

A

Appendices



Appendices

- Appendix A – Key dates in the history of the Algo Mall. 691**
- Appendix B – Key people in the history of the Algo Mall 692**
- Appendix C – Historical spreadsheet. 696**
- Appendix D – The Mall and its tenants 700**
- Appendix E – Algo Mall collapse location 703**
- Appendix F – Summary of the expert reports referred to in the Commission’s Report 704**
- Appendix G – Policy roundtables – Part One 717**
- Appendix H – Schedule of witnesses – Part One. 727**
- Appendix I – List of appearances for Participants with standing and witnesses – Part One. ... 730**

Appendix A – Key dates in the history of the Algo Mall

March 14, 1979: Algocen Realty purchases the land on which the Algo Mall will be built from the Town of Elliot Lake for \$118,700.

August 5, 1980: The architect and engineer sign the certificate of substantial completion for the Mall.

June 18, 1999: Algocen sells the Mall to 1309900 Ontario Ltd. [NorDev] for \$4 million.

August 8, 2005: NorDev / Retirement Living sells the Mall to Eastwood Mall Inc. for \$6.2 million.

October 24, 2006: The City of Elliot Lake issues a Notice of Violation and Order to Conform to the *Ontario Fire Code* to the owners of the Mall.

September 25, 2009: The City of Elliot Lake issues an Order to Remedy under the City's Property Standards By-law requiring that a series of deficiencies at the Mall be remedied.

February 11, 2010: The City rescinds the property standards order.

May 2011: A piece of concrete falls from the ceiling at Hungry Jack's in the Mall.

May 2012: Engineer Robert Wood indicates in a report to Eastwood Mall Inc. that "no visual signs of structural distress were observed" at the Mall.

June 23, 2012: The rooftop parking deck of the Mall collapses. Two people are killed and 19 injured.

June 29, 2012: The Ontario government announces that a public inquiry into the collapse will be called.

July 9, 2012: Hon. Paul R. Bélanger is named Commissioner of the Elliot Lake Inquiry.

Appendix B – Key people in the history of the Algo Mall

This list sets out the names and relevant positions of some of the people who played a role in the history of the Mall, including this Commission.

*An asterisk indicates those who testified before the Commission

Allard, Syl, chief building official (September 2002–May 2008), City of Elliot Lake*

Barnes, Ken, firefighter, Elliot Lake Fire Department

Bauthus, Fred, chief administrative officer (February 1990–July 2000, September 2007–June 2010), City of Elliot Lake*

Bear, Rhonda, Mall manager (May 2011–June 2012), Eastwood Mall Inc.*

Beltramin, Randy, engineer, STEM Engineering

Bouffard, Dan, Mall manager, Eastwood Mall Inc. (early 2006–July 2006)

Buckley, Michael, engineer, Halsall Associates*

Burling, Larry, deputy clerk (April 1978–July 1985), clerk (August 1985–February 1999), City of Elliot Lake*

Caughill, Bruce, architect and engineer, Caughill Consulting*

Caughill, Rod, construction superintendent (started January 1986), development supervisor (currently), Algoma Central Properties*

Celli, Albert, engineer, Halsall Associates*

Clinckett, John, architect*

Cloughley, Barbara, personnel manager (1983–June 1992), Woolco store (former tenant in Algo Mall)*

Clouthier, Chris, building inspector and property standards officer (September 2004–), City of Elliot Lake*

Collett, Al, councillor (March 2008–), City of Elliot Lake; master electrician, Amp Electrical*

Comeau, Robert, employee, Zellers (tenant in Algo Mall)

Connors, Darren, firefighter, Elliot Lake Fire Department

Cresswell, Peter, former chief executive officer, Algoma Central Properties

Croteau, Terry, councillor (1997–2000; 2002–3), City of Elliot Lake

Croxson, Katherine, former chair, Elliot Lake Public Library Board

Cunningham, Albert E.J., roofing consultant, A.E.J. Cunningham Consultants Ltd.

Cuthbertson, Brian, manager, Zellers (tenant in Algo Mall)*

Davison, Jim, commercial mortgage specialist, Royal Bank of Canada

Day, Glen, contractor, Peak Restoration*

deBortoli, Robert, various positions at Water/Waste Treatment Plant (1985–2004), acting and director of operations (2004–10), chief operating officer (October 2010–March 2011), acting and chief administrative officer (January 2011–), City of Elliot Lake*

Dell’Aquila, Domenic, certified engineering technologist, Trow Consulting Engineers Ltd.*

Denley, Don, councillor (2003–6), City of Elliot Lake*

Derreck, Tom, chief administrative officer (October 2006–July 2007), City of Elliot Lake*

- Elliott, William**, general manager, ELNOS*
- England, Brian**, Mall manager, Eastwood Mall Inc. (February 2008–July 2008)*
- Ewald, Bruce**, chief building official (July 2008–), City of Elliot Lake*
- Fabris, Antoine-René**, lawyer for Eastwood Mall Inc.*
- Farkouh, George**, councillor (1985–8), mayor (1988–2006), City of Elliot Lake*
- Fazekas, Barbara**, chief librarian (March 1981–May 1983, July 1988–August 2006), Elliot Lake Public Library*
- Gagnon, Daniel**, director of project tourism and leisure (2003–10), chief administrative officer (June 2010–February 2011), City of Elliot Lake
- Gruhl, Robert**, chief building official (until 1980), City of Elliot Lake
- Guertin, Rhona**, finance and business development manager (1997–), Elliot Lake Retirement Living*
- Hamilton, Richard**, councillor (1999–2006), mayor (2006–), City of Elliot Lake*
- Hammond, Joe**, Mall maintenance worker, Eastwood Mall Inc.
- Harman, Doug**, vice-president and general manager, Coreslab Inc.*
- Hass, Jaime**, certified engineering technologist, Pinchin Environmental Ltd.*
- Hellyer, David**, engineer Coreslab Inc.
- Hirt, Nicholas**, vice-president, Algoma Central Properties
- Holford, Andrew**, engineer, Kleinfeldt Consultants*
- Hollick, Frank**, building inspector (1978–80), City of Elliot Lake
- Hudson, Ed**, inspector (1984–2012), Ontario Ministry of Labour*
- Hurmizi, Sam**, accountant for Eastwood Mall Inc.
- Iamonaco, Remy**, engineer, Trow Consulting Engineers Ltd.*
- Jasskelainen, Henry**, former employee, Harry S. Peterson Inc.*
- Jeffreys, Roger**, occupation health and safety inspector (2004–7), regional engineer (2007–10), provincial engineer (2010–), Ontario Ministry of Labour*
- Kadlec, John J.**, engineer, Beta Engineering Group Ltd.*
- Karaluk, Ed**, engineer, Coreslab Inc.
- Kennealy, Richard**, general manager (1993–), Elliot Lake Retirement Living*
- Keywan, James W.**, architect*
- Kodeda Peter**, architect, Beta Engineering Group Ltd.
- Kovacevic, Tom**, real estate developer
- Kukoraitis, Dennis**, former treasurer, acting chief administrative officer (July–October 2006), City of Elliot Lake
- LaBreche, Al**, former Mall maintenance worker, Elliot Lake Retirement Living and Eastwood Mall
- Laddell, Bonnie**, resident of Elliot Lake
- Lalande, Rachelle**, former employee, SAAN (tenant in Algo Mall)
- Laroue, Henrieth**, administrative assistant (September 2007–February 2008), assistant Mall manager (February–July 2008), Mall manager (July 2008–May 2011), Eastwood Mall*
- LeBlanc, Ray**, former Mall maintenance worker, Elliot Lake Retirement Living and Eastwood Mall Inc.
- Leddy, Andrea**, personnel director, City of Elliot Lake
- Leistner, Robert**, general manager (1990–7), vice president (1997–2010), Algoma Central Properties*
- Liautaud, Larry**, former Mall general manager, Algoma Central Properties

- Liu, Eric**, engineer, Alex Tobias Associates Limited
- Luciw, Michael A.**, architect, Yallowega Bélanger (formerly Nicholls Yallowega Bélanger)*
- MacDonald, Brian**, manager, Building Assessment Department, CCI Group (formerly Construction Control)*
- MacLean, Virginia**, lawyer to City of Elliot Lake
- McCowan, Ron**, McCowan and Associates*
- McCulloch, Judy**, manager of customer service, Scotiabank (former tenant Algo Mall)*
- McGurk, Pat**, chief librarian (August 2009–), Elliot Lake Public Library
- McTaggart, Kathy**, councillor (2003–6), City of Elliot Lake, member of Elliot Lake Public Library Board
- Menzies, Judy**, former chair, Elliot Lake Public Library Board
- Meyer, Paul**, engineer, P. Meyer Engineering*
- Milani-Nia, Majid**, engineer, Pinchin Environmental Ltd.
- Mitchell, Paul**, architect
- Monroe, David**, former vice president, Harry S. Peterson Inc.*
- Morin, Suzanne**, chief librarian (June 2006–August 2009), Elliot Lake Public Library
- Nazarian, Bob**, president and shareholder, Eastwood Mall Inc.*
- Nazarian, Irene**, wife of Bob Nazarian
- Nazarian, Levon**, leasing manager and real estate advisor, Eastwood Mall Inc.*
- Nicholls, Blaine**, architect (ret.), former principal, Nicholls Yallowega Bélanger*
- Officer, Paul**, building inspector (September 1981–November 1999), acting and chief building official (November 1999–February 2002), fire chief (June 2002–), City of Elliot Lake*
- Pappoulas, Peter**, former Mall general manager, Algoma Central Properties
- Perkins, Mike**, civil engineer, City of Elliot Lake
- Pigeau, Roger**, chief building official (August 1980–November 1999), City of Elliot Lake*
- Pinnell, Ward**, construction manager for the Algo Centre project, Algoma Central Properties
- Quinn, Richard**, property manager (1990/1–2010), Elliot Lake Retirement Living*
- Quinte, Elaine**, co-owner of Hungry Jack's Restaurant (tenant in Algo Mall)*
- Quinte, Jack**, co-owner of Hungry Jack's Restaurant (tenant in Algo Mall)
- Rastin, Ken**, councillor (2006–), City of Elliot Lake
- Regan, Ralph**, inspector (1981–2005), Ontario Ministry of Labour*
- Reinhardt, Scot**, councillor (2000–10), City of Elliot Lake
- Saari, Sonia**, chief engineer, Coreslab Inc.*
- Sarvinis, Philip**, engineer, Read Jones Christofferssen*
- Saunders, Gregory**, engineer, M.R. Wright and Associates*
- Sennett, Alex**, consultant, Eastwood Mall Inc.*
- Shaikh, Shahid**, engineer, Coreslab Inc.
- Sherrard, Ashley**, broker, EIR Investments Inc. Brokerage*
- Snow, Ken**, former Mall maintenance supervisor, Algoma Central Properties and Elliot Lake Retirement Living*
- Souliere, Doug**, councillor (2002–10), City of Elliot Lake

Speck, Troy, councillor (1994–9), executive assistant to the chief administrative officer (1999–2000), deputy chief administrative officer (2000–1), chief administrative officer (2001–July 2006), City of Elliot Lake*

Sprague, Lesley, secretary to the clerk (1991–9), deputy clerk (1999–2002), clerk (January 2002–), City of Elliot Lake*

Stirling, Bob, Chemnorth Quest Enterprises

Taylor, Janet, former chair, Elliot Lake Public Library Board

Taylor, Roger, reeve/mayor (1970–88), City of Elliot Lake

Thomson, Alistair B., project manager, Algoma Central Properties

Truman, Jeff, engineer, Halsall Associates (1995–9)*

Turner, Tom, Mall manager (July 2006–February 2008), Eastwood Mall*

Willey, Jim, former Mall general manager, Algoma Central Properties

Wing Yan, bookkeeper, Eastwood Mall Inc.

