

IN THE MATTER OF the *Public Inquiries Act*, S.O., 2009

AND IN THE MATTER OF the *Municipal Act*, 2001, S.O. 2001

AND IN THE MATTER OF the *Town of Collingwood Judicial Inquiry*

APPLICATION RECORD

GEORGE A. MARRON, Q.C.
Barrister
59 Chamberlain Crescent
Collingwood, ON, L9Y 0C9
Tel: 705-445-0878
Fax: 705-445-6625

INDEX

	TAB
Notice of Application	1
Affidavit of Susan Hines	2
Affidavit Exhibits	3
Exhibits: Correspondence pages 1-31	A
Reasons and Decision Concerning Participation And Funding	B
Staff Report of the Town of Collingwood	C

IN THE MATTER OF the *Public Inquiries Act*, S.O., 2009

AND IN THE MATTER OF the *Municipal Act*, 2001, S.O. 2001

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NOTICE OF APPLICATION

TAKE NOTICE that an Application will be made before Commissioner Associate Chief Justice Frank N. Marroco, by counsel on behalf of Mayor Sandra Cooper, on the 29th day of October, 2018 at 1:00 o'clock in the afternoon or so soon thereafter as the Applicant may be heard requesting:

- i. The Commissioner to recommend and or to direct the Town of Collingwood to implement the criteria as to funding for legal counsel as referred to in paragraphs 55 and 56 in his Reasons and Decision Concerning Participation and Funding, dated 20 August 2018, and in order to attain the necessary balance between providing funding for counsel to ensure the process is fair and using public funds prudently;
- ii. Any such other recommendation, direction or order as to the Commissioner may seem just and proper;

AND IN SUPPORT of the Application counsel will refer to the affidavit of Susan Hines, filed; the correspondence conducted herein; the Reasons and Decision Concerning Participation and Funding, dated 20 August 2018; the Town of Collingwood Staff Report #T2018-06, dated 30 April 2018; the *viva voce* evidence of Fareed Amin, CAO of the Town of Collingwood, as adduced on the Application hearing; and any further evidence as counsel may advise and the Commissioner may allow and permit.

Dated at the Town of Collingwood, Ontario, this 16th day of October, 2018.

GEORGE A. MARRON, Q.C.
Barrister
59 Chamberlain Crescent
Collingwood, ON, L9Y 0C9
Tel: 705-445-0878
Fax: 705-445-6625

TO: Ms. Janet Leiper, Commission Counsel
Collingwood Judicial Inquiry
Collingwood Town Hall
97 Hurontario Street
Collingwood, Ontario, L9Y 3Z5
jleiper@collingwoodinquiry.ca

AND TO: Ms. Kirsten Thoreson
Associate Inquiry Counsel
Collingwood Town Hall
97 Hurontario Street
Collingwood, Ontario, L9Y 3Z5
kthoreson@collingwoodinquiry.ca

AND TO: Mr. Ryan Breedon
Lenczner Slaght Royce Smith Griffin LLP
130 Adelaide Street West
Suite 2600
Toronto, Ontario, M5H 3P5
ryan@breedon.ca

AND TO: Mr. William McDowell
Lenczner Slaght Royce Smith Griffin LLP
130 Adelaide Street West
Suite 2600
Toronto, Ontario, M5H 3P5
wmcowell@litigate.com

AND TO: Michael Watson
Gowling WLG
1 First Canadian Place
100 King Street West
Suite 1600
Toronto, ON, M5X 1G5
michael.watson@gowlingwlq.com

AND TO: Belinda Bain
Gowling WLG
1 First Canadian Place
100 King Street West
Suite 1600
Toronto, ON, M5X 1G5
belinda.bain@gowlingwlg.com

AND TO: George Vegh
McCarthy Tetrault LLP
66 Wellington Street West
Suite 5300
Toronto, ON, M5K 1E6
gvegh@mccarthy.ca

AND TO: David O'Connor
53 Minnesota Street
Collingwood, ON, L9Y 3S2
david.oconnor2@sympatic.ca

AND TO: Raivo Uukkivi
Cassells Brock
Scotia Plaza
40 King Street West
Suite 2100
Toronto, ON, M5H 3C2
ruukkivi@cassellsbrock.com

AND TO: Frederick Chenoweth
100 Richmond Street West
Suite 400
Toronto, ON, M5H 3K6
fred@chenowethlaw.ca

IN THE MATTER OF the *Public Inquiries Act*, S.O., 2009

AND IN THE MATTER OF the *Municipal Act*, 2001, S.O. 2001

AND IN THE MATTER OF the *Town of Collingwood Judicial Inquiry*

AFFIDAVIT OF SUSAN HINES

I, Susan Hines, of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY AS FOLLOWS:

1. I am a Legal Assistant and in that capacity provide services to George A. Marron, Q.C., Counsel to Sandra Cooper, Mayor of Collingwood.
2. Now shown to me and marked Exhibit "A" to this my affidavit is the correspondence as relevant between George A. Marron, Q.C., Counsel to Sandra Cooper; Mr. Fareed Amin, CAO, of the Town of Collingwood; and Commissioner Inquiry Counsel, Janet Lieper.
3. Now shown to me and marked Exhibit "B" to this my affidavit is transcription of Reason and Decision Concerning Participation and Funding, as delivered on August 20, 2018 by Commissioner Associate Chief Justice Frank N. Marrocco.
4. Now shown to me marked Exhibit "C" to this my affidavit is copy of the Town of Collingwood Staff Report T2018-06, dated 30 April 2018, as co-authored and submitted to the Council of the Town of Collingwood by Fareed Amin, CAO, and Marjory Leonard, Treasurer of the Town of Collingwood.
5. I am advised by George A. Marron, Q.C., and do verily believe that exhibit "D" to this my affidavit is an allocation of the proposed funding as identified in the e-mail from Mr. Amin, and dated August 28, 2018.
6. I am advised by George A. Marron, Q.C., and do verily believe that present assessment of the Town of Collingwood offer of funding to his client results in the following calculations, namely:

Town of Collingwood funding offer	\$75,000.00
Less HST @ 13%	9,750.00
Funding balance	\$65,250.00

Less counsel fees on Inquiry Hearing Attendance calculated on 4 weeks x 27.5 hours @ \$300/hr = 110 hours	33,000.00
Funding balance	\$32,250.00
Less preparation for in hearing (Hearing Schedule: Mon 1-6pm; Tues, Wed, Thurs 10-4:30pm Fri 10-1pm) @ 2 hrs/day x 20 days @ \$300/hr = 40 hours	\$12,000.00
Funding balance	20,250.00

7. Further, I am advised by George A. Marron, Q.C., and do verily believe the balance of funding would be considerably inadequate a sum considering the expense to be incurred by counsel on matters of:

- a) **Pre-Hearing Preparation:** including document production, management, and review, witness interviews commencing on April 18, 2018 to present date; and all matters of preparation, necessary and incidental, including correspondence and representation of client.
- b) **Post Hearing Preparation:** referencing preparation of submissions to Commissioner, either orally, written, or both
- c) **Disbursements:**
 - i. Law clerk requirements;
 - ii. Software/Hardware expense;
 - iii. Document Management expense'
 - iv. Costing estimates as identified in Exhibit "C" and specifically referencing "Other Costs"

(a) Counsel Representing the Town of Collingwood at \$240,000 estimate, and funding estimates pertaining to commission counsel involvement of 320 hours for "estimated investigative work" and 320 hours for "estimated inquiry hearing work".

8. Further, I am advised by George A. Marron, Q.C., and do verily believe that at present date the volume of documents, as received and reasonably anticipated to be received, is sufficiently extensive so as to result in a postponement of the commencement of the inquiry hearing date of 29 October 2018. Further, I am advised that the extensive document review by counsel precludes any reasonable estimate as to time requirements for preparation at present date.

9. This affidavit is made in support of an Application to enable Mayor Sandra Cooper to participate in a meaningful and fair manner in the Inquiry and for no other or improper purpose or motive.

