

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

**AND IN THE MATTER OF an Application by Rejean Aylwin, Rachelle Aylwin, and
Stephane Aylwin for Standing**

**AND IN THE MATTER OF an Application by Teresa Perizzolo and Cindy Lee Allan
for Standing**

B E T W E E N:

THE ELLIOT LAKE COMMISSION OF INQUIRY

and

**REJEAN AYLWIN, RACHELLE AYLWIN, STEPHANE AYLWIN, TERESA PERIZZOLO
and CINDY LEE ALLAN**

APPLICATION FOR STANDING

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**IN THE MATTER OF THE ELLIOT LAKE PUBLIC INQUIRY
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and CINDY LEE ALLAN

NOTICE OF APPLICATION

TAKE NOTICE that the Applicants will bring an Application on Friday, the 26th day of October, 2012, at 279 Highway 108 North, Elliot Lake, Ontario at 9:30am or so soon as this Application may be heard for an Order allowing the Applicants standing to take part in the proceedings.

THE GROUNDS FOR THIS APPLICATION ARE:

1. The Applicants are individuals who have a direct and substantial interest in the subject matter of this inquiry.
2. The Applicants represent a distinct and ascertainable interest and

perspective which is essential to the Commission's mandate;

3. *Public Inquiries Act*, RSO 1990, Chapter P. 41;
4. *The Elliot Lake Commission of Inquiry Rules of Standing and Funding*;
5. Such further and other grounds as counsel may advise and the Honourable Commissioner may permit.

IN SUPPORT OF THIS APPLICATION, THE APPLICANTS RELY UPON THE FOLLOWING:

1. Written submissions for Standing;
2. Oral submissions of counsel;
3. Such further and other material as counsel may advise and the Honourable Commissioner may permit.

THE RELIEF SOUGHT IS:

1. An order granting the Applicants full standing in The Elliot Lake Commission of Inquiry.

DATED at Barrie, this 1st day of October, 2012.

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TO: THE ELLIOT LAKE PUBLIC INQUIRY
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INTRODUCTION

1. The Honourable Mr. Justice Paul R. Bélanger has been appointed as the Commissioner of the Elliot Lake Commission of Inquiry. Pursuant to the terms of its mandate, the Commission will inquire into and report on events surrounding the collapse on June 23, 2012, of the Algo Centre Mall in Elliot Lake (“the collapse”), the deaths of Lucie Aylwin and Doloris Perizzolo and the injuries to other individuals as well as the emergency management and response.

2. The Applicants seek standing as they are the families of the two individuals who died in the collapse, namely Lucie Alywin and Doloris Perizzolo. It is anticipated that these deaths will be examined by the Commission. It is respectfully submitted that the Applicants may make meaningful submissions from a perspective distinct from other participants.

APPLICATION FOR STANDING

3. In its *Rules of Standing and Funding*, this Honourable Commission has stated that standing will be granted to all persons who satisfy the Commission that:

- a) they have a substantial and direct interest in the subject matter of the Inquiry;
- b) they will likely be notified of a possible finding of misconduct under section 17 of the Act;
- c) their participation would further the conduct of the Inquiry; or
- d) their participation would contribute to the openness and fairness of the Inquiry.

As will be discussed below, it is submitted that the Applicants satisfy this test.

BACKGROUND OF THE APPLICANTS

4. The Applicants Rejean Aylwin and Rachelle Aylwin are the father and mother of the late Lucie Aylwin and reside in the City of Greater Sudbury, in the Province of Ontario.

5. The Applicant Stephane Aylwin is the brother of the late Lucie Aylwin and resides in the City of Red Deer, in the Province of Alberta.

6. The Applicant Teresa Perizzolo is the daughter of the late Doloris Perizzolo and resides in the City of Elliot Lake, in the province of Ontario.

7. The Applicant Cindy Lee Allan is the daughter of the late Doloris Perizzolo and resides in the City of Guelph, in the Province of Ontario.

DIRECT AND SUBSTANTIAL INTEREST IN THIS INQUIRY

8. It is submitted that the Applicants readily meet the test of holding a “substantial and direct” interest in the subject matter of this Inquiry as follows:

- a) The Applicants are the family members of the two individuals who died in the collapse.
- b) The Commission will consider the deaths of the Applicants’ family members directly as part of its mandate.

PARTICIPATION WOULD FURTHER THE CONDUCT OF THE INQUIRY AND CONTRIBUTE TO THE OPENNESS AND FAIRNESS OF THE INQUIRY

9. The Applicants represent a distinct and ascertainable interest and perspective different from other participants. The Applicants’ loved ones died as a result of this collapse. The impact of these deaths will add a new perspective to the Inquiry’s conduct and will help in keeping the Inquiry open and fair to all who have been affected.

CONCLUSION

10. Given the above, it is respectfully submitted that this Honourable Commission ought to grant full standing to the Applicants.

All of which is respectfully submitted the 1st day of October, 2012.

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