Topp, R.G., vice-president finance, Algoma Central Properties

Vaillancourt, Pierre, owner, Foodland (tenant in Algo Mall)

Wood, Robert, former engineer, M.R. Wright and Associates*

Yakimov, Dimitri, former employee, Eastwood Mall Inc.*

Appendix C – Historical spreadsheet

	ALGO CENTRE MALL		CITY OF ELLIOT LAKE	
	Owner	Employees	Mayor	Employees
1979	Algoma Central Properties	VP: N. Hirt Construction Superintendent: Ward Pinnell Mall Manager: Larry Liautaud	Roger Taylor	Chief Administrative Officer: John Sven Bloom Chief Building Official: Robert Gruhl Library CEO: Diane Lehman
1980	Algoma Central Properties	VP: N. Hirt Construction Superintendent: Ward Pinnell Mall Manager: Larry Liautaud	Roger Taylor	Chief Administrative Officer: John Sven Bloom Chief Building Official: Roger Pigeau (<i>from August</i>) Library CEO: Diane Lehman
1981	Algoma Central Properties	VP: N. Hirt Comptroller: Robert Leistner Construction Superintendent: Ward Pinnell Mall Manager: Larry Liautaud	Roger Taylor	Chief Administrative Officer: John Sven Bloom Chief Building Official: Roger Pigeau Building Inspector: Paul Officer (<i>from September</i>) Library CEO: Diane Lehman (<i>until April</i>) Library CEO: Barbara Fazekas (<i>from March</i>)
1982	Algoma Central Properties	VP: N. Hirt Comptroller: Robert Leistner Construction Superintendent: Ward Pinnell Mall Manager: Larry Liautaud	Roger Taylor	Chief Administrative Officer: John Sven Bloom Chief Building Official: Roger Pigeau Building Inspector: Paul Officer Building Inspector: Scott Sutherland Library CEO: Barbara Fazekas
1983	Algoma Central Properties	VP: N. Hirt Comptroller: Robert Leistner Construction Superintendent: Ward Pinnell Mall Manager: Larry Liautaud	Roger Taylor	Chief Administrative Officer: John Sven Bloom Chief Building Official: Roger Pigeau Building Inspector: Paul Officer Building Inspector: Scott Sutherland Library CEO: Barbara Fazekas (<i>until May</i>) Library CEO: Marzio Apolloni (<i>from April</i>)
1984	Algoma Central Properties	VP: N. Hirt Comptroller: Robert Leistner Construction Superintendent: Ward Pinnell Mall Manager: Larry Liautaud	Roger Taylor	Chief Administrative Officer: John Sven Bloom Chief Building Official: Roger Pigeau Building Inspector: Paul Officer Library CEO: Marzio Apolloni
1985	Algoma Central Properties	VP: N. Hirt Comptroller: Robert Leistner Construction Superintendent: Ward Pinnell Mall Manager: Larry Liautaud B. Jones	Roger Taylor	Chief Administrative Officer: John Sven Bloom Chief Building Official: Roger Pigeau Building Inspector: Paul Officer Library CEO: Marzio Apolloni
1986	Algoma Central Properties	VP: N. Hirt Comptroller: Robert Leistner Construction Superintendent: Ward Pinnel (<i>until April</i>) Construction Superintendent: Robert Caughill (<i>after January 26</i>) Mall Manager: Larry Liautaud	Roger Taylor	Chief Administrative Officer: John Sven Bloom Chief Building Official: Roger Pigeau Building Inspector: Paul Officer Library CEO: Marzio Apolloni
1987	Algoma Central Properties	VP: N. Hirt Comptroller: Robert Leistner Construction Superintendent: Robert Caughill Mall Manager: Larry Liautaud	Roger Taylor	Chief Administrative Officer: John Sven Bloom Chief Building Official: Roger Pigeau Building Inspector: Paul Officer Library CEO: Marzio Apolloni
1988	Algoma Central Properties	VP: N. Hirt Comptroller: Robert Leistner Construction Superintendent: Robert Caughill Mall Manager: Larry Liautaud	Roger Taylor	Chief Administrative Officer: John Sven Bloom Chief Building Official: Roger Pigeau Building Inspector: Paul Officer Library CEO: Marzio Apolloni (<i>until July</i>) Library CEO: Barbara Fazekas (<i>from July</i>)

	ALGO CENTRE MALL		CITY OF ELLIOT LAKE	
	Owner	Employees	Mayor	Employees
1989	Algoma Central Properties	VP: N. Hirt Comptroller: Robert Leistner Construction Superintendent: Robert Caughill Mall Manager: Larry Liataud	George Farkouh	Chief Administrative Officer: John Sven Bloom <i>(until December)</i> Building Inspector: Paul Officer Library CEO: Barbara Fazekas
1990	Algoma Central Properties	General Manager: Robert Leistner Construction Superintendent: Robert Caughill Mall Manager: Larry Liataud	George Farkouh	Chief Administrative Officer: Fred Bauthus <i>(from February)</i> Chief Building Official: Roger Pigeau Building Inspector: Paul Officer Library CEO: Barbara Fazekas
1991	Algoma Central Properties	General Manager: Robert Leistner Construction Superintendent: Robert Caughill Mall Manager: Larry Liataud	George Farkouh	Chief Administrative Officer: Fred Bauthus Chief Building Official: Roger Pigeau Building Inspector: Paul Officer Library CEO: Barbara Fazekas
1992	Algoma Central Properties	General Manager: Robert Leistner Construction Superintendent: Robert Caughill Mall Manager: Larry Liataud	George Farkouh	Chief Administrative Officer: Fred Bauthus Chief Building Official: Roger Pigeau Building Inspector: Paul Officer Library CEO: Barbara Fazekas
1993	Algoma Central Properties	General Manager: Robert Leistner Construction Superintendent: Robert Caughill Mall Manager: Larry Liataud	George Farkouh	Chief Administrative Officer: Fred Bauthus Chief Building Official: Roger Pigeau Building Inspector: Paul Officer Library CEO: Barbara Fazekas
1994	Algoma Central Properties	General Manager: Robert Leistner Construction Superintendent: Robert Caughill Mall Manager: Larry Liataud	George Farkouh	Chief Administrative Officer: Fred Bauthus Chief Building Official: Roger Pigeau Building Inspector: Paul Officer Library CEO: Barbara Fazekas
1995	Algoma Central Properties	General Manager: Robert Leistner Construction Superintendent: Robert Caughill Mall Manager: Larry Liataud	George Farkouh	Chief Administrative Officer: Fred Bauthus Chief Building Official: Roger Pigeau Building Inspector: Paul Officer Library CEO: Barbara Fazekas
1996	Algoma Central Properties	General Manager: Robert Leistner Construction Superintendent: Robert Caughill Mall Manager: Larry Liataud	George Farkouh	Chief Administrative Officer: Fred Bauthus Chief Building Official: Roger Pigeau Building Inspector: Paul Officer Library CEO: Barbara Fazekas
1997	Algoma Central Properties	VP: Robert Leistner Construction Superintendent: Robert Caughill Mall Manager: Larry Liataud	George Farkouh	Chief Administrative Officer: Fred Bauthus Chief Building Official: Roger Pigeau Building Inspector: Paul Officer Library CEO: Barbara Fazekas
1998	Algoma Central Properties	VP: Robert Leistner Construction Superintendent: Robert Caughill Mall Manager: Larry Liataud	George Farkouh	Chief Administrative Officer: Fred Bauthus Chief Building Official: Roger Pigeau Building Inspector: Paul Officer Library CEO: Barbara Fazekas
1999	<i>Pre-June 17:</i> Algoma Central Properties <i>Post-June 18:</i> RetirementLiving and NORDEV	<i>Pre June 17:</i> VP: Robert Leistner Construction Superintendent: Robert Caughill Mall Manager: Larry Liataud <i>Post June 17:</i> Property Manager: Richard Quinn Comptroller: Rhona Guertin General Manager: Richard Kennealy	George Farkouh	Chief Administrative Officer: Fred Bauthus Chief Building Official: Roger Pigeau Building Inspector: Paul Officer Library CEO: Barbara Fazekas

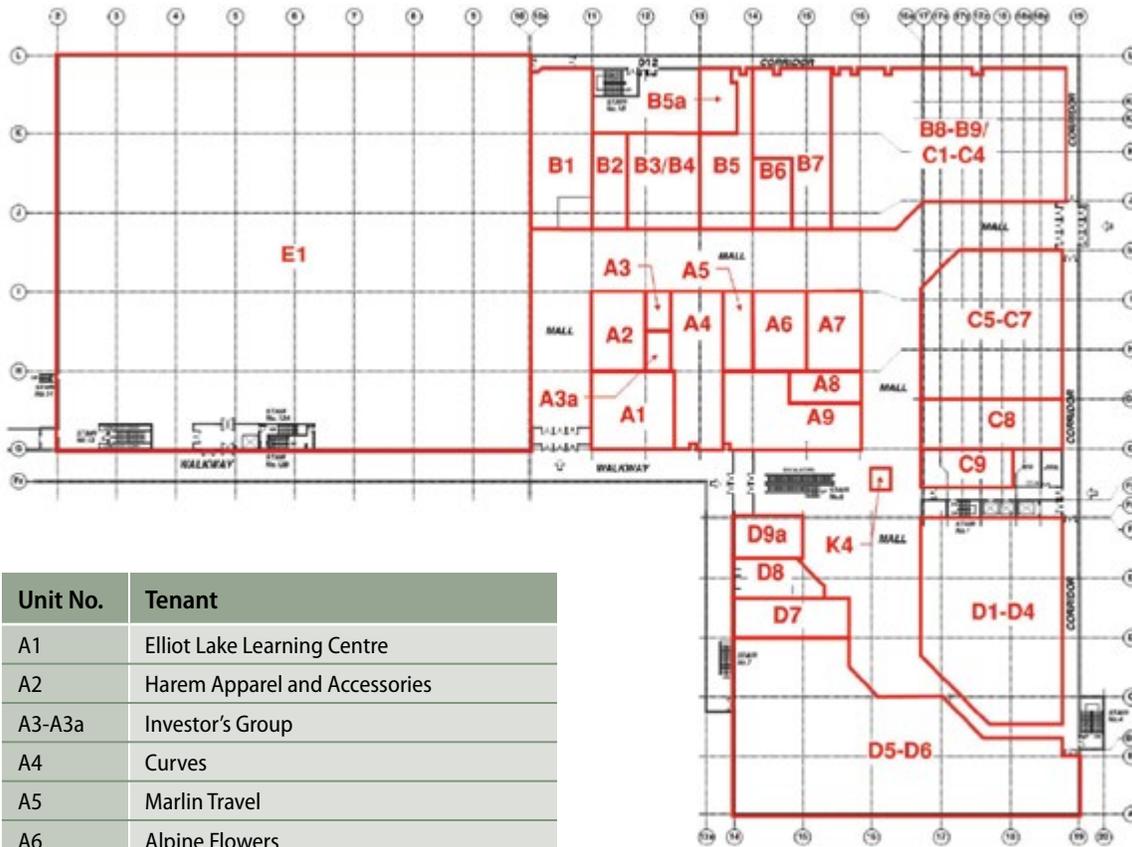
	ALGO CENTRE MALL		CITY OF ELLIOT LAKE	
	Owner	Employees	Mayor	Employees
2000	Retirement Living and NORDEV	Property Manager: Richard Quinn Comptroller: Rhona Guertin General Manager: Richard Kennealy	George Farkouh	Chief Administrative Officer: Fred Bauthus until June Chief Administrative Officer: Merlyn Bishop from June Chief Building Official: Roger Pigeau until March Chief Building Official: Paul Officer from May Building Inspector: Paul Officer until April Building Inspector: Blayne Roussy from August Library CEO: Barbara Fazekas
2001	Retirement Living and NORDEV	Property Manager: Richard Quinn Comptroller: Rhona Guertin General Manager: Richard Kennealy	George Farkouh	Chief Administrative Officer: Merlyn Bishop (<i>until December</i>) Chief Administrative Officer: Troy Speck (<i>from February</i>) Chief Building Official: Paul Officer Building Inspector: Blayne Roussy
2002	Retirement Living and NORDEV	Property Manager: Richard Quinn Comptroller: Rhona Guertin General Manager: Richard Kennealy	George Farkouh	Fire Chief: Paul Officer (<i>from June</i>) Dep. Fire Chief: Paul Officer from February (<i>to June</i>) Chief Administrative Officer: Troy Speck Chief Building Official: Paul Officer (<i>until February</i>) Chief Building Official: Syl Allard (<i>from September</i>) Building Inspector: Blayne Roussy Library CEO: Barbara Fazekas
2003	Retirement Living and NORDEV	Property Manager: Richard Quinn Comptroller: Rhona Guertin General Manager: Richard Kennealy	George Farkouh	Fire Chief: Paul Officer Chief Administrative Officer: Troy Speck Chief Building Official: Syl Allard Building Inspector: Blayne Roussy Library CEO: Barbara Fazekas
2004	Retirement Living and NORDEV	Property Manager: Richard Quinn Comptroller: Rhona Guertin General Manager: Richard Kennealy	George Farkouh	Fire Chief: Paul Officer Chief Administrative Officer: Troy Speck Chief Building Official: Syl Allard Building Inspector: Blayne Roussy (<i>until June</i>) Building Inspector: Chris Clouthier (<i>from September</i>) Library: Patricia Lee (<i>from September</i>) Library CEO: Barbara Fazekas
2005	<i>Pre-August 7:</i> Retirement Living and NORDEV <i>Post-August 7:</i> Eastwood Mall Inc.	<i>Pre-August 7:</i> Property Manager: Richard Quinn Comptroller: Rhona Guertin General Manager: Richard Kennealy <i>Post-August 7:</i> President: Robert Nazarian Mall Manager: Marcel Leblanc	George Farkouh	Fire Chief: Paul Officer Chief Administrative Officer: Troy Speck Chief Building Official: Syl Allard Building Inspector: Chris Clouthier Library: Patricia Lee Library CEO: Barbara Fazekas
2006	Eastwood Mall Inc.	President: Robert Nazarian Mall Manager: Marcel Leblanc (<i>early</i>) Mall Manager: Dan Bouffard (<i>mid</i>) Mall Manager: Tom Turner (<i>late</i>)	George Farkouh	Fire Chief: Paul Officer Chief Administrative Officer: Tom Derreck (<i>from October</i>) Chief Administrative Officer: Troy Speck (<i>until July</i>) Chief Building Official: Syl Allard Building Inspector: Dale Swan (<i>from December</i>) Building Inspector: Chris Clouthier Library: Patricia Lee Library CEO: Barbara Fazekas (<i>until August</i>) Library CEO: Suzanne Morin (<i>from July</i>)
2007	Eastwood Mall Inc.	President: Robert Nazarian Mall Manager: Tom Turner	Rick Hamilton	Fire Chief: Paul Officer Chief Administrative Officer: Tom Derreck (<i>until July</i>) Chief Administrative Officer: Fred Bauthus (<i>from September</i>) Chief Building Official: Syl Allard Building Inspector: Dale Swan Building Inspector: Chris Clouthier Library: Patricia Lee Library CEO: Suzanne Morin