SWORN BEFORE ME at the
City of Toronto, this 18 day of
October, 2018.



A Commissioner, etc.

STEPHEN J. STAFFORD
BARRISTER.



SUSAN HINES

TAB A EXHIBITS

From: Fareed Amin famin@collingwood.ca
Subject: RE: town of Collingwood Judicial Inquiry
Date: May 17, 2018 at 11:42:39 AM
To: George Marron marron.george@yahoo.com
Cc: Christiane Raycraft craycraft@collingwood.ca

Thanks Mr. Marron. Christiane will schedule a meeting.

Fareed.

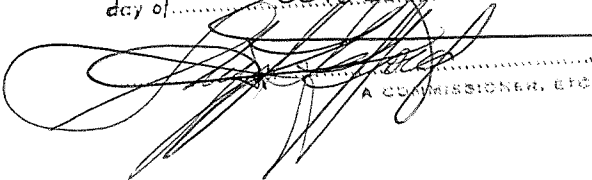
-----Original Message-----

From: George Marron [mailto:marron.george@yahoo.com]
Sent: May-17-18 11:31 AM
To: Fareed Amin
Subject: Re: town of Collingwood Judicial Inquiry

Mr Amin: I have consulted with mayor Sandra Cooper. She has indicated an intention to retain my services to represent her on the upcoming inquiry. As requested over the telephone this morning I would wish to meet with you at your earliest convenience. Could I hear from you in that respect?

Thank you. George Marron

Sent from my iPhone

This is Exhibit.....A.....referred to in the
affidavit of.....SUSAN HINES.....
sworn before me, this.....18th.....
day of.....OCTOBER.....2018.....

A COMMISSIONER, ETC

From: Janet Leiper Janet.Leiper@15bedford.com
 Subject: RE: Marrocco inquiry
 Date: Jun 6, 2018 at 7:44:59 AM
 To: George Marron marron.george@yahoo.com
 Cc: kthoreson@collingwoodinquiry.ca, Shelley
 Fuhre sfuhre@collingwood.ca

Hi George, Nice to speak with you last evening. I can also advise that the inquiry will have dedicated email which I will monitor: jleiper@collingwoodinquiry.ca

Feel free to pass along both to David O'Connor. If he wrote to me, it didn't get to this mailbox.

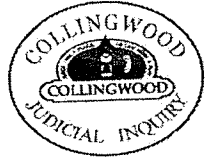
We will be in touch with key dates etc once those are known. I am cc'ing my fellow counsel Kirsten Thoreson and Shelley Fuhre who is providing administrative support to the inquiry as well so your contact information is added to our list.

Janet

-----Original Message-----

From: George Marron [mailto:marron.george@yahoo.com]
 Sent: June-05-18 10:09 PM
 To: Janet Leiper
 Subject: Re: Marrocco inquiry

Thanks for your call Janet. My e-mail contact is marron.george@yahoo.com



97 Hurontario Street | Box 275
Collingwood, ON | L9Y 3Z5

PH: 705-445-1030 EXT 3800 | Fax: 705-445-2448
Email: info@collingwoodinquiry.ca

June 28, 2018

Mr. George Marron, Barrister & Solicitor
59 Chamberlain Crescent
Collingwood, ON
L9Y 0C9

Subject: Town of Collingwood Judicial Inquiry - Expedited Application for Standing

Dear Mr. Marron:

Your client, Mayor Sandra Cooper, has been identified as having a presumptive interest in the subject matter of the Town of Collingwood Judicial Inquiry. The Inquiry is adopting an expedited process for certain parties in which counsel for such parties will not be required to make a formal application for standing. Please confirm whether your client would like standing and, if so, advise of the level of participation that your client seeks to have in the Inquiry.

As you are aware, we are beginning with document collection from relevant parties. Please find enclosed a summons to produce documents to begin that process. Thank you for agreeing to accept service. We will provide additional information to you about the format for uploading the documents requested electronically under separate cover.

In the meantime, if you have any questions, please contact Ms. Shelley Fuhre, Executive Director to the Town of Collingwood Judicial Inquiry at sfuhre@collingwoodinquiry.ca or at the telephone number referenced above.

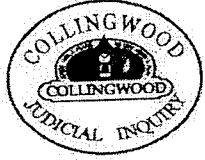
I would be grateful for a response on or before July 20, 2018.

Yours truly,

Janet Leiper
Inquiry Counsel

JL:sf

Encl: Summons to Produce Documents | Public Inquiries Act, 2009



97 Hurontario Street | Box 275
Collingwood, ON | L9Y 3Z5

PH: 705-445-1030 EXT 3800 | Fax: 705-445-2448
Email: info@collingwoodinquiry.ca

July 23, 2018

Mr. George Marron, Barrister & Solicitor
59 Chamberlain Crescent
Collingwood, ON
L9Y 0C9

Subject: Town of Collingwood Judicial Inquiry

Dear Mr. Marron:

I write further to my letter dated June 28, 2018 regarding your client, Mayor Sandra Cooper. As requested, please confirm whether your client would like standing at the Town of Collingwood Judicial Inquiry and, if so, advise of the level of participation that your client seeks. If standing is sought, please identify the issues believed to substantially and directly affect your client. Please include a brief statement indicating how your client's participation will enhance the Inquiry's work, taking note of the Terms of Reference posted on the Inquiry's website at www.collingwoodinquiry.ca

The identification of your client's presumptive interest and any granting of standing will not automatically allow for your client's participation in all phases of the Inquiry or for the cross-examination of all witnesses. The Inquiry will set appropriate limits on participation rights in order to ensure efficiency. Any opportunities for your client to give evidence or cross-examine witnesses will be limited by your client's substantial and direct interests, as identified by you and decided by the Inquiry. Standing levels may vary, including limited or special standing. Coalitions of interests may be required to exercise their standing rights through one representative.

I would be grateful for your response within the week, to allow for some consideration of your client's position in advance of the public hearing on Standing to Participate on August 14, 2018.

Yours truly,

Janet Leiper
Inquiry Counsel

JL:sf

From: George Marron marron.george@yahoo.com
Subject: Re: Marrocco Inquiry
Date: Jul 24, 2018 at 11:34:13 AM
To: janet.leiper@15bedford.com

Good morning Janet. Could you give me an idea as to your availability to speak with me over the telephone re some enquiries I have as to funding and procedural matters? Thx,
George Marron

Sent from my iPhone

From: Janet Leiper jleiper@collingwoodinquiry.ca
Subject: link to website
Date: Jul 25, 2018 at 1:13:41 PM
To: George Marron marron.george@yahoo.com
Cc: Shelley Fuhre sfuhre@collingwoodinquiry.ca

Dear George:

Further to our call today, here is the link to the Inquiry website:

<http://www.collingwoodinquiry.ca/>

If you have any questions about process, applications for standing/funding or other administrative matters, Shelley Fuhre, the Executive Director to the Inquiry is also available to assist. I am copying Shelley on this message for your reference.

Hoping your day continues on par or better.

Janet

Janet Leiper, LL.B., LL.M., C.S., Barrister & Solicitor
Inquiry Counsel | Collingwood Judicial Inquiry
PH: [705-445-1030](tel:705-445-1030) ext 3800
Email: jleiper@collingwoodinquiry.ca

Website | www.collingwoodinquiry.ca



97 Hurontario Street | Box 275
Collingwood, ON | L9Y 3Z5

PH: 705-445-1030 EXT 3800 | Fax: 705-445-2448
Email: info@collingwoodinquiry.ca

July 26, 2018

LETTER SENT VIA EMAIL

Mr. George Marron, Barrister & Solicitor
59 Chamberlain Crescent
Collingwood, ON
L9Y 0C9

Dear Mr. Marron:

Re: Your client, Mayor Sandra Cooper: Summons to Produce Documents Returnable August 1, 2018

As you know, the Inquiry is in its initial document collection stage. We are making best efforts to provide people who were served with summonses with adequate time and sufficient information to ensure organized document production.

