

THE ELLIOT LAKE COMMISSION OF INQUIRY

MOTION RECORD - FUNDING

Ontario Building Officials Association

October 11, 2012

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THE ELLIOT LAKE COMMISSION OF INQUIRY

NOTICE OF MOTION - FUNDING

TAKE NOTICE that the Ontario Building Officials Association (the "Moving Party" or "OBOA") hereby makes a motion to The Elliot Lake Commission of Inquiry (the "Commission" or "Inquiry") for funding to participate at the Inquiry.

AND TAKE NOTICE that the Moving Party may request the opportunity to make oral submissions in support of this Motion.

RELIEF REQUESTED:

1. A Recommendation by the Commissioner that the Moving Party receive funding to fully participate in that portion of the Inquiry considering the Commission's mandate as set out in section 2 b. of the *Terms of Reference* [Order in Council 1097/2012]:

"Review relevant legislation, regulations and by-laws and relevant policies, processes and procedures of provincial and municipal governments and other parties with respect to the structural integrity and safety of the Algo Centre Mall in Elliot Lake, Ontario".

2. Such further and other relief as counsel may advise and the Commission may grant.

THE GROUNDS FOR THE MOTION ARE:

3. This motion for funding is to be read in conjunction with the grounds raised in the OBOA's motion for standing at this Inquiry. This motion will not repeat but relies upon those grounds.

4. The OBOA is a self-governing, not-for-profit corporation incorporated by special Act; *i.e.* the *Ontario Building Officials Association Act, 1992*, S.O. 1992, c. Pr38 (the "OBOA Act").
5. The OBOA's revenue sources are sufficient to allow it to efficiently undertake its day-to-day operations and fulfill its corporate objects, train and educate its members and provide services to its membership.
6. Section 12 of the *OBOA Act* provides:

Any surplus derived from carrying on the affairs and business of the Association shall be applied solely in carrying out its objects and shall not be divided among its members.
7. The OBOA does not have adequate financial resources to cover the costs to retain legal counsel to allow it to participate at the Inquiry as set out in its motion for standing.
8. From a budgeting perspective, OBOA's participation at this Inquiry, while warranted and desirable, constitutes an extraordinary and unforeseen expense which is beyond its financial resources to fund.
9. The OBOA intends to use the funding solely to assist it in retaining Leo F. Longo of Aird & Berlis LLP to represent its interests and permit it to participate at the Inquiry as requested in its motion for standing. No other costs are sought to be funded.
10. All funding received shall be accounted for in accordance with the Commission's Rules and any other applicable standards.
11. The Commission's *Terms of Reference* [Order in Council 1097/2012].
12. The Commission's *Revised Rules of Standing and Funding*.
13. *Public Inquiries Act, 2009*, S.O. 2009, c. 33, Schedule 6, ss. 15 & 25.
14. Such further and other grounds as counsel may advise and the Commission may consider.

THE FOLLOWING DOCUMENTS WILL BE USED AT THE HEARING OF THE MOTION:

15. The Affidavit of Ron Kolbe, sworn October 10, 2012.

16. Such further and other evidence as counsel may advise and the Commission may deem just.

October 11, 2012

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THE ELLIOT LAKE COMMISSION OF INQUIRY

AFFIDAVIT OF RONALD M. KOLBE

[OBOA FUNDING]

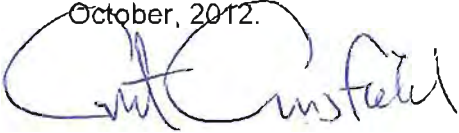
I, Ronald M. Kolbe, of the Township of Oro-Medonte, in the County of Simcoe, MAKE OATH AND SAY AS FOLLOWS:

1. I am the Chief Administrative Officer of the Ontario Building Officials Association (the "OBOA" and "Association").
2. The OBOA is a self-governing, not-for-profit corporation incorporated by special Act; *i.e.* the *Ontario Building Officials Association Act, 1992*, S.O. 1992, c. Pr38 (the "*OBOA Act*").
3. The OBOA's revenue sources are sufficient to allow it to efficiently undertake its day-to-day operations and fulfill its corporate objects, train and educate its members and provide services to its membership.
4. Section 12 of the *OBOA Act* provides:

Any surplus derived from carrying on the affairs and business of the Association shall be applied solely in carrying out its objects and shall not be divided among its members.
5. The Association's annual audited financial statements are not published and are confidential. Should the Commission require disclosure of this information, I trust that suitable arrangements can be made which will respect this confidentiality.
6. The OBOA does not have adequate financial resources to cover the costs to retain legal counsel to allow it to participate at the Inquiry as set out in its motion for standing.
7. From a budgeting perspective, OBOA's participation at this Inquiry, while warranted and desirable, constitutes an extraordinary and unforeseen expense which is beyond the Association's financial resources to fund.
8. The OBOA intends to use the funding solely to assist it in retaining Leo F. Longo of Aird & Berlis LLP to represent its interests and permit the Association to participate at the Inquiry as requested in its motion for standing. No other costs are sought to be funded.

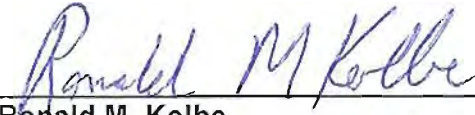
9. All funding received shall be accounted for in accordance with the Commission's Rules and any other applicable standards.

SWORN BEFORE ME at the
City of Toronto, in the Province
of Ontario, this 10th day of
October, 2012.



A Commissioner, etc.

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Ronald M. Kolbe

**THE ELLIOT LAKE
COMMISSION OF INQUIRY**

**AFFIDAVIT OF RONALD M. KOLBE
[OBOA FUNDING]**

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