	ALGO CENTRE MALL		CITY OF ELLIOT LAKE	
	Owner	Employees	Mayor	Employees
2008	Eastwood Mall Inc.	President: Robert Nazarian Mall Manager: Tom Turner <i>(until February 5)</i> Mall Manager: Brian England <i>(from February 5 to July)</i> Mall Manager: Henri McCleery <i>(from July)</i>	Rick Hamilton	Fire Chief: Paul Officer Chief Administrative Officer: Fred Bauthus Chief Building Official: Syl Allard <i>(until May)</i> Chief Building Official: Bruce Ewald <i>(from July)</i> Building Inspector: Dale Swan Building Inspector: Chris Clouthier Library: Patricia Lee Library CEO: Suzanne Morin
2009	Eastwood Mall Inc.	President: Robert Nazarian Mall Manager: Henri McCleery (Laroue)	Rick Hamilton	Fire Chief: Paul Officer Chief Administrative Officer: Fred Bauthus Chief Building Official: Bruce Ewald Building Inspector: Dale Swan Building Inspector: Chris Clouthier Library: Patricia Lee Library CEO: Suzanne Morin <i>(until August)</i> Library CEO: Patricia McGurk <i>(from July)</i>
2010	Eastwood Mall Inc.	President: Robert Nazarian Mall Manager: Henri McCleery (Laroue)	Rick Hamilton	Fire Chief: Paul Officer Chief Administrative Officer: Fred Bauthus <i>(until June)</i> Chief Administrative Officer: Daniel Gagnon <i>(from June)</i> Chief Building Official: Bruce Ewald Building Inspector: Dale Swan Building Inspector: Chris Clouthier Library: Patricia Lee
2011	Eastwood Mall Inc.	President: Robert Nazarian Mall Manager: Henri McCleery (Laroue) <i>(Early)</i> Mall Manager: Ann Sabourin <i>(Mid)</i> Mall Manager: Rhonda Bear <i>(Late)</i>	Rick Hamilton	Fire Chief: Paul Officer Chief Administrative Officer: Daniel Gagnon <i>(until February)</i> Chief Administrative Officer: Rob deBortoli <i>(from March)</i> Chief Building Official: Bruce Ewald Building Inspector: Dale Swan Building Inspector: Chris Clouthier Library: Patricia Lee Library CEO: Patricia McGurk
2012	Eastwood Mall Inc.	President: Robert Nazarian Mall Manager: Rhonda Bear	Rick Hamilton	Fire Chief: Paul Officer Chief Administrative Officer: Rob deBortoli Chief Building Official: Bruce Ewald Building Inspector: Dale Swan until May Building Inspector: Chris Clouthier Library: Patricia Lee Library CEO: Patricia McGurk

Appendix D – The Mall and its tenants

The following lists the tenants of the Algo Mall at the time of its collapse and where they were located.

Upper Mall Level

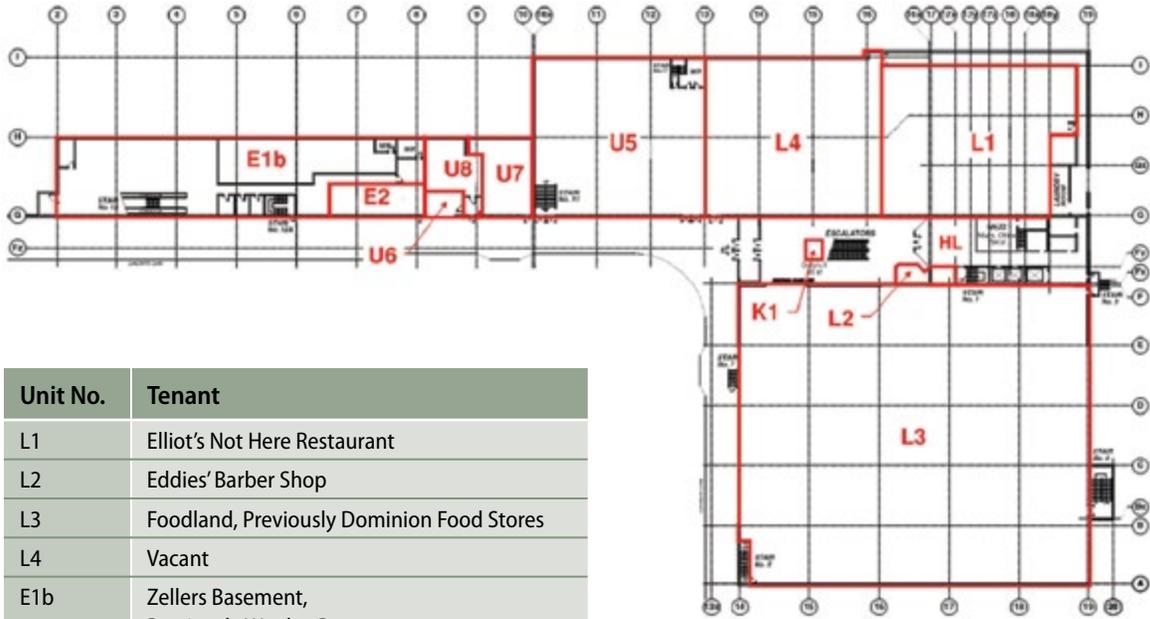


Unit No.	Tenant
A1	Elliot Lake Learning Centre
A2	Harem Apparel and Accessories
A3-A3a	Investor's Group
A4	Curves
A5	Marlin Travel
A6	Alpine Flowers
A7	Lighthouse Cards & Gifts
A8	T-Zone Health
A9	Thompson Jewelers
B1	Vacant, Previously Scotiabank
B2	Vacant
B3/B4	Northern Reflections
B5-B5a	Amost Heaven Day Spa
B6-B7	Vacant
B8-C4	Public Library
C5-C7	Service Canada, Previously Retirement Living
C8	Algoma Health Unit

Source Exhibit 3009

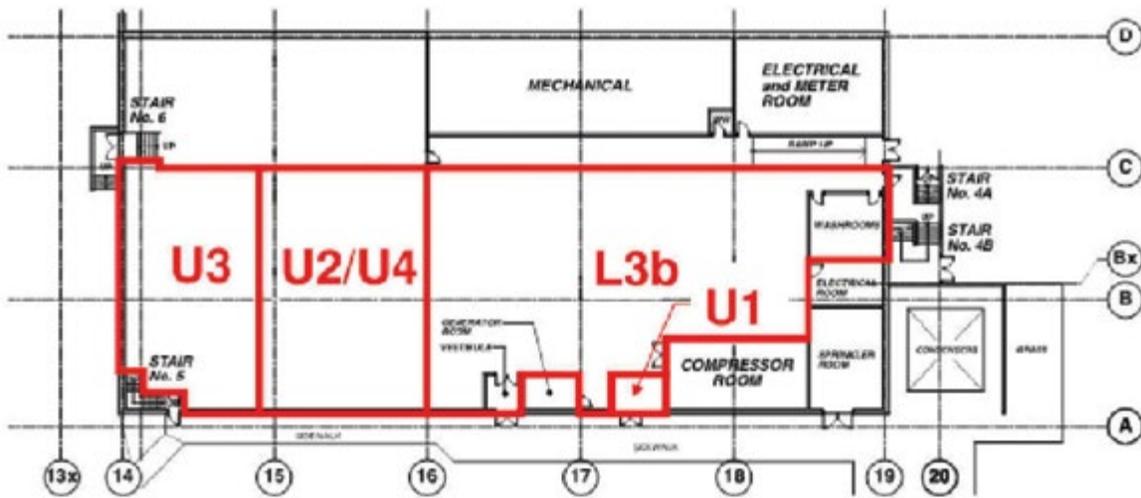
Unit No.	Tenant
C9	Unknown
D1-D4	Dollarama
D5-D6	The Bargain Shop!, Previously SAAN
D7	Mum's Place, Previously Oliver's Grill
D8	Vacant, Previously Tim Horton's
D9a	Hungry Jack's
E1	Zellers, Previously Woolco
K4	Daily Lottery

Lower Mall Level



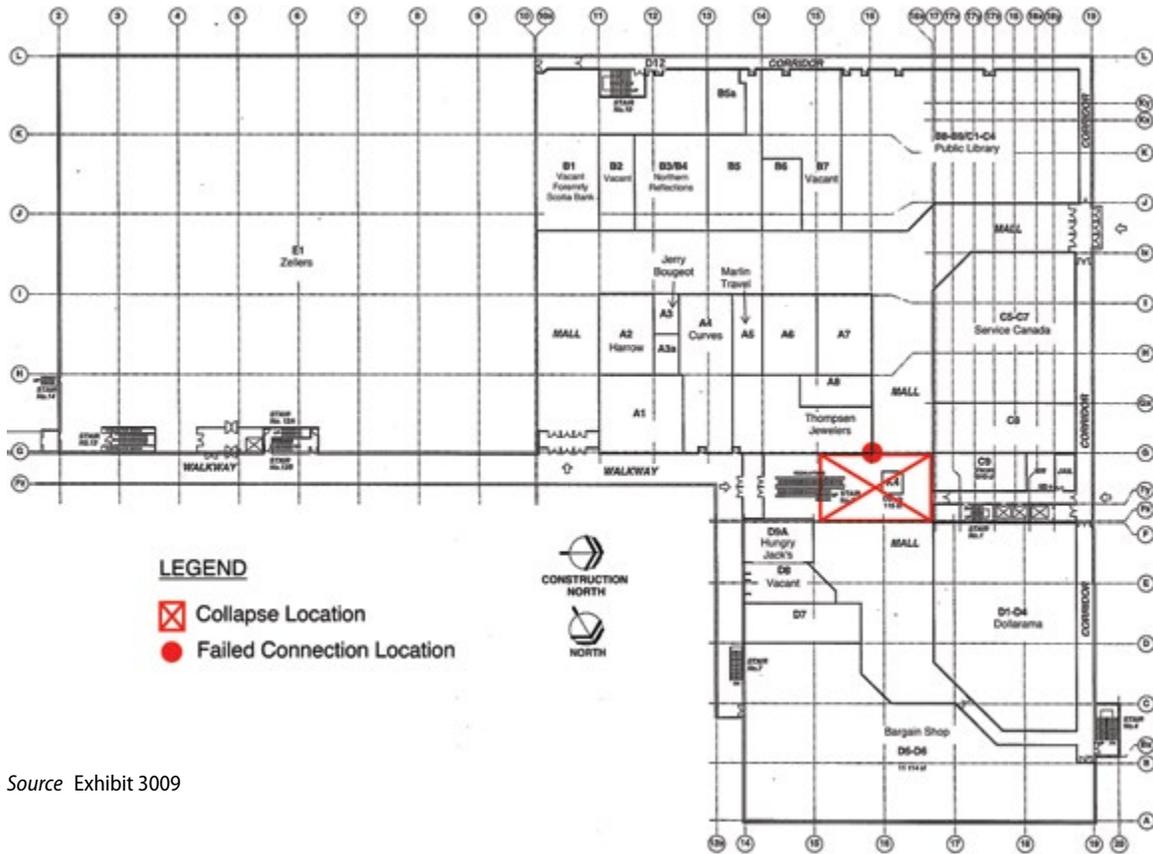
Unit No.	Tenant
L1	Elliot's Not Here Restaurant
L2	Eddies' Barber Shop
L3	Foodland, Previously Dominion Food Stores
L4	Vacant
E1b	Zellers Basement, Previously Woolco Basement
E2	Reflections Hair Studio
U5	Vacant
U6	Alternative Funeral
U7	Vacant
U8	Vacant
HL	Hotel Lobby
K1	Vacant

Pick Up Level



Unit No.	Tenant
L3b	Foodland Basement, Previously Dominion Stores Basement
U1	Union Taxi
U2/U4	Pet Valu
U3	Interior Solutions

Appendix E – Algo Mall collapse location



Source Exhibit 3009

Appendix F – Summary of the expert reports referred to in the Commission’s Report

During its 33-year history, the Algo Mall was inspected by a number of consultants. This appendix summarizes those inspections and their findings.

May 11, 1979: Report on the review of the proposed waterproofing system prepared by A.E.J. Cunningham for Algocen¹

Albert John Cunningham was retained by Algocen to review the waterproofing system proposed by Harry S. Peterson Co. Ltd. (HSP). The report identified the use of hollow core precast concrete slab for the parking deck as a potential problem because slabs are liable to creep. To avoid accumulations of snow that could overload the parking deck, the report recommended that the snow-removal plan for the Mall include the complete removal of snow from the deck level. Mr. Cunningham also recommended that sand, not a sand/salt mix, be used to prevent the formation of ice.