I write to inform you that the return date on the summons to produce documents will be extended to a date after the public hearing on August 14, 2018 to consider standing to participate. We will provide further information about the extension date and the document delivery protocol once people with standing are identified.

In the meanwhile, we remind you of your client's obligation to take all reasonable steps to preserve any and all hard copy documents and electronically stored information (including all associated metadata) in their possession, control and power that have any semblance of relevance to the subject matter of the Inquiry as identified in Appendix A and B to the summons.

If you have any questions, please contact Ms. Shelley Fuhre, Executive Director, to the Town of Collingwood Judicial Inquiry at sfuhre@collingwoodinquiry.ca or at the telephone number referenced above.

Yours truly,

Janet Leiper
Inquiry Counsel

JL:sf

cc: K. Thoreson, Associate Inquiry Counsel, Town of Collingwood Judicial Inquiry



97 Hurontario Street | Box 275
Collingwood, ON | L9Y 3Z5

PH: 705-445-1030 EXT 3800 | Fax: 705-445-2448
Email: info@collingwoodinquiry.ca

August 7, 2018

DELIVERED VIA EMAIL

Mr. George Marron, Barrister & Solicitor
59 Chamberlain Crescent
Collingwood, ON
L9Y 0C9

Subject: Town of Collingwood Inquiry: Application by Mayor Sandra Cooper for Standing/Funding

Dear Mr. Marron:

Thank you for your materials in support of your client's application for standing/funding received August 7, 2018. I am writing with some additional information about the Standing Hearing for the Town of Collingwood Judicial Inquiry scheduled for August 14, 2018 at 10:00 a.m. in the Council Chambers located on the 2nd Floor of the Town Hall – 97 Hurontario Street, Collingwood, ON.

The Inquiry will post the names of the applicants and contact information for counsel for applicants for standing and funding prior to the Standing Hearing. Our records show that your address is 59 Chamberlain Crescent | Collingwood, ON | L9Y 0C9 | telephone number: (705) 445-0878 | email address: marron.george@yahoo.com If you prefer any alternative or additional contact information to be used, or if you have any concerns about this information being posted, please would you advise on or before August 9, 2018?

Your client, Mayor Sandra Cooper, has requested standing to participate in the Inquiry as well as a recommendation for funding to the Town of Collingwood. Your client's application and your correspondence has been received and reviewed. Additional evidence is invited from you on behalf of your client on the issues of whether the affidavit has described your client's sources of income, all assets owned by your client, and whether there are any alternative sources of funding available, such as insurance coverage in relation to her former status as a Board member of Collus.

I confirm that all materials provided in support of the funding application will be received in the absence of the public and in accordance with the Inquiry's Rules of Procedure, a copy of which is attached for your convenience. The Inquiry intends to post the Rules prior to the Standing Hearing.

Finally, Ms. Thoreson and I will invite all counsel to attend a meeting immediately following the Standing Hearing on August 14. We will arrange a teleconference facility for those who would like to attend but will not be in Collingwood. Subject to the length of counsel's submissions, we propose to meet at 2:30 p.m. If anything changes, we will send notification of the change in time to all counsel.

If you have any questions or concerns please feel free to contact me or Shelley Fuhre, Executive Director to the Inquiry at sfuhre@collingwoodinquiry.ca

Yours truly,

A handwritten signature in black ink, appearing to read 'J Leiper', written in a cursive style.

Janet Leiper
Inquiry Counsel

cc: K. Thoreson, Associate Inquiry Counsel

Encl.

From: George Marron marron.george@yahoo.com
Subject: Re: C'wood Inquiry
Date: Aug 10, 2018 at 1:55:02 PM
To: janet.leiper@15bedford.com

Greetings Janet: Thanks for your August 7/18 letter with enclosed Rules of Procedure. I believe my client's privacy interest as to personal financial affairs is sufficiently safeguarded from public disclosure having regard to rule 36 and the fact that the funding recommendation application will be received in the absence of the public. I did give consideration to advancing a sealing order application but reconsidered given the above factors. As to your enquiry re potential alternative sources of funding available to my client through insurance funding I am presently exploring this issue but will be in no position to assess same by August 14/18 appearance date. My preliminary view is to obtain Town of Collingwood funding on the understanding that any potential insurance proceeds would be set off as against the town funding. My thoughts on that scenario are subject to my obtaining proper legal advice; as that area of law is not within my practice realm! I look forward to seeing you next week. I trust this is satisfactory. George Marron
Sent from my iPhone

From: Janet Leiper Janet.Leiper@15bedford.com
Subject: RE: C'wood Inquiry
Date: Aug 13, 2018 at 2:23:16 PM
To: George Marron marron.george@yahoo.com

Hello George, I have spoken in with counsel for the Town as well on this issue, he is also looking into this question.

See you tomorrow,

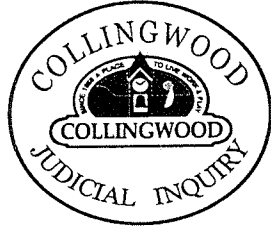
Janet

From: George Marron [marron.george@yahoo.com]
Sent: Friday, August 10, 2018 1:55 PM
To: Janet Leiper
Subject: Re: C'wood Inquiry

Greetings Janet: Thanks for your August 7/18 letter with enclosed Rules of Procedure. I believe my client's privacy interest as to personal financial affairs is sufficiently safeguarded from public disclosure having regard to rule 36 and the fact that the funding recommendation application will be received in the absence of the public. I did give consideration to advancing a sealing order application but reconsidered given the above factors. As to your enquiry re potential alternative sources of funding available to my client through insurance funding I am presently exploring this issue but will be in no position to assess same by August 14/18 appearance date. My preliminary view is to obtain Town of Collingwood funding on the understanding that any potential

insurance proceeds would be set off as against the town funding. My thoughts on that scenario are subject to my obtaining proper legal advice; as that area of law is not within my practice realm! I look forward to seeing you next week. I trust this is satisfactory. George Marron
Sent from my iPhone

MEETING AGENDA



Date: Tuesday, August 14, 2018
Time: 2:30 PM
Location: Teleconference Call
Call-in: 1 866 440 4486
Conference ID Number: 393 72 55 #
Moderator: [REDACTED]

ITEMS TO BE DISCUSSED:

- 1. Introductions All
- 2. Inquiry approach JL
 - Resources
- 3. Next Steps JL
 - Document management and delivery protocol
 - Witness interviews
 - Foundation documents and agreed statement of facts
 - Potential hearing dates
- 4. Standing and funding decision timing JL
 - Plans for document production
- 5. Rules of Procedures JL
- 6. Questions All



97 Hurontario Street | Box 275
Collingwood, ON | L9Y 3Z5

PH: 705-445-1030 EXT 3800 | Fax: 705-445-2448
Email: info@collingwoodinquiry.ca

DELIVERED VIA EMAIL

August 24, 2018

Mr. George Marron, Barrister & Solicitor
59 Chamberlain Crescent
Collingwood, ON
L9Y 0C9

Subject: Town of Collingwood Judicial Inquiry: Next Steps and Hearing Preparation

Dear Mr. Marron:

I am writing to all counsel as we move into the next phase of the Collingwood Inquiry: preliminary interviews and document collection. On behalf of the Inquiry Team, we are looking forward to working with you and your client to carry out the responsibilities in the Terms of Reference in the weeks ahead.

Further to Justice Marrocco's Reasons and Decision Concerning Participation and Funding of August 20, 2018, I am writing with some additional information about next steps. As set out in the reasons, any comments on the Rules of Procedure are requested to be received on or before September 5, 2018, which is 15 days from the date of the release of the Reasons. One change we intend to make concerns Rule 4. In order to accommodate those who will be travelling from out of town, we propose to revise Rule 4 so that hearings begin on Mondays at 1:00 p.m. and sit until 6:00 p.m. Hearings would continue on Tuesdays through Thursdays from 10:00 a.m. to 4:30 p.m., then finish on Fridays from 10:00 a.m. until 1:00 p.m.

