

SECTION

I

Introduction and Background

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Background information for this Inquiry

On June 23, 2012, at precisely 2:18 p.m., the heart of Elliot Lake, Ontario, stopped beating. The rooftop parking deck of the Algo Mall collapsed onto the two floors below, sending tons of concrete, mangled steel, drywall, glass, and one vehicle crashing down. Large pieces of steel and concrete (“widow makers,” the rescuers called them) hung precariously over the huge pile of debris. Collapsed escalators were barely held up by overstressed beams, threatening to fall even further at any moment.

It was a warm and sunny summer Saturday afternoon, and the Mall was not as crowded as it often was. Still, many employees and shoppers were inside the building, along with a few Elliot Lake residents who had gathered at the Mall to enjoy a coffee as they socialized with their friends. The collapse was abrupt, precipitous, and came without any warning. Immediately, it shattered the city and transfixed the nation. It also took the lives of Doloris Perizzolo and Lucie Aylwin. Nineteen other people were injured.

For the following 48 hours, local firefighters along with search and rescue teams from both Toronto and the Ontario Provincial Police feverishly searched the rubble pile for survivors, encouraged by tantalizing indications that someone, miraculously, might still be alive under the wreckage.

Then, suddenly, the rescue effort was halted – the risk of harm to the rescuers was deemed to be too great. Engineers advised that the entire remaining structure of the Mall was dangerously unstable. Unfortunately, no alternative plan had been developed, and, with no direction, the rescuers gave up. Only after Premier Dalton McGuinty intervened on June 25 did the rescue operation resume, in the faint but rekindled hope that a specialized crane trucked in from Toronto might allow the removal of the material lying over the suspected victims without risking the lives of those involved in the rescue. Tragically, despite unremitting work over two more days, that effort proved to be in vain when the bodies of the two women were recovered on June 27.

The Algo Mall was more than a shopping centre in this Northern Ontario city – it was a gathering point for the thousands of retirees who had settled there and an economic hub offering all residents a number of centralized services. It housed federal and provincial offices, the municipal Library, and the offices of the local MPP and the local Member of Parliament, along with their campaign offices during elections. It had a hotel, a food court, a funeral services firm, numerous retail stores, and a lottery kiosk.

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Paradoxically, almost from the day the Mall was built in 1979, the roof leaked. Some local residents dubbed it the Algo Falls. Buckets and tarps became part of its architecture. The Library, in particular, was so often inundated that the integrity of its staff, its patrons, and its collections became a matter of daily concerns for its governing board.

Six days after the collapse, Premier McGuinty announced that an independent public inquiry would be held into the disaster: “We have an obligation to do whatever we can to prevent similar tragedies,” he said, “and [to] respond in the best way possible when they do happen.”¹ On July 9, 2013, the Attorney General announced my appointment as Commissioner.

Ten days later the government released Order in Council 1097/2012, setting out the Terms of Reference of this Inquiry under the *Public Inquiries Act, 2009*.² I was directed to

- a. 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;

- b. 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;
- c. 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 emergency management and response to the collapse of the Algo Centre Mall.

Further, the Order in Council instructed that

The Commission shall perform its duties without expressing any conclusion or recommendations regarding the potential civil or criminal liability of any person or organization. The Commission shall further ensure that the conduct of the inquiry does not in any way interfere or conflict with any ongoing investigation or proceeding related to these matters.

and

Where the Commissioner considers it essential and at his discretion, he may engage in any activity appropriate to fulfilling his duties, including:

- a. Conducting research and collecting information, including conducting interviews and undertaking surveys;
- b. Conducting inter-jurisdictional research to identify practices and successes in other jurisdictions that are relevant to the Ontario experience;
- c. Consulting with or seeking submissions from key stakeholders and sector experts;
- d. Consulting with the general public, including consulting prior to making its rules or determining who may participate in the public inquiry; and
- e. Receiving oral and written submissions.

I determined that the Inquiry would be conducted in two parts. The first part would examine all events leading up to the collapse, and the second would look at the emergency response that followed. The first part entailed a detailed study of the 33-year history of the Mall – its construction and ownership, and the roles of a variety of individuals and organizations whose involvement was important to the Mall: engineers, building inspectors, City officials and politicians, and so on. During this part I heard 72 witnesses over 80 days. Close to 11,000 documents were entered as evidence. (The appendices to this volume document this part of the Inquiry.)