As a precaution against the failure of the Peterson system, the report recommended that the building be overdesigned to accommodate the installation of a 3-inch concrete-wearing slab and membrane in addition to the proposed waterproofing system. Algocen was advised to speak to architects or project engineers on the team who had experience with the proposed system and to ask about the past performance.

January 22, 1980: Report on the anchor system prepared by Franklin Trow Associates Ltd. for Algocen²

Franklin Trow Associates Ltd. (FTA) was retained to supervise the installation of the anchor system proposed by York Steel Construction, the steel manufacturer and erector for the project. FTA tensioned the rock anchors after installation.

The report noted that 15 anchors were installed and grouted into the rock behind the Mall. The location of these anchors corresponded to the beams located at gridlines 3 to 17. Once installed, the anchors were tensioned. Trow Group Ltd., Steel Division, confirmed that no detectable movement of the columns had occurred as a result of the tensioning.

March 10, 1980: Report on the load test of the hollow core slabs prepared by Trow Group Limited for Algocen³

Trow was asked to perform a load test of the hollow core slabs installed on the lower level of the Mall. The load test demonstrated that the slab was capable of carrying 152 psf.

August 26, 1981: Report on the Woolco leak investigation prepared by Harry S. Peterson Co. Ltd. for Algocen⁴

Harry S. Peterson Co. Ltd. (HSP) investigated the leaks that were continuing to occur in the Woolco store. The initial leak problems at the Mall were found to be related to construction details and worker error. Those problems were noted as having been corrected and eliminated. The leaks continued to persist in the Woolco store. HSP carried out ponding tests to isolate the source of these leaks. The tests revealed that water was entering through the area immediately adjacent to the back wall of the Mall. The water then travelled the length of the beam and leaked out at the connection beam approximately 50 feet from the original entry point. The leakage appeared less than 10 minutes after the ponding test began. No other leaks were observed during the test.

When inspectors investigated the leakage area, they found cracks in the foundation wall, along with small failures in both the sealant joint between the deck and the wall and from the buttress to the rock formation adjacent to the building. After repairs were made, the ponding test was repeated, and no further water leaks were observed.

HSP concluded that water had entered the parking deck through the foundation wall or where the foundation wall and the deck met, travelled along the hollow core slab end joint, and dripped down at the end of the beam. The inspectors found that the amount of water travelling this route was surprisingly high, but HSP remained unsure of its exact point of entry.

HSP was confident that any deficiencies in the roof system contributing to the leakage had been corrected. It remained concerned, however, that water could be entering the deck from cracks in certain areas, as identified in the report (the light standard, for example).

August 1981 (approximate date): Investigation report of leaks in Woolco prepared by Bregman & Hamann, Architects and Engineers, for F.W. Woolworth & Company⁵

F.W. Woolworth retained Bregman & Hamann to determine the cause of the numerous leaks that were occurring in Woolco. The observed deficiencies included stained ceiling tiles, water in the fluorescent lights, water-logged insulation under the slabs, and water stains on the steel beams. The joints in the poured-in-place concrete topping did not coincide with every joint of the hollow core slabs but at every third joint.

The joints were found to be poorly sealed and finished, and the poured-in-place concrete was not sloped at the perimeter and parapet edge as detailed. There was also water ponding in places.

Bregman & Hamann recommended the application of a waterproofing system and provided three options:

- an elastomeric membrane with a modified epoxy matrix and epoxy finish coat;
- a laminated single-ply plastic core with modified bitumen, and an outer film of polyethylene with protection board and a hot applied asphalt wearing course; or
- a sheet applied waterproof membrane with a hot applied asphalt wearing course.

The sheet applied waterproof membrane with an asphalt wearing course was identified as the most economical and easiest system to install.

May 1991: Report on the investigation of the parking structure prepared by Trow Consulting Engineers Ltd. for Algocen⁶

Trow Consulting Engineers carried out a detailed condition survey of the rooftop parking deck. The inspection and the report focused on the condition of the rooftop parking deck and the underlying steel support structure. Trow did not conduct an inspection of the entire Mall. The inspection was visual, and core samples of the concrete topping and hollow core slabs were also taken to determine the level of chloride contamination of the concrete.

Trow found evidence of deterioration of the underside of the roof slabs and pedestrian walkways. Cracks, spalls, debonding of the concrete, wet spots, exposed reinforcing bars, leaching, scaling, and rust stains were also observed in the roof slabs.

Although Trow observed deterioration and areas requiring repair, its general conclusion was that the components (hollow core concrete slabs, concrete topping, and structural steel beams) of the rooftop parking were generally in good condition. However, its report noted a number of signs of deterioration, including

- impending spalls, owing to the movement of the slabs;
- some evidence of surface rust on the supporting steel beams;
- the expansion joint running east-west was caulked its full length, and all three expansion joints showed signs of leakage;
- the exposed steel of the walkway stairwell and the underside of the slabs were rusted; and
- there were localized areas of broken concrete on the underside of some of the precast panels.

The report noted that the chloride content in the slabs was high. The top surface of the concrete topping had large areas of surface scaling, with evidence of previous repair patches, many of which had debonded. The concrete topping was in an initial state of deterioration, and the sealant applied to the control joints in the concrete topping had debonded from the concrete and was leaking.

The report warned that the high chloride content in the concrete, together with the effect of the freeze/thaw cycle, would cause further deterioration. In addition, the water and salt penetrating through the cracks of the hollow core slabs would cause deterioration of the concrete, pre-stressed cables, ceiling tiles, and sprayed on-fireproofing on the steel beams.

Trow ultimately concluded that the design of the parking deck was inappropriate in achieving a watertight roof. The report proposed two repair options:

- option 1: installation of a waterproofing membrane and wearing course over the top of the existing concrete topping (after repairs to the debonded areas of concrete);
- option 2: removal of the concrete topping and installation of a waterproofing membrane with an asphalt wearing course.

The report recommended option 2 as the better choice. Trow noted that the repairs should be carried out as soon as possible in order to maintain the structural integrity of the slabs and to reduce the potential for further deterioration.

Included as an appendix to the report was a copy of the rooftop parking deck plan identifying the location of all the deficiencies that had been noted on the hollow core slabs, including areas of leakage, spalled concrete, and rust stains.

July 11, 1991: Clarification on the findings and conclusions provided in the May 1991 report prepared by Trow Consulting Engineers Ltd. for Algocen⁷

Trow was asked to provide further clarification on the findings and conclusions included in its May 1991 report. It advised Algocen that a good bond was required between the concrete topping and the top of the hollow core precast slabs.

In addition, Trow stated that proceeding with the replacement of the debonded topping only, without any further repairs, was but a partial repair. Caulking the joints and sealing the concrete was not sufficient, and, to stop the leaks, the application of waterproofing over the entire concrete topping was required. Trow again advised that proceeding with option 2, as set out in the May 1991 report, would provide the best protection to the hollow core slabs from the ingress of chlorides and water.

June 29, 1992: Report on the load capacity of the slabs from Coreslab (Shahid Shaikh) to Algocen⁸

Coreslab advised Algocen that the 3-inch bonded concrete topping was required in order for the hollow core slabs to safely support the superimposed live load of 75 pounds per square foot (psf) and the superimposed dead load of 45 psf.

November 9, 1994: Update investigation of the parking structure prepared by Trow Consulting Engineers Ltd. for Algocen⁹

Algocen retained Trow to perform an updated survey of the condition of the rooftop parking deck. The survey, which included a visual inspection and the taking and testing of core samples of the concrete to determine the level of chloride contamination, compared the results from 1991 to those obtained in 1994.

The report noted numerous water stains on the ceiling tiles, together with rust on the tracks for the ceiling tile. The top and bottom flanges of the steel beams were rusted in the areas of leakage, and portions of the fireproofing on the bottom flanges were missing as a result of water damage. The top surface of the concrete topping was found to be in good condition; however, the cores taken on the rooftop parking showed only a fair to poor bond between the concrete topping and the top of the hollow core slab, or no bond at all. In addition, the chloride content in a number of the cores taken in 1994 was higher than it had been in 1991. Trow advised Algocen that the increased chloride content would cause further deterioration of the concrete topping and that the chlorides had begun to contaminate the hollow core slabs.

The report also included an updated plan of the rooftop parking deck, similar to the one that had been an appendix to the 1991 report. This updated plan showed, for purposes of comparison, the deficiencies identified in 1991 and the new observations made in 1994. In areas where some of the worst leakage had been noted, the steel beams were deemed to be structurally sound but showed evidence of surface corrosion.

The report noted that it was unclear whether the bonded concrete topping was required to achieve the specified load capacity for the slabs. It recommended that a structural review and analysis be undertaken to determine this issue as soon as possible. Trow advised Algocen that, with time, the amount of concrete topping debonding from the top of the hollow core slabs would likely increase. The debonded concrete would then become a structural concern.

October 6, 1995: Structural analysis of the hollow core slabs prepared by Alex Tobias Associates Limited for Trow Consulting Engineers Ltd.¹⁰

Trow retained Alex Tobias Associates to perform the structural review and analysis recommended in 1994. Its findings and conclusions were included as an appendix to the 1995 Trow report delivered to Algocen. ATA based the structural review on the architectural and structural drawings prepared for the construction of the Algo Mall, together with the Coreslab shop drawings, the previous Trow reports, and the Coreslab load tables. The findings, conclusions, and recommendations were premised on the assumptions that the roof structure had been built in accordance with the drawings, the steel and concrete were structurally sound, and any deficiencies would be repaired properly.

The review determined that the concrete topping needed to be fully bonded to the slabs in order to achieve the required superimposed load for the rooftop parking. ATA concluded that the roof, with a fully bonded topping, could safely support the basic snow and rain load of 53 psf or the vehicle load of 50 psf, leaving 20 psf available for the installation of a waterproof membrane over the properly bonded concrete topping. This conclusion was based on the premise that while the building was occupied and in use, the rooftop parking deck would never have both the full snow load and the full vehicle load at the same time.

The review identified the slabs adjacent to the Hotel as being potentially overstressed because of snow accumulation. The original design required that those slabs have a superimposed load of 130 psf; however, as installed, they had a capacity of only 120 psf. The review recommended that a roof canopy be installed over those areas to prevent snow accumulation and avoid overstressing those slabs.

November 6, 1995: Structural analysis of the parking deck prepared by Trow Consulting Engineers Ltd. for Algocen¹¹

The purpose of the report was to determine whether the bonded concrete topping was required and to determine the type of waterproofing system that could be used. The findings and conclusions made by Alex Tobias Associates Limited were included in the body of the Trow report.

The report noted that the areas of debonded topping needed to be repaired as soon as possible in order to maintain the structural integrity of the hollow core slabs. Algocen was warned that if the repairs to the debonded topping were not carried out, the slabs would not be able to carry the dead load of the topping safely. The report also warned that the continued leakage through the joints would lead to chloride contamination and corrosion of the pre-stressing cables embedded in the slabs and the supporting steel beams and, because of the freeze/thaw cycle, to further deterioration of the slabs.

To quantify the repairs required and prepare specifications for the repairs to the rooftop parking deck, the report advised that the structure needed to be inspected again in the spring of 1996 to determine the extent of the debonded concrete. Once the rooftop parking had been repaired and waterproofed, it recommended that monthly visual inspections of the parking deck be made and that any leaks or defects in the system be recorded in a maintenance log. In addition, it recommended that an engineering company make an annual inspection of the rooftop parking deck.

The report identified two repair options:

- option 1: remove and replace the debonded concrete topping and install a waterproofing membrane over the entire deck; or
- option 2: repair the debonded areas of concrete topping on the roof deck and caulk and seal the joints in the parking deck.

Trow recommended that Algocen proceed with option 1: not only would it be more cost effective but it would assure the complete repair of the rooftop parking deck and minimize long-term maintenance costs. Finally, Trow advised Algocen that some increase in deterioration should be expected.

October 1, 1996: Review of the precast concrete slabs at gridline 10–10x prepared by P. Meyer Engineering for Algocen¹²

Algocen asked Paul Meyer to investigate the gap in the expansion joint at gridline 10–10x which previous reports had noted was significantly less than the 2 inches specified in the structural drawings. As the temperature increased, the gap had been observed to close completely over a significant portion of the expansion joint, resulting in damage to the ends of the precast concrete slabs and to the concrete topping along the joint.

After the expansion joint was examined, Coreslab was contacted to obtain directions for the repair and reinstatement of the required 2-inch gap.

The report indicated that the repairs were made in accordance with the directions from Shahid Shaikh of Coreslab. It went on to speculate that the closing of the expansion joint was a possible sign that the building had moved slightly. Ongoing movement of the building had not been noted, however, and the report did not believe that further movement was likely. In the event that there had been movement, the report continued, it had not affected the safety of the building.

October 28, 1996: Structural design and construction review report prepared by P. Meyer Engineering for Algocen¹³

Algocen retained Paul Meyer to review the design and construction of the Algo Mall. The review was based on the structural and architectural drawings as well as the Coreslab shop drawings. He concluded that the structural steel framing was generally acceptable and in conformance with the requirements of the Ontario Building Code. The hollow core slabs were also determined to be in conformance with the Code and correctly installed.

Mr. Meyer also noted that the live load of 75 psf used in the construction of the rooftop parking deck was significantly conservative. Although the maximum accumulation of snow could theoretically develop on the roof (in the absence of any snow plowing), that result would be unlikely while the building was occupied. It was therefore not necessary to account for both the maximum snow accumulation and the maximum car loads for the rooftop parking deck.