In addition, all participants are required, on or before September 5, 2018, to deliver a plan for how they will identify, locate and produce documents in their possession, power or control that have a bearing on the subject matter of the Inquiry. Thorough plans should identify the potential sources of documents (e.g. email accounts, known internal custodians, servers, third party sources), the types of documents identified (e.g. emails, bank records, contracts, handwritten notes, etc.), the form of the documents (e.g. hard copy or electronic) and an estimate of the size of the productions. Our intention is to create a tailored document delivery protocol, facilitating an orderly process for everyone.

One of the responsibilities of counsel to participants is to sign an undertaking of confidentiality regarding use of the documents that will be produced to you prior to those documents being introduced into evidence. An undertaking is attached for your consideration. If satisfactory please sign and return the undertaking to Ms. Shelley Fuhre, Executive Director to the Inquiry.

We are also beginning to consider target dates that we are sharing with counsel at this stage on a confidential basis. The earliest that we propose to begin the Inquiry is on October 29, 2018 which is one week after the municipal election. We are planning for at least four weeks of hearings, to begin.

Finally, during our all counsel meeting last week, Ms. Thoreson and I indicated that we would be beginning to request preliminary interviews with your clients for background and context. We anticipate conducting follow up interviews as well. Ms. Fuhre will be in contact with all of you about scheduling those meetings which will begin the week of September 10, 2018.

If you have any questions or concerns please feel free to contact me or Ms. Thoreson or Ms. Fuhre, Executive Director to the Inquiry at sfuhre@collingwoodinquiry.ca

Yours truly,



Janet Leiper
Inquiry Counsel

cc: K. Thoreson, Associate Inquiry Counsel

Encl.

From: Fareed Amin famin@collingwood.ca
Subject: Funding to participate in Collingwood

Judicial Inquiry

Date: Aug 28, 2018 at 9:24:15 AM

To: George Marron marron.george@yahoo.com

Dear Mr. Marron: Further to the Honourable Justice Marrocco's decision dated August 20th, and our most recent conversation, please be advised that the Town of Collingwood will apply the following principles in response to His Honour's recommendations that the Town provide funding support to Counsel for the Mayor:

- a) Only one lawyer is to be present in the room at one time;
- b) The maximum rate which lawyers can charge the Town will be \$300 (for the most senior counsel). For intermediate counsel, up to ten years of experience, this will be \$180 per hour;
- c) Attendance of counsel at the hearings should be limited to attending when the Mayor's interests are engaged;
- d) No fees related to interlocutory proceedings, appeals, judicial reviews or any other matters (i.e., civil litigation) will be paid by the Town;
- e) Any lawyer who accepts compensation in accordance with the determination of the Town of Collingwood shall not bill the client or apply to any third party for additional funding;
- f) Any requests for funding prior to August 20th, 2018, will not be entertained;
- g) Lawyers cannot bill for more than ten hours per day;
- h) Lawyers, within commuting distance of the Town, will not be reimbursed for hospitality, incidentals or food expenses;
- i) The funding provided will be subject to a maximum (in your case the maximum is \$75,000);
- j) All accounts for legal fees and disbursements will be reviewed by an independent assessment officer, who will determine whether or not they are reasonable.

Please let me know if you have any questions.

Thanks.

Fareed.



Fareed Amin
Chief Administrative Officer

Town of Collingwood
97 Hurontario Street, P.O. Box 157
Collingwood ON L9Y 3Z5
705-445-1030 Ext. 3231

famin@collingwood.ca | www.collingwood.ca

From: George Marron marron.george@yahoo.com
Subject: Re: Mayor Cooper Funding application to
participate in Judicial Inquiry
Date: Aug 31, 2018 at 2:08:08 PM
To: famin@collingwood.ca

Thank you for your e-mail of 28 August/18 referencing the above-noted application. I left a voicemail expressing my desire to meet with you to review a number of the listed principles as set out in the e-mail. At present I have no difficulty with principles (a), (c), (d), (g), (h) and (j). Could we review the outstanding conditions in a timely way? Thank you. George Marron

Sent from my iPhone

From: George Marron marron.george@yahoo.com
Subject: Re: Sept 5/18 proposed plan delivery as per
letter of request dated 24 Aug/ 18
Date: Sep 5, 2018 at 2:39:23 PM
To: sfuhre@collingwoodinquiry.ca

Shelley: I confirm our telephone conversation of this afternoon wherein I confirmed continuing discussions as between Mr Amin, CAO, and myself referencing funding issues of my client, mayor Sandra Cooper. I intend to resolve the funding issues and would hope to do so quickly. However, let me state I met with Mr Amin this morning at 9:30 and our meeting concluded with no agreement reached. I did advise Mr Amin as to the plan requirements for 5Sept. I am awaiting response from him and will not be producing any materials as requested until I hear from him.
George Marron

Sent from my iPhone

From: Fareed Amin famin@collingwood.ca
 Subject: RE: Sept 5/18 proposed plan delivery as per
 letter of request dated 24 Aug/ 18
 Date: Sep 5, 2018 at 2:51:53 PM
 To: George Marron marron.george@yahoo.com

Thanks Mr. Marron. Appreciate you sharing this information with me. However, I did not conclude from the meeting that you will await a response from me. My position, as set out in my e mail to you, hasn't changed. I listened to your requests and reiterated the Town's position on providing legal support to Mayor Cooper.

Fareed.

From: George Marron [mailto:marron.george@yahoo.com]
Sent: September-05-18 2:44 PM
To: Fareed Amin
Subject: Fwd: Sept 5/18 proposed plan delivery as per letter of request dated 24 Aug/ 18

Sent from my iPhone

Begin forwarded message:

From: George Marron <marron.george@yahoo.com>
Date: September 5, 2018 at 2:39:23 PM EDT
To: sfuhre@collingwoodinquiry.ca
Subject: Re: Sept 5/18 proposed plan delivery as per letter of request dated 24 Aug/ 18

Shelley: I confirm our telephone conversation of this afternoon wherein I confirmed continuing discussions as between Mr Amin, CAO, and myself referencing funding issues of my client, mayor Sandra Cooper. I intend to resolve the funding issues and would hope to do so quickly. However, let me state I met with Mr Amin this morning at 9:30 and our meeting concluded with no agreement reached. I did advise Mr Amin as to the plan requirements for 5Sept. I am awaiting response from him and will not be producing any materials as requested until I hear from him. George Marron

Sent from my iPhone

From: George Marron marron.george@yahoo.com
Subject: Re: Mayor Sandra Cooper/funding for
legal counsel
Date: Sep 7, 2018 at 12:07:05 PM
To: famin@collingwood.ca

Good morning Mr Amin. Under separate cover I e-mailed to you a copy of my e-mail correspondence to Pam Hogg and Brian Bentz as dated 6 Sept/18. I did this so as to complete my undertaking made with commission counsel, Janet Leiper, prior to obtaining the Commissioner's recommendation for funding of my client. Also, I confirm receipt of your Sept5/18 e-mail. I continue to make formal request as per my e-mail to you dated 31 August/18 as concerns principles (b), (e), (f), and (i). I do so for the following reasons: Re (b): I believe as senior counsel I am entitled to information as to what remuneration is being paid to other senior counsel by the town of Collingwood. Also, are the terms of payment similar to what has been presented to me referencing conditions (a), (c), (d), (e), (f), (g), (i), and (j). Re: (e): I am awaiting response to my e-mail to Ms Hogg and Mr Bentz. There is a potential revisiting of this condition do you not agree? Re (f): I reviewed with you the fact that I expended a great amount of time on matters of preparation in document review, interviews of prospective witnesses, responding to numerous commission requests prior to August 20/18 and commencing in late April 2018. I don't understand why funding is being fixed and limited in my situation. Is this the situation with other counsel engaged in this Inquiry? Re (i): You advised the lump sum of \$75,000.

