

**THE ELLIOT LAKE INQUIRY**  
**APPLICATION FOR STANDING BY SHOPPERS DRUG MART**  
**ASSOCIATE #667, MARTINETTE VENTER**

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## Introduction

The Shoppers Drug Mart Associate #667, namely Martinette Venter, (the "Associate"), is an associate engaged by Shoppers Drug Mart Corporation. In this capacity, she conducted business in the Algo Centre Mall as the owner/operator of a lottery ticket kiosk at the time of the mall's collapse. One of the individuals that was killed as a result of the collapse, Lucie Aylwin, was employed by the Associate.

The mandate of this Inquiry includes, amongst other things, to inquire into and report on events surrounding the death of Lucie Aylwin, and the emergency management and response by responsible bodies and individuals subsequent to the collapse.

The Associate and her employees were witness to the conditions of the Algo Centre Mall prior to its collapse. They were also directly involved in the subsequent police investigation, and the investigation of the Ministry of Labour pursuant to the Ontario *Occupational Health and Safety Act*.

The Associate and her employees can provide information regarding the area of the collapse where Lucie Aylwin was working on the day of the collapse, the collapse itself, and the subsequent and on-going investigations. This information can be provided first hand by the Associate with the assistance of legal counsel during the Inquiry.

Accordingly, the Associate requests full standing as a party to participate in the Inquiry.

### The Test for Standing

The Commission's Revised Rules of Standing and Funding, established pursuant to the Order in Council 1097/2012 (the "Terms of Reference"), provide that in considering a party's request for standing, the Commissioner will consider, amongst other things, the following factors:

- a. whether a person has a substantial and direct interest in the subject matter of the Inquiry;
- b. whether a person is likely to be notified of a possible finding of misconduct under section 7 of the Act;
- c. whether a person's participation would further the conduct of the Inquiry; and
- d. whether a person's participation would contribute to the openness and fairness of the Inquiry;

For the reasons set out below, the Associate satisfies the factors set out in (a), (c), and (d).

Clearly, as the employer of an employee who was killed while at work, the Associate's participation is needed to provide certain factual information regarding the collapse and the death of its employee, as well as the events leading up to and following the collapse and fatality. In this way, its participation relates to factors (c) and (d) noted above.

In addition, as the employer of an employee who was killed while at work, the Associate also has a direct interest in the circumstances that resulted in the fatality of one of its employees. In particular, it has a direct interest in knowing what happened given the requirements under the *Workplace Safety and Insurance Act* and the *Occupational Health and Safety Act*. Both of these legislative regimes provide statutory rights and obligations on an employer with respect to the health and safety of its employees, and in the investigation of any workplace accidents. Accordingly, the Associate's participation as a party is also based upon factor (a); that is has a substantial and direct interest in the subject matter of the Inquiry.

### The Associate's Knowledge and the Scope of the Inquiry

The mandate of the Commission, as provided at paragraph 2(a) of the Terms of Reference, is as follows:

“Inquire into and report on events surrounding the collapse of the Algo Centre Mall in Elliot Lake, Ontario, the deaths of Lucie Aylwin and Doloris Perizzolo and the injuries to other individuals in attendance at the mall and the emergency management and response by responsible bodies and individuals subsequent to the collapse;”

The Associate and her employees have direct knowledge of many facts which are relevant to the Commission's mandate in this respect. In particular, they have knowledge of prior water leakage and other issues which occurred in the area where the deceased worker was working and where the collapse occurred. They also have knowledge of the worker's typical whereabouts in the vicinity of the mall where the collapse occurred. Finally, the Associate has direct knowledge of the response to the collapse by emergency responders.

Accordingly, the ability of the Associate to fully present this knowledge, as a party to the Inquiry, and as needed and directed by the Commission, is vital to the Commission in fulfilling its mandate as set out in the Terms of Reference.

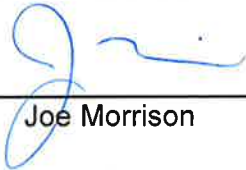
Request for Standing

The Associate hereby requests standing as a full party to the Inquiry. The Associate is not seeking funding as part of this request. However, the Associate is a small business owner/operator and as such, has limited resources. It does not plan to attend all of the public hearings conducted by the Inquiry, nor does it anticipate making submissions or examining witnesses that pertain to issues outside the Associate's scope of knowledge. However, it is requesting standing as a full party to the Inquiry to allow it unfettered participation in the Inquiry, so that it can fully participate in those areas of inquiry that are relevant to its knowledge and interest in the Inquiry, and as the Commission may allow.

The Associate is not requesting that it be provided with an opportunity to make oral submissions in support of this request for standing, but is relying on these written motion materials. That said, if the Commission requests that the Associate make oral submissions in support of its request, it is prepared to do so.

The Associate thanks the Commissioner for his consideration of the foregoing.

All of which is respectfully submitted,



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Joe Morrison