

ELLIOT LAKE COMMISSION OF INQUIRY

DAY 21

April 05, 2013



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COURT REPORTING AND CAPTIONING INC.

141 Adelaide Street West | Suite 1108
Toronto, Ontario M5H 3L5
1.888.525.6666 | Fax: 416.413.0230

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ELLIOT LAKE COMMISSION OF INQUIRY

--- This is Day 21 in the Inquiry proceedings held before the Honourable Justice P.R. Belang r, Commissioner, at the White Mountain Academy of the Arts, 99 Spine Road, Elliot Lake, Ontario, on the 5th, day of April, 2013 commencing at 9:00 a.m.

REPORTED BY: Helen Martineau
Certified Shorthand Reporter

1 A P P E A R A N C E S:
2 NADIA AUTHIER, Ms.,
3 BRUCE CARR-HARRIS, Esq., Commission Counsel
4
5 ALEXANDRA CARR, Ms., ELMAC/SAGE
6
7 DOUGLAS KEARNS, Esq., Elliot Lake Retirement
8 Living and NorDev
9
10 Robert MacRae, Esq., Robert Wood
11
12 PAUL CASSAN, Esq., City of Elliot Lake
13
14 JOSEPH BISCEGLIA, Esq., Gregory Saunders
15
16 Also present:
17 TODD ROSE, Esq., for Albert Celli
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[NONE MARKED]

1 --- Upon commencing at 9:00 a.m. on
2 April 5, 2013.

3 THE COMMISSIONER: Morning, everybody.

4 MS. AUTHIER: Morning, Mr. Commissioner.
5 Today we'll be calling the evidence of Mr. Albert
6 Celli.

7 ALBERT CELLI, sworn.

8 EXAMINATION-IN-CHIEF BY MS. AUTHIER:

9 Q. Good morning, Mr. Celli.

10 A. Morning.

11 Q. Thank you for coming here today. I
12 understand that you are still currently employed
13 with Halsall?

14 A. Yes, I am.

15 Q. And what is your position currently
16 with Halsall?

17 A. I'm the regional manager for
18 northeastern Ontario, working out of the Ottawa
19 office.

20 Q. And I understand that you graduated
21 as a Civil Engineer?

22 A. Yes, from the University of Waterloo
23 in 1995.

24 Q. Okay. And we've heard a lot over
25 the recent weeks in terms of Structural Engineers.

1 Now, you graduated as a Civil Engineer. What is
2 required to become a Structural Engineer?

3 A. Well, you graduate with a Bachelor
4 of Applied Science and then you specialize
5 basically. In university, you can focus on
6 different areas whether structural engineering or
7 water, other area is transportation, and you
8 really hone your craft during your employment.
9 And with Halsall as a structural and building
10 envelope consultant, you work with people. And
11 that's where you focus on one trade or another.

12 But you build -- the skills come from
13 the university. There are some courses you take
14 that give you the foundation and the fundamentals
15 that you bring through your consultancy.

16 THE COMMISSIONER: So the degree does
17 not recognize the specialty per se?

18 THE WITNESS: No. It's a Civil
19 Engineering -- it's a Bachelor of Applied Science
20 and focus on Civil Engineering.

21 BY MS. AUTHIER:

22 Q. And I take it you took some
23 Structural Engineering courses in Waterloo?

24 A. Correct.

25 Q. And so you graduated in 1995. When

1 did you start working with Halsall?

2 A. I had my last co-op term actually in
3 '94. And then upon -- it was April, it was right
4 out of university, I started full-time with
5 Halsall in their Toronto office. I worked there
6 for five years. And in 1999, went to Sudbury to
7 basically grow their office there and spent about
8 five years in Sudbury and went to Ottawa in 2004
9 and have been there for about eight years.

10 Q. Okay. And when were you licensed?
11 When did you get your initial P. Eng. designation?

12 A. It was in September of 1997.

13 Q. And when you first started working
14 with Halsall in '95, were you working in the
15 structural department?

16 A. I was working on -- working in both
17 the structural and we call it restoration
18 engineering groups. So the structural is
19 buildings and these sorts of things, new buildings
20 additions. And restoration is fixing parking
21 garages, building envelopes, balconies and roofs,
22 these sorts of things.

23 Q. Now, prior to conducting the
24 inspection in at Algo Mall, had you ever been to
25 Elliot Lake?

1 A. No, not that time.

2 Q. Was this your first time coming up
3 here?

4 A. Well, actually when I was maybe five
5 or six, I played hockey up here in a tournament
6 because I am from Sault Ste. Marie, but as a
7 professional I have not been up here.

8 Q. And I understand that Halsall
9 prepared two reports for the Algo Mall?

10 A. Correct.

11 Q. And which report -- did you prepare
12 both? One?

13 A. I prepared the 1998 report.

14 Q. And that's the only report you
15 prepared?

16 A. Correct.

17 Q. And for the 1998 report, who was the
18 client for Halsall?

19 A. It was Nicholls Yallowega and
20 Belangér.

21 Q. And who are they?

22 A. They are an architect -- an
23 architectural firm out of Sudbury with whom we've
24 been doing work since the '50s.

25 Q. And do you know who Nicholls

1 Yallowega's client was?

2 A. It was retirement Living.

3 Q. Okay. And did you have any
4 conversations with representatives from Retirement
5 Living?

6 A. Not that I'm aware of.

7 Q. Now, you did the 1998 report. What
8 was your mandate for that report?

9 A. What we understood, it was for a
10 prepurchase or due diligence, so it was a high
11 level condition report from the -- the structural
12 aspect to look at what were the big capital costs
13 or what the were some of the -- what was the
14 deterioration. And in order to develop those
15 capital costs, that can go back through Nicholls
16 Yallowega to -- for the reporting and to the
17 purchaser to consider when they're perhaps
18 negotiating the purchase of the property.

19 MS. AUTHIER: Ms. Kuka, if you can pull
20 up Exhibit No. 66, and this is tab 1 of the brief
21 that is in front of you. And, Ms. Kuka, if we
22 could go to page 5.

23 BY MS. AUTHIER:

24 Q. And, Mr. Celli, just for your
25 references, you'll see there's a doc ID number

1 that sometimes on the bottom of the page and
2 sometimes at the top and the page 5 is the
3 reference number for that doc ID.

4 A. Okay.

5 Q. Thank you. Now, that first
6 paragraph there were -- and, sorry, this is the --
7 if you turn to the first page, this is the final
8 report as issued by Nicholls Yallowega Belangér.

9 A. Yes.

10 Q. And if you look at the top paragraph
11 where it's indicated,

12 "...this review would be generally limited
13 to a visual assessment of the areas of
14 each floor as well as the building
15 envelope. Existing architectural finishes
16 were not disturbed and destructive testing
17 was not carried out as part of the
18 assessment."

19 Is this an accurate representation of
20 the methodology that you would have used?

21 A. Correct.

22 Q. Okay.

23 MS. AUTHIER: And now, Ms. Kuka, if you
24 can turn to page 7, and the last paragraph.

25

1 BY MS. AUTHIER:

2 Q. And we see that bottom paragraph
3 where it reads,

4 "It should be noted that all of the
5 construction document sets that were
6 provided for our review were incomplete
7 and generally contained no specific
8 information related to the rooftop parking
9 structure. As well, there were no
10 specific documents, 'as-built' drawings,
11 post-occupancy inspection reports or
12 maintenance and energy consumption records
13 available for review by the consultants."

14 Is that consistent with your
15 recollection of the type of documentation you were
16 provided?

17 A. Correct. And it's as noted in our
18 report as well the documents reviewed.

19 Q. Okay. And so I take it that you
20 never received the Trow reports?

21 A. No, we did not.

22 Q. And, now, you were provided with
23 copies of those reports by Commission counsel and
24 you've reviewed them to a certain extent?

25 A. Yes.

1 Q. Now, if you had received those
2 reports in '98, would that have been helpful to
3 you?

4 A. Well, I don't think it would have
5 changed our recommendations and conclusions. It
6 may have -- we may have approached the evaluation
7 of the review a bit differently. Because what I
8 understand the 1991 report was a baseline and
9 there were subsequent reports. They went back to
10 the locations inspected. If we had known that,
11 maybe we would have targeted those locations to
12 see if the deterioration had progressed from '91
13 to '94 -- '98, but we came up with the same
14 results or same conclusions or recommendations in
15 the 1998 report.

16 Q. And we'll get to those in a minute.
17 So for the 1998 condition assessment, I take it
18 you attended at the Elliot Lake mall?

19 A. Yes.

20 Q. At the Algo Mall?

21 A. Yes.

22 Q. And who did you attend with?

23 A. We drove up that morning with
24 Michael Luciw and the two engineers, the
25 electrical and mechanical engineers.

1 Q. Okay. And how much time did you
2 spend at the mall?

3 A. Well, it was probably a handful of
4 hours because I flew in from Toronto and we drove
5 up. And then a short time before lunch, we were
6 on site and then a few hours after lunch and then
7 back to Sudbury and back to Toronto again. So
8 three of four hours.

9 Q. And so no one else from Halsall
10 attended with you?

11 A. No.

12 Q. All right. Now, if you could turn
13 to page 7 of the report. Down at the -- down
14 where the paragraph starts "The tour provided."
15 You'll see there's a reference to,

16 "Interviews were conducted with Mr. Snow,
17 during the course of the site tour, and
18 feedback was provided on various
19 operational and maintenance issues
20 including:

21 - ongoing waterproofing/sealant
22 maintenance program for the existing
23 parking deck structure, building cladding
24 and expansion joints."

25 Did you -- do you recall meeting with

1 Mr. Snow?

2 A. Well, there was a gentleman leading
3 us around, so it must be Mr. Snow and with the
4 group toured together. So, yeah, it must have
5 been Mr. Snow.

6 Q. And do you recall what information
7 you obtained from Mr. Snow or the individual that
8 you -- that took you around the mall in terms of
9 the ongoing waterproofing?

10 A. I don't remember specifics related
11 to the waterproofing. Just that he was taking us
12 to areas that were representative of some of the
13 leakage.

14 Q. Okay. And did he advise you at any
15 time that the mall had been leaking for a very
16 long period of time, almost 18 years?

17 A. I don't recall that conversation
18 specifically.

19 Q. Okay. And if you had known that the
20 mall was leaking for a significant period of time
21 prior to your inspection, would that have changed
22 anything for you?

23 A. Not necessarily, no.

24 Q. Would it have changed your focus
25 during the review?

1 A. I don't think so. We would have
2 still looked at the condition of the structure and
3 seen if, although it's been leaking for 18 years,
4 what was the condition.

5 Q. Do you recall today what other
6 information would have been provided by Mr. Snow?

7 A. I don't recall any other
8 information.

9 Q. Aside from Mr. Snow, do you recall
10 speaking with anyone else at the mall?

11 A. No.

12 Q. All right. And just so that -- just
13 for clarity, the portions that I've been taking
14 you to of this report, this was a portion written
15 by Nicholls Yallowega?

16 A. Correct.

17 Q. And now I will actually take you to
18 a portion that was written by Halsall, which is
19 still at Exhibit No. 66, page 34, is where it
20 starts. All right. And if we go to section 1.3,
21 which is the survey method and you've already
22 alluded to this, we see -- and sorry, you wrote
23 this report yourself?

24 A. Yes, with the support of others,
25 but, yes.

1 Q. Okay. And who would the others be?

2 A. Well, Mike Buckley would have been
3 involved in peer reviewing and providing some site
4 restoration and --

5 THE COMMISSIONER: You are going a bit
6 fast, sir. Everything you say has to be
7 transcribed and it gets difficult when we deal
8 with proper names so perhaps you wouldn't mind
9 spelling those names.

10 THE WITNESS: Sure. So Michael Buckley,
11 M-I-C-H-A-E-L, Buckley, B-U-C-K-L-E-Y, was the
12 project principal at the time. So he would be
13 involved from the onset of the project and would
14 have reviewed the report.

15 And I don't recall if others, but
16 typically we do have specialists in either
17 corrosion or waterproofing that we may have
18 consulted, but I don't remember exactly if I
19 consulted them or not.

20 BY MS. AUTHIER:

21 Q. So you may have but you're not sure?

22 A. Correct.

23 Q. All right. And when we look at the
24 survey method, it indicates that the survey
25 consisted of visual inspections of portions of the

1 building including the following components: upper
2 mall roof, parking deck construction through the
3 ceiling in tenant spaces, top surface condition of
4 parking deck?

5 A. Correct.

6 Q. So is that an accurate
7 representation of what you were doing?

8 A. Correct.

9 Q. And in terms of the rooftop parking
10 deck, what did you observe? What do you recall
11 seeing?

12 A. Well, it was totally visible. I
13 remember seeing the caulked joints and cracks, the
14 expansion joints, previous repairs, concrete
15 repairs. There were some men working repairing
16 some joints that day. That was basically it.

