



“When You Talk - We Listen!”



TOWN OF COLLINGWOOD

JUDICIAL INQUIRY

Before:

Associate Chief Justice Frank Marrocco

Held at:

Collingwood Town Hall

Council Chambers

97 Hurontario Street

Collingwood, Ontario

October 1st, 2019

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APPEARANCES

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John Mather) Associate Inquiry
) Counsel
(No Counsel)) For Paul Bonwick
George Marron) For Sandra Cooper
Frederick Chenoweth) For Edwin Houghton
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Ryan Breedon)
Andrea Wheeler (np))
Bill Trudell) For BLT Construction
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2	Exhibit No.	Description		Page No.
3	1619	CJI0007626		
4	1620	TOC0512701		
5	1621	CJI0006013		
6	1622	TOC0195145		
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1 --- Upon commencing at 9:05 a.m.

2

3 MR. FREDERICK CHENOWETH: Your Honour,
4 before we commence this morning, I told Inquiry
5 counsel that I would wish to raise some matters that
6 arose as a result of the cross-examination of Mr.
7 Breedon yesterday. And there's a couple of issues
8 that arise out of it.

9 You will recall that Mr. Breedon
10 brought out of Mr. McNalty, the witness, a course of
11 cross-examination which suggested that the contract
12 price for the arena was not authorized by Council.

13 I, of course, I had no notice of that -
14 - that issue. It isn't in any witness statement. It
15 wasn't brought up by Inquiry counsel, so it's not
16 something that I was familiar with. And in -- in any
17 event, my position in the cross-examination follows
18 that of Mr. Breedon, so that I didn't have an
19 opportunity to raise it with the witness.

20 But the -- I'm concerned that the
21 public who is listening to these matters, the press
22 who is reporting on it, will be left with an
23 impression that's -- that's -- that I think is -- is
24 unfortunate, given, I think, the obvious facts of the
25 situation, i.e., that the contract that was entered

1 into for the arena was not authorized by Council.

2 I think that's an unfortunate end to
3 the issue, and I'd like to -- to have an opportunity
4 to, in spite of the fact that I don't have the witness
5 here, I think I can make my point from the documents,
6 Your Honour, to speak to that issue now, which I
7 didn't have an opportunity to speak to yesterday
8 because of order of cross-examination, and because of
9 the fact that it was a new issue unknown to me.

10 And I'd like to refer Your Honour to --
11 to the BLT budget for the arena, which is TOC0202990.

12

13 (BRIEF PAUSE)

14

15 MR. FREDERICK CHENOWETH: And to page
16 4 of that document, if we could, please. Maybe we
17 could pull that up.

18

19 (BRIEF PAUSE)

20

21 MR. FREDERICK CHENOWETH: We could go
22 down to -- past electrical, down to the options
23 section, and down to the bottom of -- of the options
24 section.

25

Now Mr. Breedon very properly pointed

1 out that the -- that the total that BLT was budgeting
2 for the arena without options -- without options was
3 the -- the number at the bottom of the page, i.e.,
4 seven million three hundred and ninety-two thousand
5 and forty-seven dollars (\$7,392,047), and he very
6 properly pointed out that that is the number that is
7 cited on page 4 of the penultimate staff report, which
8 again, I don't know whether we're -- you wish to turn
9 to it or not, but I'll just -- I'll just say the
10 number --

11 THE HONOURABLE FRANK MARROCCO: I -- I
12 recall the --

13 MR. FREDERICK CHENOWETH: -- for
14 purpose of the record --

15 THE HONOURABLE FRANK MARROCCO: --
16 staff report, and I recall --

17 MR. FREDERICK CHENOWETH: Yes, I --
18 I'll --

19 THE HONOURABLE FRANK MARROCCO: -- the
20 recall the reference to the number.

21 MR. FREDERICK CHENOWETH: I'm sorry?

22 THE HONOURABLE FRANK MARROCCO: And I
23 recall the reference to the number.

24 MR. FREDERICK CHENOWETH: Very good.
25 I'm just going to say the number for the record, so

1 it's obvious on that. The number is TOC0204147. And
2 the -- the -- there's a reference in the report on
3 page 4, paragraph 4, in which indicates that the --
4 the basic insulated architectural membrane arena has a
5 price of seven million three hundred and ninety-two
6 thousand dollars (\$7,392,000) which is the same number
7 that's in the BLT budget.

8 And the question was -- the issue
9 really was, how did we get to the contract price,
10 i.e., the seven million seven hundred and eight
11 (7,708,000), and more importantly, was that a number
12 the -- that was included in the report, and therefore
13 authorized by the Town?

14 My thought is that, yeah, it is a
15 number included in the report, and it's a number
16 authorized therefore by the Town. Specifically, if we
17 look at the -- at the option section, which is the
18 bottom section on the document we have up in front of
19 the screen at this time, you'll see there is a total
20 options price of five hundred and four thousand two
21 hundred and fifty-six dollars (\$504,256).

22 So the -- the contract price should
23 obviously be the base price plus the options.
24 Actually, the five hundred and four (504) number has
25 to be a little bit adjusted, because if you look at

1 what I believe to be item 17-102, a hundred and
2 eighty-eight thousand dollar (\$188,000) number for the
3 electric Zamboni, a hundred and eighty-eight thousand
4 dollars (\$188,000), that wasn't purchased. You'll see
5 that there's two (2) numbers for Zambonis there. One
6 (1) is the propane Zamboni, which had a price of a
7 hundred and twenty thousand dollar (\$120,000), and the
8 second one is the electric Zamboni, with the price of
9 a hundred and eighty-eight thousand (188,000).

10 It's -- I -- I think it goes without
11 saying that the Town didn't purchase two (2) Zambonis
12 for the same arena. It purchased one (1). My
13 information is that was the hundred and twenty-seven
14 thousand (127,000) -- hundred and twenty thousand
15 dollar (\$120,000) Zamboni, not the hundred and eighty-
16 eight thousand dollar (\$188,000) Zamboni, so that the
17 total options price, minus the Zamboni that they
18 didn't purchase, comes to three hundred and sixteen
19 thousand seven hundred and seventy-eight dollars and
20 twenty cents (\$316,778.20). The --

21 THE HONOURABLE FRANK MARROCCO:
22 There's a sixty thousand dollar (\$60,000) difference
23 between the two (2), right? A hundred and twenty
24 (120) --

25 MR. FREDERICK CHENOWETH: Three

1 hundred and sixteen thousand (316,000).

2 THE HONOURABLE FRANK MARROCCO: -- a
3 hundred and twenty (120) and a hundred and eighty-
4 eight (188).

5 MR. FREDERICK CHENOWETH: Three
6 hundred and sixteen (316).

7 THE HONOURABLE FRANK MARROCCO: Sixty-
8 eight thousand (68,000).

9 MR. FREDERICK CHENOWETH: The
10 difference is three (3) --

11 THE HONOURABLE FRANK MARROCCO: Five-
12 o-four (504) minus sixty-eight (68) is four-forty
13 (440).

14 MR. FREDERICK CHENOWETH: Minus one
15 eighty-eight (188), the Zamboni that wasn't purchased.

16 THE HONOURABLE FRANK MARROCCO: I see
17 what you're saying.

18 MR. FREDERICK CHENOWETH: The Zamboni.

19 THE HONOURABLE FRANK MARROCCO:
20 Correct. Correct, you're correct. That's right.
21 Sorry about that.

22 MR. FREDERICK CHENOWETH: So if you
23 take the -- you take the five-o-four (504) --

24 THE HONOURABLE FRANK MARROCCO: Right.

25 MR. FREDERICK CHENOWETH: -- and you

1 subtract the electric Zamboni --

2 THE HONOURABLE FRANK MARROCCO: That's
3 right.

4 MR. FREDERICK CHENOWETH: -- that
5 wasn't purchased, you get options that need to be
6 added to the base price of three hundred and sixteen
7 thousand dollars (\$316,000).

8 THE HONOURABLE FRANK MARROCCO: Right.
9 My mistake.

10 MR. FREDERICK CHENOWETH: Interestingly
11 enough, if you add the three hundred and sixteen
12 thousand dollars (\$316,000) to the base price property
13 referred to by My Friend Mr. Breedon of seven hundred
14 and thirty (730) -- of seven million three hundred and
15 ninety-two (7,392,000), so you got the base price plus
16 -- plus the new figure for the options, you get the
17 contract price, which is in the contract for the
18 arena, which is seven million seven hundred and eight
19 thousand two hundred and twenty-four dollars and
20 eighty cents (\$7,708,224.80).

21 So the -- the outstanding question is -
22 - is that somewhere indicated in the report? Is that
23 somewhere authorized by the Town when they authorized
24 this report? I -- I believe the answer to that is
25 yes, and in particular, I want to refer to it in two

1 (2) locations.

2 If you look at page 6 of the staff
3 report, you'll see that under effect on Town
4 financing, they have the total cost of the two (2)
5 buildings, which is ten million six hundred and
6 seventeen thousand dollars (\$10,617,000), and that's a
7 function of the seven million seven thirt -- is it
8 seven million three hundred and ninety-two thousand
9 (7,392,000), which was the base price for the arena,
10 and the base price for the pool, which was three
11 million two hundred and twenty-five thousand dollars
12 (\$3,225,000).

13 And underneath that, they have the
14 accessory costs, which is the very number that -- that
15 we've spoken of in our conversation -- or I've spoken
16 of in my submissions this morning. So it -- it is in
17 the report, and the accessory costs that are requested
18 are the accessories that take the total contract price
19 to seven-seven-o-eight (7,708). That three sixteen
20 (316) is mentioned another time in the report, on page
21 5 of the report. And they talk about total single pad
22 arena costs, and then they talk about accessories,
23 such as -- such as -- and I take it -- that means it
24 includes other accessories -- accessories such as
25 Zamboni and scoreboard --

1 THE HONOURABLE FRANK MARROCCO: Wall
2 art's an example of an accessory.

3 MR. FREDERICK CHENOWETH: They're an
4 example, yeah, no doubt. And obviously, the list is
5 longer than that, as we can see from the BLT budget.

6 The point is that it says three hundred
7 and sixteen thousand dollars (\$316,000). So my point
8 is that the BLT document and the -- and the report
9 make it to clear as authorized by Council that the --
10 the price for the arena should be as per the contract,
11 i.e., seven million seven hundred and eight thousand
12 dollars (\$7,708,000). That's the point I wanted to
13 make.

14 There's -- in my submission, Your
15 Honour, there's a -- there's a second point that --
16 that arises from -- from our obligation to go through
17 this this morning, and that is -- comes back to an
18 issue that -- that I had made some comments on at
19 earlier times in this Inquiry, and that is the order
20 of cross-examination.

