

**THE ELLIOT LAKE  
COMMISSION OF INQUIRY**

The Honourable Paul R. Bélanger,  
Commissioner



**LA COMMISSION  
D'ENQUÊTE ELLIOT LAKE**

L'honorable Paul R. Bélanger,  
Commissaire

**Ruling on the Motion of James Keywan in respect of the Report of Allan Larden**

1. On June 21, 2013, John Brunner, counsel for James Keywan, filed a motion and supporting materials in which Mr. Keywan is seeking an Order granting him the right to introduce rebuttal evidence at the Inquiry pursuant to Rule 31 of the Commission's Rules of Procedure and section 17.1(b) of the *Public Inquiries Act, 2009* (the "Keywan Motion"). Specifically, Mr. Keywan is seeking to introduce a report of Allan Larden dated May 14, 2013 (the "Larden Report").
2. On June 24, 2013, counsel for Elliot Lake Mall Action Committee ("ELMAC") submitted responding materials in which it opposed the filing of the Larden Report or permitting Mr. Larden to testify at the Inquiry.
3. By email dated June 26, 2013, Commission Counsel advised Counsel and the Participants that I intended to determine the Keywan Motion on the basis of written submissions. Commission Counsel further advised that if any other Participants wished to make written submissions they were invited to do so by no later than July 5, 2013. The only submissions in respect of the Keywan Motion received by the Commission were those submitted by ELMAC.

**The Keywan Motion**

4. I have carefully reviewed the submissions of counsel for Mr. Keywan as well as those of ELMAC, and I have concluded that Mr. Keywan will be given the right to file the Larden Report. All Participants, section 17 recipients and Commission Counsel will be given the

right to cross examine Mr. Larden. Unless I or Commission Counsel subsequently indicate otherwise, Mr. Larden will be called to testify before the Inquiry on July 29, 2013 (and 30<sup>th</sup> if necessary).

5. Simply put, I note that:

- a) I am not bound to accept or reject any or all of the observations and conclusions reached in either of the Larden or the NORR Reports. In that respect I will be guided by the Participants' eventual submissions.
- b) At this stage of the proceedings of the Commission, I am not prepared to be constrained or restricted in arriving at the findings and conclusions encompassed by my mandate.
- c) Throughout this Inquiry, I have been and will continue to be mindful of my obligations arising out of:
  - i) The Order-in-Council establishing this Inquiry dated July 19, 2012;
  - ii) This Inquiry's Rules of Procedure; and
  - iii) *Public Inquiries Act, 2009*, S.O. 2009, c. 33, Sched. 6.
- d) I am sensitive to counter any perception of unfairness to any Participant or section 17 recipient constrained to appear to give evidence before the Commission or to those who have the right to cross examine.

ISSUED at Elliot Lake, Ontario, this 15<sup>th</sup> day of July, 2013.

  
The Honourable Paul R. Bélanger,  
Commissioner