The second part of the Inquiry looked at the events of nearly one week following the collapse. Its chronology was marked by minutes and hours, rather than months and years. The hearings for this part lasted 36 days, and I heard 52 witnesses.

After the completion of the evidence and the closing submissions, I convened a series of policy roundtables to assist in formulating my recommendations. Each roundtable, chaired by one of the Commission counsel, consisted of a number of experts who considered a series of questions prepared by Commission staff. These questions were also designed to reflect the recommendations made by the Participants in their closing submissions.

Part One of this Report details the evidence I heard and my analysis and conclusions on the first part of my mandate. I hope that, by means of the recommendations I propose, both the visiting public and the workers in structures similar to the Mall will be made safer and more secure.

Finally, a note on terminology: throughout this Report, I refer to the Algo Mall as either the “Mall” or the “Algo Mall”; the Algo Inn Hotel as either the “Hotel” or the “Algo Hotel”; and the entire complex (the Mall and the Hotel) as the “Algo Centre.” Readers who wish to refer to the day-by-day testimony or other matters before the Commission can link to <http://elliottlakeinquiry.ca/transcripts/index.html> or to our general website at <http://elliottlakeinquiry.ca>.

General comments

Although it was rust that defeated the structure of the Algo Mall, the real story behind the collapse is one of human, not material, failure. Many of those whose calling or occupation touched the Mall displayed failings – its designers and builders, its owners, some architects and engineers, as well as the municipal and provincial officials charged with the duty of protecting the public. Some of these failings were minor, some were not: They ranged from apathy, neglect, and indifference through mediocrity, ineptitude, and incompetence to outright

greed, obfuscation, and duplicity. Occasional voices of alarm and warning blew by deaf and callous ears. Warning signs went unseen by eyes likely averted for fear of jeopardizing the Mall’s existence – the social and economic centre in Elliot Lake.

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Some engineers forgot the moral and ethical foundation of their vocation and profession: holding paramount the safety, health, and welfare of the public. They occasionally pandered more to their clients’ sensitivities than to their professional obligation to expose the logical and scientific consequences of their observations. Some of their inspections were so cursory and incomplete as to be essentially meaningless. Others were fundamentally flawed because they were based on false assumptions or calculations.

Some public officials simply lacked competence. Others preferred strict adherence to, and narrow interpretation of, practices, rules, and by-laws rather than conduct based on a meaningful interpretation of their spirit and intent. The institutional and legal relationship between organizations

meant to advance the public good operated to disenfranchise the City’s electorate and may have led to tolerating unacceptable conditions at the Mall. Secrecy and confidentiality often trumped candour, transparency, and openness. It pervaded contractual and professional relationships, and even the municipal administration sought to cloak some of its activities from public view.

Based on any fair and objective analysis of the history of the Algo Mall as it was developed during the Commission’s hearings, it is difficult to resist the conclusion that, if any one of the owners, engineers, or officials who were involved with the Mall over its 33 years of existence had insisted, “Enough – this building will fail if it isn’t fixed,” two lives would not have been senselessly and tragically lost. A few persons did just that, but they were ignored. Instead, faced with the clearest of warning signs, owners sold or attempted to sell the problem instead of fixing it. They opted for the narrowest of interpretations of engineering reports – always the least expensive solution that merely repeated past feeble and ineffectual remedies. Many witnesses averred that they were unaware of one of the most basic and widely understood tenets of material science: a combination of water, air, and chlorides makes steel rust; and continuously rusting steel gets progressively weaker as time goes by.

This Report explains why I reached the conclusions I did. It reviews and analyzes the evidence of scores of witnesses and the advice of many experts.

Language

I have tried wherever possible not to use the language of certainty. Rather, probability, likelihood, and reasonable inference are the tools I am comfortable using, particularly when dealing with the fragility of memory, the nuances of human perception, and the lure of hindsight. In this respect, I adopt the methodology of Mr. Justice Dennis O'Connor in the Walkerton Commission of Inquiry:

Because this is not, strictly speaking, a legal proceeding, in certain cases I have not made “findings of fact” based either on a balance of probability (the civil test) or on proof beyond a reasonable doubt (the criminal test). Instead of making findings of fact, in some instances I have set out my conclusions by expressing them in terms of the probability or likelihood of something happening or not happening. In some cases I increase the certainty of my conclusion by using the qualifier “very.” For readability, I use the words “probable” and “likely” interchangeably. One should not read a different meaning into the use of the two different words in similar contexts.³

I have, however, found it necessary on a number of occasions to attribute responsibility, ascribe fault to, and describe misconduct by specific individuals. These actions are usually necessary to the logical development of this Report’s narrative, to its conclusions, and to the foundational component of its recommendations. I wish to make it clear that they are not to be construed as legal conclusions or recommendations regarding civil, criminal, or quasi-criminal liability.