17 Q. Okay. So -- sorry.

18 A. I was a bit surprised by the
19 cracking. That now seeing the Peterson system, I
20 understand why it's cracked. But at the time, I
21 was expecting to see joints overtop of the hollow
22 Coreslabs at every joint not every third joint.
23 So that was a bit puzzling, but otherwise that's
24 what I saw.

25 Q. Okay. And in terms of the condition

1 of the deck, how would you describe it? Was it in
2 good condition, poor condition?

3 A. Visually it appeared fine. I didn't
4 see spalled concrete or holes in the concrete
5 topping. The sealant, where I looked, was in
6 place. The expansion joints seemed to have been
7 repaired recently or over the past few years.

8 There was nothing that was alarming in
9 terms of its condition.

10 Q. Okay. And you indicated that there
11 were some men working on the roof deck when you
12 were up there. Did you speak to the workers?

13 A. No.

14 Q. Did -- could you see if there was an
15 indication of whether they were with a particular
16 company? Were they mall employees? Do you know?

17 A. I could not tell.

18 Q. Okay. And did you make note or did
19 you make any observations as to how they were
20 doing their work? Their methods or their
21 materials that they were using?

22 A. Did not.

23 Q. All right. And while you were out
24 on the parking deck, did you also look at the
25 beams under the walkways?

1 A. Yes.

2 Q. And what condition were those beams
3 in?

4 A. They were in good condition. There
5 was some rust staining, but there was no really
6 sectional loss or anything that was structurally
7 concerning.

8 Q. And in terms of -- in order to
9 determine whether or not there was any section
10 loss, did you -- other than the visual --

11 A. You would see the flaking expansion
12 of the steel and it creates flakes and from there
13 there would be some section loss, translates into
14 a loss of section.

15 Q. Okay.

16 A. It was a visual. There was surface
17 rust is what I remember seeing. And based on the
18 photos as well.

19 Q. Okay. And did you -- so did you go
20 up and scrape any of the rust to see if it would
21 flake off?

22 A. No.

23 Q. And, now, did you do -- did you look
24 at the outside the first or the inside?

25 A. I don't remember. I think we

1 started from the hotel, that's where we met, and
2 then we went down to the roof deck. Maybe went
3 for lunch and went to the walkways and into the
4 mall.

5 Q. Okay. So once you were in the
6 interior of the mall, was Mr. Snow or the
7 maintenance person who was showing you around, was
8 he still with you?

9 A. Yes, absolutely.

10 Q. And at that point once you were in
11 the interior of the mall, where did he take you?

12 A. Well, there was -- I looked at my
13 notes. There were three locations we reviewed.
14 And I recall the one in Woolco, but I don't recall
15 the other two where they were exactly in the mall.

16 Q. Okay. And when you were inside the
17 mall doing your inspection, where -- did you go up
18 into the ceiling space?

19 A. Yes.

20 Q. Okay. So had you brought a ladder
21 with you?

22 A. Mr. Snow provided a ladder.

23 Q. Okay. And so I take it that you
24 moved a ceiling tile?

25 A. I don't recall if we removed the

1 tile or if a tile was missing, but we went up into
2 the ceiling.

3 Q. Okay. Did you see a lot of staining
4 when you were in the mall?

5 A. There was staining. I can't recall
6 if it was lots or minimal, I don't remember.

7 Q. You said there may have been a
8 missing tile? Do you recall seeing areas where
9 the tiles were missing?

10 A. I believe so. I believe there were
11 missing tiles in Woolco.

12 Q. Okay. And once you had gone up into
13 the roof space, into the ceiling space, what did
14 you see?

15 A. Well, I was only maybe waist depth
16 up into the ceiling and I was still, you know,
17 multiple feet away, whether it was 10 feet or 6
18 feet from the structure. It was dark and I had my
19 camera and I was using the camera to create the
20 flash and take the photos and review them to see
21 -- not to review them, but that's how I was able
22 to see the flash to see the evidence of the
23 corrosion or the condition of the steel, the
24 fireproofing and the insulation.

25 Q. Now, how many -- do you recall how

1 many locations you went up into the ceiling space?

2 A. Just based on my notes it was three.

3 Q. Three, all right. And in those
4 three locations, were the beams covered?

5 A. I would have to look at the photos,
6 but the one in Woolco was exposed for sure.

7 Q. Okay. And what was the condition of
8 that beam, do you recall?

9 A. There was still a lot of the red
10 oxide paint, so the paint that's applied at
11 fabrication. There was some minor rusting on the
12 tips of the flanges, but there wasn't -- again I
13 didn't see any evidence of section loss or
14 anything that was of structural significance.

15 Q. Were you able to see any of the
16 connections?

17 A. I believe in Woolco there was. It
18 was a Gerber beam construction and at that
19 location the girder was cantilevered and going
20 over the top of the column and I was able to see
21 the top of column to underside of steel beam
22 connection.

23 Q. Actually, why don't we go to that
24 photo now and I think -- well, you can confirm for
25 me whether this is the right photo.

1 MS. AUTHIER: Ms. Kuka, if you can go to
2 page 122 of Exhibit No. 66.

3 BY MS. AUTHIER:

4 Q. So would this be the location that
5 you were describing?

6 A. Yes.

7 Q. So was this photo taken by you?

8 A. See if there is a date stamp on it.
9 Mine would have the 1998-09-17 on it.

10 THE COMMISSIONER: Those are two
11 separate photos.

12 THE WITNESS: Yes.

13 BY MS. AUTHIER:

14 Q. Unfortunately, it doesn't look -- it
15 doesn't appear that it has a date stamp on it.

16 MS. AUTHIER: And actually, Ms. Kuka, if
17 could go to Exhibit --

18 MR. BISCEGLIA: Mr. Commissioner, just
19 so that I understand it. How should that
20 photograph be placed? Am I looking at it properly
21 or should it be.

22 THE COMMISSIONER: I think this --

23 THE WITNESS: Rotate it degrees counter
24 clockwise.

25 MR. BISCEGLIA: Where is the --

1 THE WITNESS: The drywall you are seeing
2 on the left side is the wrap around the column.
3 So that is the column that's being wrapped by the
4 drywall so turn it to counter clockwise 90
5 degrees.

6 MR. BISCEGLIA: Thank you. Thank you,
7 Mr. Commissioner.

8 MS. AUTHIER: This one isn't date
9 stamped if we can go to 1.1, page 31.

10 Q. All right. And this one we see is
11 date stamped September 17th, 1998?

12 A. That's the one, correct.

13 Q. So this would have been one of your
14 photos?

15 A. Correct.

16 Q. And we see that this one is actually
17 in the proper direction with the drywall on the
18 bottom which is encasing the column. And so this
19 photo is representative of what you saw on site
20 that day?

21 A. Correct.

22 Q. Now, is it fair to say, although the
23 other photo doesn't have a date stamp on it, based
24 on the condition, if you compare the two, is it
25 fair to say that they are probably the same

1 photos?

2 A. Same photos, same condition.

3 Q. Same condition?

4 A. Yes.

5 Q. Okay. If we can turn back to the
6 other one now, just I wanted to get the date stamp
7 on one, because the other one is much clearer.

8 Page 128.

9 All right. And so you were describing
10 for us this is one of the cantilevered beams.

11 A. Right. So the photo on top, you're
12 seeing the beam that cantilevers the Gerber
13 system. So the beam coming in from the -- or the
14 smaller, shallower beam from the left is
15 stabilizing the beam, the larger beam that's
16 cantilevering over top the column. You're seeing
17 the column with a plate on top of it and you can
18 see two bolts, that is the connection from the top
19 of the column to the underside of the steel beam
20 and you see a vertical stiffener there. That's
21 where the smaller beam, the shallower beam frames
22 into. And you see the fall back insulation that
23 is being held in place by the welded wire fabric.

24 Q. Okay.

25 A. And that's at the end of the drywall

1 wrap around the column and no spray fireproofing
2 on the beam.

3 Q. All right. Now, would this have
4 been a location where there had been fireproofing
5 but it had fallen away or there was never any
6 fireproofing?

7 A. I wouldn't know. I don't know.

8 Q. Now, we see two bolts there. Would
9 the flange that's connecting the beam to the
10 column, would have that been welded in the field
11 at all?

12 A. In this location that plate is
13 likely welded to the column. It comes
14 prefabricated. They wrap the column. They would
15 lower the beam onto the column and there would be
16 two bolts that connected on the one side and
17 likely symmetrical or similar connection on the
18 backside of the column, likely a four bolt
19 connection, but no field welding.

20 Q. So the plate that's welded to the
21 column, where would the welds have been?

22 A. It varies, but it might be along the
23 toes. You can see it on -- if you see the
24 electrical conduit and work your way up, you can
25 see the weld on the side of the flange and it

1 follows the profile of the H and sometimes it
2 could be welded between the outside of the flange
3 and the plate where you can see the bolts. But I
4 don't know if I see a weld there.

5 Q. Okay. Now, none of these photos
6 were attached to your report, correct?

7 A. Correct.

8 Q. And did you provide the photos to
9 Nicholls Yallowega?

10 A. I don't recall.

11 Q. So if you weren't going to provide
12 them to Nicholls Yallowega, what was the purpose
13 of taking the photos?

14 A. Well, we collect the visual
15 observations from site and we go back and I would
16 meet with Mr. Buckley to review the observations
17 in order to prepare the report, to talk about the
18 condition that we observed and the recommendations
19 that would come out of it.

20 Q. And how would you characterize the
21 degree of rusting on this beam and column?

22 A. It's again mostly surface. There's
23 not corrosion to the extent that there is the
24 flaking of the steel that is a loss of section.
25 And it's been in that situation for 18 years. In

1 many cases beams that are fireproofed actually
2 aren't painted. You intentionally allow them to
3 rust a bit so that you have an increased bond
4 between the fireproofing and the steel.

5 Q. Okay. And but would you agree that
6 if water continued to enter the building, this
7 area has the potential of becoming more corroded?

8 A. Correct.

9 Q. And there's actually some corrosion
10 on the plate getting close to the bolts and that
11 corrosion could continue and creep over onto the
12 bolts and corrode the bolts as well?

13 A. Correct.

14 Q. And that would be -- that would
15 cause a problem structurally?

16 A. For this connection here because of
17 its bearing that the beam is actually sitting on
18 top of the column, the bolts are more from a
19 lateral stability of the beam so it doesn't rotate
20 out. The load would still likely be transferred
21 down onto the beam. Or down onto the column,
22 sorry, even if the bolts were rusted versus a
23 header connection like the one on top or that's
24 plate to beam connection. If those bolts were
25 corroded and sheared off, then that would be a

1 different situation.

2 Q. And the beam up top that you're
3 referring to is the top photo in the left hand
4 corner, we see it's notched out to drop it in?

5 A. Correct.

6 Q. And then there's a flange up top?

7 A. Correct.

8 Q. And we see what looks like at least
9 two bolts?

10 A. It appears to be two bolts.

11 Q. We can see a full one and just a
12 portion of the one above it?

13 A. Correct.

14 Q. And we also see there's some rust
15 there as well?

16 A. Correct.

17 Q. And so again, if the building was
18 allowed to continue to leak, that rust could
19 increase and get at the bolts?

20 A. The deterioration could continue
21 over time, for sure.

22 Q. And that could be a significant
23 issue?

24 A. Sure.

25 Q. From a structural perspective?

1 A. Yes.

2 Q. Now, do you agree with me that
3 providing these photos to the owner or the
4 potential purchaser in this case would have been
5 helpful to them to see the condition?

6 A. Perhaps. I think we noted that it
7 was not of structural significance the
8 deterioration that was found. That's our opinion.
9 I think that's what's important. And we also
10 stated that the deterioration needed to be -- we
11 need to repair -- repairs are required to prevent
12 further water ingress to prevent further
13 deterioration.

14 Q. Now, you saw some beams on the
15 interior. You saw some beams on the exterior.
16 Were the beams on the interior worse or better
17 than the beams on the exterior? Sorry, exterior
18 versus interior, which were better or worse?

19 A. The exterior ones hadn't been
20 painted in some time so there was more rust
21 staining there. It looked to be about the same
22 condition.

23 Q. Okay. And in your opinion based on
24 what you saw while you were on site, which beams
25 would be more vulnerable in terms of rusting if

1 the water wasn't stopped? Would it be the
2 interior beams under the roof deck or the
3 walkways?

4 A. Well, they both would be suspect to
5 deterioration. The interior ones obviously had
6 had some chlorides in the winter time, as I
7 understand, so it would have more aggressive -- it
8 would be the more aggressive environment than the
9 walkway beams.

10 Q. All right. And if we can turn back
11 to your report which is Exhibit No. 66 page 34.

12 MS. AUTHIER: And, Ms. Kuka, if we could
13 actually move to second page which is 35?

14 BY MS. AUTHIER:

15 Q. And just that first paragraph. And
16 if I can take you to -- it's the second last
17 sentence of the first paragraph where you've noted
18 "Conditions existing but not recorded were not
19 apparent given the level of study undertaken."