Included disbursements and HST. Could you confirm that? Also, are other senior counsel being offered similar amounts and on similar terms. Commissioner counsel has advised she anticipates the Inquiry hearings to commence on October 29 and "we are planning for at least four weeks of hearings, to begin." I reviewed this with you at our meeting. I explained the difficulties I saw with your proposal of a fixed dollar figure being applied to what, in effect, is an open-ended Inquiry. Even the Staff report, as co-authored by you, referenced an estimate of 9 months for this inquiry. I suggested that in my situation funding could be revisited after the first 4 week stage so as to be fair to both the town and me. I agreed to submit proper accounts on a predetermined basis so as to ensure and promote fairness to both of us.

In closing, May I request you reconsider your response to me of 5Sept/18. I trust this is satisfactory. Yours truly, George Marron

Sent from my iPhone

From: George Marron marron.george@yahoo.com
Subject: Fwd: Mayor Sandra Cooper /
Collingwood Inquiry
Date: Sep 7, 2018 at 11:06:34 AM
To: famin@collingwood.ca

Sent from my iPhone

Begin forwarded message:

From: George Marron <marron.george@yahoo.com>
Date: September 6, 2018 at 3:52:32 PM EDT
To: phogg@collus.com
Subject: Re: Mayor Sandra Cooper / Collingwood Inquiry

Dear Ms Hogg and Mr Bentz: please be advised that I am legal counsel to mayor Sandra Cooper in reference to her involvement in the upcoming Collingwood inquiry. My review of the inquiry mandate determines that the main focus in Part One of the Inquiry is the series of events leading to the town of Collingwood authorizing and concluding a share purchase agreement with Powerstream Inc. My review of corporate documents discloses that at all material times Sandra Cooper was a director of Collingwood Utilities Services Corp and a director of Collus Power Corp. In that capacity she was actively involved in arranging the strategic partnership between Collus and Powerstream. In addition she was a member of the 9 person strategic partnership task

force which assessed and determined the eventual merger of Collus and Powerstream on March 23, 2012.

Briefly, and as set out herein, these are matters that as an officer mayor Sandra Cooper was intricately involved. On August 20, 2018, Sandra Cooper was given full and unfettered standing in the Inquiry by the Inquiry commissioner, Justice Frank Marrocco. Also, at that time the commissioner made a recommendation that she be allowed funding for legal counsel so as to be allowed a meaningful representation on the Inquiry. I believe that Mayor Cooper's involvement in the matters as set out herein will be central and, in effect, at the very core of the Inquiry. She will be called as a witness on the Inquiry. Potentially her reputation and that of the corporations named will be under review at the public Inquiry. Sandra Copper cannot incur the burden of significant legal fees for representation at an Inquiry which is contemplated to last a minimum of 4weeks of public hearings. At this point in time she has no reasonable alternative but to assert her claim as an officer of the companies and call upon the indemnity provisions as set out in the bylaws of the companies and which indemnified officers and former officers against all costs, charges and expenses incurred by the officer in respect of any civil, criminal or administrative action or proceeding to which the officer is made a party by reason of being or having been on

officer of the corporation. I would, in closing, be pleased to respond to any questions or enquiries which you may have referencing the within claim. Yours truly, George A. Marron, QC, 59 Chamberlain Crescent, Collingwood, Ont L9Y 0C9. Tel. 705 445 0878.

From: Janet Leiper Janet.Leiper@15bedford.com
Subject: Re: Mayor Sandra Cooper; Plan for disclosure
of written materials

Date: Sep 10, 2018 at 9:25:16 PM

To: George Marron marron.george@yahoo.com

Cc: kthoreson@collingwoodinquiry.ca,
jleiper@collingwoodinquiry.ca, Shelley Fuhre
sfuhre@collingwoodinquiry.ca

Dear George,

Thank you for identifying the documents over which Mayor Cooper has possession or control. The summons provided expects that all relevant documents including emails, whether copied to others or not, whether in the hands of other or not be produced to us now during document collection.

We will deal with any duplications, but until every party's documents are received, we cannot make distribution decisions to parties. Please see Rule 14 for reference.

If the materials are ready this week, we would like to receive them as soon possible.

Also, can you advise if you and Mayor Cooper are free for a meeting next week, Monday afternoon or Tuesday morning? I am copying Shelley for the purposes of scheduling.

Many thanks, and we look forward to meeting with you,

Janet and Kirsten

Sent from my iPad

On Sep 10, 2018, at 3:02 PM, George Marron <marron.george@yahoo.com> wrote:

Good afternoon Janet. I have conducted an extensive review of e-mail materials and documents which were provided by my client commencing in April/18 and continuing to present day. Without exception the e-mails were copied to others within the town of Collingwood employ or capacity. In addition, I am presently reviewing a number of journals as kept by my client over the time periods of 26 October 2011 to 6 November 2012; 15 November 2012 to 30 August 2013; 23 January 2014 to 16 April 2015.

I will produce those three volumes. As concerns the e-mails I am of the mind there will be productions of same by the Town of Collingwood, Collus, CollusPowerstream, and others

to the extent I would be duplicating(at the very least!) the efforts of those entities. So I will hold off in that effort until I receive the commission materials and review same and, at that point, provide you with any and all materials not obtained through commission effort. If this position is not satisfactory please so advise. Thx, George Marron
Sent from my iPhone

From: George Marron marron.george@yahoo.com
Subject: Re: Mayor Sandra Cooper; Plan for disclosure
of written materials
Date: Sep 10, 2018 at 3:04:47 PM
To: janet.leiper@15bedford.com

Good afternoon Janet. I have conducted an extensive review of e-mail materials and documents which were provided by my client commencing in April/18 and continuing to present day. Without exception the e-mails were copied to others within the town of Collingwood employ or capacity. In addition, I am presently reviewing a number of journals as kept by my client over the time periods of 26 October 2011 to 6 November 2012; 15 November 2012 to 30 August 2013; 23 January 2014 to 16 April 2015.

I will produce those three volumes. As concerns the e-mails I am of the mind there will be productions of same by the Town of Collingwood, Collus, CollusPowerstream, and others to the extent I would be duplicating(at the very least!) the efforts of those entities. So I will hold off in that effort until I receive the commission materials and review same and, at that point, provide you with any and all materials not obtained through commission effort. If this position is not satisfactory please so advise. Thx, George Marron

Sent from my iPhone

From: George Marron marron.george@yahoo.com
Subject: Re: Inquiry
Date: Sep 11, 2018 at 2:48:43 PM
To: jleiper@collingwoodinquiry.ca

Hi Janet. Thank you for your e-mail as directed earlier today. As you may know from a review of the correspondence as between Mr Amin and myself, copy of which I have included to Shelley Fuhre, my retainer with the town of Collingwood has not been agreed upon. I am reluctant to provide my work product in the form of disclosure materials because of the outstanding retainer matter and because of the "statement of principles" in Mr Amin's correspondence and by which no remuneration will be provided to me for work on this file prior to 20 August 2018. I remain hopeful of fair treatment in my discussions on this retainer matter. However, I have heard nothing further from CAO Amin. Accordingly, and in the interim, my efforts will remain suspended pending resolution of the current and unsatisfactory situation in which I have been placed. I would, of course, welcome any input you might consider advancing. I have not ruled out an application to be brought before His Honour Commissioner Marrocco on the issue of funding fairness as inherent in his reasons of 20 August/18. Yours truly, George Marron

Sent from my iPhone

Sandra Cooper

McCarthy Tétrault LLP
PO Box 48, Suite 5300
Toronto-Dominion Bank Tower
Toronto ON M5K 1E6
Canada
Tel: 416-362-1812
Fax: 416-868-0673

**mccarthy
tétrault**

Julie Parla
Partner
Direct Line: (416) 601-8190
Email: jparla@mccarthy.ca

*Assistant: Jessica Yoon
Direct Line: (416) 601-8200 x542063
Email: jyoon@mccarthy.ca*

September 20, 2018

VIA E-Mail: marron.george@yahoo.com

George A. Marron, QC
59 Chamberlain Crescent
Collingwood, ON L9Y 0C9

Dear Mr. Marron:

Re: Town of Collingwood Judicial Inquiry – Mayor Sandra Cooper Request for Funding from Collus PowerStream

George Vegh and I are counsel to Collus Utility Services Corporation, now Collus PowerStream Corporation (the “**Corporation**”).