In addition, Mr. Meyer concluded that the fully bonded topping was required before the slabs could properly support the specified 120 psf. However, the slabs could support a live load of 50 psf and a dead load of 45 psf (95 psf superimposed load) without the bonded concrete topping. Mr. Meyer interpreted this information to mean that the concrete topping could be removed to allow for the installation of a conventional parking deck waterproofing system.

The report concluded that the foundations, structural steel, and hollow core slabs were capable of supporting the loads to which they would be subjected. The access of large (heavy) vehicles to the parking deck should be eliminated because it posed a serious risk to the structural system. The report advised Algocen to install permanent barriers at the access ramps to prevent large vehicles from accessing the rooftop parking.

November 12, 1998: Building condition assessment prepared by Nicholls Yallowega Bélanger for Elliot Lake Retirement Living¹⁴

Retirement Living retained Nicholls Yallowega Bélanger (NYB) to prepare a Building Condition Assessment Study of the Algo Centre, including both the Hotel and the Mall. NYB retained Halsall Associates Limited to carry out the structural review portion of the assessment.

In addition to the structural review, NYB (and other consultants it retained as subcontractors) reviewed the interior finishes and upgrading opportunities, the elevators, fire safety, hazardous materials, energy efficiency, and the mechanical and electrical systems. The report set out budgets both for the cost to repair the deficiencies and to perform various upgrades and alterations that Retirement Living was considering in the event that it decided to purchase the building. The building condition assessment was conducted as a visual inspection only.

The NYB report incorporated, by reference, the findings and conclusions of the November 1998 Halsall report as well as an estimate for the two waterproofing options presented in the Halsall report. NYB concluded that the building was generally in good condition, but that a number of existing building services and systems were reaching, or were extended beyond, their expected normal serviceability. It noted that the repair-cost estimates for the rooftop parking deck did not include any remedial work to the hollow core slabs, and it indicated that it was not in a position to provide an evaluation of the condition of these slabs. NYB raised the possibility that the existing structure was not adequate for the extent of the proposed work.

November 11, 1998: Halsall Associates Report to Nicholls Yallowega Bélanger on the structural review of the condition of the Mall¹⁵

Nicholls Yallowega Bélanger retained Halsall to perform the structural review for the November 1998 building-condition assessment prepared for Retirement Living. The Halsall report was included as an appendix to the NYB report. The report noted various areas of repairs on the rooftop parking deck as well as corrosion of the structural steel beams and columns. Halsall was not able to provide an opinion on the state of the deck or the projected costs to maintain and/or repair the deck, so it recommended that further studies be carried out.

In light of the conditions noted at the Mall, the report concluded that, considering the age of the structure, it was reasonable to expect that the slabs could deteriorate further, either immediately or in the near future. Because of the significant amount of unknown information, it recommended further studies, including:

- determining the extent of chloride contamination in the hollow core slabs;
- inspecting the pre-stressing strands in the hollow core slabs;
- inspecting the condition of the structural steel beam lateral restraint connections to the hollow core slabs; and
- inspecting the condition of the beam and bracing connections.

The report provided two repair options: the application of a full membrane over the concrete topping, together with an asphalt wearing course; or the removal of the concrete topping and the insulation believed to be sandwiched between the topping and the top of the hollow core slabs, applying a full waterproofing membrane and reapplying a concrete topping. The selection of the repair option, it advised, should depend on the results of the further studies.

May 10, 1999: Structural condition assessment prepared by Halsall Associates for Nicholls Yallowega Bélanger¹⁶

Halsall Associates carried out the further studies outlined in its initial report of November 1998. The inspection included some destructive testing, such as taking core samples of the concrete topping and hollow core slabs as well as the removal of some of the ceiling tiles.

The report set out two repair options for the rooftop parking: option 1 involved routing and sealing all the joints and cracks in the parking deck; option 2 proposed the application of a membrane with an asphalt wearing course. Option 1 was recommended as the preferred repair method. The report noted that option 2 would require diligent snow removal to avoid increasing the load on the roof, or, alternatively, strengthening the deck at a significant cost and also disruption to the tenants and the public.

The inspection found that the concrete topping on the parking deck was generally well bonded to the hollow core slabs, with only a few areas of localized debonding. It also noticed some deterioration of the hollow core slabs, including cracking of the top flange and webs between the cores in the slabs.

The report noted that corrosion had occurred in leakage locations. The corrosion was measured to be approximately 3 millimetres thick, which translated into less than 1 millimetre of section loss. The report included numerous photographs with comments on the deficiencies depicted in them.

May 18, 2005: Post-remediation verification assessment prepared by M.R. Wright and Associates Co. Ltd. for Chemnorth Systems and Services Co. Ltd.¹⁷

After a water infiltration event, Chemnorth Systems and Services Co. Ltd. (Chemnorth) was retained by the Elliot Lake Public Library to test for mould and to perform any remediation required by the test results. Once the remediation was completed, Chemnorth retained M.R. Wright and Associates to carry out a post-remediation verification assessment to confirm that the mould had been completely eradicated.

The report noted that, during the Library's entire 16-year tenancy at the Mall, roof leaks had been problematic.

The inspection conducted by M.R. Wright was visual. The report concluded that, although the mould contamination had been properly remediated, the roof leaks should be resolved to limit the potential for mould growth.

July 6, 2005: Building condition survey report prepared by Construction Control Inc. for the RBC CMBS Group¹⁸

Before Eastwood Mall Inc. purchased the Mall, the Royal Bank of Canada (RBC) retained Construction Control Inc. to inspect the Mall and prepare a report on its condition. The inspection was visual, with no destructive testing or removal of any finishes.

The report noted that the underside of the concrete slabs forming the walkways was in good condition, but the caulking in the joints between the hollow core slabs had deteriorated in many locations, with evidence of water leakage. The water penetration between the joints of the slabs was causing deterioration of the steel framing members of the exterior walkways. The report recommended that repairs should be made to the caulking material sealing the joints.

In addition, the report identified numerous deficiencies in the rooftop parking deck – evidence of numerous previous repairs, deterioration of the concrete, debonded sealant material in the joints, and shrinkage cracks. It outlined the repair work that was being performed at the time to the concrete topping, such as routing and

sealing of the cracks as they appeared in the topping, and recommended that this work continue. The report noted that there was no evidence of water leakage in the building.

In summary, the report found the Mall to be generally in fair to good condition. It noted, however, that the hollow core slabs installed at the walkways had deteriorated in the area of the joints and that water leakage appeared to be occurring at the locations of deterioration. This deterioration was likely occurring, it stated, because of the freeze/thaw cycle and the corrosion of the reinforcing steel in the slabs. The top flanges of the steel beams supporting the underside of the suspended walkways were corroded, probably as a result of water entering between the joints in the slabs.

The report recommended that repairs to the corroded areas of steel framing at the underside of the suspended walkways and the deteriorated concrete on the underside of the walkways be carried out under the direction of a professional engineer. It also included photographs of the various areas that had been inspected.

November 2006: Preliminary mould investigation and assessment prepared by M.R. Wright and Associates Co. Ltd. for Chemnorth Systems and Services Co. Ltd.¹⁹

Chemnorth retained M.R. Wright to conduct a mould investigation and assessment of the Library following a water infiltration event that occurred on October 13, 2006. The report noted that water had entered from the rooftop parking deck located above the Library. The water had affected the fireproofing materials and the structural steel components, as well as other finishes and components in the Library. M.R. Wright reported that numerous leaks had occurred in the Library over several years.

The inspection was visual, and air samples and tape-lift samples were taken from the Library. The result from the various mould and air-quality tests showed that there was no significant mould growth and that all levels were within acceptable limits.

An inspection of the ceiling cavity revealed significant evidence of water damage to the insulation and fireproofing materials in the Library. The presence of rust on the structural steel components indicated that water problems and/or excessive moisture problems had existed for a period of time.

The report recommended that, to limit the potential for future mould proliferation, all water leaks from the rooftop parking deck should be addressed immediately.

November 2006: Preliminary mould investigation and assessment prepared by M.R. Wright and Associates Co. Ltd. for Northern Reflections²⁰

Following several instances of water infiltration, M.R. Wright was retained by the insurer of Northern Reflections to conduct a mould investigation and assessment. The report noted that water had been entering the premises for 13 months through leaks in the rooftop parking deck located above the store.

The various mould and air-quality tests showed that, with the exception of one area that had moderate growth, there was no significant mould growth in the store. The inspection of the ceiling cavity revealed significant water stains and evidence of water damage to the insulation and fireproofing materials. Rust was also noted on the structural steel components, indicating that water problems and/or excessive moisture problems had existed for a period of time.

The report recommended that, in the area with moderate mould growth, remediation work should be done. In addition, to limit the potential for future mould proliferation, the water leaks from the rooftop parking deck should be immediately addressed.

March 13, 2008: Review of construction drawings and reports to assess potential loading for a roof prepared by John Clinckett Architect to Eastwood Mall Inc.²¹

John Clinckett reviewed the original structural and architectural drawings for the Mall, as well as notes from Coreslab regarding loading and the 1999 Halsall report. He determined that the structure was properly designed and that the slabs for the rooftop parking deck were designed to carry automobile traffic, snow accumulations, and the weight of the concrete topping. He concluded that, by applying a diversity factor, the roof would be able to carry the weight of a waterproofing membrane and an asphalt wearing course.

Mr. Clinckett found that the structure would not be able to carry the weight of a roof over the parking deck without the addition of new columns. A waterproofing membrane would still be required for the rooftop parking deck, even if a roof were installed.

August 2008: Mould investigation and assessment report prepared by M.R. Wright and Associates Co. Ltd. for the Algo Centre Mall²²

The Mall retained M.R. Wright to conduct a mould investigation and assessment in the space occupied by Zellers. The report noted that the investigation was initiated as a result of complaints filed by the tenant over concerns of mould growth in the store. The inspection was a visual inspection and included the collection of air samples.

Even though the results from the air samples showed the presence of mould, they were all at acceptable levels. M.R. Wright recommended that all water intrusion problems should be resolved to limit the potential for mould growth.

August 21, 2008: Letter from Kleinfeldt Consultants Limited to Brown & Fabris Law Office²³

Although this letter was primarily a summary of the services provided by Kleinfeldt to the Yorkdale Group, it expressed the opinion that, in light of its review, the structure had little to no reserve load capacity to support a conventional rubber membrane and asphalt wearing course. The only option available to waterproof the rooftop parking deck would be the application of a lightweight thin membrane system.

September 12, 2008: Report from Caughill Consulting to Scotiabank Real Estate²⁴

Scotiabank retained Caughill Consulting to investigate the damage caused by water leaks in its branch in the Algo Mall. The report noted that water had entered the space occupied by the bank through the rooftop parking deck located above the tenant space. Overall, water leaks had been a long-standing problem at the Mall. Although repairs to the rooftop parking deck were under way, ongoing leaks indicated that the repairs were inadequate, insufficient, or inappropriate.

The report concluded that although repair work was in progress, it was doubtful that the repairs would be effective. One significant deficiency was the lack of technical supervision and quality control of the repair work. In addition, water had caused corrosion damage to the steel – and this problem needed to be investigated to confirm the structural integrity of the Mall.

It was noted that the landlord should obtain a report prepared by a professional engineer addressing the condition and the detail of all joints and confirming the structural integrity of the steel and concrete of the Mall. The report also included photographs of the various areas that had been inspected.

December 2008: Mould investigation and assessment report prepared by M.R. Wright and Associates Co. Ltd. for the Algo Centre Mall Public Library²⁵

The Library retained M.R. Wright to conduct a mould investigation assessment to determine whether some of the books had mould. The inspection was visual and included the collection of air samples and a review of the condition of seven books. Although the samples showed the presence of mould, they were all at acceptable levels.

M.R. Wright recommended that all water intrusion problems should be resolved to limit the potential for mould growth.

June 3, 2009: Structural review report of the tenant space occupied by Retirement Living prepared by M.R. Wright and Associates Co. Ltd. for Eastwood Mall Inc.²⁶

The Retirement Living tenant space was located below the Hotel portion of the building. The inspection found it to be structurally sound, with no visual deficiencies or evidence of water staining.

June 19, 2009: Preliminary building condition assessment prepared by Pinchin Environmental for Midland Loan Services Inc.²⁷

Midland Loan Services retained Pinchin to carry out a building condition assessment and prepare a report as part of the due diligence process of a prospective purchaser. Pinchin performed only a visual inspection of the Mall. No destructive tests were performed and no finishes were removed during the inspection.

In his report, the author noted that he had been advised that the option of applying a rubberized membrane over the concrete topping and paving the parking deck had been considered. It was dismissed, however, because the hollow core panels did not have sufficient load-carrying capacity to bear the extra weight of the waterproofing membrane and the asphalt wearing course.

The report described the general elements of the Mall and Hotel and identified the areas requiring repairs. It stated that the structural elements of the building had been examined and found to have no observed deficiencies or deteriorations, so it neither recommended nor required any action. Pinchin noted in its report that no deficiencies were seen which would compromise the integrity of the structure.