20 Can you explain to me what that means?

21 THE COMMISSIONER: I'm sorry, which --
22 oh, I see it. Thank you.

23 THE WITNESS: Right. So if we didn't
24 see it, we couldn't record it because they were
25 not apparent.

1 BY MS. AUTHIER:

2 Q. Okay. So that was -- that was
3 simply you advising the reader that if you didn't
4 see it, it hasn't been recorded --

5 A. Right.

6 Q. But there could be something
7 further?

8 A. Correct.

9 Q. All right. And if we move down to
10 section 2.0, lower on the page. In the second
11 paragraph, you've indicated,

12 "We have had discussions with the
13 building maintenance staff who have
14 indicated that there is a layer of rigid
15 insulation below the concrete topping over
16 the precast concrete slabs."

17 Now, do you recall -- was this Mr. Snow?
18 So was it the individual showing you around the
19 mall who told you this?

20 A. Likely, yes.

21 Q. And did he indicate that he had
22 actually seen rigid insulation?

23 A. I don't recall.

24 Q. Okay.

25 A. Well, the last sentence there is a

1 maintenance staff noted that the rigid insulation
2 was not continuous, so they must have seen areas
3 where it was and was not present I suppose.

4 Q. But you don't recall any further
5 details than what's in this paragraph?

6 A. Correct.

7 Q. Okay. Did he indicate -- do you
8 recall at all if he indicated where he had seen
9 areas of --

10 A. No, I don't recall.

11 Q. Okay.

12 MS. AUTHIER: Ms. Kuka, if you could go
13 over to page 37, which is page 4 of the report.

14 BY MS. AUTHIER:

15 Q. The first paragraph. In the first
16 paragraph you've indicated,

17 "Should the further testing of the
18 parking structure indicate that there is
19 minimal risk of deterioration of the
20 structure due to chlorides in the slab,
21 then a more positive form of protection of
22 the slab should be considered."

23 What did you mean by that?

24 A. Well, I think there was -- the
25 contradiction in the drawings between the

1 structural and architectural to start that if
2 there was insulation below, we needed to
3 waterproof the slab from above. It wasn't
4 acceptable to continue with the sealing of it.
5 And if the chlorides were to a point that they
6 were -- we were concerned about the long-term
7 corrosion of the embedded reinforcing steel of the
8 prestressed strands of the precast slabs, then
9 we'd have to do concrete repairs and not only to
10 waterproof. So there would be a decision related
11 to the chloride contamination. If it was very
12 high, then we may recommend some concrete repairs
13 as well as waterproofing. But if they were at a
14 pint where we weren't concerned about the
15 corrosion activity, then waterproofing would be
16 adequate.

17 Q. Okay. And I just want to clarify
18 and I think you just indicated that the sealing
19 procedures weren't adequate and shouldn't
20 continue. Is that what you said?

21 A. No. If there was -- the sealing
22 would not -- the sealing of the joints would not
23 be something you'd want to do if there was
24 insulation sandwiched between the topping and
25 precast slabs.

1 Q. Right. And if there was no
2 insulation the sealing of the joints, did you feel
3 that that was a reasonable method of maintenance?

4 A. If it was maintained and managed
5 with professionals and prequalified contractors,
6 yes, and the concrete was bonded.

7 Q. Okay. So if it was done by a
8 contractors. What if it was done by the mall
9 maintenance staff?

10 A. Well, again, I think it needs to be
11 supervised by prequalified contractors and
12 applied. There's many things you need to consider
13 when you're doing these joints. We manage many
14 garages and it's -- it requires diligence and
15 intensity to do the joints. In terms of the
16 surface preparation, the preparation of the
17 concrete, the moisture content, the joint seal
18 itself, the joint depth and width, the recess, the
19 material property. There's lots of things to be
20 considered.

21 Q. And you actually didn't recommend in
22 your report that --

23 A. No.

24 Q. They continue with grouting and
25 sealing?

1 A. Correct. Because of the insulation.
2 It was based on the information I had in the
3 relatively short period of time I was involved,
4 not knowing where the insulation was, was, you
5 know, we had to waterproof from above at that
6 point.

7 Q. And if there was no insulation, was
8 it -- isn't it true that it was still your
9 recommendation that it be waterproofed with a
10 membrane?

11 A. Well, to be waterproofed and made
12 watertight to prevent further deterioration.

13 Q. And in your opinion in order to make
14 it watertight, was the membrane the only way to
15 go?

16 A. At that time based on the
17 information we had, yes.

18 Q. Okay.

19 MS. AUTHIER: And actually, Ms. Kuka, if
20 I can get you to turn to page 26 of Exhibit No 66.

21 BY MS. AUTHIER:

22 Q. We are back in the portion of the
23 report that was prepared by Nicholls Yallowega.
24 And on page 26 and then the second page, which
25 we'll get to in a moment, at the bottom they start

1 with "The recommendations of what could be done to
2 the parking structure." Is that correct?

3 A. Correct.

4 Q. And did you have any involvement in
5 preparing these options?

6 A. No. There is -- I think there is a
7 fax where I provided some unit rates, some cost
8 per square foot or per meter to Michael Luciw of
9 Nicholls Yallowega Belangér and from there he
10 prepared this.

11 Q. Okay. But in terms of the
12 recommendations, if we look at the first one which
13 is option A and it starts at the bottom of the
14 page, "Installation of new waterproofing membrane
15 over existing concrete topping c/w"?

16 A. Complete with.

17 Q. Complete with "...protection board
18 overlay and new 40 mm thick asphalt wear layer."
19 Was that in keeping with your recommendations?
20 Where did Mr. Luciw get this recommendation from?

21 A. Let me see if it outlines that
22 specifically in my report. Michael Luciw -- well,
23 architects are familiar with roofing systems in
24 parking garages as well, so he may have developed
25 that system, but we were either going to apply the

1 waterproofing to the top of the topping and then
2 apply asphalt or remove the concrete topping and
3 supposed insulation, apply the waterproofing
4 directly to the top of the precast, reinstate the
5 insulation and apply a concrete -- reinstate the
6 concrete topping. So in essence the two options
7 of what we talked about in our report.

8 Q. Okay. And actually if we turn the
9 next page, Ms. Kuka. We see that -- we actually
10 see that option B, which is the demolition and
11 removal of existing concrete topping and
12 insulation, application of new waterproofing
13 membrane, protection board overlay, insulation and
14 reinforced concrete topping?

15 A. That's right.

16 Q. So either way both options that were
17 being recommended included a waterproofing
18 membrane at that time?

19 A. Correct.

20 Q. All right.

21 MS. AUTHIER: And if we actually, Ms.
22 Kuka, if you can return to page 37.

23 BY MS. AUTHIER:

24 Q. In the first paragraph, we see, and
25 this is your report a rubberized membrane covered

1 with an asphalt wear coarse could be installed
2 above the concrete topping. The existing concrete
3 topping should be sounded and repaired prior to
4 applying the rubberized membrane. There is
5 potential for future concrete deterioration with
6 the existing concrete topping with this protection
7 system. Alternatively the existing concrete
8 topping and rigid insulation could be removed. A
9 rubberized membrane could then be applied directly
10 to the precast slabs with proper detailing at
11 joints. And then you go on from there with the
12 concrete topping.

13 So this was in keeping with what your
14 recommendations were?

15 A. Right.

16 Q. And either way it was put on a
17 membrane?

18 A. Yes.

19 Q. Now, in addition to making these
20 recommendations on waterproofing the rooftop
21 parking, you also made some recommendations for
22 further steps that needed to be done.

23 MS. AUTHIER: And, Ms. Kuka, if you can
24 turn to page 36, under the further studies.

25

1 BY MS. AUTHIER:

2 Q. And you'll agree with me that this
3 version of the report, which was attached to the
4 final NYB report was actually a further draft, the
5 first draft, did not have --

6 A. Correct.

7 Q. This section?

8 A. Or 2.2, that's correct.

9 Q. And so why -- what happened that led
10 you to change your report from having -- from not
11 including the further studies to developing this
12 section here on the further studies? How did that
13 come about?

14 A. Well, in the waterproofing
15 protection systems in 2.2, we talk about the
16 chlorides, the extent of the chlorides. So
17 knowing that would lead -- we need to know that in
18 order to determine if there was major concrete
19 repairs required or not. So in the further
20 studies, we talk about taking powder samples to
21 measure the chloride contamination and look at the
22 prestressing strands to see if there is
23 delamination because it basically was concealed at
24 the time of my visit with the insulation.

25 So in order to develop the two

1 waterproofing options and the costs, that -- those
2 -- the concrete sampling was required. And at the
3 same time, we would be able to confirm at least at
4 those locations if there was insulation present.

5 So we look at the concrete, the
6 chlorides in the precast slabs, we inspect the top
7 surface, we would look at the prestressing
8 strands, for the rigid -- assess the leakage along
9 expansion joints, sample the topping for chloride
10 contamination and then look at the steel, the
11 lateral restraint.

12 Q. And so in particular the last two
13 bullets, you've indicated inspect condition of the
14 supporting structural steel beam lateral restraint
15 connections to the precast slab. What was that in
16 reference to?

17 A. So with the hollow Coreslabs, the
18 beams are laterally restrained with either
19 weldable rebars that are welded to the top flange
20 and go into the grout joints every four feet. Or
21 common practice is to have a little tab welded to
22 the top of the beams where the precast slabs abut
23 to prevent the beam from rotating out when they
24 flex under load.

25 So look if we were looking a the

1 underside of the lateral restraint connections
2 from the precast slabs, we see the beams from
3 below. At that time we have access to the beam
4 connections as well.

5 Q. Okay. So I understand the lateral
6 restraints with the rebar welded underneath. You
7 made reference to tabs?

8 A. Yes.

9 Q. Can you expand on that a little
10 further?

11 A. So the beams would come to site with
12 a small plate that varies in size. Could be a two
13 inch by two inch plate by a quarter inch that's
14 welded and standing up on the beam, on the center
15 line of the beam spaced at four feet on center.
16 And the precast slab has to be dropped and abutted
17 and the other side, was dropped and abutted that
18 plate and grouted in place during the grouting
19 operations of the precast construction. And the
20 purpose of that tab, as mentioned, is to prevent
21 the beam from buckling under load. It restrains
22 it from buckling under load.

23 Q. And if those tabs had been used,
24 would -- during the installation process, would
25 they be welding anything to the tab or would there

1 just --

2 A. The beams would come to site with
3 the tabs prewelded to them.

4 Q. No. So once the beams come to site
5 and they're putting down the precast slabs, at
6 that point is there anything jutting out from the
7 slab that is being welded to this tab or they're
8 just --

9 A. No.

10 Q. Against it?

11 A. They abut it tight depending if the
12 slabs are too long or short, they have to get them
13 in there and then would have to grout it to make
14 it solid.

15 THE COMMISSIONER: Wouldn't that prevent
16 the slab structure operating as a unit?

17 THE WITNESS: Prevent it?

18 THE COMMISSIONER: Yes.

19 THE WITNESS: No. The grouting really
20 -- and they would have in some cases the -- the
21 straight bars, longitudinal bars at the grout
22 joints that would go over top of the beams to
23 provide some continuity. But essentially you are
24 trying to consolidate or make it homogeneous by
25 the grouting operations between the slabs that are

1 running parallel to each other and where they butt
2 each other.

3 BY MS. AUTHIER:

4 Q. And if those tabs had been used,
5 would you be able to see them from the underside
6 of the slab?

7 A. No.

8 Q. What about from the top side if
9 you're cutting -- let's say you're routing a joint
10 down, would you be able to see it?

11 A. Not likely because the joint is
12 likely grouted right to the top of the beam. So
13 if you're just taking out two inches or so for
14 sealant work to fix the joint, unless you remove
15 the grouted joint all the way down to the top of
16 the beam and it happened to be over top of a tab,
17 you wouldn't see it.

18 THE COMMISSIONER: They only go up about
19 a quarter inch so they are not very high.

20 THE WITNESS: The 8-inch slabs are not 8
21 inches. It is half an inch or an inch.

22 BY MS. AUTHIER:

23 Q. All right. Thank you. Okay, so
24 that -- that dealt with the second last bullet.
25 Now the last bullet, you indicate inspect

1 condition of beam and bracing connections. What
2 did you mean by that?

3 A. Well, the beam connections are some
4 of the beam connections that we've seen in the
5 photos and the bracing connections would be the
6 vertical braces that for the lateral stability of
7 the building to look at the their condition.

8 Q. Okay. And in order to inspect the
9 condition of the beam connections, which for lack
10 of a better description we're talking about where
11 the beam connects to the column, whether the face
12 of the column or over top, correct?

13 A. Correct.

14 Q. You would have to in some cases
15 remove some fireproofing?

16 A. Yes.

17 Q. To be able to see that?

18 A. Yes.

19 Q. And why were you recommending that
20 they inspect the condition of the connections?

21 A. Well, we're there to look at the
22 lateral restraint of the precast slabs. You know,
23 it made sense to see as much as we could.