Mandate

A commission of inquiry is established by the government to inquire into and report on certain matters set out in its mandate. It is essential for any commission to understand exactly what its mandate is – because its inquiry and report must both meet its obligations and not go beyond them.

The Order in Council which established the Commission contains the following provisions:

2. ... the Commission shall:
 - a. 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;
 - b. 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;
 - c. 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 emergency management and response to the collapse of the Algo Centre Mall in Elliot Lake, Ontario.
- ...
12. The Commission shall endeavour to deliver a final report containing its findings, conclusions and recommendations to the Attorney General ...

The language of the mandate with respect to the legal framework and practices I have been directed to review, and the recommendations I have been asked to make, is ambiguous. Interpreted narrowly, it would restrict the Inquiry to an examination of the legal framework and practices with respect to the structural integrity and safety of only the Algo Mall, along with the emergency management and response to the collapse of only the Algo Mall. Interpreted broadly, it would require me to examine the legal framework and practices with respect to the structural integrity and safety of all buildings in the province of Ontario, and the emergency management and response to all emergencies in the province. I have concluded that my mandate requires me to steer a middle course between these two extremes.

Interpreting subsidiary legislation, such as the Order in Council that established this Commission, requires what courts have called a “purposive analysis.” Insofar as the language permits, interpretations that are consistent with or promote the legislative purpose should be adopted, while interpretations that defeat or undermine the purpose are to be avoided.⁴

The specific issue of interpreting an order in council establishing an inquiry to determine the extent of the commission’s mandate has arisen in other inquiries. The Ontario Court of Appeal, in a 2008 case arising out of the Cornwall Inquiry, set out the factors to be considered. The court held that, where the language used in the order in council is unclear or ambiguous, the mandate must be interpreted by considering the words “harmoniously and with reference to the document as a whole,” and by going beyond the words of the order in council and considering the context and circumstances in which the commission was established.⁵

It is clear from paragraph 12 that the Order in Council for this Commission requires that I make recommendations, although the precise subject matter of the recommendations is not as apparent from the language as it was in the orders in council that established other commissions.

The Order in Council establishing the Inquiry into Pediatric Forensic Pathology in Ontario required the commission to

... conduct a systemic review and assessment and report on ...

- a. the policies, procedures, practices, accountability and oversight mechanisms, quality control measures and institutional arrangements of pediatric forensic pathology in Ontario from 1981 to 2001 as they relate to its practice and use in investigations and criminal proceedings;
- b. the legislative and regulatory provisions in existence that related to, or had implications for, the practice of pediatric forensic pathology in Ontario between 1981 to [sic] 2001

...

*in order to make recommendations to restore and enhance public confidence in pediatric forensic pathology in Ontario and its future use in investigations and criminal proceedings.*⁶ [Emphasis added.]

The Order in Council that created the Walkerton Inquiry in 2000 used similar language, directing the commission to inquire into

- (a) the circumstances which caused hundreds of people in the Walkerton area to become ill ...
- (b) the cause of these events including the effect, if any, of government policies, procedures and practices; and
- (c) any other relevant matter that the commission considers necessary to ensure the safety of Ontario’s drinking water,

*in order to make such findings and recommendations as the commission considers advisable to ensure the safety of the water supply in Ontario.*⁷ [Emphasis added.]

The language in these orders in council explicitly sets out the requirement for, and the subject of, recommendations from the two commissions.

A purposive analysis makes it clear, however, that commissions of inquiry established under the *Public Inquiries Act, 2009* (of which this commission is the first) are created for the purpose of obtaining recommendations about the matters into which they are directed to inquire. The new statute contains a “purpose” section that provides:

1. The purpose of this Act is to establish an effective and accountable process for public inquiries where there is a public interest to,
 - (a) independently inquire into facts or matters;
 - (b) make recommendations *regarding those facts or matters*.⁸ [Emphasis added.]