The report noted evidence of water infiltration on the interior finishes, in particular water-stained ceiling tiles. It recommended that the source of the water penetration be eliminated and the damaged ceiling tiles replaced.

Section 3.8 of the report addressed the condition of the rooftop parking deck. It noted that the repaired expansion joints were in good condition, with one exception: the joint located in the northwest portion of the parking deck had been damaged during snow removal.

At the time of the inspection, routing and sealing the control joints of the concrete topping was in progress. The report noted no major deficiencies in the rooftop parking deck, though it identified the damaged expansion joint in the northwest portion as a minor deficiency and recommended repairs. It concluded that the rooftop parking deck was performing in a satisfactory condition, with minor water infiltration.

The report recommended two options to address the water infiltration problem: first, the removal of the concrete topping, followed by the application of a waterproofing membrane and replacement of the concrete; second, monitoring the concrete topping for new cracks and damage to the expansion and control joints and, to minimize water infiltration, carrying out repairs to the concrete topping in a timely manner. Pinchin was not able to determine the condition of the hollow core slabs of the parking deck because the scope of work did not include destructive testing. It recommended that the condition of these slabs of the parking deck be evaluated for concrete delamination resulting from water and salt infiltration through the concrete topping. The report also included photographs of the various areas inspected.

October 28, 2009: Structural review report prepared by M.R. Wright and Associates Co. Ltd. for Eastwood Mall Inc.²⁸

Eastwood Mall retained M.R. Wright and Associates to conduct an inspection of the Mall in accordance with the requirements set out in the Order to Remedy Violation of Standards of Maintenance and Occupancy issued by the City of Elliot Lake on September 25, 2009. Although the report delivered following the inspection was noted as a draft report, no other version was delivered.

The inspection was a visual inspection with no destructive testing or removal of any of the interior finishes. The original architectural and engineering drawings for the construction of the Mall were also reviewed. While Robert Wood was inspecting the Mall, caulking and waterproofing repairs were being carried out on the roof.

The report noted that it was evident that leaks had occurred over the years:

- Several leaks in the Zellers store had led to the installation of leakage collections systems in the ceiling to capture the water entering through the roof deck.
- Water leaks in the perimeter corridor at the location of the steel-beam supports had caused the fireproofing on the steel beams to fall away from the bottom flange. The steel was rusted on the top of the bottom flange, but the rust did not present any structural loss of capacity.
- The steel beam along gridline 16 above the lottery kiosk had minor surface rust where the fireproofing had fallen away because of water saturation. No deterioration of the hollow core slabs was observed.
- The fireproofing on the steel beams of the Bargain Shop was missing on the bottom flange, but no loss of section was observed.

The main concern identified was the missing fireproofing, which had fallen away because of the entry of water through the rooftop parking deck. The report recommended that the missing fireproofing be replaced. It also included photographs of the various areas inspected.

April 30, 2012: Parking deck waterproofing repairs report prepared by M.R. Wright and Associates Co. Ltd. for Eastwood Mall²⁹

The report noted no structural concerns over the additional loading of the caulking being applied on the roof top parking deck. It was more concerned that the repairs to the rooftop parking deck might not be completed.

May 3, 2012: Structural condition inspection prepared by M.R. Wright and Associates Co. Ltd. for Eastwood Mall³⁰

Eastwood Mall retained M.R. Wright and Associates to inspect the Mall and provide a report on its structural condition. It was a visual inspection only: no destructive testing was performed and no interior finishes were removed to facilitate the inspections.

The report noted rust on the structural steel members in areas where water infiltration had occurred through the rooftop parking deck. The corroded beams had little loss of section and were still structurally sound. The report concluded that the rusting had not detrimentally changed the load-carrying capacity of the structure. Nor were there any visual signs of distress.

The report also included photographs of the various areas inspected, including a photograph of the water-collection system in Zellers and a photograph of a heavily oxidized bottom flange of a beam in that same store.

Later, the report was amended at the request of the Mall owners by removing the words “ongoing leakage” and “of particular concern.” In addition, the photographs showing the water-collection system in Zellers and the heavily oxidized bottom flange of the beam there were removed from the report.

Notes

- | | | | |
|----------------------------|----------------------------|-------------------------------|---|
| ¹ Exhibit 15. | ⁸ Exhibit 41. | ¹⁷ Exhibit 11-106. | ²⁶ Exhibit 11-188. |
| ² Exhibit 25. | ⁹ Exhibit 44. | ¹⁸ Exhibit 88. | ²⁷ Exhibit 751. |
| ³ Exhibit 26. | ¹⁰ Exhibit 49. | ¹⁹ Exhibit 325. | ²⁸ Exhibit 103. |
| ⁴ Exhibit 27. | ¹¹ Exhibit 51. | ²⁰ Exhibit 10-91. | ²⁹ Exhibit 139. |
| ⁵ Exhibit 6227. | ¹² Exhibit 63. | ²¹ Exhibit 92. | ³⁰ Exhibits 110, 111,
116, 117. |
| ⁶ Exhibit 35. | ¹³ Exhibit 65. | ²² Exhibit 12-120. | |
| ⁷ Exhibit 37. | ¹⁴ Exhibit 66. | ²³ Exhibit 97. | |
| | ¹⁵ Exhibit 742. | ²⁴ Exhibit 13-117. | |
| | ¹⁶ Exhibit 72. | ²⁵ Exhibit 319. | |

Appendix G – Policy roundtables – Part One

To assist in formulating my recommendations, I convened a series of policy roundtables after the completion of the evidence and closing submissions. Each roundtable, chaired by a Commission counsel, consisted of a number of experts from those sectors that could be affected by my possible recommendations. The roundtables considered a series of questions prepared by Commission staff. These questions were also designed to reflect the recommendations made by participants in their closing submissions. Listed below are the dates, moderators, roundtable participants, and topics, followed by biographies of the participants.

ROUNDTABLE 1 – INCREASING PUBLIC SAFETY

MONDAY, NOVEMBER 18, 2013

Moderator: Peter Doody

Participants:^{*}

- Ann Borooh, Chief Building Official, City of Toronto
- Dean Findlay, Ontario Building Officials Association
- Randal Froebelius, Secretary-Treasurer, BOMA Canada, and President of Equity ICI Real Estate Services
- Stuart Huxley, Senior Legal Counsel, City of Ottawa, representing the Association of Ontario Municipalities
- Ministry of Labour – Wayne De L’Orme, Director, Mining Health and Safety Review
- Ministry of Municipal Affairs and Housing – Brenda Lewis, Director, Building and Development Branch
- Michael Ostfield, Toronto Lands Corporation
- Warwick Perrin, Ontario Association of Property Standards Officers
- Peter Sharpe, Former President Cadillac Fairview Corporation Limited



Roundtable 1 participants, sitting, from left: Warwick Perrin, Brenda Lewis, Peter Sharpe; standing, from left: Dean Findlay, Stuart Huxley, Ann Borooh, Michael Ostfield, Wayne De L’Orme, Randal Froebelius (PHOTO: Matt Copeland)

.....

* Positions are at time of participation.

Topics:

1. Should there be mandatory periodic inspection of all buildings? If so, by whom (province, municipality or building owner)? How often? What kinds of buildings?
2. Should there be mandatory minimum property standards for all buildings? If so, who should establish them (province or municipality?). How should they be enforced?
3. Should those who have responsibility for public safety in buildings (municipalities, MOL, etc.) have the power, or be required, to force owners to retain a professional (engineer or architect) to approve proposed repairs or maintenance to existing buildings? Should a record be kept of all remedial actions undertaken by the owners?
4. Should clear guidelines be established in the regulations governing the Chief Building Official in cases where public safety may be at risk based on the degree and imminence of the threat and the response of the owner, making it clear that in cases where an owner is either unwilling or unable to take steps necessary to avoid risks to human safety (a) an order be promptly issued; (b) a clear period of time be allowed for compliance; (c) at the end of that time, the city must take further enforcement steps to prosecute, to conduct the work at the owner's expense or to close and condemn the structure?
5. Is the training for building officials, in particular, for property standards officers, sufficient? Should there be mandatory training, competency qualifications and certification of property standards officers? What degree of independence should property standards officers have from other municipal officials? Should building officials, including property standards officers, be regulated as a profession?
6. Considering the information you have gleaned from the proceedings of the Elliot Lake Commission of Inquiry, can you provide your top five recommendations as to what should be done to ensure that a similar tragedy does not occur again in Ontario or elsewhere in Canada? If possible, identify the sort of buildings or occupancies which should be the highest priority.

ROUNDTABLE 2 – IMPROVED SHARING OF REPORTS AND INFORMATION**TUESDAY, NOVEMBER 19, 2013****Moderator: Peter Doody****Participants:**

- Ann Boroah, Chief Building Official, City of Toronto
- J. Lorne Braithwaite, CEO, BUILD TORONTO
- Randal Froebelius, Secretary-Treasurer, BOMA Canada and President of Equity ICI Real Estate Services.
- Stuart Huxley, Senior Legal Counsel, City of Ottawa, representing the Association of Ontario Municipalities
- Ministry of Labour – Vivien Wharton-Szatan, Program Manager for the Industrial Health and Safety Program
- Ministry of Municipal Affairs and Housing – Brenda Lewis, Director, Building and Development Branch
- Alan Shaw, Ontario Building Officials Association
- Ryan Stein, Director of Policy, Insurance Bureau of Canada



Roundtable 2 participants, sitting, from left: Ryan Stein, Brenda Lewis, J. Lorne Braithwaite; standing, from left: Alan Shaw, Stuart Huxley, Ann Borooah, Vivien Wharton-Szatan, Randal Froebelius (PHOTO: Matt Copeland)

Topics:

1. Should the owner of a building be required to keep a secure record of and provide the information relating to the condition of a building (all private, as well as public, documents and information dealing with the condition of those buildings over their lifetime, including information on the nature and extent of the services provided by an engineer and an architect, the name, identity and contact information of those professionals and any remedial actions taken as a result of inspections)
 - (a) to any purchaser or other person seeking to acquire an interest in the building, financial or otherwise?
 - (b) to any person or agency conducting or supervising any inspection, assessment, repair or renovation of a building before any such inspection, assessment, repair or renovation begins?
 - (c) to the municipality whenever a building permit is required for repairs and renovations?
 - (d) to a provincial agency?
2. Should the owner of a building (and perhaps those who prepared the building information?) be required to register the information (e.g. Reports) relating to the condition of a building on the title to the property?
3. If so, should the availability of this information apply to all buildings or just commercial buildings?
4. If there is no requirement to register the information (e.g. Reports) relating to the condition of a building on title to the property, should the information be made accessible to the public by some other means such as a central registry? Or should they at least be filed with the Chief Building Official?
5. Should the building owner be required to complete an Affidavit as mandatory closing document that states at a minimum the following:

- (a) The owner has disclosed all engineering reports that have been conducted while the building has been owned by the present owner.
 - (b) That the owner has undertaken appropriate inquiry in order to obtain the history of all engineering reports on the property and they are stated here.
 - (c) There are no reports or documents that the owner is aware of with respect to this real property that deal in any way with the structural assessment or condition of this building that have not been disclosed to the purchaser.
6. Should any and all engineers and architects who have provided services to an owner of a building make available all information in their possession to successor engineers or architects requesting such information?
 7. Should municipal governments be required to document all oral and written complaints, even if the person wishes to remain anonymous? Should municipal governments be required to keep a public registry of all property standards by-law violations that deal with the safety and soundness of a building structure, including any follow-up action taken by the municipality and remedial action taken by the owner or municipality?
 8. The *Occupational Health and Safety Act* (sections 51 and 52) currently provides for certain obligations on employers to provide notice to the Ministry of Labour where a person is critically injured or killed at a workplace or a person is disabled from performing his/her work or requires medical attention because of an accident, explosion, fire at a workplace. Should these notice obligations be expanded to include situation of imminent danger, accident or injury? In addition, should an employer be required to report to the Ministry of Labour any health and safety recommendation made by a joint committee or a health and safety representative which is not followed and may lead to critical injury?
 9. Considering the information you have gleaned from the proceedings of the Elliot Lake Commission of Inquiry, can you provide your top five recommendations as to what should be done to ensure that a similar tragedy does not occur again in Ontario or elsewhere in Canada? If possible, identify the sort of buildings or occupancies which should be the highest priority.