I write further to Mayor Sandra Cooper’s request for legal funding from the Corporation.

The Corporation has reviewed the indemnity provisions at Article 7 of its By-Law No.1 and has determined that the indemnity does not apply to the Judicial Inquiry Proceedings. The By-Law indemnification provisions are limited to proceedings where a current or former director is made a party in respect of circumstances arising from their acting in the role of a director, and in which there is a risk of findings being made against the director, a judgment or penalty being ordered against her, or a settlement paid on the director’s behalf. The Judicial Inquiry is not such a proceeding.

Specifically, the Judicial Inquiry mandate is not adverse to Mayor Cooper, nor does it seek to answer questions regarding her role as a former director of the Corporation. As confirmed by the Staff Report preceding the Town of Collingwood’s resolution initiating the Judicial Inquiry, the findings of the Inquiry are not binding in subsequent court proceedings and there are no legal consequences attached to them. Further, Mayor Cooper has been granted participation rights in the Judicial Inquiry; she has not been made a party to those proceedings.

We note that in applying for participation rights, the Inquiry Judge found that that Mayor Cooper’s interests and ability to participate are related to her “role as the head of Council”. No reference was made to Mayor Cooper being a director of the Corporation. Accordingly, in any event, her participation in the Judicial Inquiry is focused on her role as Mayor, rather than as a director of the Corporation.

For these reasons, Mayor Cooper is not entitled to indemnification by the Corporation, and it will not be extending any funding to her in respect of the Judicial Inquiry.

Yours truly,

McCarthy Tétrault LLP



Julie Parla

JP/jkp

cc: George Vegh, McCarthy Tétrault, LLP

From: George Marron marron.george@yahoo.com
Subject: 12 Oct/18 telephone discussion
Date: Oct 12, 2018 at 2:02:57 PM
To: jleiper@collingwoodinquiry.ca

Janet: let me confirm my present intention to deliver a Notice of Application with supporting materials and by which I would request that Justice Marrocco make further recommendation or direction to the Town of Collingwood as concerns my funding on the inquiry. I have identified my retainer concerns in correspondence with CAO Fareed Amin, copies of which have been forwarded to you as commission counsel. I will deliver formal Notice of Application to you and Will McDowell next week and electronically serve other counsel on the inquiry. We reviewed briefly the situation wherein the affidavit materials on the Application may not be complete by next week but would be delivered up hopefully by the Application return date of October 29/18 for 1:00 pm hearing. I trust the aforesaid correctly sets out my understanding as concerns the application. We reviewed and confirmed my client and my attendance on you and Ms Thoreson for October 24/18 at 10 am. You requested a production of documents on the part of my client. Could I request you re-address this matter as I remain a bit uncertain as to our review of that request. I trust this is satisfactory. Regards, George

Sent from my iPhone

TAB B EXHIBITS

GA



Town of Collingwood Judicial Inquiry

This is Exhibit B referred to in the affidavit of SWAN HINES sworn before me, this 18th day of OCTOBER 2018

[Handwritten signature]
COMMISSIONER, ETC

August 20, 2018

REASONS AND DECISION CONCERNING PARTICIPATION AND FUNDING

MARROCCO A.C.J.S.C.:

BACKGROUND

1. On February 26, 2018, the Council of the Town of Collingwood voted to request an independent judicial inquiry under s. 274 of the *Municipal Act, 2001* to inquire into all aspects of the Town's sale of shares of Collingwood Utility Services Corporation to PowerStream Inc. (defined as the "Transaction" in the Terms of Reference) and into the allocation of the proceeds of that transaction to the construction of the recreational facility at Central Park and Heritage Park in Collingwood.
2. The Terms of Reference are found on the inquiry's website located at: www.CollingwoodInquiry.ca. The operative terms are as follows:

NOW THEREFORE, the Council of the Town of Collingwood does hereby resolve that:

the Terms of Reference of the Inquiry shall be to inquire into all aspects of the Transaction, including the history, the price at which the shares were sold and the impact on the Ratepayers of the Town of Collingwood, as it relates to the good government of the Municipality, or the conduct of its public business, and to make any recommendations that the Commissioner may deem appropriate and in the public interest as a result of the Inquiry.

AND IT IS FURTHER RESOLVED that pursuant to s. 274 of the *Municipal Act, 2001*, and s.33 of the *Public Inquiries Act*, the Commissioner, in conducting the Inquiry into the Transaction to which the Town of Collingwood is a party, is empowered to ask any question or cause an investigation into any matter which the Commissioner may consider necessary, incidental or ancillary to a complete understanding of the Transaction. In particular, the Commissioner may inquire into:

- i) Was there adequate Town Council oversight over the Transaction?
- ii) Was Town Council's delegation of authority in relation to the Transaction appropriate?

- iii) Did Town Council receive sufficient independent professional advice prior to delegating its authority to conduct the RFP negotiate or finalize the Transaction?
- iv) Were the criteria developed to assess the proposals received during the RFP process appropriate and did the criteria serve the interests of the Ratepayers of Collingwood?

And, for the purpose of providing fair notice to the Town of Collingwood and those individuals who may be required to attend and give evidence, and without infringing on the Commissioner's authority in conducting the Inquiry in accordance with the Resolution and the Commissioner's statutory authority, it is anticipated that the Inquiry may include:

1. An investigation and inquiry into all relevant circumstances pertaining to the Transaction referred to in the recitals to the Resolution, including the relevant facts pertaining to the Transaction, the basis of and reasons for making the recommendations for entering into the Transaction, and the basis of the decisions taken in respect of the Transaction;
2. An investigation and inquiry into the relationships, if any, between the existing and former elected and administrative representatives of the Town of Collingwood, Collingwood Utility Services Corporation and PowerStream Inc.; and,
3. A two-stage process consisting of a document review and public hearings as follows:

Document Review

- (a) To obtain, bearing in mind cost and the principles of proportionality, all documents necessary to understand the following:
 - i. the sequence of events leading to the Transaction, including the Request for Proposal process commissioned by the Town of Collingwood;
 - ii. the nature and extent of the delegation of authority by Council to those who negotiated on behalf of the Town of Collingwood in relation to the RFP process and Transaction;
 - iii. any subsequent contracts entered between or among the Town of Collingwood and PowerStream, Collus PowerStream and any other Collus company;
 - iv. Any fee or benefit of any kind paid, or conferred, by or on behalf of PowerStream to any person in relation to the Transaction;
 - v. The commercial relationship between PowerStream, Collus PowerStream and any other Collus entity and the Town of

Collingwood prior to 2017 and in particular, any agreement entered into between or among any of these parties;

- vi. The salaries, benefits and emoluments of any kind paid in relation to the Transaction to any employee of Collus PowerStream and any other Collus company;
- vii. The allocation of the proceeds of the transaction to the construction of the recreational facility at Central Park and Heritage Park;
- viii. The payment of any fee or benefit of any kind on behalf of any person of the entity involved in the creation or construction of the recreational facility at Central Park and Heritage Park;

Public Hearings

- (b) To conduct public hearings into the matters designated in accordance with the principles of fairness, thoroughness, efficiency and accessibility.

INQUIRY PROCESS

C. Standing

- 3. The Inquiry will be divided into three parts. Part I will deal with the sequence of events leading to the transaction, the corporate relationships and the impact of the Town's 50% share sale of Collingwood Utility Services Corporation to PowerStream Inc.
- 4. Part II will consider the sequence of events leading to the allocation of the proceeds, the payment of fees or benefits and the impact of the recreational facility construction.
- 5. Part III will consider broader policy and good governance issues arising from the findings related to both transactions.