21 I think that -- that myself and my
22 client, and those who espouse the appropriateness of
23 the purchase of this facility, their -- their
24 opportunity to speak to a number of these matters is
25 affected by the order of cross-examination.

1 I had made the comment during the
2 course of my earlier remarks that I was concerned
3 about the order of cross-examination because it had
4 been my observation in Part 1 of the Inquiry that
5 there had been, through the skills of -- of My Friend
6 Mr. McDowell and Mr. McBreedon (sic), they had raised
7 some new issues that weren't raised by Inquiry counsel
8 and weren't in any witness statements so that others
9 could be -- could be prepared to cross-examine on
10 them. They're new issues raised through the skills of
11 my friends that -- that we should have an opportunity
12 to examine on.

13 I was concerned that new issues might,
14 again, be raised in Part 2 of the Inquiry, that the
15 order of cross-examination that -- that I was not in
16 favour of and -- and is now in place, would not give
17 an opportunity to speak to on -- on behalf of my
18 client and others, and may well leave the public with
19 an inappropriate impre -- impression, which I think is
20 -- has happened here today.

21 I don't know if it's going to lead to -
22 - to remarks in the paper or headlines in the paper,
23 but these things from time to time do, as both -- as
24 all of us may have observed. So it's -- it's no --
25 it's -- it's not a matter of -- of some

1 insignificance.

2 Now I found that in the second part of
3 the Inquiry, as I had expressed a concern about at
4 earlier times, there has now been two (2) occasions on
5 which the skills of Mr. Breedon and My Friend have --
6 have raised new issues that I certainly haven't had a
7 chance to either digest or cross-examine on.

8 The two (2) examples of that are the
9 matter that we just dealt with. I didn't have a
10 chance to cross-examine on that new issue raised by
11 Mr. Breedon.

12 And with respect to the -- to the -- to
13 some matters raised in the examination of Ron Martin
14 by Mr. Breedon, he raised again some new issues which
15 were that the -- at least one (1), and there -- and
16 there -- I -- I -- my memory serves it was more, but
17 he raised at least one (1) issue that wasn't raised by
18 Inquiry counsel, and that's the fact that there was no
19 bid bond in the -- in the contract -- no performance
20 bond in the contract -- not bid bond, performance bond
21 in the contract.

22 So that's two (2) examples of -- of new
23 issues raised by Mr. Breedon, and I'm not saying
24 they're inappropriate issues. I just would like to
25 have an opportunity to speak to them.

1 There's -- there's -- it seems to me
2 there's -- and again I say it's not insignificant.
3 They're the kinds of matters that the public is
4 interested in when they're listening to this matter
5 and that the press is interested in, so they're not
6 insignificant, and they -- they shouldn't be -- the
7 answer is not simply to say, well, make a submission
8 on it because, you know, we're here, we're hearing
9 these things, they're leading to headlines, they're
10 significant, they're -- they're the public's
11 impression, and, you know, it shouldn't be -- comments
12 shouldn't be relegated to -- to one paragraph in -- in
13 -- in -- in number of six or seven 70-page submissions
14 for the public to have an opportunity to deal with
15 them. So I think it's best to deal with them as we're
16 moving on.

17 The solution I'm -- I'm suggesting with
18 respect to what I see to be a problem, Your Honour,
19 and it's now arisen twice in -- in FD-2 and arose in
20 FD-1, is either to change the -- change the order of
21 cross-examination so that -- so that we would get an
22 opportunity to -- to cross -- cross-examine on those
23 new issues raised, or to give an opportunity to -- to
24 -- for one to put up one's hand when a new issue is
25 raised and -- and to speak to it at the time.

1 The problem with the latter issue is
2 that without some foreknowledge of the new issue,
3 which of course wasn't in the witness statement of Mr.
4 McNalty and wasn't in the witness statement of Ron
5 Martin and wasn't in Inquiry counsel's presentation,
6 is that some of these issues require an opportunity to
7 grasp the documentation.

8 Candidly, it wasn't until I'd had an
9 opportunity to digest Mr. Breedon's materials last
10 evening and, again, look at the documents that I
11 became aware of what I saw as a -- as a -- as a
12 concern with respect to the line as it -- the line of
13 cross as it was left yesterday, so that I'm not sure
14 that simply requiring counsel to -- to put up his hand
15 when there's a new issue raised and then to deal with
16 it is -- is an adequate solution to the problem.

17 It may be that if we're going to have
18 new issues like that, there should be some
19 consultation with Inquiry counsel. It should be in
20 the statement or it should very possibly be brought
21 out Inquiry counsel rather than having the case
22 divided, and -- so that we can have a proper
23 opportunity to cross-examine on these matters and to
24 bring out the issue in a fulsome way.

25 I'm again concerned that -- that it may

1 be that these issues aren't being dealt with in a
2 fulsome way.

3 So those are -- those are my
4 submissions and my thoughts, Your Honour. First of
5 all, with respect to the line of cross pursued by My
6 Friend, Mr. Breedon, yesterday, and secondly, with
7 respect to how that reflects on more -- on a broader
8 issue, i.e., the -- the nature of cross-examination.

9 THE HONOURABLE FRANK MARROCCO: The
10 order of cross-examination is going to stay the same.

11 We have followed the practice from the
12 beginning that counsel whose witness is being examined
13 will get to cross-examine last. Mr. McNalty was a
14 Town witness. Mr. Breedon represents the Town. So
15 that's completely consistent with the way we've
16 carried on.

17 As far as the new issues are concerned,
18 there'd be ample opportunity to ask Mr. Houghton about
19 the inclusion of all of the expenditures in
20 resolutions that were approved by Council. There'd be
21 an opportunity to put those questions to Ms. Leonard,
22 who's the Treasurer, both of whom are going to testify
23 down the road. So there'd be ample opportunity to
24 address the issue, assuming for a moment that someone
25 preparing to cross-examine Mr. McNalty would not take

1 the step of comparing what Council approved with what
2 was spent. I think the issue was foreseeable.

3 Ultimately, there has to be an order to
4 the cross-examination. Somebody has to go first,
5 somebody has to go last, and this -- and issues can
6 arise, and if they do and we can deal with them at the
7 time, we will, and if -- if -- if it weren't -- if
8 there was -- if it's impossible to deal with it, then
9 we'll find some way to remedy the problem.

10 As I say, in this case I don't see it
11 as a problem because there are two (2) witnesses
12 coming who can both be -- be asked about it.

13 As far as the public relations concern
14 is -- as expressed, there -- there is -- the -- the
15 whole purpose of this is to permit the public to
16 understand what's happened.

17 It stands to reason they're going to
18 report, and the only thing I can do is make sure that
19 through one witness or another an issue like the
20 approval of the appropriate budget item is addressed,
21 be addressed by Mr. McNalty, addressed by the
22 Treasurer, addressed by Mr. Houghton, so there is more
23 than enough opportunity to get the version out in the
24 public's eye that -- that Counsel or the clients want
25 to -- to put before the public.

1 I can't -- I can't -- I can't change
2 the fact that there has to be some temporal order to
3 the cross-examination, and I think permitting Council
4 to -- whose witness is testifying, to cross-examine
5 last is a fair way to go about it, and that's the --
6 the -- the -- that's the way we've gone about it all
7 along. I think that works.

8 And so, you know, those are my comments
9 and now we'll get back to the business at hand.

10 MR. FREDERICK CHENOWETH: May -- may I
11 give some brief rejoinder to that, Your Honour --
12 brief?

13 THE HONOURABLE FRANK MARROCCO: Sure,
14 Mr. Chenoweth, brief.

15 MR. FREDERICK CHENOWETH: Yes, thank
16 you.

17 I -- I am -- accept the thoughts --
18 your thoughts with respect to a witness who is
19 possibly the Town's witness as Mr. McNalty may have
20 been, and I -- I think the approach is sound with
21 respect to that.

22 Yet another witness -- we've got other
23 witnesses coming up, Tom Lloyd, Barrow, et cetera,
24 that are not Town witnesses, and I wonder if some
25 thought should be given to the order of cross-

1 examination with respect to those witnesses,
2 particularly if new issues are going to be raised.

3 I acknowledge that -- I think -- I
4 think you understand my point with respect to that.

5 Those are the only comments I have with
6 respect to what I otherwise believe to be a sound view
7 of matters.

8 THE HONOURABLE FRANK MARROCCO: Thank
9 you. Call the witness.

10 MR. JOHN MATHER: Next witness is Tom
11 Lloyd.

12 THE HONOURABLE FRANK MARROCCO: Just
13 come -- you can just come up here, Mr. Lloyd --
14 witness box.

15

16 TOM LLOYD, Affirmed

17

18 EXAMINATION-IN-CHIEF BY MR. JOHN MATHER:

19 MR. JOHN MATHER: Good morning, Mr.
20 Lloyd.

21 MR. TOM LLOYD: Good morning.

22 MR. JOHN MATHER: You were the
23 regional sales manager for Sprung Instant Structures,
24 is that correct?

25 MR. TOM LLOYD: Correct.

1 MR. JOHN MATHER: And it's my
2 understanding that you joined Sprung in 2009, is that
3 correct?

4 MR. TOM LLOYD: 2010, January 2010
5 full-time.

6 MR. JOHN MATHER: What did you do
7 before you joined Sprung?

8 MR. TOM LLOYD: Immediately before, or
9 do you want the whole --

10 MR. JOHN MATHER: Give us a high-level
11 overview of your background before joining Sprung.

12 MR. TOM LLOYD: I -- in my early, mid-
13 20s I started in the banking business, worked my way
14 into corporate banking, became a senior corporate
15 business development banker. Moved into national
16 sales for the Royal Bank payroll technology business,
17 which got sold to ADP, which led me to the software
18 business, where I tried to get my own dot com business
19 rolling.

20 After the crash of -- in the early 20s
21 I went into the recruitment business for seven (7)
22 years, and started on the side being a manufacturers
23 representative for Sprung Structures in 2009.

24 MR. JOHN MATHER: Okay. And can you
25 explain to me what it means to be a manufacturer's

1 representatives on the side?

2 MR. TOM LLOYD: Manufacturer's
3 representatives of Sprung Structures are agents who
4 are not paid any travel expenses or salaries of any
5 sort and get a firm commission based on any closed
6 business.

7 MR. JOHN MATHER: How is it determined
8 when a manufacturer's representative gets the
9 commission for a particular project?

10 MR. TOM LLOYD: How is it determined?
11 When the actual sale is made. When the money is
12 collected.

13 MR. JOHN MATHER: I understand that.
14 How is it determined that one specific representative
15 gets the commission for one specific project?