ROUNDTABLE 3 – ROLE OF PROFESSIONALS AND OTHER BUILDING CONSULTANTS **WEDNESDAY, NOVEMBER 20, 2013**

Moderator: Bruce Carr-Harris

Participants:

- Paul Acchione, President, Ontario Society of Professional Engineers
- J. William (Bill) Birdsell, President, Ontario Association of Architects
- Dale Craig, Chairman of J.L. Richards and Associates Limited
- Prof. Jag Humar, Carleton University
- Gregory (Greg) Miller, CET, CBCO, Vice-President on OACETT (Ontario Association of Certified Engineering Technicians and Technologists) Council and Manager, Building and By-law Services and Chief Building Official for the Town of the Blue Mountains
- Chris D. Roney, P. Eng., Professional Engineers of Ontario (PEO)



Roundtable 3 participants, sitting, from left: Chris D. Roney, Jag Humar; standing, from left: J. William Birdsell, Gregory Miller, Paul Acchione, Dale Craig (PHOTO: Matt Copeland)

Topics:

1. Should the term “prime consultant” be defined and the roles and responsibilities clearly enunciated?
2. Should Consultants, including engineers, architects and building inspection companies, be required to clarify the scope of their expertise to their clients and to clearly establish which elements of the building they are qualified to provide an opinion on and which elements of the building they will not be inspecting or addressing due to lack of sufficient expertise?
3. Should the PEO, the OAA and the OACETT provide guidelines with clearer standards for the inspection of an existing building, including best practices to
 - establish clear terminology to ensure that clients and regulators understand the scope of work, defining the scope of work expected in various types of inspections (for example, opening up concealed areas to examine connections or measuring corrosion) and ensuring that the engineer has sufficient resources, and a sufficient retainer, to be able to complete the required work;
 - clarify which documents should be reviewed prior to the inspection;
 - clarify which questions must be asked of the on-site owner representative, including a request for production of previous structural engineering reports;
 - identify the critical areas and determine the appropriate number of samples on which to draw credible conclusions;
 - document the inspected areas, including photographs, measurements, samples and notes;
 - clarify and define terms such as “visual” inspection, “condition assessment,” “detailed condition assessment,” “structural assessment report,” “structural elements”;
 - prohibit the use of statements in reports such as “All beams inspected had little loss of section and we would consider the members still structurally sound” where the location of those beams or structural elements on which that opinion was based has not been identified within the report;

- establish a baseline of what is deemed to be an appropriate representative sample of the structural system and its components, including joints and connections, and structural steel to be inspected before the professional inspecting the building can confidently confirm that a building is “structurally sound”;
 - set out the minimum standards for inspection by the professional inspecting the building to determine whether there has been “section loss” of structural elements. In particular whether actual measurement is required where corrosion has been identified or that a “visual assessment” of the degree of corrosion is sufficient;
 - define what the professional inspecting the building must include in their reports in relation to which elements of the building have and have not been inspected. Should the Guidelines require that a review of structural steel must include an inspection of and report on the condition of the connections, failing which the structural review is not complete?;
 - specify when the professional conducting the inspection should include a warning in their report to the client of the potential risks of failing to follow the recommendations in the report where significant or potentially unsafe deficiencies in the building have been identified and recommendations have been made for the repairs;
 - set out when it is appropriate to make changes to a draft report based on client feedback;
 - set out when copies of the reports for the buildings which have been inspected in the past should be retained;
 - establish an obligation to create and maintain a searchable database within their respective offices (locally and nationally) which would allow the professional conducting the inspection to search to see if their respective companies have inspected a particular building in the past (for any reason) and to review the previous files and reports prior to taking on a new retainer, or conducting a further inspection of the building; and
 - clarify the procedure to be followed when signing a report prepared by a graduate professional in training, a CET or an unlicensed engineer.
4. Should there be a requirement on engineers and architects to advise clients (past and present?) of the suspension or revocation of their licence?
5. Although architects and engineers currently have a duty to report a building which poses a threat to the safety and security of the public, should a guideline be issued by the PEO, OAA and/or the OACETT which provides:
- (a) a standard of when the professional is to report the unsafe conditions (e.g. degree of risk);
 - (b) that public safety should be the primary consideration;
 - (c) to whom the professional is to report the unsafe condition (e.g. professional organization, CBO of the municipality in which the unsafe building is located, owner); and
 - (d) whether the professional (architect, engineer, CET) reporting the unsafe building should be afforded immunity from liability where the building has been reported in good faith.
- 5a) The Algo Centre Mall included an open air parking lot over occupied space. Are you aware of other commercial buildings in Canada of similar design and construction? Are there problems with this kind of structure which need to be addressed by consultants?

6. Should the concept of a “provincial engineer” be adopted in Ontario?
7. In the past, engineers had specialties that were identified on their seals. Should the PEO, in the case of structural engineering at least, revert to that approach, including specific training and mandatory continuing professional education components for engineers practising and holding themselves out to the public as “structural engineers”?
8. Should Professional Engineers of Ontario adopt a system of mandatory continuing education similar to other professions in the province and like other professional engineering licensing bodies in several other provinces?
9. Should PEO adopt guidelines for structural engineering practice and independent documented structural engineering review similar to those now published by APEGBC and which resulted from the inquiry into the Station Square collapse in Burnaby, B.C., in 1988?
10. What is the general state of knowledge in the engineering profession of corrosion, and particularly what conditions affect the rate of corrosion of structural steel and what is the impact of corrosion on the anticipated life of a building’s structural integrity? Is there continuing education in this area and, if not, should there be?
11. Considering the information you have gleaned from the proceedings of the Elliot Lake Commission of Inquiry, can you provide your top five recommendations as to what should be done to ensure that a similar tragedy does not occur again in Ontario or elsewhere in Canada? If possible, identify the sort of buildings or occupancies which should be the highest priority.

BIOGRAPHIES*

Paul Acchione, P. Eng., is the 2013–14 president and chair of the Ontario Society of Professional Engineers (OSPE). He began his career at Ontario Hydro, holding various roles from 1971 to 2002, including design engineer, design engineer specialist, supervising design engineer, and department manager. He chaired a number of technical and design reviews conducted as part of the quality assurance program for nuclear power plants. Since 2002, he has worked as management consultant with Market Intelligence and Data Analysis Corporation. He has been an active member of the OSPE Political Action Network since 2006 and participated as a member of OSPE’s *Professional Engineers Act* Task Force. He is a member of four technical societies and has co-authored 12 technical papers related to project engineering and management, simulation analysis, engineering design, and application of digital computers. He holds a master of engineering (mechanical), with honours, from the University of Toronto.

J. William Birdsell was elected president of the Ontario Association of Architects (OAA) in January 2013. He was appointed to OAA Council in 2009 and elected the following term. He served as senior vice-president and treasurer in 2011 and 2012 and served on the Human Resources and Governance committees. In 2010, he was the vice-president, practice, and served on the Complaints Committee and the Experience Requirements Committee. Mr. Birdsell is the principal of J. William Birdsell Architect in Guelph, a full-service architectural firm working with institutional and private clients on a wide range of projects, including residential, commercial, industrial and institutional, and adaptive reuse of many existing structures. After receiving his bachelor of environmental studies from the University of Waterloo in 1982, he completed his bachelor of architecture in 1984. He is a member of the Royal Architectural Institute of Canada.

.....

* Positions are at time of participation.

Ann Borooh has been the chief building official and the executive director of the Toronto Building Department since November 2001. She oversees a staff of more than 400 people responsible for enforcing the *Building Code Act* in Toronto. She has overseen the transition to a new *Building Code Act* and has led key initiatives, including a program review of inspection and enforcement, the implementation of Toronto standards for green roof construction, and a new sign regulation and taxation system for the city. Between 1993 and the time she joined the city, Ms. Borooh was the director of the Development and Buildings Branch of the Ministry of Municipal Affairs.

J. Lorne Braithwaite is president and CEO of BUILD TORONTO. He has been an active commercial developer in California, London (England), and Dubai. He was appointed president and CEO of BUILD TORONTO in April 2009, creating value for the City of Toronto through real estate. Before joining BUILD TORONTO, he was founder, chairman, president, and CEO of Cambridge Shopping Centres (now Ivanhoe Cambridge), where he amassed 40 large enclosed malls. Mr. Braithwaite served as the worldwide chairman of the International Council of Shopping Centres from 1995 to 1996. He was president of the Canadian Institute of Public and Private Real Estate Companies from 1995 to 1997. He holds a bachelor of commerce from the University of Alberta and an MBA from the University of Western Ontario.

Dale Craig is an associate and chairman of J.L. Richards and Associates Limited and leads the engineering firm's major business development initiatives for P3, Design / Build, Fast Track Construction Management, and Design / Bid / Build projects. He is responsible for the management of key client and partner relations and the organization of project teams, presentations, and contract negotiations. Along with his corporate duties and mentoring role, he maintains direct involvement in the management of complex major assignments for the firm to ensure that client needs and project objectives are met. He has decades of experience managing multidisciplinary teams on projects up to \$310M in value. These projects typically involve all engineering disciplines, architecture, planning, project management, and specialty consultants. In addition to his duties with JLR, Mr. Craig has maintained an active involvement in the community and in the professional industry. Currently, he serves on the board of governors of Carleton University and the board of Hydro Ottawa Holdings Inc. He received his B. Eng. (civil engineering), with distinction, from Carleton University in 1970.

Wayne De L'Orme is the director, Mining Health and Safety Review, of the Ontario Ministry of Labour, leading a review of health and safety in Ontario's underground mines. The Review will engage industry stakeholders in a review of the present regulatory framework, the role of the inspectors, and the adequacy of the Ministry of Labour's response to new and emerging issues, and will develop, in consultation with other ministry branches, a plan to enhance health and safety in Ontario mines. He holds a bachelor of science and a bachelor of education from the University of Saskatchewan and an MBA from the University of Western Ontario.

Dean Findlay is immediate past president of the Ontario Building Officials Association and president of the Alliance of Canadian Building Officials. He is chief building official / manager – Building Division – of the City of Peterborough and has 19 years' experience as a building official in rural, small urban, and large urban settings.

Randal Froebelius is the secretary-treasurer of BOMA (Building Owners and Managers Association) Canada. He is also president and founder of Equity ICI Real Estate Services. He has more than 17 years' experience in the management, development, and construction of industrial, commercial office, retail, institutional, and residential properties. He has held project management positions at Ellis-Don and PCL Construction and progressively senior management positions at Bramalea Ltd. and Beutel Goodman Real Estate Group. Before founding Equity ICI, he was responsible for all property management and construction activities associated with the Kolter Property Company's six million-square-foot portfolio of assets in Toronto and Dallas. He holds a bachelor of engineering science from the University of Western Ontario and an MBA from the Richard Ivey School of Business. He is a licensed professional engineer in the Province of Ontario.

Jag Mohan Humar, P. Eng., is Distinguished Research Professor of Civil Engineering at Carleton University. Between 1990 and 2000, he was chair of the Department of Civil and Environmental Engineering and was a professor in the department from 1975 to 2003. He was superintending engineer, executive engineer, and assistant executive engineer in the Central Public Works Department in India between 1960 and 1975. He received a bachelor of science (civil engineering) from Banaras Hindu University, India, in 1958; a master of technology from the Indian Institute of Technology, Kharagpur, India, in 1959; and a PhD from Carleton University in 1974. He has been a member of the Standing Committee on Earthquake Design, an advisory body to the *National Building Code of Canada*, since 1995; and a member of the editorial board of the international journal *Earthquake Engineering and Structural Dynamics* since 2008. He has been a consultant to Public Works and Government Services Canada on various projects, including the development of design and analysis software; vibration studies of the Alexandra Bridge; dynamic vehicle crash studies; and blast-induced vibration studies for the Parliamentary Precinct in Ottawa. He is a Fellow of the Canadian Society of Civil Engineering, the Engineering Institute of Canada and the Canadian Academy of Engineering.

Stuart Huxley is senior legal counsel with the City of Ottawa. He was called to the Ontario bar in 2000, and has worked exclusively as counsel to the City of Ottawa since 1998. He leads the city's Prosecution Unit and has extensive prosecution experience with regulatory matters, including the *Building Code*, the *Fire Code*, and the *Planning Act*, as well as various municipal by-laws before the Ontario Court of Justice. Mr. Huxley also practises municipal law and litigation before the Superior Court of Justice and has represented the city on significant matters before coroner's inquests, Divisional Court, the Court of Appeal for Ontario, and the Supreme Court of Canada.

Brenda Lewis is director of the Building and Development Branch of the Ontario Ministry of Municipal Affairs and Housing. She is responsible for the building regulatory environment in Ontario.

Gregory (Greg) Miller is vice-president of the Institute of Engineering Technology of Ontario (IETO) and has served on the Ontario Association of Certified Engineering Technicians and Technologists (OACETT) council since 2007. He has volunteered for 15 years in various roles for OACETT, including as Georgian Bay chapter chair, college liaison, and regional secretary-treasurer for the Central Region. He is currently the manager, Building and By-law Services, and the chief building official for the Town of the Blue Mountains, and he oversees the day-to-day operations of the town's Ontario *Building Code* program, by-law enforcement, and security alarm registrations. Mr. Miller currently chairs the OACETT Government Relations Committee and has represented OACETT on several provincial government committees to review *Building Code* qualifications and currency of maintenance requirements. He is qualified for all 11 categories of qualifications under the Ontario *Building Code* and is a certified building code official and certified engineering technologist.

Michael Ostfield is counsel to the Toronto Lands Corporation, a wholly owned subsidiary of the Toronto District School Board. Toronto Lands manages surplus school properties on behalf of the board. Mr. Ostfield has more than 30 years' experience in the development and management of commercial real estate, both as a lawyer and, for several years, general manager of development for Eaton's. He was also in-house counsel with Famous Players, the Bank of Nova Scotia Real Estate Group, and Pet Valu Inc. His previous experience includes the management and operation of several major shopping centres across Canada.

Warwick Perrin is president of the Ontario Association of Property Standards Officers, a volunteer professional organization promoting the interests of by-law enforcement officers. He has served eight years as chair of the Certification Training Committee and been an instructor in the certification training program since 1992. He is currently employed as an acting supervisor in the Investigation Services Unit of the Municipal Licensing and Standards Division of the City of Toronto. He has 23 years of municipal law enforcement experience, with approximately 11 years focusing on multiple residential properties.