24 Q. And if the connections weren't in a
25 good condition, how would that affect the

1 structure?

2 A. Well, we would have -- we would have
3 raised it if we were concerned about the condition
4 of the connections. It would have been raised as
5 a structural concern and require immediate repair.

6 Q. Okay. Now, you'll agree with me
7 that your report doesn't provide a warning to
8 Retirement Living with respect to if they don't do
9 anything to rectify the deficiencies?

10 A. Right.

11 Q. And why is that?

12 A. Well, it says both options are to
13 repair and to waterproof. So if you waterproof
14 and prevent further water leakage, you are
15 basically stopping the deterioration and they
16 wouldn't have continuing corrosion or
17 deterioration of the structural steel, so long as
18 a waterproofing system is applied.

19 Q. You will agree with me that
20 notwithstanding your recommendations which are
21 both repair, there are some -- there have been
22 instances that and perhaps you've had this
23 experience where you've provided those
24 recommendations and an order does not follow it?

25 A. Correct.

1 Q. Okay. And so given that that is a
2 possibility, do you agree that it would have been
3 prudent to include a warning that if you don't --
4 you need to do these repairs. But if you don't,
5 here's what could happen?

6 A. It still was not structurally
7 significant. It would have to be significant
8 leakage over a long period of time for it to be
9 concerning and warranted a statement like that.

10 Q. Okay. So in your opinion at the
11 time, the condition of the building didn't require
12 that?

13 A. Did not require that, no.

14 Q. All right.

15 MS. AUTHIER: Now, if I could -- Ms.
16 Kuka, if you could turn to page 38.

17 BY MS. AUTHIER:

18 Q. But before we get to that, in terms
19 of the further studies, did you have any -- did
20 you discuss these items, before amending your
21 report, with anyone?

22 A. I believe so because there are some
23 hand notes in the file that were almost verbatim
24 and list those items.

25 Q. Okay.

1 MS. AUTHIER: And actually, Ms. Kuka, if
2 you could turn to page 81 of Exhibit No. 66.

3 BY MS. AUTHIER:

4 Q. Now, are these your handwritten
5 notes?

6 A. Correct.

7 Q. And are these the notes that you
8 would have generated while developing the list of
9 further studies?

10 A. Correct.

11 Q. And did you have any conversations
12 with Mr. Luciw about these further studies?

13 A. I don't recall.

14 Q. Did you have any discussions with
15 Mr. Buckley?

16 A. I imagine, yes. I would not have
17 developed these on my own.

18 Q. Okay. And do you know if you would
19 have spoken to anyone else at Halsall with respect
20 to these further studies?

21 A. Maybe. I don't recall.

22 Q. Okay.

23 MS. AUTHIER: And, Ms. Kuka, if you
24 could just pull the page up a little bit so we can
25 get a better shot of the drawing, the sketch.

1 BY MS. AUTHIER:

2 Q. Now, what is this sketch? What does
3 this sketch represent? What are you showing here?

4 A. So that's basically those weldable
5 rebars that are extending from the top flange of
6 the beams into the grout joint and we'll inspect
7 lateral tie condition of beams to precast slabs,
8 what is the condition of those ties. And through
9 the inquiry there's been more joints prepared or
10 made available including the core slab joints that
11 show a tab on the top of those beams.

12 So there are fewer locations where that
13 exists. There are many locations where the beams
14 are abutting each other. And that case you would
15 have the tab.

16 We would have those lateral ties
17 generally where the beams are parallel to the
18 precast slabs.

19 Q. Okay. And these lateral ties, would
20 you be able to see them from the underside of the
21 precast?

22 A. Yes.

23 Q. Now, you would have to remove
24 insulation for that?

25 A. Yes, yes.

1 Q. Okay. Because there was batt
2 insulation?

3 A. Yes, there was batt insulation that
4 was loose around the beams. It wasn't secured
5 that tightly, so it wouldn't take that much to
6 pull it away to see the toes or tips of the
7 flanges.

8 Q. Okay. And in terms of being able to
9 see it from the top side, if you were to cut down
10 into the slab, would you be able to see those
11 connections?

12 A. You would be able to see that
13 horizontal leg that's in the grout joint. Depends
14 on how high that vertical and horizontal leg is,
15 but you would have to go deep into the grout joint
16 to actually hit horizontal leg that.

17 Q. Would you have to go all the way
18 down to the beam?

19 A. No. It should be mid-depth, plus or
20 minus of the precast slab, so four to six inches
21 down it should be there.

22 Q. Okay. So these are your notes from
23 when you were generating the list?

24 A. Correct.

25 MS. AUTHIER: And now, Ms. Kuka, if you

1 can turn back to page 38 of Exhibit No. 66, second
2 paragraph.

3 BY MS. AUTHIER:

4 Q. And I'm just going to ask you to
5 clarify for us what you mean in that second
6 paragraph where you're talking about,

7 "The parking deck was designed for a total
8 superimposed load of 120 psf. [pounds per
9 square foot]. The 2" concrete topping is
10 approximately 25 psf of this design
11 loading. Therefore the live load
12 allowance of the parking deck is 95 psf.
13 The application of the asphalt over the
14 existing concrete topping in the future
15 would reduce the live load allowance on
16 the parking deck by approximately 25 psf."
17 As an owner, who's not an engineer --

18 A. Right.

19 Q. -- what am I to take from this?

20 A. What it basically goes to is the
21 last paragraph, that you have to limit the live
22 loads on the roof structure to cars. You can't
23 have buses or fire trucks or dump trucks moving
24 across the roof. Because if you were to put the
25 asphalt wear coarse over top of the concrete

1 topping, you really reduce the live load to
2 whatever is left from, you know, just over
3 50-pounds a square foot.

4 Q. Okay. And this information of the
5 120-pounds per square foot, do you know where you
6 would have take that from?

7 A. That would have been from the
8 structural drawings.

9 Q. Okay. Did you contact Coreslab at
10 all --

11 A. No.

12 Q. During your review?

13 A. We wouldn't have known who provided
14 the precast slabs.

15 Q. Okay. And now if we actually go to
16 fourth paragraph, middle of the paragraph where it
17 starts,

18 "Furthermore, we understand that
19 heavy front-end loaders and dump trucks
20 are used for snow removal on the parking
21 deck in the winter months which exceed the
22 existing live load allowance."

23 Do you recall who would have provided
24 you with that information?

25 A. No.

1 Q. Okay. And the last paragraph, you
2 go on and you say,

3 "Unless the deck is reinforced, the
4 vehicles used for snow removal should be
5 limited to pick-up trucks with plows.
6 Signage should be posted indicating the
7 maximum weight of vehicles allowed onto
8 the parking structure."

9 Do you recall if while you were on the
10 roof deck if you went to the ramps at all?

11 A. I don't recall specifically.

12 Q. Would you have, when you got to the
13 mall, did you park on the roof deck?

14 A. I don't recall.

15 Q. Okay. And so you don't recall if
16 they already had barriers in place?

17 A. Right. I don't recall.

18 Q. Okay. Now, if in terms of this
19 recommendation that you were making in terms of
20 signage, should that -- should that signage have
21 been permanent? Could it be moveable?

22 A. It should be permanent as the height
23 restrictions in the final sentence, it should be
24 permanent.

25 Q. Okay. Now, when you prepared your

1 options for the waterproof and you indicated you
2 didn't speak to Coreslab. Other than taking the
3 indication from the drawings of the 120psf, did
4 you take any steps to determine whether or not the
5 precast slabs could actually hold the
6 waterproofing system that was being suggested?

7 A. No. No, we did not. We could only
8 assume that the structure was designed or
9 constructed as per the design.

10 Q. Okay. And we've spoken about this a
11 little bit already in terms of an option of
12 routing and sealing the joints as opposed to
13 applying a waterproof member. Given what you had
14 seen on the site, in your opinion, do you believe
15 an owner using its own maintenance staff without a
16 contractor would have been able to achieve a
17 watertight roof by simply routing and sealing the
18 joints?

19 A. No.

20 Q. And why is that?

21 A. As I mentioned earlier, the design
22 and preparation of the documents is important to
23 understand the site conditions. And then
24 understand the materials. From there, you need to
25 have a plan in place on how you're going to

1 implement it. And typically with these types of
2 structures, it's cyclical. Every three to five
3 years, you're going back to the joints that you
4 did and renewing them. So you need a program
5 that's well documented and that you follow so it's
6 -- you're continuously renewing joints. And then
7 through construction, the supervision to ensure,
8 as mentioned earlier, the workmanship and the
9 conditions that the ambient air temperature, the
10 moisture conditions, how it's being applied, the
11 material, is the air warm enough or cold enough,
12 those sort of things.

13 Q. So you need someone there to do
14 quality control?

15 A. Absolutely, yes.

16 Q. And is it fair to say that a
17 detailed specification would have had to have been
18 developed?

19 A. Correct.

20 Q. That essentially set out
21 step-by-step the work that needed to be done?

22 A. Correct. And the materials and
23 requirements. Right.

24 Q. Okay.

25 MS. AUTHIER: Ms. Kuka, if you could

1 turn to page 47 of Exhibit No. 66. And starting
2 at the top of the page, if you could just pull it
3 up a bit so we can see the entire section that
4 says observations and ceiling space. Thank you.

5 BY MS. AUTHIER:

6 Q. Now, Mr. Celli, are these your
7 notes?

8 A. Correct, yes, they are.

9 Q. And are these notes that you would
10 have taken while performing your inspection?

11 A. Yes.

12 Q. And at what point would you have
13 written these down?

14 A. Well, the date is on the top, it's
15 the day of the visit. So I was -- I would have
16 made these observations and these notes on that
17 day.

18 Q. Okay. But did you make them as you
19 were making your observations or did you do it
20 after the fact?

21 A. I would have either did them while I
22 was at each location or summarized them. I
23 imagine them I did them at each location as I
24 typically did.

25 Q. Okay. And if we just start with

1 location one. And if you could read it for us?

2 A. Sure. So it says,

3 "Girders-spray fireproofed and foil
4 insulation wrapped.

5 - where leakage, fireproofing off.

6 Purlins - foil insulation was wrapped."

7 I'm assuming around it and on the precast slabs.

8 "Purlins and precast slabs foil insulation
9 wrapped." Those purlins would be the smaller in
10 that one photo. The insulation would have been
11 wrapped around it and to the underside of the
12 precast slabs.

13 Q. Okay. And so in this location,
14 would you have been able to see the surface of the
15 girders or the purlins?

16 A. For the beams, no, because of the
17 spray fireproofing that was in place.

18 Q. And you didn't remove it?

19 A. No.

20 Q. Was that -- why not?

21 A. I -- first of all, I would not have
22 been able to reach it, it was too high.

23 Q. And was that part of your scope at
24 that time?

25 A. No.

1 Q. Now, location number two, what did
2 you observe?

3 A. So no fireproofing on steel beam,
4 the foil insulation on the underside of the
5 precast slabs. The wire mesh secures insulation
6 to underside of slab. General corrosion of
7 girders, top and bottom flange, connections and
8 plates.

9 Q. Okay. So here at location two,
10 you're indicating there is some corrosion on the
11 connections?

12 A. On all of the steel. The corrosion
13 of the girders, the plates, the connections, yes.
14 All of the steel had general corrosion.

15 Q. But you will agree with me that your
16 report doesn't speak to corrosion on the
17 connections. You speak to corrosion in general?

18 A. Yes, just general corrosion of the
19 steel, correct.

20 Q. But for a non-engineer owner, they
21 wouldn't necessarily associate a general statement
22 of corrosion to also include the connections, do
23 you agree?

24 A. I agree, yeah, agreed.

25 Q. Okay. And location number three.

1 A. No fireproofing on beams, steel
2 beams, in good condition, minor corrosion.

3 Q. Okay. And so your observations of
4 corrosion, those were visual?

5 A. Correct.

6 Q. You didn't do any scrape tests?

7 A. Correct.

8 Q. And if we can just bring the page up
9 so that we can see the bottom a little more. Now,
10 if you go to your fourth bullet where it starts,
11 "Canopy roof and walkway below"?

12 A. Right.

13 Q. Now, you've made a notation I
14 believe that says, camber still in precast slabs
15 with an exclamation point?

16 A. Yes.

17 Q. Why that notation?

18 A. At that time, I don't know why I
19 would have put an exclamation mark there because
20 that's pretty standard for precast slabs to show
21 up to site with cambers in them. That's the
22 nature of how they're fabricated.

23 Q. Okay. So here you're indicating
24 that the camber was in the precast slabs in the
25 walkway.

1 A. Yes.

2 Q. Now, what about the camber in the
3 preslabs on the roof deck?

4 A. I wouldn't be able to tell if it was
5 there or not. They probably would have varied in
6 thickness, length.

7 Q. And if there was camber still in
8 those slabs of the roof deck, with water leaking
9 through slabs what effect would the camber have
10 had on the direction that the water would flow as
11 it entered the building? Where would it direct
12 the water?