CALL FOR APPLICATIONS FOR PARTICIPATION (STANDING) AND FUNDING RECOMMENDATIONS

- 6. The Inquiry published a Call for Applications for Participation at the Inquiry's Public Hearings (Standing) in relevant newspapers and via radio advertising. The Inquiry website also posted the Call for Applications. The notice invited applications from any person or group:
 - (a) with a substantial and direct interest in the subject matter of the Inquiry;
 - (b) who is likely to be notified of a possible finding of misconduct;
 - (c) whose participation would further the conduct of the Inquiry; or,
 - (d) whose participation would contribute to the openness and fairness of the Inquiry.
- 7. Persons or groups of persons wishing to participate were asked to submit a completed application form, electronically or in writing, to the Inquiry offices no later than 4:00 pm on July 20, 2018. In some cases, additional correspondence or information was

requested from applicants to participate concerning their interest and the nature of participation sought.

8. In addition, the Inquiry identified several persons as having presumptive interests in the subject matter of the Inquiry:
 - Corporation of the Town of Collingwood;
 - Mayor Sandra Cooper;
 - Alectra Utilities Corporation (as the successor corporation to PowerStream Inc.);
 - Collus PowerStream Corp.; and
 - Paul Bonwick.
9. For purposes of efficiency and expediency, the Inquiry adopted an expedited process for these people, in which they were not required to make formal applications for standing. Rather, they were asked to confirm whether they wanted standing and, if so, to advise of the level of participation sought. They were also asked to identify the issues believed to substantially and directly affect them and provide a brief statement indicating how their participation would enhance the Inquiry's work, taking note of the Terms of Reference. The identification of a presumptive interest did not automatically allow for participation in all phases of the Inquiry. The Inquiry reserved the right to set appropriate limits on participation rights for those with presumptive interests.
10. Applicants requesting recommendations for funding were asked to provide personal financial information. This personal financial information was received on a confidential basis because it is desirable to have complete financial disclosure to assess the funding applications and to avoid the indiscriminate disclosure of personal financial information.
11. Some personal financial information was delivered to the Inquiry immediately before the commencement of the hearing and could not be fully reviewed until after the hearing ended. Having now had the opportunity to review all personal financial information and to deliberate, I have decided that confidentiality should be maintained over the personal financial information provided. It may be that participants seeking funding will be asked to provide similar information directly to the Town, but I leave that matter for the Town to address in making its decisions around funding.
12. The Participation (Standing) Hearing, including the submissions on the funding applications, was open to the public and took place on August 14, 2018, in the Council Chambers, located at 97 Hurontario Street, 2nd Floor of the Town Hall.

Principles Applied to the Determination of Participation

13. In addressing the question of participation, I have applied the following principles:
 - The participation of those with a substantial and direct interest will assist the Inquiry in being thorough and complete.
 - There is a benefit to having a variety of perspectives available to the Inquiry.

- Applicants will be granted the right to participate only on those portions of the Inquiry that relate to their particular interest or perspective.
 - Inquiry counsel are present and will participate throughout the Inquiry. They represent the public interest. Their role is not adversarial or partisan.
 - Witnesses may have counsel present during their evidence.
 - Where participants have the same interest, they will be expected to cooperate with Inquiry counsel to avoid the unnecessary expense of prolonged proceedings.
 - Where participants have standing in specific areas, they will stay within the permitted areas.
14. Participation carries with it the obligation to assist the Inquiry in carrying out its mandate. Participants who are not discharging this obligation, or otherwise complying with the Inquiry's procedures, may very well find their participation curtailed.

Principles Applied to the Determination of Funding Recommendations

15. Rule 41 of the Inquiry's Rules of Procedure address funding issues. It provides:
- Counsel will be retained at the expense of the witness and people with standing. The terms of reference do not grant the Judge jurisdiction to order the Town of Collingwood to provide funding for legal counsel. However, requests for funding may be made to the Judge at the hearing on standing and the Judge may make recommendations to the Town of Collingwood.
16. In the course of submissions on funding, applicants' counsel referred me to a report to Town Council from Staff dated April 30, 2018, which provides cost estimates for the Town's funding of "Counsel for Parties, Council Members and Staff". It reads:
- Legal Counsel retained to represent the Town cannot represent the interests of individual employees or Members of Council. The Commissioner cannot order the Town to provide funding however, in order to ensure that all parties, staff and Council Members are treated in a fair and unbiased manner, the Town should consider funding these costs. Staff can only guess at the potential costs and are assuming these costs would be similar to the costs for Town counsel: \$240,000.
17. To determine my recommendations for funding, I considered whether each applicant had:
- demonstrated an inability to participate in the Inquiry without funding for representation;
 - a unique perspective that will not be presented to the Inquiry if the applicant does not participate;

- an established record of concern for and demonstrated commitment to the interest the applicant seeks to represent;
- any special experience or expertise which the applicant may provide in respect of the Inquiry's mandate; and
- a proposal as to the use of the funds and how the funds will be accounted for.

THE APPLICATIONS FOR PARTICIPATION (STANDING)

18. For the purposes of this Inquiry, the right to participate may include:

- consistent with Rules 17 and 18 of the Inquiry's Rules of Procedure, access to documents collected by the Inquiry;
- consistent with the Inquiry's Rules of Procedure, advance notice of documents proposed to be entered and statements of anticipated evidence;
- a seat at counsel table;
- the opportunity to suggest witnesses to be called by Inquiry counsel;
- the opportunity to cross-examine witnesses on matters that bear on the subject matter of the Inquiry and are relevant to the participant's interest; and
- the opportunity to make closing submissions, either orally, in writing or both.

19. I turn to the individual applications for participation. I will address each of the applicants in alphabetical order. Where applicants included a request for a recommendation for funding along with the request to participate, I have addressed the requests at the same time.

Alectra Utilities Corporation (represented by Mr. Michael Watson and Ms. Belinda Bain)

20. Alectra Utilities Corporation is the successor corporation to PowerStream Inc., which was the purchaser of 50% of the shares of Collingwood Utility Services Corporation from the Town of Collingwood. As one of the two primary parties concerned with the transaction, Alectra is likely to be directly affected and as a purchaser of the shares, it can provide substantial documentation and context into the transaction.

21. Alectra has identified the portions of the Terms of Reference in which it has an interest. These are sections 1, 2, 3 (a) (i), (iii), (iv), (v) and (vi), which relate to the 50% share sale transaction that will fall into Part I of the Inquiry.

22. Alectra also identified the portions of the Terms of Reference in which it does not have a direct interest, which are found at Questions (i) through (iv) and the issues described in sections 3 (a) (vii) and (viii) in the Terms of Reference.

23. I grant Alectra the right to participate in Part I of the Inquiry, specifically those aspects of the Inquiry dealing with the issues described by sections 1, 2, 3 (a) (i), (iii), (iv), (v) and (vi) of the Terms of Reference, to the extent that they concern Alectra's interests and perspective. Alectra may participate in the following ways:

- consistent with Rules 17 and 18 of the Inquiry's Rules of Procedure, access to documents collected by the Inquiry;
- consistent with the Inquiry's Rules of Procedure, advance notice of documents proposed to be entered and statements of anticipated evidence;
- a seat at counsel table;
- the opportunity to suggest witnesses to be called by Inquiry counsel;
- the opportunity to cross-examine witnesses on matters that bear on the subject matter of the Inquiry and are relevant to Alectra's interests; and
- the opportunity to make closing submissions, either orally, in writing or both.