Chris D. Roney, P. Eng., holds an honours degree in civil engineering from Queen's University. A third-generation engineer, he heads Roney Engineering Limited, a Kingston, Ontario, consulting firm offering a full range of structural engineering services related to building design and construction, investigations, and restorations. Mr. Roney is a practising structural engineer and is accredited as a building design specialist and consulting engineer. He is a member of the Ministry of Municipal Affairs and Housing's Building Advisory Council, which provides strategic advice to the minister on matters related to ongoing policy, administrative, and technical issues concerning the *Building Code Act* and the *Building Code*. He currently serves on the Council of Professional Engineers of Ontario (PEO) and has held a number of positions on it for more than 10 years. He now serves on the Complaints Committee and the Engineers, Architects and Building Officials Committee to deal with issues of mutual concern and interest among PEO, the Ontario Association of Architects, and the Ontario Building Officials Association. Mr. Roney is a director on the board of Engineers Canada, the national organization of the provincial and territorial associations that regulate the profession of engineering in Canada and license the country's more than 260,000 members.

Peter Sharpe retired in 2010 after 11 years as president and CEO of Cadillac Fairview Corporation Limited, one of North America's largest investors, owners, and managers of commercial real estate. Mr. Sharpe joined Cadillac Fairview in 1984 as vice-president of property management in charge of the Canadian office portfolio and assumed responsibility for retail properties in 1988. He was promoted to executive vice-president, property operations, in 1996, and became president and CEO in March 2000, when the Ontario Teachers' Pension Plan purchased 100 percent of the company. Mr. Sharpe has also served as the global chairman of the International Council of Shopping Centers, the world's largest real estate association. He graduated in 1970 from Wilfrid Laurier University (at that time called Waterloo Lutheran University) with an honours degree in business administration and economics.

Alan Shaw has been manager of Building and By-law Enforcement of the City of Sarnia since 2008, fulfilling the role of chief building official. Before that, he was chief building official for the Municipality of Central Elgin and the Municipality of Sioux Lookout. He earned his diploma in architectural technology from Sheridan College in 1992. He has been regional director and vice-president of the Ontario Building Officials Association since 2007.

Ryan Stein is the director of policy at the Insurance Bureau of Canada, the national industry association representing Canada's private home, car, and business insurers. He works with insurance companies to develop solutions to the various legislative and regulatory issues that they face. He holds a bachelor of international business and a master of arts in international affairs from Carleton University.

Vivien Wharton-Szatan has been program manager of the Ministry of Labour's Industrial Health and Safety Program in the Mississauga office since April 2008. She is responsible for a team of inspectors who enforce the *Occupational Health and Safety Act* and applicable regulations as they apply to industrial workplaces that are regulated by the program. She has held a variety of positions with the Ministry of Labour and, between 1991 and 2005, was an occupational health and safety officer in Toronto, responsible for enforcing the *Occupational Health and Safety Act* and its regulations by conducting proactive inspections; investigating complaints, critical injuries, and fatalities; and prosecuting employers when appropriate. She has a certificate in occupational health and safety from Ryerson Polytechnical Institute (1987) and an honours bachelor of science from the University of Toronto, with a double specialization in chemistry and biochemistry.

Appendix H – Schedule of witnesses – Part One

Dale Craig , expert, engineer, J.L. Richards; Overview of the construction of a building and state of the art in roofing at time of construction	March 5, 2013
John Kadlec , partner at Beta Engineering, structural engineer during construction of Algo Centre Mall	March 6, 2013
Dave Monroe , former vice-president, Harry S. Peterson, Algo Centre Mall roofing system	March 7, 2013
Doug Harman , vice-president and general manager, Coreslab, supplied concrete slab	March 7, 2013
Henry Jasskelainen , former supervisor, Harry S. Peterson, installed roofing system and conducted repairs	March 8, 2013
James Keywan , architect, retained by Algoma Central Properties for the design of the Algo Centre Mall	March 11, 2013
Barbara Fazekas , former chief librarian, Elliot Lake Public Library, tenant of Mall	March 11&12, 2013
Rod Caughill , former development supervisor, Algoma Central Properties	March 12, 13, 14, 19, & 20, 2013
Domenic Dell’Aquila , certified engineering technologist (CET), Trow, hired by Algoma Central Properties	March 20 & 21, 2013
Remy Iamonic , engineer, Trow, hired by Algoma Central Properties	March 21, 2013
Roger Pigeau , former chief building official, City of Elliot Lake	March 22 & 25, 2013
Fred Bauthus , former chief administrative officer, City of Elliot Lake	March 25 & 26, 2013 May 16, 21 & 22, 2013
Barbara Cloughley , former personnel manager, Woolco, former tenant of Mall	March 26, 2013
Robert Leistner , former general manager and vice-president, Algoma Central Properties	March 27 & 28, 2013
Warwick Perrin , president, Ontario Association of Property Standards Officer Inc.	April 2, 2013
Larry Burling , former clerk, City of Elliot Lake	April 2 & 3, 2013
Ken Snow , former maintenance foreman, Algoma Central Properties and Retirement Living	April 3, 2013
Paul Meyer , structural engineer, P. Meyer Engineering, hired by Algoma Central Properties	April 4, 2013
Albert Celli , engineer, Halsall	April 5, 2013
Michael Buckley , engineer, Halsall	April 8, 2013
Jeff Truman , engineer, Halsall	April 9, 2013
Michael A. Luciw , architect, Yallowega Bélanger	April 10, 2013

Richard Quinn , former property manager, Retirement Living	April 11 & 16, 2013
Richard Kennealy , general manager, Retirement Living	April 16, 17 & 18, 2013
Rhona Guertin , comptroller, Retirement Living	April 19, 2013
Paul Officer , fire chief, former building inspector and chief building official, City of Elliot Lake	April 22 & 23, 2013
Chris Clouthier , building inspector, City of Elliot Lake	April 23, 2013
Brian McDonald , project manager, Construction Control	April 24, 2013
Troy Speck , former chief administrative officer and councillor, City of Elliot Lake	April 24 & 25, 2013
Syl Allard , former chief building official, City of Elliot Lake	April 29, 2013
Blaine Nicholls , architect, formerly with Nicholls Yallowega Bélanger	April 30, 2013
Sophie Dennis , assistant deputy minister, Operations Division, Ministry of Labour	April 30 & May 1, 2013
Brian Cuthbertson , former manager, Zellers	May 1, 2013
George Farkouh , former mayor, City of Elliot Lake	May 2, 7 & 15, 2013
Brian England , former Mall manager, Eastwood Mall	May 8, 2013
Glen Day , contractor, Peak Restoration, retained by Eastwood Mall	May 9, 2013
Andrew Holford , engineer, Kleinfeldt Consultants	May 9 & 10, 2013
Bruce Caughill , architect/engineer, Caughill Consulting, retained by owners of Mall	May 10, 2013
Tom Derreck , former chief administrative officer, City of Elliot Lake	May 13, 2013
John Clinckett , architect, retained by Eastwood Mall	May 14, 2013
Alexander Sennett , Eastwood Mall	May 14, 2013
Dimitri Yakimov , former employee, Eastwood Mall	May 15, 2013
George Farkouh (continued), former mayor, City of Elliot Lake	May 15, 2013
Fred Bauthus (second period), former chief administrative officer, City of Elliot Lake	May 16, 21 & 22, 2013
Henrieth Laroue (McCleery) , former Mall manager, Eastwood Mall	May 22 & 23, 2013
Al Collett , councillor, City of Elliot Lake	May 23 & 24, 2013
Bruce Ewald , chief building official, City of Elliot Lake	May 24, 27 & 28, 2013
Sonia Saari , structural engineer, Corselab	May 28, 2013
Panel:	May 29 & 30, 2013
Hassan Saffarini , P Eng - NORR	
Chris Hughes , architect - NORR	
Pouria Ghods , P Eng - Giatec Scientific	
Aaron Dinovitzer , P Eng - BMT Fleet Technology	

Don Denley , former councillor, City of Elliot Lake	June 4, 2013
Tom Turner , former Mall manager, Eastwood Mall Inc.	June 4, 2013
Philip Sarvinis , engineer, Read Jones Christofferson, retained by Eastwood Mall	June 5, 2013
Ralph Regan , former inspector, Ministry of Labour	June 5, 2013
Gregory Saunders , engineer, M.R. Wright	June 6, 2013
Robert Wood , M.R. Wright	June 6 & 7, 2013
Ron McCowan , McCowan and Associates, considered purchase of Mall	June 10, 2013
Rhonda Lendt (Bear) , former Mall manager, Eastwood Mall	June 11 & 12, 2013 August 6, 2013
Rob deBortoli , chief administrative officer, City of Elliot Lake	June 12, 2013
Judy McCulloch , manager of customer service, Scotiabank	June 13, 2013
Jaime Hass , certified engineering technologist (CET), Pinchin	June 14, 2013
Ed Hudson , former Inspector, Ministry of Labour	July 8, 2013
Rick Hamilton , mayor, City of Elliot Lake	July 8, 9 & 10, 2013
Antoine-René Fabris , lawyer, retained by Eastwood Mall Inc.	July 10, 11 & 12, 2013
Lesley Sprague , clerk, City of Elliot Lake	July 12, 2013
Levon Nazarian , leasing manager and real estate advisor, Eastwood Mall	July 15, 16, 17 & 18, 2013
Bob Nazarian , owner, Eastwood Mall	July 23, 24, 25, 26, 20, 30, 31, 2013
Allan Larden , architect	July 30, 2013
Roger Jeffreys , engineer, Ministry of Labour	July 31, 2013
Dale Craig , expert, engineer, J.L. Richards	July 31, 2013
Elaine Quinte , owner, Hungry Jack's, tenant in Mall	July 31, 2013 August 1, 2013
William Elliott , ELNOS	August 1, 2013
Rhonda Lendt (Bear) , former Mall manager, Eastwood Mall	August 6, 2013
Ashley Sherrard , broker, EIR Investments Inc. Brokerage	August 6, 2013

Appendix I – List of appearances for Participants with standing and witnesses – Part One

Participant	Counsel / Representative
Government of Ontario	Darrell Kloeze Heather Mackay Kristin Smith Judith Parker Ministry of Attorney General
Ontario Building Officials Association	Leo F. Longo Aird & Berlis LLP
City of Elliot Lake	J. Paul R. Cassan Alexandria Little Steven Shoemaker Matthew Shoemaker Wishart Law Firm LLP
Nicholls Yallowega Bélanger Architecture and Blaine Nicholls	Charles Simco Shibley Righton LLP
Algoma Central Properties	Robert J. Richler Robert (Bob) J. Howe Davies Howe Partners LLP
Alexandre Sennett	Jonathan Shime Megan Schwartzentruber Cooper, Sandler, Shine and Bergman LLP
Non-Profit Retirement Residences of Elliot Lake Inc. and NorDev 1425164 Ontario Ltd.	Douglas Kearns Kearns Law Office
Halsall Associates	James A. Hodgson John M. Picone Norton Rose Fulbright Canada LLP
Greg Saunders	Joseph A. Bisceglia Rosario Romano Paul A. Johnson Bisceglia Dumanski Romano & Johnson LLP
Elliot Lake Mall Action Committee (ELMAC)	Peter L. Roy Alexandra Carr Carolyn Filgiano Roy O'Connor LLP Roland Aubé Aube Law Office Jeffrey Broadbent Feifel Broadbent Gualazzi Personal Injury Law Firm R. Douglas Elliott Douglas Elliott PC Shawn Richard

Participant	Counsel / Representative
Brian MacDonald	Scott G. Thompson Hicks Morley Hamilton Stewart Storie LLP
exp Global Inc.	David Outerbridge Myriam Seers Torys LLP
John Clinckett	John A. Little Patricia Harper Keel Cottrelle LLP
Seniors' Action Group of Elliot Lake (SAGE)	Keith Moyer Chuck Myles
James Keywan, Bruce Caughill and Allan Larden	P. John Brunner Mario Delgado Brunner and Lundy Barristers and Solicitors
Association of Professional Engineers of Ontario	Leah Price Association of Professional Engineers of Ontario Philip Tunley Luisa Ritacca Stockwoods Barristers
Coreslab Structures (Ont) Inc.	Charles P. Criminisi Devon M. Ryerse Agro Zaffiro LLP
Bob Nazarian, Levon Nazarian, Eastwood Mall Inc. and Yorkdale Group	Michael Title Derrick Fulton Steinberg Morton Hope & Israel LLP
Thomas Derreck	John Curtis John Curtis Legal Services
Rod Caughill and Robert Leistner	James Maloney Hughes Amy LLP
Réjean Aylwin, Rachelle Aylwin, Stéphane Aylwin, Teresa Perizzolo and Cindy Lee Allan	Roger G. Oatley Shenthuran Subramaniam Oatley, Vigmond LLP
Robert Wood	Robert MacRae Michael O'Neill O'Neil De Lorenzi and Mendes
Barbara Fazekas	James Hunt
Jeff Truman	Neil Perrier Perrier Law
Pinchin Environmental Ltd.	John Russo Pallet Valo LLP