16 MR. TOM LLOYD: You must register a
17 project.

18 MR. JOHN MATHER: And what does that
19 mean?

20 MR. TOM LLOYD: So -- should I use the
21 example of Collingwood?

22 MR. JOHN MATHER: Certainly.

23 MR. TOM LLOYD: The Collingwood Arena
24 itself was -- the opportunity was recognized by one
25 (1) of our manufacturer's representatives, who met

1 with the Town, found it was a real live great
2 opportunity, contacted me immediately. We register it
3 to the Sprung system and then we literally work with
4 the manufacturer's rep, depending on the rep short-
5 term and then we take the project over.

6 MR. JOHN MATHER: So once the
7 representative has registered the project, if that
8 project substantially leads -- eventually leads to a
9 contract and that contract price is paid, the person
10 who registered the project will get the commission
11 from that project.

12 MR. TOM LLOYD: Correct.

13 MR. JOHN MATHER: Is it ever the case
14 that more than one (1) representative can register a
15 project?

16 MR. TOM LLOYD: Yes, but they have to
17 agree to it.

18 MR. JOHN MATHER: So as I understand
19 your answer earlier, you became a manufacturers
20 representative at some point in 2009 and I take it
21 this was a -- sort of part-time work. Is that fair?

22 MR. TOM LLOYD: Correct.

23 MR. JOHN MATHER: How did it -- how
24 did you come to join the Sprung company in 2009?

25 MR. TOM LLOYD: I know the Sprung

1 family and I'm also best friends with the -- one (1)
2 of the executives.

3 MR. JOHN MATHER: Which executive?

4 MR. TOM LLOYD: Jim Avery.

5 MR. JOHN MATHER: Prior to 2009 did
6 you have any experience in -- in construction?

7 MR. TOM LLOYD: Only through the
8 finance side and just dealing with builders as a
9 banker.

10 MR. JOHN MATHER: Had you ever worked
11 as a project manager overseeing any construction
12 projects?

13 MR. TOM LLOYD: Only my own basement.

14 MR. JOHN MATHER: Fair enough. So you
15 mentioned that you became full-time with Sprung in
16 January 2010. Did your position change at the time?

17 MR. TOM LLOYD: I'm sorry? My
18 position?

19 MR. JOHN MATHER: With --

20 MR. TOM LLOYD: No, I was hired into
21 the same position I'm in now.

22 MR. JOHN MATHER: All right. So you
23 were part-time manufacturer's representative in 2009,
24 and in January 2010 you became the regional sales
25 manager?

1 MR. TOM LLOYD: Correct.

2 MR. JOHN MATHER: What are your
3 responsibilities as a regional sales manager?

4 MR. TOM LLOYD: I look after a team of
5 full-time people, which today stands at five (5). We
6 manage all of Sprung's business from the Manitoba
7 border to Newfoundland, north through Labrador,
8 Nunavut, and Michigan, the state of Michigan.

9 MR. JOHN MATHER: We see in the
10 documents the names of certain other Sprung
11 representatives who were involved in the Collingwood
12 projects. One was Pat Mills, who you have already
13 referred to.

14 MR. TOM LLOYD: M-hm.

15 MR. JOHN MATHER: Another individual
16 was Dave MacNeil.

17 What was Dave MacNeil's role with
18 Sprung in 2012?

19 MR. TOM LLOYD: He was a -- he was one
20 of my sales managers.

21 MR. JOHN MATHER: Was he an employee
22 of Sprung?

23 MR. TOM LLOYD: Yes, he was. Full-
24 time employee.

25 MR. JOHN MATHER: And as sales

1 manager, what was his responsibility?

2 MR. TOM LLOYD: Managing the day-to-
3 day operations of business -- of his -- of his own
4 portfolio, doing business development, finding
5 opportunities, and working them to a close.

6 MR. JOHN MATHER: And what's the
7 difference between what Mr. MacNeil was doing in 2012
8 and what someone like Pat Mills or another
9 representative was doing in 2012?

10 MR. TOM LLOYD: Well, the
11 manufacturers reps are more to identify leads and
12 bring them to us. They can't do any pricing or
13 quoting or -- so that's when the full-time staff take
14 over.

15 MR. JOHN MATHER: So is it fair to say
16 then that the role of manufacturer's rep is they're an
17 individual who looks for opportunities for Sprung,
18 does not get paid any regular salary, but if they see
19 an opportunity, register the opportunity, and that
20 opportunity becomes a final project, they then get
21 compensated?

22 MR. TOM LLOYD: If it closes, correct.

23 MR. JOHN MATHER: Speaking more
24 generally, in your experience, what are the primary
25 uses of Sprung buildings?

1 MR. TOM LLOYD: What are the primary
2 uses?

3 MR. JOHN MATHER: Yes.

4 MR. TOM LLOYD: Well, they've changed
5 dramatically in my -- even in my time. But I mean,
6 brief -- I'll try to be brief, but Sprung invented the
7 soft wall structure. It's a patented technology, it's
8 unique in the market.

9 And we moved from cold storage-type
10 structures to -- very quickly, into non-industrial-
11 type buildings.

12 So even when I started we couldn't do a
13 major office complex. Today we're building a -- today
14 we're about to open a 400,000 square foot office
15 complex for twenty-five (25) employees, senior
16 employees, in the state of Washington.

17 So the building progresses and that's
18 because of our amazing insulation package, as well as
19 our interior liner and our air-tight seal.

20 MR. JOHN MATHER: And my question was
21 what are the primary uses of Sprung structures? What
22 are they most commonly used for?

23 MR. TOM LLOYD: Well, yes, I was -- I
24 was actually going to get there and just say that
25 there is no limitation other than height.

1 So two storeys, three storeys with the
2 basement. Maximum width, depending on the wind and
3 snow load, would be 150 to 200 feet, and length by any
4 length you want.

5 MR. JOHN MATHER: So my question is
6 about the use of it. Is it typically used for
7 agricultural purposes, military purposes? Are there
8 primary uses that people who buy Sprung use them for?

9 MR. TOM LLOYD: If you saw our part --
10 our pie chart of industries right now, it -- I mean,
11 it changes every year. It went from primarily
12 military and oil, gas, mining, to now it's primarily
13 sports and rec, and faith. More non-industrial than
14 industrial today.

15 MR. JOHN MATHER: In 2012 where were
16 you in the pie chart?

17 MR. TOM LLOYD: Probably getting close
18 to 50-50 but still more military, mining, oil and gas.

19 MR. JOHN MATHER: Prior to the two (2)
20 Collingwood projects, which we'll discuss today, how
21 many arenas, that you were aware of, did -- had Sprung
22 constructed?

23 MR. TOM LLOYD: Arenas that were still
24 standing, I know there was two (2) -- sorry, three (3)
25 others and over time we'd actually built a few for

1 different sporting events, such as the Salt Lake City
2 Olympics and things like that.

3 MR. JOHN MATHER: When you say "arenas
4 that were still standing," were there arenas that were
5 not standing?

6 MR. TOM LLOYD: Yes, they were built
7 as temporary arenas.

8 MR. JOHN MATHER: So three (3) arenas
9 that had been constructed were still in use and how
10 many that had been built and were no -- no longer in
11 use?

12 MR. TOM LLOYD: I don't know the exact
13 number of that, sir, I'm -- I think there was at least
14 a couple for the Calgary Olympics and a couple for the
15 Salt Lake City Olympics, and I'm not sure of any
16 others.

17 MR. JOHN MATHER: Again, prior to the
18 Collingwood projects, how many pools had been covered
19 by a Sprung structure, to your knowledge?

20 MR. TOM LLOYD: To my knowledge, about
21 five (5). I think we had about -- well, at least
22 three (3) good references and I'm not sure about the
23 others.

24 MR. JOHN MATHER: So what are the five
25 (5) pools that you are thinking of?

1 MR. TOM LLOYD: Nascar has a big one
2 (1) in Pocono, then there's one in Utah. I've gone
3 blank on the name.

4 MR. JOHN MATHER: Kearns? Does that --

5 MR. TOM LLOYD: Thank you.

6 A -- and I can't remember the others.
7 Smaller pools.

8 THE HONOURABLE FRANK MARROCCO: If you
9 have them, why don't you just put them to him?

10 MR. JOHN MATHER: I was aware of the
11 pool in Kearns, Utah, so I was curious about what the
12 additional pools were.

13 THE HONOURABLE FRANK MARROCCO: Oh,
14 okay.

15

16 CONTINUED BY MR. JOHN MATHER:

17 MR. JOHN MATHER: Any information
18 about the other pools other than the one in Poconos
19 and Utah?

20 MR. TOM LLOYD: I can't recall.

21 MR. JOHN MATHER: Prior to 2012, are
22 you aware of Sprung working with BLT on any pools or
23 arenas?

24 MR. TOM LLOYD: We hadn't got to those
25 yet.

1 MR. JOHN MATHER: And just to be
2 clear, what do you mean by you hadn't got to those
3 yet?

4 MR. TOM LLOYD: We had planned -- we
5 were planning for working together. We were actually
6 coming up with designs for gymnasiums, pools, things
7 like that.

8 MR. JOHN MATHER: But nothing had been
9 constructed?

10 MR. TOM LLOYD: Nothing had been
11 constructed.

12 MR. JOHN MATHER: Were there any
13 contracts prior to the Collingwood project that had
14 been entered into?

15 MR. TOM LLOYD: Not in thi -- not in
16 this region.

17 MR. JOHN MATHER: Were there contracts
18 with BLT in other regions for pools and arenas?

19 MR. TOM LLOYD: No.

20 MR. JOHN MATHER: With respect to the
21 pools that were aware of, were any of those instances
22 where Sprung covered an existing outdoor pool?

23 MR. TOM LLOYD: Yes, Kearns.

24 MR. JOHN MATHER: Any others?

25 MR. TOM LLOYD: I'm not sure about the

1 Pocono one, but something tells me it was, but I don't
2 want to mislead anyone.

3 MR. JOHN MATHER: Do you have a sense
4 prior to the Collingwood projects how many Sprung
5 buildings had been constructed in Ontario up until
6 that point?

7 MR. TOM LLOYD: It be a wild guess.
8 Sixty (60), but honestly, that's a -- that's a wild
9 guess.

10 MR. JOHN MATHER: Fair enough. How
11 did Ontario compare to other provinces in terms of a
12 market for Sprung?

13 MR. TOM LLOYD: Eastern Canada in
14 general, including Ontario, was lacking. So, Sprung's
15 head office is Calgary. They gravitated to the US.
16 And, as we all know, Americans are much quicker to
17 take risks, to they -- the US market exploded, and as
18 did Western Canada. And Eastern Canada kind of lagged
19 behind.