There is no similar provision in the earlier statute,⁹ which arguably required specific language in the orders in council establishing commissions to set out the obligation to make recommendations and, in addition, the subject matter of those recommendations. That omission would explain the more detailed and specific reference to recommendations required from the Pediatric Forensic Pathology and the Walkerton inquiries.

It is also clear from the Attorney General’s statement in the legislature when the *Public Inquiries Act, 2009*, received first reading that one of the purposes of the statute was to allow for the creation of commissions of inquiry that would make recommendations about the issues into which they have been appointed to inquire. He stated:

[W]hen a government decides when a public inquiry is going to be called, what you’re looking for are a series of recommendations to address specific issues that can be received in time to be of benefit to society, to the government, to the Legislature. There needs to be a connection between the calling and the receipt of the recommendations in order for them to be beneficial.¹⁰

Specific provisions of my Order in Council support the conclusion that the recommendations I am required to make be broadly based. They should consider the entire regulatory framework that was in place to ensure the structural integrity and safety of the Algo Mall and include suggestions regarding the ways in which this regulatory framework could be improved.

The analysis must start with the recognition that the Algo Mall was not a viable building at the time the Order in Council was drafted. Any recommendations I make will not render the Algo Mall safer or provide for an improved response to an emergency in that Mall. They can only assist with respect to safety in, and emergency responses to, other buildings in the province.

Furthermore, the Order in Council expressly authorizes me to consult broadly, beyond the confines of those who dealt directly with the Algo Mall. Paragraph 4 reads:

4. Where the Commissioner considers it essential and at his discretion, he may engage in any activity appropriate to fulfilling his duties, including:
 - ...
 - b. Conducting inter-jurisdictional research to identify practices and successes in other jurisdictions that are relevant to the Ontario experience;
 - c. Consulting with or seeking submissions from key stakeholders and sector experts[.]

The recognition that I may identify “practices and successes in other jurisdictions that are relevant to the Ontario experience” and consult with “key stakeholders and sector experts” suggests that it would be appropriate for me to consider the regulatory scheme for the structural integrity and safety of buildings like the Algo Mall throughout Ontario and elsewhere, and to consult stakeholders and experts such as the Professional Engineers of Ontario, the Association of Municipalities of Ontario, and the Ontario Building Officials Association. Since the Order in Council contemplates my seeking submissions from persons and groups such as these associations, the lieutenant governor in council must have expected that my consultations would go beyond the specific circumstances of the Algo Mall. As such, they would relate to the entire gamut of regulatory measures which are, and which could be, in place to ensure the structural stability and safety of buildings like the Algo Mall, as well as an appropriate response to emergencies in similar buildings.

This analysis leads me to the conclusion that my mandate is to produce recommendations that will help to prevent tragedies like the collapse of the Algo Mall from occurring in the future and to assist in improving the response to such emergencies if and when they do occur. The Algo Mall is no more. Any recommendations I make will affect other buildings only.

I recognize that the laws governing structures in Ontario different than the Algo Mall did not play a role in the collapse. Although I will make recommendations relating to the laws and procedures relating to all structures that are generally similar to the Algo Mall in terms of construction, vocation, and purpose, I will also recommend that the government consider applying them, at least in part, to all buildings when public safety is at stake.

The Commission has carried out its activities in a way that makes it plain it was considering not only the propriety and efficacy of all aspects of the regulatory scheme which affects buildings like the Algo Mall, but also the broad recommendations for change that need to be made to parts of that regulatory scheme. I directed that advertisements be placed in the *Globe and Mail*, the *Sudbury Star*, and the *Lawyers Weekly* to advise the public that the Commission was considering making a number of recommendations as follows: mandatory minimum property standards for all buildings in the province; mandatory periodic inspection of all buildings in the province (by the owner, the province, or the municipality in which the buildings are situated); increased powers for all building officials in the province to make orders with respect to buildings that are or could become unsafe; improvements in the training of all building officials and property standards officers; and requests to the Association of Professional Engineers of Ontario to toughen its standards in respect to licensing professional engineers who conduct structural inspections, the nature of the investigation that must be made for such inspections, and the material to be included in all reports of such investigations. The Commission also advised the public in these advertisements that it was considering broad issues relating to emergency response, including the role of the province generally, and the Ontario Provincial Police and the Ontario Fire Marshal specifically, in managing rescues as well as search and rescue resources; whether communities are adequately supported by the province; whether there is adequate oversight of local preparedness; whether the *Occupational Health and Safety Act*¹¹ should specify the powers of Ministry of Labour inspectors in an emergency; how sites far from Toronto, especially in Northern Ontario, could and should be accessed more quickly; and the role of engineers generally, and Ministry of Labour engineers specifically, in emergency responses.

