

**IN THE MATTER OF THE ELLIOT LAKE COMMISSION OF INQUIRY
The Honourable Paul R. Belanger, Commissioner**

**AND IN THE MATTER OF an Application by Alexandre Sennett for Standing and
Funding**

BETWEEN:

THE ELLIOT LAKE COMMISSION OF INQUIRY

-and-

ALEXANDRE SENNETT

APPLICATION FOR STANDING AND FUNDING

Jonathan Shime
Cooper, Sandler, Shime & Bergman LLP
Suite 1900
439 University Avenue
Toronto, ON
M5G 1Y8

Tel.: (416)585-9191
Fax: (416)408-2372
Email: jshime@criminal-lawyers.ca

Counsel for the Applicant

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NOTICE OF APPLICATION

TAKE NOTICE that the Applicant, Alexandre Sennett, hereby applies for an Order granting him standing to take part in these proceedings.

AND TAKE FURTHER NOTICE that the Applicant hereby applies for an Order for funding for counsel to represent him at these proceedings.

THE GROUNDS OF THE APPLICATION ARE:

Application for Standing

1. In 2008, the Applicant was running an IT and software business known as Bitflow Software Inc. At that time the Applicant was contracted by the owners of the Elliot Lake Mall to install and maintain security surveillance systems, tape backup systems and wireless communications for the mall.
2. The work was completed between 2008 and 2011.
3. Also in 2008, the Applicant registered a company on behalf of the owners of the mall called Empire Roofing and Restoration Inc. ('Empire Roofing'). The Applicant was also asked by the owners to sign, and did sign, several documents in the name of Empire Roofing.
4. The Applicant was summonsed as a witness to testify at this public inquiry on May 14, 2013, at which time he gave evidence regarding his involvement with the mall generally, as well as evidence about his involvement with Empire Roofing.
5. Subsequent to giving his evidence, the Applicant received additional information from the Commission of Inquiry and, as a result, is seeking standing in these proceedings.
6. The Applicant hereby applies for such standing and, given the possible implications of his evidence, respectfully submits that standing should be granted, pursuant to the *Public Inquiries Act, 2009* and the *Rules of Standing and Funding* of this Commission

Application for Funding

7. The Applicant also seeks a recommendation from the Commissioner to the Attorney General for funding for one senior counsel and one junior counsel to represent him at this inquiry, pursuant to the *Rules of Standing and Funding* and *Revised Rules of Standing*

and Funding. The Applicant also seeks funding for travel expenses and accommodation and all reasonable disbursements (photocopying, faxes, etc...).

8. In order to minimize the expense, counsel for the Applicant would only attend and participate at the hearing on days where Empire Roofing may be the subject of evidence and to make any final submissions in relation to that same issue. It is anticipated that the witnesses that will require such attendance are limited to Levon and Bob Nazarian, currently scheduled to testify from July 15-18 and 23-26, respectively.
9. The Applicant is not in a financial position to participate in this inquiry in the absence of such funding. His taxable income in 2011 was \$24,098. In 2012, his taxable income was \$20,771.00. He anticipates that his earnings for 2013 will be approximately \$28,000. He is currently the sole financial support for his family, including a three month old daughter. He does not have any significant personal assets. He and his family live in a rental unit. The rent on his apartment is \$1330/month, for a total of \$15,960/year. He estimates that his monthly family expenses, including costs for his newborn daughter are \$700/month or \$8400/year. He has telephone and computer expenses of \$150/month. These basic expenses total approximately \$26,160/year, which is more than his income for the last two years. In other words, the Applicant has greater liabilities than income and is unable to make enough money to pay for his family's basic expenses.
10. Moreover, while the Applicant does operate a business, now known as Bitflow Management Systems Inc., that business is in significant debt and has been in trusteeship since September, 2012. As a condition of the trusteeship, the Applicant is required to pay \$1000/month to his creditors for a period of 60 months (on top of his other expenses, listed above).
11. Given the Applicant's relatively modest income, and his personal and professional liabilities that exceed that income, there is no possible way that the Applicant can afford to pay counsel to represent him at the hearing. Should funding not be granted, he will not be in a position to retain counsel to protect his interests at this inquiry.

12. Rule 23 of the *Revised Rules of Standing and Funding* provides that the Commissioner will also consider, among other things, the following factors:

i) The nature of the applicant's interest and/or proposed involvement in the Inquiry;

13. There can be little, if any doubt, that the Applicant has an interest in the inquiry, given that he has been summonsed as a witness, compelled to give evidence and may be the subject of findings in this Honourable Commission's final report.

14. Under such circumstances, the *Public Inquiries Act*, and the procedural fairness that Act seeks to protect, as well as the Commission's own *Rules of Standing and Funding*, strongly favour a recommendation for funding.

IN SUPPORT OF THIS APPLICATION, THE APPLICANTS RELY ON:

1. The Notice of Application herein;
2. The Affidavit of Alexandre Sennett;
3. The *Public Inquiries Act*, S.O. 2009, Chapter 33;
4. The *Elliott Lake Commission of Inquiry Rules of Standing and Funding*; and
5. The *Elliott Lake Commission of Inquiry Revised Rules of Standing and Funding*.
6. Such further and other materials as counsel may advise and the Honourable Commissioner may permit.

THE RELIEF SOUGHT IS:

1. An Order granting the Applicant standing in the Elliott Lake Inquiry; and
2. An Order recommending funding for one senior and one junior to cover the Applicant's legal fees and disbursements (including travel and accommodation expenses).

DATED AT TORONTO, THIS 5th DAY OF JULY, 2013.

A handwritten signature in black ink, appearing to read 'J. Shime', with a long horizontal flourish extending to the right.

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Cooper, Sandler, Shime & Bergman LLP
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439 University Avenue
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