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Our file/Notre dossier
No. 44793



October 17, 2012

BY EMAIL

The Honourable Paul R. Bélanger
Commissioner
The Elliot Lake Commission of Inquiry
1400 Blair Place
Ottawa, ON K1J 9B8

Dear Mr. Commissioner:

**Re: Elliot Lake Commission of Inquiry
Motion for Standing**

Her Majesty the Queen in right of Ontario (“the Province”) hereby applies for full standing and all privileges and rights of participation at the Elliot Lake Commission of Inquiry.

The Province includes the Ministry of Community Safety and Correctional Services, the Ministry of Labour, and the Ontario Provincial Police, and any other Ministry or Office of the Government of Ontario that has had involvement in the matters set out in the Commission’s Terms of Reference. The Province also includes current or former public servants of the Province of Ontario who may be asked to give information and evidence to the Commission regarding their involvement in matters set out in the Terms of Reference, insofar as that involvement arises from their duties as a public servant.

It is respectfully submitted that the Province has a substantial and direct interest in the subject matter of the Inquiry and is therefore entitled to standing under subsection 15(2) of the *Public Inquiries Act, 2009* and under section 11 of the Inquiry’s Revised Rules of Standing and Funding.

With respect to clause 2(a) of the Terms of Reference, the Province was involved after the collapse of the Algo Centre Mall in Elliot Lake in a number of different ways. For example, officials in the Ministry of Community Safety and Correctional Services, particularly in the offices of Emergency Management Ontario, Office of the Fire Marshal, Office of the Chief Coroner and the Commissioner of Community Safety, were directly involved in the search and rescue operations related to the collapse of the Algo Centre Mall, as were officers of the Ontario Provincial Police and employees of the Ministry of Labour. Also, the Toronto HUSAR team was deployed at Ontario’s direction and, once deployed, came under the direction of the local incident command at Elliot Lake.

Both the Ministry of Labour and the Ontario Provincial Police began and continue to be involved in investigations subsequent to the collapse of the Algo Centre Mall, and the Office of the Chief Coroner is conducting an investigation related to the deaths of Lucie Aylwin and Doloris Perizzolo. While the Terms of Reference direct the Commission to avoid interference or conflict with any ongoing investigation related to these matters, the various provincial investigative agencies are in a position to share documents and information that can assist the Commission in fulfilling its mandate. If granted standing as a party, the Province will be able to ensure that documents relevant to any issue that may arise in the course of the Inquiry are delivered to the Commission and that issues regarding privilege, or judicial or statutory prohibitions on disclosure, are brought to the attention of the Commission.

Clauses 2(b) and 2(c) of the Terms of Reference direct the Commissioner to review relevant legislation, regulations and by-laws and relevant policies, processes and procedures of the provincial government with respect to structural integrity and safety of the Algo Centre Mall, and also with respect to the emergency management and response to the collapse of the Algo Centre Mall. The Province will be directly affected by this aspect of the Inquiry, and can assist the Commission in identifying and explaining the purpose and intent of relevant provincial legislative instruments and policies, processes and procedures. The Province can also assist the Commission by informing it of any practical or jurisdictional issues that should be considered in respect of proposed recommendations.

Further, we submit that the participation of the Province will contribute to the openness and fairness of the Inquiry. The Province has assisted the Commission over the past two months by providing documents from the Ministry of Community Safety and Correctional Services, the Ministry of Labour, and the Ontario Provincial Police. The provision of documents is ongoing. The Province can also suggest witnesses who are best suited to giving evidence about various events and issues. The Province is committed to providing ongoing assistance to the Commission and its counsel throughout the term of this Inquiry.

If granted standing, the Province will be represented by a team of lawyers at the Inquiry, however, we anticipate that only one or two will be present at any given time during the hearings. The composition of the team is currently as follows, and may be subject to change:

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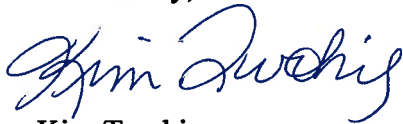
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The Province asks to be granted standing at the Inquiry, with full rights of participation, including the opportunity to suggest witnesses and the right to cross-examine witnesses in accordance with the Inquiry's Rules of Procedure, on all matters relevant to the Province's interests as set out above.

We trust this is sufficient to enable the Commission to grant standing to the Province at the Inquiry, but should further information be required, please do not hesitate to contact me. We will be available to make brief oral submissions at the hearings on standing and funding on October 26, 2012 in support of this motion for standing, and we will be able to answer any questions the Commissioner may have.

We look forward to assisting the Commission in fulfilling its important mandate as set out in the Terms of Reference.

Yours truly,

A handwritten signature in blue ink that reads "Kim Twohig". The signature is written in a cursive, flowing style.

Kim Twohig
General Counsel