We received input during the roundtable policy discussions from not only those stakeholders specifically invited to take part but also from those (such as the Large Municipalities Chief Building Officials in Ontario) who chose to make submissions. None of those responding suggested that the Commission was straying beyond its mandate in considering these potential recommendations and broad issues. The Government of Ontario

took an active role in those discussions by explaining the format and basis of the existing regulatory scheme, and its representative stated on more than one occasion that the government expected that the Commission would make broadly based recommendations. Brenda Lewis of the Ministry of Municipal Affairs and Housing, for example, said:

I am sure that based on the discussion today you are considering whether or not a recommendation to Government will be to look at mandatory regulations for existing buildings; and that is something Government would consider based on the recommendations.¹²

All Participants at the hearings and roundtables and all written submissions received by the Commission appeared, at least implicitly, to have recognized the validity of my making recommendations about, at a minimum, all buildings like the Algo Mall. None expressed a differing view. It appears to me this approach is the one most closely aligned with the spirit that animated its creation.

There is already a class of buildings encompassed by Ontario law which fits that description. Buildings exceeding 600 square metres in area or exceeding three storeys in height and used principally for “mercantile occupancy” (defined as the display or selling of retail goods, wares, or merchandise) must comply with the provisions of the *Building Code* relating to structural design, among other things.¹³ The laws, regulations, policies, processes, and procedures governing the ongoing structural integrity of buildings of this description, and responses to emergencies involving the structural collapse of such buildings, will be the specific subject of my recommendations. Because mercantile occupancy necessarily occurs in a workplace, those laws include the *Occupational Health and Safety Act*,¹⁴ which sets out provisions for the structural integrity of workplaces.

I hope the government will seriously consider applying my recommendations to all publicly accessible buildings and workplaces in the province. There are many good reasons to do so. The exchanges and comments at the roundtable policy discussions often went beyond the confines of large buildings used for mercantile occupancy to include high-rise buildings generally, and residential condominium buildings specifically, as well as ice arenas, places of assembly, and other structures. In my view, many of the issues raised by the history of the construction, occupancy, and collapse of the Algo Mall are equally applicable to other types of buildings. Public safety is at much at stake in a hockey arena or an office building as in a shopping mall. The issues that led to the collapse of the Algo Mall – inadequate or no inspection for structural safety, inadequate or no disclosure of potential structural issues to subsequent purchasers and public authorities, and inadequate or no exercise of regulatory authority – could as easily arise in these other buildings as they did in the Mall.

The hearings

I gave Commission counsel wide discretion in the decisions relating to which witnesses to call and the presentation of the evidence. Indeed, I made the decision early on to refrain from a thorough personal examination of the evidence, the witness summaries, and the will-say statements in advance of the hearings, primarily because I did not want to skew or cloud my perception of the evidence as it developed. In addition, to avoid the perception of bias and to ensure an even-handed approach to proceedings, I determined to avoid my own questioning of witnesses except in cases where I needed to better understand the answers being given. I hope I was successful in achieving that goal, although I may have entered the fray on one or two occasions.

I also resolved from the moment of my appointment to avoid making any informal statements to the press or the public or giving any interviews, except for official comments, orders, or rulings on the record. I assigned Commission counsel and our director of communications the role of providing the public with information about the work of the Commission. I agree with Mr. Justice Willard Estey, who is quoted as saying, "I am a strong believer that silence is golden on the part of a commissioner or a judge."¹⁵

The narrative

The trick to writing well is to think before you write. My legal team and I have not had the luxury of time. We used too many words in the narrative portion of the report, and I apologize for that failing. As Blaise Pascal said (though often misattributed to Mark Twain): "Je n'ai fait celle-ci plus longue que parce que je n'ai pas eu le loisir de la faire plus courte." [I made this [letter] very long, because I did not have the leisure to make it shorter.]