13 A. Well, directly over top of the
14 precast slabs, if the topping is -- is basically
15 solid and bonded to the top of the precast slabs,
16 then no water -- doesn't have the opportunity to
17 flow over the cambered surface of the precast slab
18 and go to the low points which would be the steel
19 beams. But at the grouted joints where the joint
20 seals are, where the caulking is, I imagine it
21 could find its way down and over to the low points
22 which would be the beams.

23 Q. Okay. And would that include the
24 connections as well?

25 A. If there is enough water to find its

1 way through all that maze and it could, yes.

2 Q. But water has a tendency to do that?

3 A. It could, yes, absolutely.

4 Q. All right. After you completed your
5 -- sorry, I just wanted to see. After you
6 completed your 1998 report, did you have any
7 further involvement with the Algo Mall?

8 A. Just up to, I guess, it was the
9 spring where I was helping Mr. Truman prepare for
10 his visit back to site for the further studies
11 where I sourced some contractors who would be able
12 to help him with his exploratory openings.

13 Q. Okay. And in terms of helping Mr.
14 Truman prepare, did you review anything with him
15 other than sourcing some contractors?

16 A. I don't think so. I don't recall,
17 but I don't think so.

18 Q. You didn't discuss your '98 report?

19 A. I imagine he reviewed it, but I
20 don't specifically recall talking about the
21 contents of it.

22 Q. You don't recall reviewing the
23 further studies section with him?

24 A. No.

25 Q. And is that what he would have been

1 doing is the further studies section?

2 A. Correct.

3 Q. So he was being sent down there to
4 deal with those items that you raised?

5 A. Correct.

6 Q. And if we actually --

7 MS. AUTHIER: Ms. Kuka, if you could
8 turn to Exhibit No. 741.

9 BY MS. AUTHIER:

10 Q. Mr. Celli, it's tab 2 in your brief.
11 And this is a letter from Mr. Buckley who was your
12 -- who is the senior principal at Halsall and it's
13 addressed to Mr. Blaine Nicholls who is an
14 architect with Nicholls Yallowega Belangér,
15 correct?

16 A. Correct.

17 Q. And we see there are six bullet
18 points. And do you agree with me, sir, that these
19 are identical to the further studies that were in
20 your report?

21 A. Correct.

22 Q. Had you seen a copy of this letter
23 at the time?

24 A. I don't recall.

25 Q. Okay. And did you have any

1 discussions with Mr. Buckley at the time that he
2 was sending out this letter?

3 A. I don't recall.

4 Q. Now, you indicated that Mr. Truman
5 did the 1999 report. Why Mr. Truman as opposed to
6 yourself given the fact that you had already been
7 there?

8 A. Well, I was getting ready to move to
9 Sudbury in June of 1999 and Mr. Truman was from
10 Elliot Lake. So it was an opportunity for him to
11 come back home and see his family. That's I'm
12 pretty sure is why we made that decision.

13 Q. Okay. And prior to your moving to
14 Sudbury, did you and Mr. Truman work in the same
15 office?

16 A. Yes, for a short period of time.

17 Q. So you would have been able to
18 discuss things?

19 A. Oh, absolutely, yes.

20 Q. But today you don't recall?

21 A. No, don't remember the specifics,
22 but we would have likely talked about this I
23 imagine before he went.

24 Q. All right. Ms. Kuka, if you could
25 go back to Exhibit No. 66, page 70. So tab 1 of

1 your brief, Mr. Celli. Are these your notes?

2 A. No. Those -- those look like Mr.
3 Truman's notes.

4 Q. So as far as you know, those are
5 Jeff Truman's notes?

6 A. Correct.

7 Q. And he potentially would have made
8 those during his review of the site?

9 A. Looks like it, yes. Specific
10 conditions of the site.

11 Q. Okay. And I just want to take you
12 to the third bullet where it says, "section loss
13 of structural steel". If you had found that there
14 was a loss of section in the steel, is that
15 something that you would have reported, included
16 in your report?

17 A. Yes. And if it was significant, we
18 would have, you know, made a strong point about it
19 and raised it for sure. Yes.

20 Q. Because am I correct in stating that
21 a loss of section could have some consequences in
22 terms of structural integrity?

23 A. Depends on how much has been lost.
24 If it's a millimeter or 10 mm it makes a
25 difference, yes.

1 Q. All right. Now, I know that you
2 took some photos and we have looked at some of
3 them, and two of them. I'm going to take you to a
4 couple more.

5 Ms. Kuka, if you could turn to page 112
6 of Exhibit No. 66 -- sorry, page 113. And if you
7 could just turn the photo so the top photo --
8 there we go. Thank you.

9 Now, this is a photo that was taken by
10 yourself?

11 A. Yes.

12 Q. You can see the date there of
13 September 17th, 1998?

14 A. Correct.

15 Q. And how would you characterize that
16 rusting on the beam?

17 A. It's minor surface rusting.

18 Q. Okay. Now, would you agree, and
19 maybe you can explain it to me. It looks to me
20 when you come from the top left corner and you
21 come down a little bit, you see some white and
22 what looks like peeling. Would that not be
23 flaking of rust?

24 A. Could be just the salt from the --
25 salt penetrating through the slab. Salt laden

1 water leaves efflorescence as see there.

2 Q. Okay. But you didn't scrape this
3 beam at all?

4 A. No, would not be able to reach it.
5 It was beyond arm's length.

6 Q. So other than a visual to determine
7 what you characterize as minor surface rust, you
8 did nothing further?

9 A. Which was the intent of the whole
10 scope of investigation at the time. Visual
11 observations.

12 MS. AUTHIER: Ms. Kuka, if you could
13 turn to page 124.

14 BY MS. AUTHIER:

15 Q. And again this is a photograph that
16 you took?

17 A. Yes.

18 Q. And is this an exterior beam?

19 A. It appears to be a walkway beam
20 because it's painted blue.

21 Q. And how would you characterize that
22 rusting?

23 A. There you have some flaking, like
24 basic delamination of some steel of the top
25 flange, on the underside of the top flange. So

1 there is some not just rusting there. There we're
2 seeing actual flaking of some steel, but it's hard
3 to tell from here. But it's a millimeter or so.
4 It's not significant enough. You haven't lost
5 half the section or a quarter of the section where
6 you'd be concerned.

7 Q. But that's all based on visual. You
8 didn't take any measurements?

9 A. That's correct.

10 MS. AUTHIER: Ms. Kuka, if I could get
11 you to turn to Exhibit No. 121 and specifically
12 page 99.

13 BY MS. AUTHIER:

14 Q. We already did this one. So you
15 have indicated to us that your inspection in 1998
16 was visual. Why wasn't it more in depth at that
17 time?

18 A. The purpose was for a prepurchase
19 due diligence. To provide a report to Nicholls
20 Yallowega who combined the reports with all of the
21 sub-consultants to look at the current conditions
22 and major capital repairs that should be
23 considered if an owner or if a purchaser's
24 interested in buying the building. It wasn't a
25 detailed condition evaluation. It was visual and

1 as spelled out earlier in it it talks about doing
2 the visual and if we see things that require
3 further evaluation, we recommend it. And we
4 recommended further studies.

5 Q. And I appreciate that you didn't
6 draft the '99 report, but did you review it at any
7 time?

8 A. Not until it was provided me as part
9 of this inquiry.

10 Q. And I take it that you and Mr.
11 Truman didn't have any discussions following his
12 inspection at the Algo Mall?

13 A. Not that I can recall, no.

14 Q. Okay. And in terms of the
15 recommendations that you made for further studies,
16 what would have been Mr. Truman's focus? What
17 should have been his focus during the inspection,
18 as far as you're concerned?

19 A. Doing all of the things that were
20 outlined between taking concrete samples for
21 chlorides. He's going to be -- from the underside
22 of the structure, he'll be looking at the ties of
23 the precast slabs, the steel. At the same time,
24 he can look at the beam connections. So
25 everything that was spelled out. Basically I

1 would expect him to go through that list and
2 review it.

3 Q. And if he was looking at the beam
4 connections, would you expect some sort of
5 reference in the report to those connections?

6 A. It's hard to say. If the condition
7 is good, we don't necessarily report on things
8 that are good. If the steel's -- we may talk
9 about the steel in generality and that of general
10 corrosion, but we don't specifically talk about
11 the good conditions. We talk about the conditions
12 that need to be -- that require repair.

13 Q. But again, an owner isn't going to
14 necessarily understand that a general statement
15 regarding steel that includes the connections?

16 A. Agreed.

17 Q. And so perhaps there should have
18 been some reference to connections in the report?

19 A. For clarity, sure.

20 Q. And you've -- I know that you didn't
21 review it at the time, but you've since reviewed
22 that report?

23 A. Yes.

24 Q. And do you recall seeing any
25 reference to connections in his written report?

1 A. I don't think so, no.

2 Q. Okay.

3 MS. AUTHIER: Commissioner, if we could
4 take just a five-minute break so I could review my
5 notes, but otherwise I do believe that I'm
6 finished.

7 THE COMMISSIONER: Thank you. You are
8 Mr. Storms, is that correct?

9 MR. STORM: That's right.

10 THE COMMISSIONER: And you represent
11 Mr. Celli?

12 MR. STORM: Indeed, yes.

13 --- Break taken at 10:05 a.m.

14 --- Upon resuming 10:10 a.m.

15 MS. AUTHIER: Mr. Commissioner, I just
16 have two more questions for Mr. Celli.

17 BY MS. AUTHIER:

18 Q. Mr. Celli, we have talked about the
19 prepurchase inspection that you did. Are there
20 different -- can you define what a prepurchase
21 inspection would be versus another type of
22 condition inspection that Halsall would
23 potentially do?

24 A. Sure. So a prepurchase or called
25 due diligence you have a really a short period of

1 time, usually weeks, where a potential buyer would
2 come to you and ask your opinion about the general
3 condition of a building and some of the major
4 capital, like the big picture, the big items that
5 they should consider in order to go back and
6 negotiate with a potential vendor.

7 So it would be pretty much like what we
8 had on this project. A day on site to capture the
9 conditions and come up with some capital costs
10 that we'd propose back to the purchaser. Then you
11 get into a condition evaluation which could
12 depends on the terms of what the client is looking
13 for. They may look for, you know, 5-year or
14 10-year, or 30-year type of plan. And that would
15 require, depending on the length of the period of
16 how far they want to look down the road on the
17 condition of the building, you would basically
18 scale the amount of inspection or investigation
19 can and review that. You would do and the amount
20 of exploratory physical openings that you would
21 do. If it was short term, maybe something similar
22 like this if it's a five-year horizon, it's
23 something like this with some openings.

24 But a longer term plan you need to know
25 where the building is in terms of its life. It if

1 it's 15 years old or 50 years old or 5 years old.
2 Because there is at some point renewal. Like for
3 a roof of a building, you fix it through its life
4 and at some point it reaches the life expectancy
5 where you need to renew it in totality. So
6 whether it's 25 years or 30 years.

7 So all of those factors come into play
8 from the prepurchase which is like a very high,
9 like a 50,000-foot view, to a component evaluation
10 where you are specifically looking at the parking
11 deck and you would get right into all the details
12 about the parking deck versus a building condition
13 or a prepurchase inspection.

14 Q. And you just referenced renewal. Do
15 I take that to mean that at some point the roof of
16 the Algo Mall would have needed to be redone? And
17 to what extent?

18 A. With the sealant joints, you can --
19 it's the same with windows. But for the sealant
20 joints, you would renew them and continuously
21 renew them as well as repair the concrete topping.
22 But at some point whether it's 30 years or 40
23 years down the line that you may decide that it's
24 time to renew it. You may put something back like
25 concrete topping with sealant joints, but at some

1 point you would renew the asset or that component.

2 Q. So if I understand you correctly, at
3 some point the entire thing would need to be
4 stripped and started over in terms of the concrete
5 --

6 A. Potentially, depends on how --
7 depends what was the program and the maintenance
8 that was in place. It could be a potential, yes.

9 Q. Okay. And so the inspection you did
10 in 1998 was the 50,000-foot view.

11 A. Right.

12 Q. How would you qualify the 1999
13 inspection that was done?

14 A. It was still the same. I think
15 there was -- we needed some clarity around the
16 cost, around the concrete repairs, because that
17 could be quite a large item, hence the looking at
18 the chlorides in the concrete.

19 So it was just to be, you know, provide
20 more certainty around the costs because there was
21 a significant amount of costs. Both options one
22 and two in the 1998 report and were those enough
23 perhaps if there was widespread chloride
24 contamination and concrete deterioration
25 potentially, then those numbers would not be

1 accurate, they would not be conservative. And so
2 that would be just if you look at the 1998 report
3 and the numbers provided to make sure they made
4 sense to the client.

5 Q. Okay. And I just have one last
6 question. Given your experience, would you say
7 that connections are more vulnerable to rusting
8 and deterioration than the other elements,
9 components of a beam, flanges and webs?