20 MR. JOHN MATHER: What is it about
21 constructing a Sprung that would involve taking a
22 risk?

23 MR. TOM LLOYD: It's a new building.
24 It's -- it's different.

25 MR. JOHN MATHER: And can you just

1 explain what you mean by that?

2 MR. TOM LLOYD: Years ago, it took
3 pre-engineered steel a long time to break into the
4 market, so pre-engineered buildings in general are --
5 are unique.

6 People are known -- people are familiar
7 with stick-built and conventional bricks and mortar
8 type construction for -- for industrial and
9 nonindustrial type uses.

10 MR. JOHN MATHER: And you mentioned
11 that in Eastern Canada, and including Ontario, I think
12 you said sales were lacking?

13 MR. TOM LLOYD: Correct.

14 MR. JOHN MATHER: Anything you
15 attribute to that?

16 MR. TOM LLOYD: Probably more of a
17 focus on the US and international.

18 MR. JOHN MATHER: In a marketing --

19 MR. TOM LLOYD: Put it this way. We
20 sold a lot more buildings in -- in Russia than we had
21 in Ontario.

22 MR. JOHN MATHER: And is there
23 anything that you attribute to that?

24 MR. TOM LLOYD: A lack of focus on
25 marketing and sales.

1 MR. JOHN MATHER: I now want to ask
2 you some questions about Sprung's relationship with
3 BLT.

4 MR. TOM LLOYD: Sure.

5 MR. JOHN MATHER: At a high level,
6 what was the nature of that relationship in 2012?

7 MR. TOM LLOYD: Well, when I started
8 in January, I realized, you know, Sprung is
9 responsible -- Sprung manufactures the building
10 envelope. We need a partner to complete the package.

11 Most clients want -- want a full
12 package of interior and -- building and concrete and
13 all that good stuff.

14 When I went through those that we had
15 worked with in Ontario, there was nobody that stood
16 out, in my opinion, better than BLT. So, I
17 immediately met with BLT and we started looking not
18 just at all the projects I'd already done, but how we
19 can work together and develop plans for future
20 projects; example, arenas, gymnasiums, things like
21 that.

22 MR. JOHN MATHER: Okay. So, prior to
23 these discussions you described, had Sprung worked
24 with BLT on Sprung projects before?

25 MR. TOM LLOYD: Correct. Yes.

1 MR. JOHN MATHER: Can you give us a
2 sense of the nature of those projects?

3 MR. TOM LLOYD: One (1) of the ones
4 that most people that are inter -- that would know
5 about was a very unique project. In the earlier days
6 of the automotive -- auto show in Toronto, it was so
7 big that they used both the convention centre and the
8 SkyDome.

9 BLT built a very unique Sprung corridor
10 system, including with emergency access doors for
11 ambulance and fire trucks to get through, all the way
12 from -- connecting both buildings above ground.

13 MR. JOHN MATHER: Any --

14 MR. TOM LLOYD: That would -- that
15 would go up for two (2), three (3) weeks, and then
16 come down.

17 MR. JOHN MATHER: Other than that
18 project, any other major projects that you were aware
19 of between Sprung and BLT?

20 MR. TOM LLOYD: Yes, the -- quite a
21 few, but a lot -- a lot in the military, but also
22 Niagara Maid of the Mist. When you go on to the Maid
23 of the Mist, you go into a Sprung to put your clothing
24 on, your -- your --

25 MR. JOHN MATHER: The ponchos?

1 MR. TOM LLOYD: Thank you, and then
2 exist through it. The Sprung is also taken down
3 because of its location every year and put back up, so
4 they had a lot of experience buil -- erecting and
5 taking down a Sprung structure.

6 MR. JOHN MATHER: So, you described a
7 process in which you identified Sprung as a company
8 that -- sorry, you identified BLT as a company that
9 Sprung enjoyed working with. You entered into
10 discussions about how you could work together more
11 often.

12 In 2012, what was -- what was the
13 nature of that relationship?

14 MR. TOM LLOYD: Very solid. They were
15 our number 1 builder of choice. Plus, they were also
16 moving globally -- or globally -- Canadian wide, so it
17 was a really good fit for both our office and our
18 Western Canada office.

19 MR. JOHN MATHER: And as a practical
20 matter, what does mean when Sprung is your number 1
21 builder of choice?

22 THE HONOURABLE FRANK MARROCCO: BLT
23 was --

24 MR. JOHN MATHER: Sorry, BLT. Thank
25 you, Your Honour.

1 MR. TOM LLOYD: The -- what it means
2 is they really understood the product. And there's a
3 couple other issues. They wouldn't, for lack of a
4 better term, throw us under the bus.

5 In other words, the referral we give
6 them and we're working together and the client because
7 I really want another pre-engineered product, they'd
8 say -- others that we have worked with would go, okay,
9 whatever you want, we'll build. BLT wouldn't do that.

10

11 CONTINUED BY MR. JOHN MATHER:

12 MR. JOHN MATHER: Was it the case in
13 2012 that, if a customer in Ontario wanted to erect a
14 Sprung structure, they were required to have BLT be
15 the company that --

16 MR. TOM LLOYD: No. It's a customer
17 choice, and it is today, always will be.

18

19 (BRIEF PAUSE)

20

21 MR. JOHN MATHER: I'm going to pull up
22 a document, CJI7626. And while this is coming up, Mr.
23 Lloyd, it's the strategic alliance agreement between
24 Sprung and BLT that was entered into in 2012. I
25 believe you signed the agreement on behalf of Sprung.

1 Is that correct?

2 MR. TOM LLOYD: I did.

3

4 (BRIEF PAUSE)

5

6 MR. JOHN MATHER: What led Sprung and
7 BLT to enter into this agreement? And we'll get to
8 some of the provisions in a moment, but I just want to
9 get a sense of the context.

10 MR. TOM LLOYD: A long list of things,
11 to be totally honest. We were already working, as I
12 said, to develop arena packages. The big -- let me
13 backtrack.

14 After -- we didn't do a lot of business
15 in the infrastructure years of 2009/'10; we missed the
16 boat on that. Sprung is a very fast structure to both
17 get onsite and be built.

18 So, with things like out-of-the-box
19 shovel ready -- Sprung is shovel ready if you've got
20 the interior designed. BLT felt the exact same way.
21 So, BLT and Sprung were ready to do all the legwork to
22 put together common arenas, gymnasiums, theatres, even
23 churches, and be able to go to places like Collingwood
24 and say here's some examples that we put together with
25 different costing models and all that.

1 MR. JOHN MATHER: Is what you're
2 describing a process in which Sprung and BLT would
3 approach customers with design build concepts?

4 MR. TOM LLOYD: Correct.

5 MR. JOHN MATHER: Okay. And what was
6 it about Sprung and BLT's relationship that re -- led
7 them to enter an actual contract about that in 2012?

8 MR. TOM LLOYD: Well, in fairness to
9 BLT, they were doing a lot of the work, too. So, we
10 said, if we're going with one (1) of these packages,
11 it has to be a Sprung/BLT and we need to sort of
12 formalize what we call at Sprung as an alliance
13 partner, which is a handshake agreement, and make
14 this, in fairness to both of us, but specifically BLT,
15 a formal alliance -- strategic alliance agreement.

16 MR. JOHN MATHER: What is the
17 difference between hand shake agreement and a formal
18 strategic alliance agreement?

19 MR. TOM LLOYD: It's in writing.
20 There's no writing on the others. It's just sort of a
21 we'll refer you, you refer us type.

22 MR. JOHN MATHER: And I'm interested
23 in your understanding. Was it the case that, after
24 this agreement was signed, that should a customer want
25 to do a design build involving a Sprung, they would

1 have to do the -- a design build with BLT?

2 MR. TOM LLOYD: No. No. The
3 arrangement was only, if it was a specific model of
4 Sprung, BLT would get the first -- would get the
5 referral.

6 MR. JOHN MATHER: Okay. And what's
7 the specific model of Sprung?

8 MR. TOM LLOYD: As I said, we were
9 designing different size gymnasiums and, you know,
10 basketball was growing. We had all sorts of different
11 sort of templates, if you will.

12 We would do the drawings. They would
13 lay out the interior, come up with a budget costing.

14 MR. JOHN MATHER: So there's a
15 specific suite of potential Sprung design build
16 structures that you've agreed with BLT that Sprung
17 will refer BLT to the customer if it falls within that
18 suite. Is that fair?

19 MR. TOM LLOYD: Yes. But we would
20 probably also refer if we were asked to BLT for any
21 project.

22 MR. JOHN MATHER: So if we could go to
23 the third paragraph of this agreement under --
24 sorry -- section 1. It says:

25 "Sprung, having propriety rights to

1 the manufacture and sale of its
2 structure, shall refer all clients
3 exclusively to BLT who are seeking a
4 turnkey approach."

5 What does that mean?

6 MR. TOM LLOYD: It's stronger in
7 wording than it is in real life, but basically, we do
8 refer a client that needs a turnkey, BLT gets the
9 first choice.

10 MR. JOHN MATHER: So when you said
11 stronger in wording and then in real life, what do you
12 mean?

13 MR. TOM LLOYD: Because the client may
14 not want BLT.

15 THE HONOURABLE FRANK MARROCCO: Can I
16 just interrupt for a second?

17 MR. JOHN MATHER: Certainly.

18 THE HONOURABLE FRANK MARROCCO: It
19 says "shall refer all clients exclusively to BLT." So
20 does that mean that if you're asked for a reference to
21 a builder, you're going to refer them to BLT and
22 nobody else?

23 MR. TOM LLOYD: Correct.

24 THE HONOURABLE FRANK MARROCCO: If
25 they go and find their own builder or they find a --

1 a builder is asked to bid on a project or whatever,
2 that would be something the client's doing. That's
3 not something's Sprung is doing. Sprung's reference,
4 when asked for a builder, will be BLT.

5 MR. TOM LLOYD: Correct.

6

7 CONTINUED BY MR. JOHN MATHER:

8 MR. JOHN MATHER: If we go to the next
9 paragraph, it says:

10 "BLT will likewise refer all clients
11 looking to construct membrane or
12 steel buildings solely to Sprung."

13 What did you understand that obligation
14 meant for BLT?

15 MR. TOM LLOYD: Well, they do refer
16 us. So when -- that they will recommend Sprung as an
17 option for a building.

18 MR. JOHN MATHER: Is it the case that
19 if BLT identifies a potential customer, they identify
20 Sprung as the potential for the building, and the
21 customer says, well, I want to go with someone else,
22 can BLT then proceed with someone else?

23 MR. TOM LLOYD: They would not do a
24 stressed membrane or metal building. They would do
25 the interior but perhaps -- but I won't erect it.

1 MR. JOHN MATHER: You won't -- so they
2 are -- is it your understanding that they're not
3 allowed to erect any other type of structure?