24. Alectra did not apply for funding.

Paul Bonwick (represented by Mr. David O'Connor)

25. Mr. Bonwick of Compenso Communications Inc. has identified an interest in the Inquiry arising from his ownership of a company known as Green Leaf Distribution Inc., which provided consulting services to corporate entities involved in the Town purchase of recreational facilities in 2012. Mr. Bonwick also submits that he has unique involvement and detailed knowledge relating to the 50% share sale of Collingwood Utility Services Corporation to PowerStream in 2012.

26. Mr. Bonwick seeks to further the conduct of the Inquiry and states that his participation would contribute to the openness and fairness of the Inquiry. Mr. Bonwick also identified a genuine reputational interest in the Inquiry.

27. The material provided connects Mr. Bonwick and his companies, Compenso and Greenleaf, to aspects of Part I and Part II of the Inquiry, and the issues described in sections 3(a) (i), (ii), (iii), (iv), (vii) and (viii) of the Terms of Reference.

28. I grant Mr. Bonwick the right to participate in these portions of the Terms of Reference, to the extent that they concern his interest and perspective. He may participate in the following ways:

- consistent with Rules 17 and 18 of the Inquiry's Rules of Procedure, access to documents collected by the Inquiry;
- consistent with the Inquiry's Rules of Procedure, advance notice of documents proposed to be entered and statements of anticipated evidence;
- a seat at counsel table;
- the opportunity to suggest witnesses to be called by Inquiry counsel;
- the opportunity to cross-examine witnesses on matters that bear on the subject matter of the Inquiry and are relevant to Mr. Bonwick's interests; and
- the opportunity to make closing submissions, either orally, in writing or both.

29. Mr. Bonwick also applied for funding and provided an affidavit concerning his personal financial information in support of his request.
30. Aspects of Mr. Bonwick's available personal financial information support a recommendation for funding. However, he has not provided details of the assets and liabilities of his companies. We recommend that the Town obtain this information prior to deciding whether to provide Mr. Bonwick with funding.

Ian Chadwick

31. Mr. Chadwick was a member of the Town's council from 2010-2014, during the events described in the Terms of Reference. He participated in several of the decisions and has documented the process on-line. He identified interests in common with other members of Council. He is willing to testify if called upon.
32. Mr. Chadwick seeks to be able to provide the Inquiry with a comprehensive timeline of events and activities.
33. Mr. Chadwick will be permitted to participate by providing a written comprehensive timeline of events and activities.
34. Mr. Chadwick did not apply for funding.

Collus PowerStream Corp. (represented by Mr. George Vegh and Ms. Julie Parla)

35. Collus PowerStream Corp. seeks standing to participate on the basis that it is the successor to Collingwood Utility Services Corporation, the entity that was the subject of the share-purchase transaction. Collus PowerStream has relevant documents and information concerning the Transaction, and relevant communications with Town Council members. Collus PowerStream has also identified an interest in being allowed to participate to ensure the accuracy of information concerning the share sale.
36. Collus PowerStream has established a substantial and direct interest in Part I of the Inquiry and I grant it the right to participate in Part I with respect to the issues described by sections 1, 2, 3 (a) (i), (ii), (iii), (iv), (v) and (vi) of the Terms of Reference, to the extent that they concern Collus PowerStream's interests and perspective. It may participate in the following ways:
 - consistent with Rules 17 and 18 of the Inquiry's Rules of Procedure, access to documents collected by the Inquiry;
 - consistent with the Inquiry's Rules of Procedure, advance notice of documents proposed to be entered and statements of anticipated evidence;
 - a seat at counsel table;
 - the opportunity to suggest witnesses to be called by Inquiry counsel;
 - the opportunity to cross-examine witnesses on matters that bear on the subject matter of the Inquiry and are relevant to Collus PowerStream's interest; and
 - the opportunity to make closing submissions, either orally, in writing or both.

37. Collus PowerStream made no request for funding.

Mayor Sandra Cooper (represented by Mr. George Marron)

38. Mayor Cooper was the Mayor of Collingwood during the share sale transaction and the recreational facility purchase decision. Mayor Cooper has a substantial and direct interest in the subject matter of the Inquiry and an ability to further the conduct of the Inquiry.

39. I find that Mayor Cooper has a right to participate in the subject matter of the Inquiry in relation to the issues to be considered in Parts I and II of the Inquiry, to the extent that they concern her interests and perspective. In her role as the head of Council, Mayor Cooper's interests and ability to participate relate to sections 1, 2 and 3 of the Terms of Reference, and the questions outlined in the first part of Council's resolution. She may participate in the following ways:

*Prep
Solely
ref. client*

- consistent with Rules 17 and 18 of the Inquiry's Rules of Procedure, access to documents collected by the Inquiry;
- consistent with the Inquiry's Rules of Procedure, advance notice of documents proposed to be entered and statements of anticipated evidence;
- a seat at counsel table;
- the opportunity to suggest witnesses to be called by Inquiry counsel;
- the opportunity to cross-examine witnesses on matters that bear on the subject matter of the Inquiry and are relevant to Mayor Cooper's interests; and
- the opportunity to make closing submissions, either orally, in writing or both.

40. Mayor Cooper has also applied for funding and provided an affidavit concerning her personal financial information in support of her request.

41. I recommend that the Town favorably consider the Mayor's request for funding, based on my review of her financial information and because she was the Mayor at the relevant times.

Councillor Tim Fryer (represented by Mr. Raivo Uukkivi and Ms. Adrianna Pilkington)

42. Councillor Fryer is a member of Council for the Town of Collingwood.

43. Mr Fryer has a substantial and direct interest in the subject matters of the Inquiry, arising from his long-time employment at Collingwood Utility Services Corporation and his role as its Chief Financial Officer at the time of the transaction.

44. Councillor Fryer has identified an interest in financial and public accountability, including an interest in the oversight of utility operations. Councillor Fryer has identified this issue as being important to the scope of the Inquiry.

45. I grant Councillor Fryer the right to participate in Part I of the Inquiry with respect to the issues described by sections 1, 2, 3 (a) (i), (ii), (iii), (iv), (v) and (vi) of the Terms of

Reference, up to September 2012 and to the extent that they concern his interests and perspective. He may participate in the following ways:

- consistent with Rules 17 and 18 of the Inquiry's Rules of Procedure, access to documents collected by the Inquiry;
- consistent with the Inquiry's Rules of Procedure, advance notice of documents proposed to be entered and statements of anticipated evidence;
- a seat at counsel table;
- the opportunity to suggest witnesses to be called by Inquiry counsel;
- the opportunity to cross-examine witnesses on matters that bear on the subject matter of the Inquiry and are relevant to Councillor Fryer's interests; and
- the opportunity to make closing submissions, either orally, in writing or both.

46. Councillor Fryer has also applied for funding and provided an affidavit concerning his personal financial information.
47. I recommend that the Town favorably consider Mr. Fryer's request for funding based on my review of his financial information.

Edwin Houghton (represented by Mr. Fred Chenoweth)

48. Mr. Houghton seeks to participate because of his extensive involvement with the share sale transaction, given his prior role as Chief Executive Officer of Collingwood Utility Services Corporation. He also seeks to participate because of his involvement with the Town of Collingwood recreational facility transaction, at the time of which Mr. Houghton was the Town's acting Chief Administrative Officer. In those capacities, he had direct personal involvement in both transactions.
49. Mr. Houghton cites his substantial and direct involvement, issues of fairness and his ability to assist the Inquiry in its work.
50. The material provided establishes that Mr. Houghton has a substantial and direct interest in the issues that will be addressed during Part I and Part II of the Inquiry, and the issues described in sections 3(a) (i), (ii), (iii), (iv), (v), (vi), (vii) and (viii) of the Terms of Reference.
51. I grant Mr. Houghton the right to participate for those portions of the Inquiry, to the extent that they concern his interests and perspective. He may participate in the following ways:
 - consistent with Rules 17 and 18 of the Inquiry's Rules of Procedure, access to documents collected by the Inquiry;
 - consistent with the Inquiry's Rules of Procedure, advance notice of documents proposed to be entered and statements of anticipated evidence;
 - a seat at counsel table;