10 A. I don't think so. I think it's all
11 in the same environment. There are so many
12 factors. If the steel is sloped or not sloped.
13 There's many factors.

14 Q. Thank you, those are all my
15 questions.

16 THE COMMISSIONER: Thank you. Mr.
17 Storms, is there any further evidence that you
18 wish to adduce in chief?

19 Mr. Storm: No.

20 THE COMMISSIONER: Thank you.
21 Cross-examination.

22 MS. CARR: Good morning, Mr.
23 Commissioner, Mr. Celli. My name's Alexandra Carr
24 and I am one of the lawyers representing two of
25 the community groups in the -- that are

1 participating in this inquiry.

2 CROSS-EXAMINATION BY MS. CARR:

3 Q. You had indicated earlier and we had
4 talked that Nicholls Yallowega Belangér was hired
5 to provide a building condition assessment and you
6 were subcontracted by them to provide a review of
7 the structural condition of the building focusing
8 on the parking deck. And I'd like to take you to
9 your review, which is Exhibit No. 66, I think tab
10 1 of your book starting on page 34.

11 Actually can we go to page 35, which is
12 section 2 of your report?

13 And as we understood that you didn't
14 spend a long time at the mall that day, but that
15 you did note some conditions that caused you the
16 some concern, is that fair?

17 A. Well, not concern, just we
18 identified the conditions and then what the
19 recommendations were for repair.

20 Q. Okay. And so if we could start on
21 the third paragraph in section 2 there. You say,
22 "From the underside of the parking deck, we
23 observed some corrosion of the structural steel
24 beams and columns, indicating past leaking of the
25 deck."?

1 A. Correct.

2 Q. And that is an accurate
3 representation of what you had seen?

4 A. Correct.

5 Q. And then if we could turn the page,
6 the first paragraph there, and we can see it says,

7 "We understand that the parking deck
8 is being sanded during the winter months.
9 However, there is evidence of salt
10 contamination where the snow is stockpiled
11 off the parking deck."

12 So you had noticed some salt
13 contamination, is that fair?

14 A. Correct, yes.

15 Q. And then if we could -- sorry, in
16 the same paragraph you end by saying, "It is our
17 opinion that there may be chloride contamination
18 in the precast parking deck slabs."

19 A. Correct.

20 Q. And if we could skip a paragraph
21 now. And in this paragraph it says,

22 "At this time we cannot render an
23 opinion as to what the true state of the
24 deck is, nor what long term costs could be
25 expected. However, given the age of the

1 structure, deterioration of the concrete
2 slabs may begin to occur now or in the
3 near future. This could result in
4 significant maintenance costs for the
5 remainder of the building life."

6 Is that fair?

7 A. Correct.

8 Q. And then you end that section by
9 saying. "There was no evidence of structural
10 distress or excessive deterioration of the
11 structural steel framing observed at the time of
12 the review."

13 And I wanted to ask you a couple of
14 questions about that last sentence. When you say
15 structural distress, what does that mean? What
16 would you see if you saw structural distress?
17 Would you actually see bending of the steel?

18 A. Correct. The deflecting of the
19 beams. Maybe some columns out of plumb. Some
20 stiffeners that are not in place or are warped.
21 Maybe some distortion in some of the connections.
22 Loss of section would be the biggest indicator for
23 corrosion in this case that you would see flaking
24 of the -- delaminating of the steel. We didn't
25 see that.

1 Q. Okay, that helps. And then you --
2 when you say excessive deterioration, does
3 deterioration include something other than
4 corrosion or are those equivalent terms?

5 A. That's -- deterioration -- the
6 deterioration of the steel would be the result of
7 corrosion in this case.

8 Q. So you had observed some corrosion,
9 but at this point it wasn't excessive, is that
10 fair?

11 A. That's right.

12 Q. Okay. And if we could then turn to
13 -- or just scroll a little bit further down the
14 page to further studies of section 2.1. So we've
15 talked about the fact that you had recommended
16 that further studies be done. And you write there
17 in the second sentence of that first paragraph "A
18 work plan for repair and associated costs could be
19 established once the conditions of the steel
20 structure and precast slabs are determined."

21 A. Correct.

22 Q. So correct me if I'm wrong, but what
23 you're saying in that paragraph is that we haven't
24 determined the true condition of the steel
25 structure at this point, but once we do, we'll

1 figure out a work plan. And then you're
2 suggesting some repairs -- some further studies,
3 sorry.

4 A. Right.

5 Q. That you suggest should be done, is
6 that fair?

7 A. Well, I think it ties back to the
8 top of the page about the condition of the
9 concrete and a lot of these things tie back to
10 knowing what the extent of chloride contamination
11 is. So that work plan is relative -- that has a
12 pretty big impact if we're doing major repairs to
13 the precast slabs or not. And at the same time
14 see more of the steel basically.

15 Q. Right, but you're also suggesting
16 that there be an inspection done of the steel
17 beams and the connections, so you're not -- you
18 don't suggest that you should just look at the --

19 A. That's correct.

20 Q. At the parking slabs, right?

21 A. Correct.

22 Q. And would you agree with me that an
23 inspection of the connections of the steel is
24 critical to an inspection of the -- to a
25 determination of the condition of the structure of

1 the building?

2 A. General condition of all the steel,
3 yeah, the connections, the brace, the columns, the
4 beams, correct.

5 Q. Thank you. If we can turn back now
6 to section 1.4 which is the limitation section of
7 this building -- of this report. It's on the
8 first page, page 34.

9 I'm going to read this limitation
10 section. It says,

11 "This report is intended solely for
12 the Client named. The material in it
13 reflects our best judgment in light of the
14 information reviewed by Halsall at the
15 time of preparation. Unless otherwise
16 agreed in writing by Halsall, it shall not
17 be used to express or imply warranties as
18 to the fitness of the property for a
19 particular purpose. This report is not a
20 certification of compliance with past or
21 present regulations. No portion of this
22 report may be used as a separate entity,
23 it is written to be read in its entirety.
24 Any use which a third party makes of this
25 report, or any reliance on our decisions

1 to be made based on it, are the
2 responsibility of such third parties."

3 Is this a standard term that's included
4 in most -- or all Halsall opinions?

5 A. Evaluation reports, correct.

6 Q. And do you have any idea why such a
7 term would be included?

8 A. Well, if we're not involved if
9 someone were to take this report and try to apply
10 it without our involvement, then how do we know
11 that they are implementing -- it's not our
12 responsibility to monitor to ensure that they are
13 following the report. So they have to advise us
14 or engage us or another professional who would
15 advise us they read the report and they are going
16 to follow option one and this is the plan.

17 Q. Okay. And would it also be fair to
18 say that it's included so that anyone that's
19 relying or making any determinations -- relying or
20 making any decisions based on the determinations
21 in this report would have an accurate view of all
22 of the conclusions with their qualifications and
23 all of the qualifications in the report?

24 A. Sure, but they're doing it without
25 our involvement so that's the responsibility on

1 it. If they take the report and try to apply it
2 without our involvement, that's their decision.

3 Q. And to your knowledge, Mr. Celli,
4 did Halsall ever agree in writing that this report
5 could be used to express or imply warranties as to
6 the fitness of the mall?

7 A. Repeat that question again.

8 Q. Did -- to your knowledge, did
9 Halsall ever agree in writing that this report
10 could be used to express or imply warranties as to
11 the fitness of the mall?

12 A. No.

13 Q. Thank you. Mr. Celli, have you read
14 the Nicholls Yallowega Belangér report?

15 A. Not until I received it as part of
16 the inquiry.

17 Q. Okay. I'm going to take you through
18 a few sections of the report. If we could start
19 at page 12 of the same exhibit.

20 I'm just going to focus on the last
21 paragraph there. It says,

22 "A more detailed review of the
23 parking deck structure is provided in
24 Appendix 'A'. Note there are concerns and
25 recommendations expressed by the

1 structural consultant regarding the
2 structural integrity of the concrete
3 slabs."

4 You would be the structural consultant
5 in this case for Halsall?

6 A. Correct.

7 Q. "Recommendations are provided for
8 conducting additional inspection and
9 testing to accurately assess the extent of
10 any deterioration. The result of this
11 additional inspection and testing may have
12 significant costs implications if the
13 structural integrity of the slabs has been
14 ..."

15 And then if we could turn over to the next page.

16 "...affected. Concerns and restrictions
17 regarding the live loads and structural
18 capacities are also indicated."

19 A. Right.

20 Q. Is that an accurate depiction of
21 what your report had to say?

22 A. I wouldn't say concerns, but we
23 recommend additional testing and it was about the
24 integrity of the concrete slabs that was
25 referenced a couple of times in that paragraph.

1 Q. Okay, thank you. And if we could
2 then turn to page 31. Again the last paragraph
3 please, Ms. Kuka. And the second sentence there
4 says,

5 "At this time we are unable to
6 provide an evaluation of the condition of
7 the precast slabs and any potential repair
8 costs until further inspection and testing
9 procedures are carried out."

10 And then the last sentence there. "We
11 recommend that this additional work be conducted
12 in order to more accurately assess the condition
13 of the existing structure."

14 A. Correct.

15 Q. And my understanding of that part of
16 the conclusion is that Nicholls Yallowega Belangér
17 is saying, based on the report that you've done,
18 they are recommending further testing?

19 A. Right.

20 Q. Because they can't give an accurate
21 opinion on the structure at this point?

22 A. Well, this was specific to the
23 concrete slabs whether they were chloride
24 contaminated. Again if they are and the
25 deterioration has progressed because it's

1 concealed, that would have a significant impact on
2 the cost of repair of either option one or two.

3 Q. Okay, thank you. And to be clear,
4 anyone reading the Nicholls Yallowega Belangér
5 report wouldn't have to rely on any conclusions
6 made by Nicholls Yallowega because your report is
7 actually appended to their report?

8 A. Right.

9 Q. So they could go through appendix A
10 and read your report?

11 A. Correct.

12 Q. And I don't think this is in your
13 book?

14 MS. CARR: But Ms. Kuka, if we could
15 turn to Exhibit No. 3276 please.

16 BY MS. CARR:

17 Q. And you can see in the first
18 paragraph there it says, a description of the
19 building condition, this document's a description
20 of the building condition assessment that was done
21 on the Algo Centre Mall in 1998 by Nicholls
22 Yallowega and Belangér. So it looks like that
23 would have been based on the Nicholls Yallowega
24 report in which your report was appended. Is that
25 -- I won't ask you to confirm because you -- have

1 you seen this?

2 A. I have never seen this.

3 Q. You have never seen this document,
4 okay, thank you. I'm just going to take you to
5 the third paragraph here that starts with the
6 initial inspection and it says "The initial
7 inspection indicates that the building is
8 structurally sound, including the parking deck,
9 and has been well maintained."

10 A. I have never seen this. I don't
11 know who wrote that.

12 Q. Okay. And have you -- if you want
13 to take a second to review the document, there's
14 no further description in this document that deals
15 with the structural -- the structure of the
16 parking deck, is that right? You can take a
17 second to review it.

18 A. Just in that one sentence I see
19 reference to the parking deck, but --

20 Q. And does that sentence, is that an
21 accurate description of your 1998 report on the
22 structural condition of the building?

23 A. We didn't see anything that was
24 structurally significant, so I agree with that.
25 But the balance of it, including the park deck,

1 has been well maintained, that I don't know. At
2 that time in 1998.

3 Q. You didn't know because you were
4 recommending further testing. You weren't giving
5 a final opinion on the condition of the building?

6 A. Yeah. The statement of being well
7 maintained, I didn't know that. No one told me it
8 was well maintained or not well maintained. We
9 saw the condition, it wasn't structurally
10 significant. Repairs were required at that time
11 to the parking deck. As well as additional
12 evaluation for the -- to confirm the costs
13 associated with it and if it would change in the
14 recommendations, but it need to be repaired.

15 Q. And you were also recommending that
16 further testing be done on the steel?

17 A. Yeah. I don't know when this was --
18 was this written after the 1998 report or after
19 the 1999 report?

20 Q. Well, it refers to the 1998, in the
21 first paragraph there?

22 A. Right. So --

23 THE COMMISSIONER: The question is I
24 suppose, sir, this was written by someone else.

25 THE WITNESS: Yes, I don't know who

1 wrote this.

2 THE COMMISSIONER: There is no intention
3 to attribute this to you, but it appears to be
4 someone's impression of your report. And in that
5 respect that paragraph is someone else's opinion
6 of what the report says.

7 THE WITNESS: Correct.

8 THE COMMISSIONER: Do you find that to
9 be an accurate representation of what the report
10 says?

11 THE WITNESS: Well, it's structurally
12 sound and if it was waterproofed, then it would
13 be -- the deterioration wouldn't be an issue going
14 forward and it would maintain its structural
15 integrity so I guess, yeah.

