiry. Therefore, fair participation at the Inquiry requires access to legal counsel.

43. Purposes for Funds and Disbursement of Funds

i) Legal Fees and Disbursements

Mr. Leroux will be represented by Harrison Pensa and Lang Michener LLP.

Due to the length of and complexities expected from the Inquiry, there will be three counsel working on this file. These include Dave Williams, Lou Crowley from Harrison Pensa and Pradeep Chand from Lang Michener LLP. However, counsel fees for only one counsel are being requested, and it is unlikely that more than one lawyer would be present during the hearing on a day to day basis. The participation of these counsel would be as follows:

- Senior Counsel Dave Williams and Lou Crowley in a supervisory and advisory capacity for approximately 100 hours;
- Junior Counsel, Pradeep Chand (Called to the Bar in 2004) as the primary legal counsel in attendance for approximately 1500 hours;

Therefore, funding for participation in the Cornwall Inquiry would be based on approximation of 1600 hours required by counsel to represent the applicant at the Inquiry.

It is respectfully submitted that Mr. Leroux be afforded, as a party to the Cornwall Inquiry, the funding resources, including all reasonable expenses incurred and fees and expenses for its legal counsel and assistants, to ensure its full and effective participation for the duration of the Inquiry, including necessary research, preparation, documentary review, expert retention, attendance and participation in all hearing and other activities of the Inquiry, commencing the date the Inquiry was effectively commissioned on April 14, 2005.

ii) Mr. Leroux's disbursements

Mr. Leroux will require reimbursements for routine administrative needs, such as photocopying, meeting costs, printing etc... It is not expected that these disbursements will be significant.

With respect to expenses such as travel, accommodation, attendance and administration at the hearings, Mr. Leroux submits that consideration be given to the fact that its counsel of choice is located in London, Ontario.

Mr. Leroux seeks retroactive funding for payment of the legal and related expenses associated with coordinating and organizing the victims and the preparation of these submissions, both of which took considerable effort and expense.

iii) Mr. Leroux is not in a position to contribute substantial funds for the purposes of this Inquiry.

44. Administrator of Funds and Description of Financial Controls

i) All funding monies will be placed in the client trust account at Lang Michener LLP, which is equipped with all necessary financial controls and accountability mechanisms for client trust accounts pursuant to the Rules of the Law Society of Upper Canada. Lang Michener LLP is responsible for the trust account and Ed Mulhall administers the account. His contact information is listed below. When the work is completed and the expenses are incurred, Lang Michener LLP will administer and account for the funds in accordance with the requirements of the Law Society of Upper Canada relating to the rules and by-laws for accounting of trust funds and all other funds.

ii) *Contact Information for Administrator of Funds*

The contact information for the administrator of the funds is as follows:

Ed Mulhall
Lang Michener LLP
50 O'Connor Street, Suite 300
Ottawa, ON K1P 6L2
Tel: (613) 232-7171 ext. 113
Fax: (613)231-3191

CONCLUSION

45. Mr. Leroux seeks full standing for Parts I and II of the Inquiry and asks that the Commissioner recommend funding as set out in Part III above.

All of which is respectfully submitted.

Dated at Ottawa 21st day of August, 2007



PRADEEP CHAND

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