4 MR. TOM LLOYD: It's not that they're
5 not allowed. It's that they just don't. That's a --
6 you know, you can clarify that with them.

7 MR. JOHN MATHER: Okay. I take it
8 from -- or should I take it from this that steel
9 buildings being pre-engineered steel buildings?

10 MR. TOM LLOYD: Correct.

11 MR. JOHN MATHER: Okay. In your
12 experience, is it the case that customers who are
13 considering Sprung are also considering pre-engineered
14 steel buildings?

15 MR. TOM LLOYD: Yes. They're
16 definitely a major -- I would consider them a major
17 competitor.

18 MR. JOHN MATHER: And I take it from
19 the phrasing "construct membrane or steel buildings,"
20 at this point in time, there were other companies that
21 were offering membrane-style buildings?

22 MR. TOM LLOYD: Yes.

23 MR. JOHN MATHER: We'll have some
24 questions about that later. It says in this paragraph
25 that it will be BLT that enters into a contract

1 directly with the customer. Do you know what the
2 purpose of that provision is?

3 MR. TOM LLOYD: Most turnkey -- Sprung
4 is not a contractor. So when you get down to a
5 contract, I mean, we're -- 99 percent of the time,
6 they want in one name. So that would be BLT. They're
7 the contractor. BLT would then, in turn, purchase the
8 Sprung. There are exceptions to that, but big
9 projects, there's no exception.

10 MR. JOHN MATHER: Okay. So just to
11 break down what you said, BLT under this formulation
12 directs -- purchases the membrane directly from Sprung
13 and then sells that on to the end customer, I assume,
14 in addition to the other construction services they're
15 providing?

16 MR. TOM LLOYD: Exactly.

17 MR. JOHN MATHER: You said there were
18 exceptions to that. What are the exceptions?

19 MR. TOM LLOYD: We just -- working at
20 Canadian Nuclear Labs up in Chalk River, Deep River,
21 Ontario. They want Sprung to prime it, so the
22 contract's in the name of Sprung, and then we bring in
23 BLT.

24 MR. JOHN MATHER: And what do you mean
25 by "to prime it"?

1 MR. TOM LLOYD: The contract's in the
2 name of Sprung.

3 MR. JOHN MATHER: Okay. And that was
4 something they insisted on?

5 MR. TOM LLOYD: Correct.

6 MR. JOHN MATHER: Okay. We've
7 reviewed the agreement, and it doesn't say anything
8 about what BLT can charge over and above the price
9 that Sprung will charge BLT for a Sprung structure.

10 In a design build scenario, was it your
11 understanding in 2012 that BLT would charge an amount
12 over and above what Sprung had charged it?

13 MR. TOM LLOYD: Absolutely.

14 MR. JOHN MATHER: Do you have a sense
15 of how much that would be typically?

16 MR. TOM LLOYD: It totally depends on
17 the size of the project and the complexity of it, but
18 it's anywhere up to 15 percent is my understanding.

19 MR. JOHN MATHER: And what's the basis
20 of that understanding?

21 MR. TOM LLOYD: Discussion with BLT.

22 MR. JOHN MATHER: Who at BLT?

23 MR. TOM LLOYD: My primary contact is
24 Dave Barrow.

25 MR. JOHN MATHER: Are you aware of any

1 limitations that are placed on BLT in terms of how
2 much it charge for the structure itself?

3 MR. TOM LLOYD: No. But, you know,
4 we're partners. So they'll be fair, or we'll have to
5 do something about it.

6 MR. JOHN MATHER: So if they begin
7 charging too much, that's something you may need to
8 have a discussion with them about.

9 MR. TOM LLOYD: Correct.

10 MR. JOHN MATHER: I'm going to ask you
11 about some of your experience in procurements prior to
12 the Collingwood projects in 2012. At a high level, do
13 you know how many procurements you were involved with
14 with Sprung before the Collingwood projects?

15 MR. TOM LLOYD: In -- wherein we
16 actually close the business or just bid on it?

17 MR. JOHN MATHER: Participated -- bid.

18 MR. TOM LLOYD: Participated it? So
19 that's roughly two and a half years, one a month -- I
20 don't know -- 40, 50.

21 MR. JOHN MATHER: So it sounds like --
22 I appreciate it's a rough average of about one a
23 month?

24 MR. TOM LLOYD: Yeah. That's what I
25 was going to say. At least one (1) a month. Yeah.

1 MR. JOHN MATHER: And do you have a
2 sense of how many you closed prior to 2012?

3 MR. TOM LLOYD: You know what? I
4 can't recall, but I'm going to say 10 to 20.

5 MR. JOHN MATHER: Did the procurements
6 you're describing involve municipalities?

7 MR. TOM LLOYD: Some.

8 MR. JOHN MATHER: Do you have a sense
9 of how many municipal procurements you participated in
10 prior to the Sprung?

11 MR. TOM LLOYD: Probably a good
12 percentage of them on -- well, there's a lot of salt
13 and sand shelter tenders we used to participate in.

14 MR. JOHN MATHER: Prior to the
15 Collingwood projects, what would have been BLT's --
16 sorry -- what was BLT's role in procurements that
17 Sprung was participating in?

18 MR. TOM LLOYD: I would go to BLT and
19 say we found this, or they would come to me and say
20 we've a good shot at this; do you want to work
21 together on it?

22 MR. JOHN MATHER: So would Sprung and
23 BLT work together on preparing a response to the
24 proposal?

25 MR. TOM LLOYD: Correct.

1 MR. JOHN MATHER: Sorry. Preparing a
2 proposal in response to the procurement.

3 MR. TOM LLOYD: Yeah.

4 MR. JOHN MATHER: Can you give me a
5 sense of who Sprung's typical competitors were in
6 procurements prior to the Collingwood projects?

7 MR. TOM LLOYD: For -- for the -- for
8 a pool and arena-type application?

9 MR. JOHN MATHER: Well, pausing there,
10 had you participated in a procurement for a pool and
11 arena --

12 MR. TOM LLOYD: Yes.

13 MR. JOHN MATHER: -- prior? Sorry.
14 Just wait for me to finish my question before you
15 answer. It just makes it easier for the transcript.

16 Are you aware of -- did you participate
17 in a pool or arena procurement prior to the
18 Collingwood projects?

19 MR. TOM LLOYD: Yes.

20 MR. JOHN MATHER: How many?

21 MR. TOM LLOYD: Pool, none. Arena,
22 about three (3).

23 MR. JOHN MATHER: And do you recall
24 who the end customers were for the arena projects?

25 MR. TOM LLOYD: All of them went

1 conventional.

2 MR. JOHN MATHER: So it sounds like
3 you're talking about the result they "went
4 conventional." Is that correct?

5 MR. TOM LLOYD: Correct.

6 MR. JOHN MATHER: Okay. And when you
7 say "conventional," what do you mean?

8 MR. TOM LLOYD: There might have been
9 some pre-engineered components to it, but it was
10 mostly a bricks and mortar type.

11 MR. JOHN MATHER: So three (3) arena
12 projects that went to a conventional form of
13 construction, who were the entities that issued the
14 RFP?

15 MR. TOM LLOYD: It was either -- or
16 was it Sydney? It's in the -- it's in Sydney,
17 Cape Breton, but I believe it was issued through the
18 First Nations in Sydney. That was one.

19 There was another one in the
20 First Nations in Nova Scotia and a third off the top
21 of my head in northern Ontario First Nations.

22 MR. JOHN MATHER: And I just want to
23 make sure, is it your belief that all of them involved
24 the First Nation communities?

25 MR. TOM LLOYD: Correct.

1 MR. JOHN MATHER: Do you know if in
2 those procurements for arenas other -- if other fabric
3 manufacturers submitted proposals?

4 MR. TOM LLOYD: I am not -- I don't
5 believe they did, but I -- well, it's confidential
6 information. I don't know.

7 MR. JOHN MATHER: Fair enough.
8 Stepping aside from arenas --

9 MR. TOM LLOYD: Sorry, I forgot one.

10 MR. JOHN MATHER: Yes, please.

11 MR. TOM LLOYD: Truro.

12 MR. JOHN MATHER: Sorry?

13 MR. TOM LLOYD: Truro, Nova Scotia.
14 The Town of Truro. And by the way, that was a pool
15 and a arena complex, so.

16 MR. JOHN MATHER: Okay, and do you
17 know who was successful in that procurement?

18 MR. TOM LLOYD: That was complete
19 conventional.

20 MR. JOHN MATHER: And in that case, do
21 you know if any other fabric manufacturers
22 participated in the procurement?

23 MR. TOM LLOYD: Not sure.

24 MR. JOHN MATHER: Stepping away from
25 pool and arena procurements prior to the Collingwood

1 projects and speaking more generally about
2 procurements, were there other fabric manufacturers
3 who participated in procurements, to your knowledge,
4 in which Sprung also participated?

5 MR. TOM LLOYD: Yes.

6 MR. JOHN MATHER: And can you give me
7 a sense of who else in the fabric sector was
8 participating in procurements?

9 MR. TOM LLOYD: A lot of it would
10 depend on the location, because some of them are very
11 localized, but in those days, it would be Cover-All,
12 Norseman, MegaDome more -- well, MegaDome was moving
13 into Ontario, so MegaDome. They were the primary ones
14 at the time.

15 MR. JOHN MATHER: In the cases --
16 prior to the Collingwood projects, have you ever
17 participated in a procurement where the specifications
18 for the procurement required a fabric membrane
19 building?

20 MR. TOM LLOYD: Yes.

21 MR. JOHN MATHER: Do you know how
22 many?

23 MR. TOM LLOYD: Most of them would
24 pertain to salt and sand storage, so I'm going to say
25 again about maybe 40 percent of the ones I mentioned

1 before.

2 MR. JOHN MATHER: And would it be the
3 case that the companies you mentioned: Cover-All,
4 Norseman, and MegaDome would typically be other
5 competitors in those procurements?

6 MR. TOM LLOYD: Yes.

7 MR. JOHN MATHER: As a general matter,
8 prior to 2012, how did you fare as between the other
9 fabric manufacturers?

10 MR. TOM LLOYD: If it was based -- if
11 the decision was primarily based on price, we would
12 lose.

13 MR. JOHN MATHER: Is -- and -- and --
14 and at risk of stating the obvious, is that the case
15 because the other manufacturers offer a lower price
16 point for their product?

17 MR. TOM LLOYD: Correct.

18 MR. JOHN MATHER: Okay. Prior to the
19 Collingwood projects in 2012, had you ever been
20 involved in a procurement where a Sprung structure was
21 sole-sourced?