16 THE COMMISSIONER: Is it complete or is
17 it incomplete?

18 THE WITNESS: Well, the comment about
19 well maintained that wouldn't have been from us.
20 I'm not sure where that statement comes from.
21 Maybe that's Nicholls Yallowega Belangér. Maybe
22 that's part of their report, but I don't think
23 that's in our report.

24 BY MS. CARR:

25 Q. Were you in a position -- you had

1 indicated earlier that you hadn't done any
2 scraping of the beams or the steel.

3 A. Right.

4 Q. Were you in a position to give a
5 final opinion on whether or not the building was
6 structurally sound after your inspection?

7 A. At that time, we had no concern.
8 And if it was waterproofed, we still would have no
9 concern.

10 Q. Okay. Thank you, those are my
11 questions.

12 THE COMMISSIONER: Thank you. Mr.
13 Kearns you're next.

14 CROSS-EXAMINATION BY MR. KEARNS:

15 Q. Good morning, Mr. Celli. My name's
16 Doug Kearns and I'm a lawyer for Retirement Living
17 who was the client of Nicholls Yallowega Belangér
18 that you were working for.

19 We talked a little bit about what
20 information you had available to you when you --
21 when you did your report in '98. Did you have a
22 complete set of the structural drawings?

23 A. I can't recall. We'd have to go to
24 the transmittals that listed on them, but I don't
25 recall.

1 Q. Did you have any engineering reports
2 with respect to any work that Algoma had done on
3 the property?

4 A. No, sir.

5 Q. When you walked the property, and I
6 presume that you did that during your time there,
7 it would have been -- you would have seen I think
8 bore holes on the roof which would have indicated
9 that at least somebody had been looking at this
10 parking deck before, is that correct?

11 A. There were more -- there was
12 concrete patches where concrete has been removed
13 over top of some of the joints. The core holes
14 themselves would be -- I guess you can see them,
15 but they weren't obvious to me at the time.

16 Q. Okay. So you didn't see any core
17 holes?

18 A. No, sir.

19 Q. If you had of you would have
20 probably assumed, well, you know, it's likely an
21 engineer looked at this before because core holes
22 are normally done for structural engineering
23 reports. Would you agree with that?

24 A. Perhaps, but, yeah, or maybe wanting
25 to put the drain in and put the core hole in the

1 wrong location.

2 Q. But if you find a number of them in
3 a visual observation, you are going to say
4 somebody else looked at this. And if you came to
5 the conclusion someone else had looked at it, you
6 would want to make sure, if you could, to have a
7 look at those reports, wouldn't you agree?

8 A. Yes.

9 Q. You never asked, certainly
10 Retirement Living, to produce for you any
11 engineering reports that Algoma might have had, is
12 that correct?

13 A. We had no direct conversations with
14 Retirement Living.

15 Q. Right. This was -- at least your
16 observation, we're talking about well maintained
17 and stuff. But your initial report was this
18 building was structurally sound, wasn't it?

19 A. Correct.

20 Q. And in terms of well maintained,
21 when you walked the deck and you saw the state of
22 the top of the parking deck, it wasn't in a
23 deteriorated form, was it? It hadn't been left in
24 disrepair. People were working on it. I mean,
25 well maintained seems to me to suggest that people

1 were working on it and doing their best to keep on
2 top of it. Did that appear to be what was
3 happening?

4 A. That's a fair statement, yes.

5 Q. Now, one of the options that you
6 could have recommended would have been to continue
7 to do what you're doing. And we know that that's
8 what to some extent what Mr. Truman recommended.
9 And we know that some extent that's what Trow
10 recommended in their second of their two reports.

11 Why didn't you recommend that as a way
12 for the problems with the parking deck to be
13 addressed?

14 A. Well, if the question was about the
15 insulation, if it was sandwiched between the
16 topping as shown on the structural drawings or
17 actually applied below the precast slabs as per
18 the architectural drawings, if that layer of
19 insulation isn't being sandwiched between the
20 topping and the precast, then continuing with
21 sealing the joints is not really a viable option.
22 Because if the joints fail, then water can find
23 its way into that layer of insulation and migrate
24 across the deck and to control that, you know, is
25 very difficult.

1 If the concrete was bonded and the
2 insulation was below, then you could consider the
3 other option like Mr. Truman did.

4 Q. That other option, which is sealing,
5 sealing control joints, butt joints, expansion
6 joints, would that have kept the building dry?

7 A. If it was done with professionals
8 and with qualified contractors. We do many
9 buildings where we maintain joints in precast
10 structures.

11 Q. And your experience with this, is
12 this -- are these buildings in Northern Ontario,
13 are they subjected to snowplows? Are they
14 possibly subjected to some motion in the concrete
15 slabs below?

16 A. Yes.

17 Q. They are? And the joint sealing,
18 your evidence is that a joint sealing program,
19 properly done, will keep water out of that
20 building?

21 A. With qualified contractors and
22 having a program in place and being vigilant with
23 the program, yes.

24 Q. Absolutely dry? As good as a
25 membrane?

1 A. Well, I don't think it's as good as
2 a membrane, but if you stay on top of it, you can
3 extend the longevity of the structure for sure.

4 Q. I realize that. But what I'm trying
5 to talk -- what I'm trying to ask you is, will it
6 keep water out? We know a membrane properly
7 applied is going to keep water out. We know, I
8 think, that this joint sealant program is going to
9 run into problems from time to time. It's not
10 going to adhere, it's going to be ripped out by
11 snowplows, it's going to be exposed to chlorides,
12 it's going to be exposed to freeze-thaw. Are you
13 saying that despite all of those issues that a
14 joint sealant program can keep this building dry?

15 A. Both require maintenance. That
16 waterproofing would require maintenance as well as
17 the sealant program. It's not, you know, you're
18 going to have local failures in membranes and
19 expansion joints at the membranes where there's
20 heavy use. It's not like you can apply a
21 waterproofing membrane and then walk away and not
22 come back to it for 30 years. Both require
23 maintenance. The level of maintenance system for
24 a sealed system is higher than that for the
25 waterproof system.

1 THE COMMISSIONER: If you had your
2 druthers, which one would you pick?

3 THE WITNESS: For this situation,
4 probably the waterproofing membrane.

5 BY MR. KEARNS:

6 Q. I just would like to read you a
7 little bit of a transcript from an engineer at
8 Trow who looked at these big buildings and this
9 building extensively and he was asked at the
10 Commission about this sealant program and whether
11 it works. And he said, the question was,

12 "QUESTION: And do you know anything about
13 the details of how they were purporting to
14 stop the leaks at that point?

15 ANSWER: No, the only thing I can glean
16 from the files is that they continued to
17 have rubbing and sealing cracks and
18 patching and replacing expansion joints
19 and so on and so forth.

20 QUESTION: And that system just won't
21 work?

22 ANSWER: No, you're just -- you're just
23 chasing leaks."

24 You're saying that's not true?

25 A. Well, he was talking about patching

1 and just dealing with leakage as it came up versus
2 having a program in place where you're continually
3 renewing joints on an annual basis. It depends on
4 the intensity that someone wants to apply to that
5 system.

6 If an owner doesn't want to apply that
7 level of maintenance or that intensity then they
8 should consider a different system. But it's --
9 it's manageable. We're managing many buildings
10 that have that system in them in precast
11 structures.

12 Q. Okay. And tell me what it is that a
13 diligent owner needs to do in order for this
14 sealing, joint sealing approach to waterproofing?
15 What do they need to do?

16 A. First, it's design specifications,
17 so having an engineer -- you do a condition
18 evaluation, but once you move to the tender
19 documents or specifications, you still do some
20 designs. You come back to the site and understand
21 all of the conditions, whether you're dealing with
22 interfaces with different materials or expansion
23 joints to understand all that, and prepare a
24 specification that's detailed and captures all of
25 those detailed conditions. And then phase the

1 program to suit perhaps in this case where you had
2 higher traffic. And have a program in place where
3 you're renewing, whether it's three to five years,
4 say, for a structure of this sort.

5 And then having prequalified contractors
6 that are knowledgeable with this steel and
7 materials that are required to be used with proper
8 supervision. If they are willing to do all that,
9 then it's a viable option.

10 Q. If you were asked with respect to
11 this building in 1998, let's say we know that the
12 insulation is below and that the sealing of the
13 crack system -- they had been working on this
14 building for 20 years at this point just about.
15 They had been sealing the cracks, changing and
16 fixing the debonded concrete. Like what plan are
17 you going to say to them? What is it that they
18 are doing wrong that they need to start changing
19 and do right?

20 A. We have to find out what they were
21 doing wrong because we weren't aware that it was
22 leaking for 18 or whatever years it was. We have
23 to understand what they were doing. Doing
24 openings to confirm what was actually being done.
25 Whether it was the joint profile or the surface

1 preparation or what have you. And then from there
2 decide on what the next steps are. Are we
3 removing some of the concrete topping? Are we
4 just removing joints? How was the expansion
5 joints installed? So we have to do our own
6 investigation to understand what was being done
7 before we moved into an actual repair program.

8 Q. But these guys are going to say to
9 you, these guys here are going to say, we cut it
10 into a V on a two to one. We - when there is a
11 like that we see that's going into the joint area,
12 we take out the sealant, we abrade the area to
13 make sure we are getting down to fresh concrete.
14 If the V is too deep at the bottom so it might be
15 3-sided adhesion, we put a backing rod down there.
16 We then pour in the sealant that's recommended by
17 the manufacturer. Aren't they doing all of the
18 things that your "prequalified contractor" would
19 be doing?

20 A. Well, the temperature, what is the
21 temperature outside? Has it been raining for
22 three days before you plan to seal it? What's the
23 moisture content of the concrete? What's the
24 temperature of the sealant that they're applying.
25 Are they actually recessing the joints in the

1 materials? There's more than just cutting out the
2 caulking, pouring the sealant into the joint.

3 There's all those other conditions you
4 have to take into account. So if it was being
5 supervised by somebody who understands all of
6 those things and it wasn't just the concrete has
7 been repaired and it's reached, whatever its
8 28-day strength or we can pour the sealant in. Or
9 the moisture content can be the bond of the
10 sealant to the concrete is fundamental. That
11 needs to happen.

12 So there's more than just pouring the
13 sealant in and cutting out old joints.

14 Q. If you came across this roof and you
15 determined that in light of where the insulation
16 was and the owner said look, I don't want to spend
17 the money on a membrane. I want to do this joint
18 and sealing thing and you said, okay. You would
19 go and you would investigate what the situation
20 was I think you have described?

21 A. That's right.

22 Q. Might it be a suggestion for them
23 that look, let's get a fresh start. Let's take
24 out every single bit of caulking here and start
25 all over again?

1 A. Correct. And I think that is the
2 essence of the 1999 report that was the idea. It
3 was to renew all the joints.

4 Q. And is that something that would be
5 done in one particular day? Would you just close
6 the parking area for how ever many weeks or is
7 this something that you phase in over a period of
8 time?

9 A. You could phase it if there are
10 areas where there hasn't been leakage, if there
11 are areas that haven't leaked in five years and we
12 have a short season to apply the material. If we
13 couldn't fit all the work into that year, then we
14 would do the areas where there is known leakage
15 and there hasn't been a previous leakage first and
16 then move to the other areas. But then also have
17 a plan in place to identify what areas were
18 repaired and have a schedule, an annual, you know,
19 if it's a three or a five year schedule.

20 Q. If you had areas that hadn't leaked
21 and you had information that, you know, that the
22 caulking had been in there for two or three years
23 and there had been in -- would you still rip that
24 out?

25 A. It's -- it fails in three to five

1 and sometimes seven years it will fail. So not
2 necessarily we wouldn't need to rip out sealant if
3 it didn't make sense. But we would stay on the
4 program to ensure that we were on top which seals
5 had been replaced so that we weren't missing
6 sections of the deck.

7 Q. So there should be someone on site
8 keeping a very close record of when things are
9 done?

10 A. Correct.

11 Q. And how long ago it happened and
12 what was exactly done?

13 A. Correct.

14 Q. Thank you, sir, those are my
15 questions.

16 THE COMMISSIONER: You want us to take
17 our regular morning break at this time?

18 MS. AUTHIER: Subject to -- I don't know
19 how long my friends are going to be. Whether Mr.
20 MacRae or Mr. Bisceglia have any questions as
21 well.

22 THE COMMISSIONER: Just so I can get a
23 sense of it, Mr. Bisceglia.

24 MR. BISCEGLIA: I don't want to speak
25 for my friend, but I don't think I will be more

1 than 10 or 15 minutes at the most.

2 THE COMMISSIONER: And yourself, Mr.
3 MacRae?

4 MR. MACRAE: I won't be longer than that
5 myself.

6 MS. AUTHIER: It sounds like we have
7 another 30 minutes.

8 THE COMMISSIONER: We'll take our break
9 now, thank you.

10 --- Morning break taken at 10:53 a.m.

11 --- Upon resuming at 11:10 a.m.