Nevertheless, the multi-dimensional reality of the 33 years of the Mall's life is difficult to condense, if conclusions are to be fairly and accurately drawn. Witnesses brought unique perspectives to their involvement, few of which were totally synchronized. Some were markedly different. Indeed, during my judicial career I have found that perfect synchronicity is often the hallmark of fabrication. The account of those 33 years is therefore unfortunately long and occasionally repetitious. I thought it better to include too much rather than not enough.

Summary of conclusions

Stated in the broadest of terms, my main conclusions in Part One are as follows:

- Two people died and approximately 19 were injured after a portion of the Algo Mall collapsed on June 23, 2012.
- The collapse was due to the sudden failure at 2:18 p.m. of a connection between one beam and one column of the steel substructure below the parking deck of the Mall.
- The failure was the result of the continual and uninterrupted ingress of water and chlorides from the parking deck of the Mall ever since its construction in 1979, resulting in severe corrosion of the connection.
- The ingress was the result of a faulty initial design combined with inadequate and incompetent maintenance and repair of the surface of the parking deck.
- There were many complaints over the years about the leaking deck and falling pieces of the ceiling.
- Municipal authorities ignored repeated complaints and warnings about leaks and material failure.
- Municipal authorities did not enforce, or improperly enforced, their own property standards by-laws. Some public officials were apparently unaware of the contents of their own by-laws. The municipality's predominant focus was non-interference with the Mall – because it was regarded as the social hub of the community and as a major source of tax revenue and employment.
- Despite the involvement of the Ministry of Labour with the Mall during most of its existence, its employees never treated the leakage situation with much interest and concern.
- Some structural engineers failed to inspect the Mall properly. Engineering reports were of uneven quality, often drafted more with an eye to pleasing clients than proposing effective solutions or warning of potential dangers.

- Owners chose cheap and ineffective repairs or opted to sell the Mall when faced with significant repair bills. They actively concealed their knowledge of the parking deck's condition from the City and from subsequent purchasers.
- The last owner (Eastwood Mall) actively misrepresented the repair work it engaged in and resorted to subterfuge and falsehood to mislead authorities, tenants, and the public.

The residents of Elliot Lake

I close by thanking the citizens of Elliot Lake. Their personal and collective sacrifices are recognized throughout this Report. This community, at both the official and the individual levels, has made me and all the members of the Commission feel welcome, appreciated, and at home in their beautiful and unique city. We will not soon forget them. I have no doubt that the resilience this city has shown so many times before in its short boom-and-bust history will help it once again to pick up the pieces from this tragedy.

Notes

- ¹ “McGuinty seeks inquiry into mall collapse; Bodies of two victims released to families,” *Ottawa Citizen*, June 30, 2012, A6.
- ² *Public Inquiries Act, 2009*, RSO 1990, c 33, Schedule 6, s 1.
- ³ Ontario, *Report of the Walkerton Inquiry* (Toronto: Ontario Ministry of the Attorney General, 2002), Part One, 37 (Commissioner Dennis R. O’Connor).
- ⁴ Ruth Sullivan, *Sullivan on the Construction of Statutes*, 5th ed. (Toronto: LexisNexis, 2008), 255.
- ⁵ *Ontario (Provincial Police) v Cornwall (Public Inquiry)*, 2008 ONCA 33, [2008] OJ No. 153, paras 26–27, 51.
- ⁶ OC 826/2007.
- ⁷ OC 1170/2000.
- ⁸ *Public Inquiries Act, 2009*, SO 2009, c 33, Schedule 6, s 1.
- ⁹ *Public Inquiries Act*, RSO 1990, c P.41.
- ¹⁰ Ontario, Legislative Assembly, *Hansard* (November 2, 2009) at 1399.
- ¹¹ *Occupational Health and Safety Act*, RSO 1990, c O.
- ¹² Brenda Lewis, transcript, November 18, 2013, p. 55.
- ¹³ *Ontario Building Code*, O Reg 332/12, arts 1.1.2.2(2), 1.4.1.2.
- ¹⁴ *Occupational Health and Safety Act*, RSO 1990, c O.15
- ¹⁵ Quoted in E. Ratushny, *The Conduct of Public Inquiries* (Toronto: Irwin Law, 2009), 411.