22 MR. TOM LLOYD: Oh, yes. Yeah.

23 MR. JOHN MATHER: Had that ever
24 happened with a municipality?

25 MR. TOM LLOYD: Not that I'm aware of

1 in Ontario.

2 MR. JOHN MATHER: Had it happened with
3 a municipality outside of Ontario?

4 MR. TOM LLOYD: I believe so, in
5 Western Canada.

6 MR. JOHN MATHER: Do you know what
7 municipality?

8 MR. TOM LLOYD: Calgary, but I -- you
9 know, I'm not 100 percent sure of which exactly ones.
10 I mean, it's not my region, so. There's quite a few
11 that were sole-sourced in Calgary, I'm quite sure.

12 MR. JOHN MATHER: Okay. Other than
13 municipalities, had you been involved in a source --
14 sole-sourcing with a public entity prior to the
15 Collingwood projects?

16 MR. TOM LLOYD: Yes.

17 MR. JOHN MATHER: And can you explain
18 what that was or what those were?

19 MR. TOM LLOYD: Mostly federal, so
20 Department of National Defence, Defence Construction
21 Canada, Canadian Nuclear Laboratories, CANMET.

22 MR. JOHN MATHER: Okay.

23 MR. TOM LLOYD: Those are off the top
24 of my head.

25 MR. JOHN MATHER: In the 2012 time

1 period, just speaking generally, how would Sprung go
2 about marketing its products to municipalities?

3 MR. TOM LLOYD: Knocking on doors,
4 telephone calls, emails, and regular mail.

5 MR. JOHN MATHER: And on -- with
6 respect to those activities you're describing, who at
7 Sprung was undertaking that?

8 MR. TOM LLOYD: The local regions, so
9 in -- in my office for this region.

10 MR. JOHN MATHER: The employees who
11 reported to you?

12 MR. TOM LLOYD: Correct.

13 MR. JOHN MATHER: Would you do some of
14 that yourself?

15 MR. TOM LLOYD: For sure.

16 MR. JOHN MATHER: What would
17 manufacturers' reps do, to you knowledge, in terms of
18 promoting Sprung?

19 MR. TOM LLOYD: Each one has their own
20 style. They're all different. Some of them would
21 just go through contacts, reading trade magazines,
22 things like that.

23 MR. JOHN MATHER: To you knowl -- I'll
24 start with this. Would you personally ever reach out
25 to either members of council or senior staff people at

1 municipalities you thought might be interested in a
2 Sprung structure or may have a use for a Sprung
3 structure?

4 MR. TOM LLOYD: Yes.

5 MR. JOHN MATHER: How frequently would
6 you do something like that?

7 MR. TOM LLOYD: Quite often with
8 larger municipalities.

9 MR. JOHN MATHER: And what was the
10 purpose of doing that?

11 MR. TOM LLOYD: Generate awareness of
12 Sprung, what we can do. I mean, I met with many city
13 councillors in, say, Toronto, for instance.

14 MR. JOHN MATHER: As you're dealing
15 with councillors or other members of municipalities,
16 again prior to the Collingwood projects in 2012, did
17 you become familiar with the fact that municipalities
18 typically have bylaws or regulations governing
19 purchasing?

20 MR. TOM LLOYD: Yes.

21 MR. JOHN MATHER: And as a general
22 matter, what did you know about those bylaws or rules?

23 MR. TOM LLOYD: Well, they were based
24 on each community, but, for instance, they can -- they
25 can sole-source, but the preferred method was going to

1 tender --

2 MR. JOHN MATHER: So --

3 MR. TOM LLOYD: -- and often
4 specifying a certain product in that tender.

5 MR. JOHN MATHER: Picking up on the
6 last thing, what do you mean by "often specifying a
7 certain product in that tender"?

8 MR. TOM LLOYD: For instance, if you
9 read most of the tenders put out in Ontario for salt
10 domes, they will be specific to a certain membrane
11 structure, which will not be a Sprung.

12 MR. JOHN MATHER: Do you know what
13 membrane structure was typically identified?

14 MR. TOM LLOYD: Back then, it was
15 probably Cover-All.

16 MR. JOHN MATHER: Is that because of
17 price or because of something else with the
18 specifications?

19 MR. TOM LLOYD: I think you'd have to
20 ask the municipality why they would do that.

21 MR. JOHN MATHER: To your knowledge, I
22 appreciate -- so it sounds like you don't know why.
23 Is that fair?

24 MR. TOM LLOYD: Correct.

25 MR. JOHN MATHER: You mentioned that

1 you --

2 THE HONOURABLE FRANK MARROCCO: I
3 appreciate that you might have your own suspicions as
4 to what's going on --

5 MR. TOM LLOYD: I do.

6 THE HONOURABLE FRANK MARROCCO: -- but
7 we really can't do that.

8

9 CONTINUED BY MR. JOHN MATHER:

10 MR. JOHN MATHER: Understood. You
11 mentioned that you had a general awareness that
12 municipalities could sole-source products.

13 Was that something you were aware of
14 prior to the Collingwood projects in 2012?

15 MR. TOM LLOYD: Oh, yes. I mean, we -
16 - I told you, I was in the software business. We
17 sole-sourced lots of times.

18 MR. JOHN MATHER: Okay. And prior to
19 the Collingwood projects, what was your general
20 understanding of when a municipality could sole-source
21 a -- a project?

22 MR. TOM LLOYD: My general
23 understanding was if they wanted to, they could, and
24 they would need a reason to do that, but -- that would
25 be independent of us, but based on their -- their

1 urgent needs, typically.

2 MR. JOHN MATHER: Prior to the
3 Collingwood projects, had you had any discussions that
4 you can recall with either staff at a municipality or
5 members of council at municipality about whether or
6 not Sprung was something they could sole-source?

7 MR. TOM LLOYD: Yes.

8 MR. JOHN MATHER: Okay, and what do
9 you recall about those conversations?

10 MR. TOM LLOYD: More often than not,
11 it would be something they would spec. They would put
12 out a tender specked directly to Sprung.

13 MR. JOHN MATHER: Can you explain what
14 you mean by "put out a tender specked directly to
15 Sprung"?

16 MR. TOM LLOYD: Well, Infrastructure
17 Ontario does it quite regularly, so it will be --
18 basically, they will take our detailed specifications
19 and put it right in the tender and say, You must bid
20 this.

21 MR. JOHN MATHER: Okay, so if the
22 tender says, You must bid this, are they saying, You
23 must bid Sprung, or they must bid --

24 MR. TOM LLOYD: This --

25 MR. JOHN MATHER: -- the things that

1 Sprung has?

2 MR. TOM LLOYD: They're saying
3 everything about Sprung without using the word Sprung.

4 MR. JOHN MATHER: And in those cases,
5 who was competing on those tenders?

6 MR. TOM LLOYD: Typically, we -- most
7 other types, similar -- if you call them what I call
8 them -- similar type would not bid.

9 MR. JOHN MATHER: So to a -- am I
10 understanding this case? You had experiences in which
11 the muni -- municipalities put out a request for
12 proposal that had specifications that made Sprung the
13 only potential bidder?

14 MR. TOM LLOYD: Yeah, correct, but it
15 was more federal or provincial versus local
16 municipalities.

17 MR. JOHN MATHER: Did it ever happen
18 with a municipality?

19 MR. TOM LLOYD: It has since, but it
20 hadn't, in my experience, in Ontario, but I know it
21 has with Sprung in general. It's quite common.

22 MR. JOHN MATHER: So -- but had it
23 happened with a municipality?

24 MR. TOM LLOYD: Not in my experience
25 in Ontario.

1 MR. JOHN MATHER: As a general
2 practice in 2012, would you or, to your knowledge,
3 others at Sprung look into a municipality's particular
4 purchasing procedures before engaging with that
5 municipality about a potential sale?

6 MR. TOM LLOYD: Well, part of the
7 uncovering needs would be asking how the process is --
8 how the purchasing process is done.

9 MR. JOHN MATHER: And typically, who
10 would you make that inquiry to?

11 MR. TOM LLOYD: Staff.

12 MR. JOHN MATHER: Prior to -- prior to
13 August 27th, 2012 when Council in Collingwood voted to
14 proceed with the two (2) Sprung structures, had you
15 reviewed or were you familiar with Collingwood's
16 purchasing bylaw?

17 MR. TOM LLOYD: I never reviewed it.
18 But I spoke with Collingwood staff about it, yes.

19 MR. JOHN MATHER: Who did you speak
20 with on Collingwood staff about the bylaw?

21 MR. TOM LLOYD: Primarily Mr. Ed
22 Houghton and the task team that we had met or talked
23 to.

24 MR. JOHN MATHER: So Mr. Houghton and
25 the -- and then you said the task team. Who were the

1 task team?

2 MR. TOM LLOYD: Well in -- before --
3 this is, sorry, before the Council presentation?

4 MR. JOHN MATHER: Yes. My question
5 was prior to August 27th, 2012, when Council votes to
6 proceed with Sprung.

7 MR. TOM LLOYD: Okay, so it would have
8 been Dennis Seymour I think was his name. I don't
9 know if I got that right.

10 MR. JOHN MATHER: There is a Dennis
11 Seymour at the town --

12 MR. TOM LLOYD: Facilities manager.
13 And Ron Lloyd. It might have been Ron
14 Lloyd, but I can't remember.

15 MR. JOHN MATHER: When you say "Ron
16 Lloyd," you mean --

17 MR. TOM LLOYD: Deputy mayor?

18 MR. JOHN MATHER: Rick Lloyd?

19 MR. TOM LLOYD: Sorry, deputy mayor.

20 THE HONOURABLE FRANK MARROCCO: Let me
21 ask the obvious question.

22 Rick Lloyd, yourself, there -- there's
23 another Lloyd in -- this is a -- the answer is
24 probably obvious, but you're not -- none of you were
25 related?

1 MR. TOM LLOYD: None of us are
2 related.

3 THE HONOURABLE FRANK MARROCCO: Right.

4 MR. TOM LLOYD: That we know of.

5 THE HONOURABLE FRANK MARROCCO: That
6 you're aware of, yes -- yes, I understand.

7 MR. JOHN MATHER: We won't get into
8 family trees right now.

9

10 CONTINUED BY MR. JOHN MATHER:

11 MR. JOHN MATHER: So I just want to
12 understand who you -- you mentioned a task team, you
13 mentioned that Dennis Seymour you understood to be on
14 that task team. You said facilities manager.

15 Is that someone who was different than
16 Dennis Seymour?

17 MR. TOM LLOYD: No, I think Dennis at
18 the time was the parks and recreation facilities
19 manager.

20 MR. JOHN MATHER: Okay, so that was
21 his title.

22 Deputy Mayor Rick Lloyd. Was there
23 anyone else who you understood to be on the -- the
24 task team you were describing?