12 THE COMMISSIONER: Mr. Cassan.

13 CROSS-EXAMINATION BY MR. CASSAN:

14 Q. I have a few questions for you, Mr.
15 Celli. I am counsel for the City of Elliot Lake.
16 Just to get right to the point. Did this building
17 in any way at the time when you were looking at it
18 present a public safety hazard?

19 A. No.

20 Q. And did the fact that you were --
21 leaking from what you saw cause in your opinion a
22 public danger?

23 A. No. As long as it was being
24 addressed as per one of our recommendations.

25 Q. And I assume that you did not

1 provide your report to the City of Elliot Lake or
2 the chief building official?

3 A. No. Our report was provided to
4 Nicholls Yallowega Bélanger.

5 Q. And why would you not have provided
6 it to the City?

7 A. Like you mentioned, we were not
8 worried about structural safety at the time. If
9 we were, then absolutely we'd go to the city and
10 the chief building official before the report was
11 written.

12 Q. Thank you. There you go, Mr.
13 Commissioner, you will see I am shorter than Mr.
14 MacRae.

15 THE COMMISSIONER: Thank you, Mr.
16 MacRae.

17 MR. MACRAE: Morning.

18 CROSS-EXAMINATION BY MR. MACRAE:

19 Q. Good morning, Mr. Celli. My name is
20 Bob MacRae and I'm represent Bob Wood who has
21 standing in this Inquiry.

22 What is coming up is the Coreslab
23 details from 1979. I think you may have seen them
24 when you were looking at the building previously.

25 I'm going to do this in reverse. I

1 wonder if you might focus in detail number 15 I
2 believe.

3 A. Right in the middle of the page?

4 Q. Yes. I'll take you to the layout to
5 see where this applies to. But this is a detail
6 for one of the drawings done for the original
7 construction. And you talked about rebar being
8 tied in for the lateral support of a beam. And
9 detail number 15 that shows an expansion joint.
10 There is a lot of evidence that's gone in with
11 respect to the expansion joint and work on that
12 expansion joint. And my understanding is that
13 this detail reflects that both sides of the core
14 slab would have required a bar being placed and
15 welded to the top flange?

16 A. Yes. The top flange whether it's to
17 top of the top flange or to the bottom, but the
18 top flange.

19 Q. And what is the purpose of that?

20 A. Again, it's to restrain the beam
21 from when it goes into compression on the top
22 flange from buckling or twisting out.

23 Q. And when you say goes into
24 compression?

25 A. When it's under load and deflects

1 and goes into compression and it will want to
2 twist, or lateral torsional buckling in any event.

3 Q. And you agree with me that this is
4 the detail provided by Coreslab as to how the work
5 should have been done in this particular job at
6 that expansion joint?

7 A. Yes.

8 Q. And how is that done? Do you have
9 experience with that?

10 A. Yes.

11 Q. Is it normally done as the core
12 slabs are being installed or done afterwards?

13 A. It's usually the planks are
14 placed -- the core slabs are placed, a dowel is
15 dropped into place to be welded, the next precast
16 is placed and it continues through that operation.
17 And they follow through in kind with the welding
18 of the rebars to the -- usually the underside of
19 the slab because it's easier to do and it doesn't
20 slow the precasting operation when they're
21 hoisting and placing the planks.

22 Q. So if I understand you correctly, a
23 welder could come along at a later time or date
24 and weld those to the bottom?

25 A. There is period of time that may up

1 lapse before they are welded in place, yes.

2 Q. And then they are grouted within the
3 key on the side of the plank?

4 A. Correct. And the butt ends -- all
5 of the open joints, the butt ends and the joints
6 parallel to the slabs are all grouted together
7 with the rebar in that joint.

8 Q. And I assume there is a calculation
9 that can be done to the load?

10 A. Correct.

11 Q. Those are my questions, thank you
12 very much for coming.

13 THE COMMISSIONER: Mr. Bisceglia.

14 MR. BISCEGLIA: Thank you.

15 CROSS-EXAMINATION BY MR. BISCEGLIA:

16 Q. Good morning, Mr. Celli?

17 A. Morning.

18 Q. I'm Joe Bisceglia. You and I have
19 met before. I'm here representing Mr. Saunders
20 who is an engineer with M.R. Wright and Associates
21 and I have a few questions.

22 I would like to deal with procedural
23 aspects of your work. Excuse me, sir. My
24 understanding that when an engineer is retained,
25 he or she enters into an agreement with the client

1 and in this particular case it was another firm,
2 an architectural firm that hired Halsall, is that
3 correct?

4 A. Correct.

5 Q. And the protocol or the process that
6 you went through on this particular investigation
7 that you were involved in is a fairly standard
8 approach, is that fair?

9 A. Fair, yes.

10 Q. That is you came to the building
11 with others and you did your inspection, returned
12 back to the office, consulted with your colleague
13 Mr. Buckley and then a report was prepared and
14 sent to the client, correct?

15 A. Yes.

16 Q. And you were very specific in your
17 evidence today to, as I understand it, to indicate
18 that what you did -- to and was limited to a
19 visual inspection, is that correct?

20 A. Correct.

21 Q. And within the engineering
22 profession and/or architectural field, a visual
23 inspection has a specific definition or meaning,
24 is that fair?

25 A. Yes.

1 Q. In other words, it doesn't involve
2 going in behind structures or destructive
3 investigation or any kind of forensic
4 investigation, is that correct?

5 A. Correct.

6 Q. So in the report that you prepared
7 and made reference to this morning, you indicate
8 that the survey method was a visual inspection, is
9 that fair?

10 A. Correct.

11 Q. And then you go onto say and I
12 suspect it was probably on the advice of a lawyer,
13 you more or less define what a visual inspection
14 is at page 36 of your report, Exhibit No. 66.
15 Page 35.

16 Am I right to say that a visual
17 inspection as you define it doesn't -- the
18 document doesn't say that that's the definition.
19 But I'm just trying to understand what you mean by
20 a visual inspection. It says,

21 "This assessment does not wholly
22 eliminate uncertainty regarding the
23 potential for existing or future costs,
24 hazards or losses in connection with a
25 property. No physical or destructive

1 testing and no design calculations have
2 been performed unless specifically
3 recorded. Conditions existing but not
4 recorded were not apparent given the level
5 of study undertaken."

6 Is that basically what a visual
7 inspection is all about?

8 A. Correct.

9 Q. And if anybody wanted to know
10 anything more other than what you could see and
11 observe as you were walking through the premises,
12 they would have to ask you about that
13 specifically, is that correct?

14 A. Yes.

15 Q. Thank you. Now, if you could go to
16 the same exhibit at page 48. These are your
17 notes, sir, is that right?

18 A. Yes, they are.

19 Q. And your note at the top right hand
20 side, if I read that correctly it says, "York
21 Steel Construction --"

22 A. "...Construction Ltd, Toronto.
23 Approved July 9, 1979. Not stamped by P.Eng.
24 Reviewed by Beta Engineering Group (July 13/79)."
25 These were the structural shop drawings prepared

1 by York Steel Construction.

2 Q. And just so that I understand it,
3 the drawings that you saw involving the structural
4 design of this Gerber system, in other words, the
5 component parts that were manufactured by York
6 Steel were not stamped by P Eng.

7 A. Not based on this, no.

8 Q. And if we heard evidence that
9 suggested that the engineer who was on the project
10 was relying on the in-house drawings stamped by
11 the in-house engineer, either from Coreslab or
12 York Steel, you didn't see anything from York
13 Steel that was stamped by P.Eng?

14 A. Correct.

15 Q. Now, Mr. Cassan had asked you a
16 question as to what you would have done if you had
17 seen that the building potentially was a danger or
18 created a problem for the public and you said that
19 you would have reported it.

20 Of interest to us perhaps and to this
21 Commission is the fact that your firm signed a
22 nondisclosure agreement which is at Exhibit No. 66
23 page 96. This is the signature page and page 95
24 is the document itself. Do you see that, sir?

25 A. Yes.

1 Q. Now, I don't know how common or
2 uncommon this is. Perhaps this is of some
3 importance to us to hear what you may have to say
4 about this, but if an engineering firm is hired by
5 an individual, and he or she is conducting a
6 survey, if you will or an inspection or
7 investigation of a building, and they have this
8 agreement that basically says, and I won't take
9 you through it, but you can trust me when I say
10 this, it basically says, you can't tell anybody
11 about anything that you have seen or found.

12 A. Right.

13 Q. Where does that put the engineer?

14 A. Right.

15 Q. Either from a legal perspective or
16 where would that put you if you had come here and
17 what recommendation if any can you think of that
18 might be helpful to the profession and to the
19 public?

20 A. Well, I think we have to follow the
21 process. In this case if I was on site and saw
22 something that was of concerned, I would have
23 called Michael Buckley right away, this is what I
24 found. He would have signed the nondisclosure
25 agreement. I imagine he would have gone to Blaine

1 Nicholls of Nicholls Yallowega, contact them, and
2 they would have contacted -- he would have
3 contacted Retirement Living saying our engineers
4 were on site and we found something we're
5 concerned about. And if we don't get any action,
6 if there's not response, we would expect to hear
7 something back. Mike Buckley would expect to hear
8 something back and likewise myself. It is our
9 responsibility to protect the public. I think
10 this wouldn't matter. If it was me this wouldn't
11 matter and I would -- the consequences I would
12 have to accept if I felt that something was of
13 structural concern.

14 Q. So would you agree with me if I
15 suggested to you that in the future for greater
16 certainty in the public interest and to that -- to
17 some disagree in the interest of the profession
18 that any confidential agreement that's required to
19 be signed by a professional engineer or an
20 architect or anything, or anyone for that matter
21 that may involve public safety, there should be
22 something that is legislated that says,
23 notwithstanding the signing of a nondisclosure
24 agreement, if the public interest requires that
25 you report whatever it is that needs to be

1 reported, whether it is a structural defect or a
2 health issue, and so forth?

3 A. Absolutely.

4 Q. So you wouldn't have,
5 notwithstanding that your firm had signed
6 something like this, you would not be in your mind
7 morally bound or legally bound to it if the public
8 interest required you to disclose it?

9 A. That's correct, sir.

10 THE COMMISSIONER: I suppose it's the
11 definition of public interest. That's a difficult
12 one.

13 MR. BISCEGLIA: That would be a legal
14 question, Mr. Commissioner, as to how we attack
15 that. And I would not ask Mr. Celli to expand on
16 that.

17 THE COMMISSIONER: Where do you draw the
18 line?

19 MR. BISCEGLIA: Yes.

20 THE COMMISSIONER: Re-examination then,
21 Ms. Authier. Or I don't know who goes first? Is
22 it you.

23 MS. AUTHIER: To be honest I can't
24 recall.

25 THE COMMISSIONER: Mr. Storms, do you

1 have anything? In any event it's academic.

2 RE-EXAMINATION BY MS. AUTHIER:

3 Q. I only have one question, I have to
4 step away and I'll be right back. Mr. Celli, I
5 just have a question for you with respect to Mr.
6 Kearn's cross-examination on the reasonableness of
7 a phased approach. And this is exhibit, I'm
8 sorry, I have to approach again.

9 This is Exhibit No. 3142 and it was
10 entered during the evidence given by the Trow
11 engineers.

12 And what we were told by specifically
13 Mr. Dell'Aquila, this is a representation of the
14 leaking areas noted in 1991, and then again in
15 1994. And I believe that the pink areas showed
16 leaking areas of the topping in '94, and the green
17 in '91.

18 Given what is shown on this drawing in
19 terms of degree of leakage, would it have been
20 reasonable for an owner to take a phased approach
21 to routing and sealing the joints of phasing it
22 out over five years?

23 A. If they can do it in one year with
24 more manpower, that would probably be preferable
25 to get it all done in one year, sure.

1 Q. But would it be a reasonable
2 approach if it's leaking to this extent?

3 A. No.

4 Q. Okay, thank you, those are all my
5 questions.

6 THE COMMISSIONER: All right. That's
7 it. Thank you very much, Mr. Celli. Your
8 evidence has been very useful. Thank you for
9 coming.

10 THE WITNESS: Thank you.

11 THE COMMISSIONER: And I gather, Ms.
12 Authier, that Commission counsel have no further
13 evidence to offer today.

14 MS. AUTHIER: Commission counsel does
15 not have any further witnesses for today.

16 THE COMMISSIONER: All right. Bearing
17 any comments from anyone, we'll adjourn until 9:00
18 on Monday morning next.

19 --- Whereupon the Inquiry proceedings
20 were adjourned at 11:30 a.m.

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REPORTER'S CERTIFICATE

I, HELEN MARTINEAU, CSR, Certified
Shorthand Reporter, certify;

That the foregoing proceedings were
taken before me at the time and place therein set
forth;

That the testimony of the witness and
all objections made at the time of the examination
were recorded stenographically by me and were
thereafter transcribed;

That the foregoing is a true and
accurate transcript of my shorthand notes so
taken.

Dated this 10th day of April, 2013.

Helen Martineau

PER: HELEN MARTINEAU

CERTIFIED SHORTHAND REPORTER

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