25 MR. TOM LLOYD: I think they might

1 have told me who was on, but I can't remember meeting
2 many more.

3 MR. JOHN MATHER: Okay. So did you
4 understand Mr. Houghton to be on the task team?

5 MR. TOM LLOYD: Yes.

6 MR. JOHN MATHER: Why do you describe
7 them as a "task team"?

8 MR. TOM LLOYD: Well, most
9 municipalities form what's called a committee to --
10 project committee.

11 So -- which I believe Collingwood did
12 and what they referred to it internally, I'm not sure.

13 MR. JOHN MATHER: And again, I
14 appreciate that I can only understand what you
15 understood, but I want to know what you believe this
16 project committee was -- was doing or had been tasked
17 to do.

18 MR. TOM LLOYD: Looking in to an
19 arena, a new arena, single pad, sooner rather than
20 later.

21 MR. JOHN MATHER: So you mentioned
22 that Mr. Houghton and other members of the task team
23 provided you information about what was in the Town's
24 purchasing bylaw.

25 What do you recall they said?

1 MR. TOM LLOYD: Oh, that they had the
2 option to put it out to tender with our without BLT,
3 with or without Sprung, or sole source. Pardon me.
4 Pretty much.

5 MR. JOHN MATHER: And do you remember
6 who described that to you?

7 MR. TOM LLOYD: I would say all of
8 them.

9 MR. JOHN MATHER: And why do you --

10 MR. TOM LLOYD: When I -- when I would
11 ask them the question.

12 MR. JOHN MATHER: Are you recalling a
13 specific conversation or a series of conversations?

14 MR. TOM LLOYD: Probably more a
15 series.

16 MR. JOHN MATHER: Can you just walk us
17 through what you recall about the questions you asked
18 about the purchasing bylaw and the answers you
19 provided and to the extent you recall who provided
20 those answers?

21 MR. TOM LLOYD: To be clear, I would
22 never use the term "bylaw", I would just ask how
23 purchasing was -- procurement was made within your
24 municipality for a project such as a -- an arena.

25 MR. JOHN MATHER: Okay. So you asked

1 that question of Mr. Houghton and the task team, is
2 that correct?

3 MR. TOM LLOYD: For sure, yes.

4 MR. JOHN MATHER: Okay, and what do
5 you recall about the answers you received?

6 MR. TOM LLOYD: As I said, they would
7 -- depending on how things look or go, they did want
8 this project to go quickly, but they could do anything
9 from a fuller, wide-open RFP right down to a -- a
10 spec, to a specific product to a sole source and
11 everything in-between. No decision had been made at
12 that point.

13 MR. JOHN MATHER: And when you were
14 given that information, that there's several options
15 open to us, do you remember where that was in the
16 process?

17 MR. TOM LLOYD: Oh, yeah, up into --
18 up til after the Council meeting.

19 MR. JOHN MATHER: Which Council
20 meeting?

21 MR. TOM LLOYD: The one that we
22 presented at in August.

23 MR. JOHN MATHER: So was it the case
24 that up until the August 27th, 2012 Council meeting
25 you understood that there was a variety of potential

1 procurement options on the table?

2 MR. TOM LLOYD: Correct.

3 MR. JOHN MATHER: Okay. Up until that
4 point, were you given any sense from anyone on the
5 task team that you've identified, or anyone else,
6 about how the decision would be made which procurement
7 would be followed?

8 MR. TOM LLOYD: There was sidebars
9 that the -- Collingwood had had years and years of
10 frustration trying to get -- trying to procure another
11 arena.

12 And they were considering going with a
13 detailed recommendation to make sure this one didn't
14 fall through the cracks like all the others had.

15 MR. JOHN MATHER: Okay. So you said
16 this happened in a sidebar. What do you mean by a
17 "sidebar"?

18 MR. TOM LLOYD: Oh, just talking
19 around a table.

20 MR. JOHN MATHER: Okay. And do you
21 remember who -- who expressed this to you, that there
22 had been problems in the past and they didn't want
23 this one (1) to fall through the cracks?

24 MR. TOM LLOYD: Deputy Mayor Lloyd and
25 a few others, but I can't recall exactly who.

1 MR. JOHN MATHER: And what did you
2 understand to be meant by we are considering preparing
3 a detailed recommendation?

4 MR. TOM LLOYD: Because by now we had
5 given them a lot of independent information, including
6 an endorsement from Rob Nicholson of Hockey Canada who
7 said all Canadian communities should only go with a
8 Sprung structure.

9 They were looking at using that as con
10 -- as this is pretty powerful, let's go to the --
11 let's go and look at just a Sprung structure.

12 MR. JOHN MATHER: And when they're
13 saying detailed recommendation, let's go look at a
14 Sprung structure, did you understand that to be a sole
15 source or something else?

16 MR. TOM LLOYD: A -- a -- perhaps a
17 recommendation to sole source.

18 MR. JOHN MATHER: M-hm.

19 MR. TOM LLOYD: At least that was our
20 hope.

21 MR. JOHN MATHER: And why was that
22 your hope?

23 MR. TOM LLOYD: Well, I'm in sales.
24 Of course I want them to sole source it directly to
25 us.

1 MR. JOHN MATHER: So it sounds like --
2 and I just want to make sure I -- I've followed you
3 correctly -- you recall a conversation with the Deputy
4 Mayor Lloyd and perhaps others.

5 Do you know for certain there was other
6 people, or are you not sure?

7 MR. TOM LLOYD: What's the topic here
8 where you said a conversation? We had lots of
9 conversations.

10 MR. JOHN MATHER: There's a
11 conversation in which it's indicated to you that
12 there's been problems with recreation facilities
13 before that were looking for a detailed recommendation
14 and that you took away as meaning they might recommend
15 to sole source.

16 MR. TOM LLOYD: That would be a lot
17 more than deputy mayor.

18 MR. JOHN MATHER: Do you remember who
19 else was involved in this conversation?

20 MR. TOM LLOYD: Well, Ed Houghton. We
21 heard it from so many different people, how many --
22 between staff and Council how many years, how much
23 frustration they had trying to get an arena; that was
24 a very common thing.

25 MR. JOHN MATHER: Okay. Deputy Mayor

1 Lloyd, Mr. Houghton. Who else do you recall
2 specifically that you heard that from?

3 MR. TOM LLOYD: I even want to say,
4 and I'm -- please, I'm guessing, so if they deny
5 they've --

6 MR. JOHN MATHER: I -- I don't want
7 you to guess. I want to know who --

8 MR. TOM LLOYD: Okay, then I'm not --

9 MR. JOHN MATHER: I want to know who
10 you have a specific recollection of speaking about
11 this with.

12 MR. TOM LLOYD: I know we had a big
13 meeting at -- in Collingwood at -- and there was at
14 least two or three other Councillors and quite a few
15 other staff members there, and it was a topic of
16 discussion.

17 MR. JOHN MATHER: And at the meeting
18 that you're describing, do you have any recollection
19 of who the other councillors or staff members were?

20 MR. TOM LLOYD: I -- if you want me to
21 guess, I'm prepared to. But honestly, I don't.

22 MR. JOHN MATHER: Okay, and I don't
23 want you to guess.

24 Was Mr. Houghton and Mr. Lloyd at that
25 meeting?

1 MR. TOM LLOYD: I believe so, yes.

2 MR. FREDERICK CHENOWETH: Is it
3 possible to put a date to the meeting?

4 MR. JOHN MATHER: I want to understand
5 the meeting he's recalling, and we will go through
6 dates and perhaps we can pinpoint when it was. But I
7 want to understand what a -- the meeting he recalls at
8 this point in time.

9 MR. FREDERICK CHENOWETH: Thank you.

10

11 CONTINUED BY MR. JOHN MATHER:

12 MR. JOHN MATHER: At the meeting you
13 recalled with members of staff and other members of
14 Council, it sounds to me that you're expressing or
15 that you recall two things being expressed to you.

16 One (1) is that frustration with what
17 had happened with the recreation facilities in the
18 past.

19 MR. TOM LLOYD: M-hm.

20 MR. JOHN MATHER: And one (1) is that
21 as a result of that -- and the other as the result of
22 that frustration, there might be a detailed
23 recommendation, which you understood might be a sole
24 source.

25 Do you recall if both of those

1 sentiments were expressed at the meeting you recall?

2 MR. TOM LLOYD: The sole source part
3 would probably be my optimistic in -- inside brain,
4 but there was how do we do this and how do we do this
5 quickly.

6 MR. JOHN MATHER: And what was
7 actually discussed about how do we do this quickly?

8 MR. TOM LLOYD: So my job is to
9 uncover the client's pain and then help address it.
10 One (1) of them was we could be on-site in, for
11 instance, a month.

12 MR. JOHN MATHER: Did anyone from the
13 Town side say how the Town might be able to do it
14 quickly?

15 MR. TOM LLOYD: They were shocked that
16 we could complete a project in the time we -- time
17 frame we mentioned, and they were very excited about
18 that.

19 MR. JOHN MATHER: Was this at this --
20 this meeting you're describing, was this the same
21 meeting where potential for procurement options was
22 discussed, or was that at a different meeting?

23 MR. TOM LLOYD: It might have been
24 high-level discussed because it's a question that I
25 would typically always ask.

1 MR. JOHN MATHER: Did you ever, to
2 your recollection, have a discussion with -- separate
3 and apart from that meeting, with anyone on council or
4 on staff about whether or not the Town was going to
5 sole source the project?

6 MR. TOM LLOYD: I'm going to say --
7 sorry, on the Town or within council or employees?

8 MR. JOHN MATHER: Council or on staff,
9 yeah.

10 MR. TOM LLOYD: Probably.

11 MR. JOHN MATHER: Okay. Do you recall
12 specifically any conversations you had?

13 MR. TOM LLOYD: No.

14 MR. JOHN MATHER: Why do you say,
15 "Probably"?

16 MR. TOM LLOYD: Because there was a
17 thought by some of them, as I expressed earlier, that
18 that was one (1) of the possibilities.

19 MR. JOHN MATHER: So, as Justice
20 Marrocco has already clarified, you had -- of no
21 relation to Kevin Lloyd or Rick Lloyd, prior to 2012,
22 did you have any connections to Collingwood?

23 MR. TOM LLOYD: I've been skiing at
24 Osler Bluff Ski Club since I'm 4 (four) -- since --
25 for fifty-eight (58) years, because I'm sixty-two

1 (62), started at four (4), yep.

2 So, we've been coming to Collingwood.
3 My family was second year original members at Osler
4 and we've been coming up every winter since. We have
5 a property up in Shu -- Castle Glen Estates.

6 We know -- my sister lives here. We
7 have a lot of connections in Calgary -- in
8 Collingwood.

9 MR. JOHN MATHER: Other than you
10 sister living here and your history skiing here, what
11 other connections did you have to Collingwood?

12 MR. TOM LLOYD: We have friends and
13 family that have all moved up here and my God mother
14 lives here.

15 MR. JOHN MATHER: Prior to the
16 Collingwood projects in 2012, did you have any
17 relationships or connections with any members of
18 council or Town employees?

19 MR. TOM LLOYD: Funny enough, I did
20 not.

21

22 (BRIEF PAUSE)

23

24 MR. JOHN MATHER: Prior to the
25 discussions about the arena and pool project in 2012,

1 had you been in contact with anyone in Collingwood in
2 relation to potential Sprung structures?

3 MR. TOM LLOYD: Yes.

4 MR. JOHN MATHER: Can you tell me
5 about those?

6 MR. TOM LLOYD: I can't remember how
7 the lead came about, but the Collingwood Clippers,
8 either we reached out to them or they reached out to
9 us to cover the pool, the same project we're talking
10 about.

11 We did quite a bit of work with the
12 Clippers and did talk to some city staff about it, but
13 it was basically being run locally by the head of the
14 Clippers. If you mention her name, I...

15 MR. JOHN MATHER: The woman we see
16 referenced, Lisa Rennie?

17 MR. TOM LLOYD: That's it. Not --
18 Lisa Rennie?

19 MR. JOHN MATHER: And there's also a
20 woman named Linda Simpson.

21 MR. TOM LLOYD: Must be Lisa Rennie.

22 MR. JOHN MATHER: You said you did
23 have some contact with members of staff. Do you
24 recall who?

25 MR. TOM LLOYD: No.

1 MR. JOHN MATHER: Do you remember when
2 you were working with the Clippers on the potential
3 for covering the pool?

4 MR. TOM LLOYD: I think it was 2011.

5 MR. JOHN MATHER: And just to confirm,
6 the pool that you were discussing with the Clippers is
7 the pool that was ultimately covered and --

8 MR. TOM LLOYD: Correct.

9 MR. JOHN MATHER: -- and was completed
10 in 2013?

11 MR. TOM LLOYD: Sorry.

12 MR. JOHN MATHER: Sorry, that pool?

13 MR. TOM LLOYD: Correct.

14 MR. JOHN MATHER: What sort of work --
15 how far did that project go? You said you did a lot
16 of work. What did you do?

17 MR. TOM LLOYD: I believe we had BLT
18 involved and we looked at -- sized it out, gave a --
19 gave a draft budget. And Lisa and the team were
20 taking it to Collingwood to try to see about
21 fundraising.

22 MR. JOHN MATHER: And do you know what
23 came of that?

24 MR. TOM LLOYD: They didn't have any -
25 - they didn't have enough money.

1 MR. JOHN MATHER: And you said,
2 "Believe BLT was involved." Do you recall them
3 working on that?

4 MR. TOM LLOYD: Just giving us budget
5 numbers, not physically coming up for it.

6 MR. JOHN MATHER: Other than the work
7 with the Clippers, did you do any other Sprung-related
8 work in Collingwood prior to the pool and arena
9 projects?

10 MR. TOM LLOYD: I don't think the
11 Pretty River Academy would be in Collingwood, so, no.

12 MR. JOHN MATHER: Can you tell me
13 about the Pretty River Academy?

14 THE HONOURABLE FRANK MARROCCO: Well,
15 you -- we'll take the morning break. And then -- then
16 you can tell us about the academy.

17

18 --- Upon recessing at 10:24 a.m.

19 --- Upon resuming at 10:36 a.m.

20

21 CONTINUED BY MR. JOHN MATHER:

22 MR. JOHN MATHER: So before we broke,
23 I was about to ask you about the Pretty River Academy.

24 Before I do that, I had asked you if
25 you were involved in any Collingwood's in -- projects

1 in Collingwood prior to the arena and pool project.

2 You mentioned the Clippers, and then you said the

3 Pretty River Academy wasn't in Collingwood.

4 And based on that distinction, were
5 there any other projects in Collingwood or the
6 immediate area that you were involved with in 2012?

7 MR. TOM LLOYD: Wasaga Beach in
8 discussions only -- early stage discussions.

9 MR. JOHN MATHER: So starting with
10 Wasaga Beach, what can you tell me about those -- the
11 state of those early stage discussions before the
12 Collingwood project?

13 MR. TOM LLOYD: They were looking at
14 potentially a casino and a single pad arena to my
15 recollection.

16 MR. JOHN MATHER: We see in this case
17 at a certain point you provide the Town of Collingwood
18 with preliminary budgets.

19 Had you provided those to Wasaga before
20 that point in time?

21 MR. TOM LLOYD: If anything, maybe
22 just an email with a budget range.

23 MR. JOHN MATHER: And can you tell me
24 about the Pretty River Academy?

25 MR. TOM LLOYD: Yes. I reached out to

1 the Pretty River Academy in 2009 when I was a
2 manufacturer's rep. They had a need for a new sports
3 facility. Budgeting was an issue. And we came up and
4 talked to them about a Sprung structure.

5 MR. JOHN MATHER: Who did you deal
6 with at the Pretty River Academy?

7 MR. TOM LLOYD: Most of the day-to-day
8 dealings were with Abby Stec.

9 MR. JOHN MATHER: And what came of
10 those conversations in that project?

11 MR. TOM LLOYD: Always funding issues,
12 and it never got off the ground.

13 MR. JOHN MATHER: Do you know if the
14 Pretty River Academy proceeded with any form of
15 structure?

16 MR. TOM LLOYD: Eventually they did go
17 with, I believe, an air dome structure -- air
18 supported structure.

19 MR. JOHN MATHER: Do you remember
20 when -- the time period in which you had conversations
21 with Abby Stec about the field at Pretty River
22 Academy?

23 MR. TOM LLOYD: Oh, right up until she
24 left and then afterwards with some of the directors of
25 the Academy.

1 MR. JOHN MATHER: Do you recall when
2 Ms. Stec left PRA?

3 MR. TOM LLOYD: No.

4 MR. JOHN MATHER: And how long before
5 she left had you been discussing the field with her?

6 MR. TOM LLOYD: Since 2009.

7 MR. JOHN MATHER: If we could pull up
8 paragraph 20 of summary document 2-3.

9

10 (BRIEF PAUSE)

11

12 MR. JOHN MATHER: So, Mr. Lloyd, this
13 paragraph describes an email that Ms. Stec sent
14 Paul Bonwick with a copy to Ed Houghton and
15 Michelle Rich on June 26th, 2011. You're not a
16 recipient of that email, but in the email she says:

17 "In view of our prior conversations
18 regarding the possibility of a flat
19 roof structure as opposed to a
20 fabric dome structure on the sports
21 facility, I have set up a meeting
22 with one of my colleagues at Sprung
23 structures on Tuesday at 10:00 a.m.
24 The meeting is on-site at PRA to
25 discuss structural integrity

1 required for housing solar panels
2 and running off the grid. I would
3 like to come in to future meetings
4 with as much of the groundwork
5 completed as possible."

6 Do you recall having -- whether you or
7 someone from Sprung went to the PRA in or around
8 June 2011 and met with Ms. Stec to discuss the items
9 she set out here?

10 MR. TOM LLOYD: I do, and I believe it
11 was me.

12 MR. JOHN MATHER: And what do you
13 recall about that interaction?

14 MR. TOM LLOYD: Again, they were --
15 Abby and I think I did meet with the head master. I
16 explained Sprung in more detail, and they were very --
17 it's a green school, or they were trying to be a very
18 green school, and they were very impressed with our
19 structural makeup. It fit their requirements
20 perfectly.

21 MR. JOHN MATHER: Ms. Stec said in her
22 evidence that one (1) of the purposes of the meeting
23 that's contemplated here was to discuss whether or not
24 solar panels could go on a Sprung structure.

25 Do you recall anything along those

1 lines?

2 MR. TOM LLOYD: Yes.

3 MR. JOHN MATHER: Okay. And what do
4 you remember about why they were inquiring about that?

5 MR. TOM LLOYD: I think they were
6 exploring being off the grid as much as possible.

7 MR. JOHN MATHER: Did you know at that
8 point in time that Ms. Stec was in conversations with
9 Mr. Bonwick or Mr. Houghton about meeting with Sprung?

10 MR. TOM LLOYD: No.

11 MR. JOHN MATHER: Did you know who
12 Mr. Bonwick or Mr. Houghton was in June 2011?

13 MR. TOM LLOYD: No.

14 MR. JOHN MATHER: Do you know why
15 Ms. Stec in this email would have described people at
16 Sprung as "her colleagues"?

17 MR. TOM LLOYD: No.

18 MR. JOHN MATHER: Ms. Stec has
19 testified that later she became a Sprung
20 representative in June 2012 or June and July 2012.

21 Do you know if you'd spoken with Ms.
22 Stec about becoming a Sprung representative in and
23 around this time?

24 MR. TOM LLOYD: I don't recall, but I
25 don't think so.

1 MR. JOHN MATHER: How did you become
2 aware that the Town might be interested in recreation
3 facilities and specifically Sprung recreation
4 facilities in 2012?

5 MR. TOM LLOYD: The ones that we
6 eventually -- well, I think as I mentioned earlier,
7 the only one (1) I knew about -- let me rephrase that.
8 The -- Pat Mills, one (1) of our manufacturer's reps,
9 read the report on the 35 -- I believe it was \$35
10 million infrastructure needs -- park and rec
11 infrastructure needs for Collingwood, and he reached
12 out to Ed Houghton, I believe.

13 I believe they met. Ed was --
14 Mr. Houghton was extremely interested in learning
15 more, so Pat registered the arena -- and again back
16 then, we were just talking an arena -- with me, and
17 for the most part, I took the ball from there.

18 MR. JOHN MATHER: So the sequence of
19 events you've just described: Mr. Mills becoming
20 aware of a report relating to a \$35 million facility,
21 reaching out to Ed Houghton, and Mr. Houghton
22 appearing to be extremely interested with respect to
23 an arena. How did you learn that information?

24 MR. TOM LLOYD: Through Pat Mills.

25 MR. JOHN MATHER: Did you ever have

1 any conversations with Mr. Houghton about any of the
2 earlier discussions he had with Mr. Mills?

3 MR. TOM LLOYD: Just during an
4 introduction from Pat.

5 MR. JOHN MATHER: What do you recall
6 about that introduction from Pat?

7 MR. TOM LLOYD: That he was very
8 intrigued and wanted to learn more about Sprung, and
9 it'd be better for me to come up and explain the
10 Sprung structure than Pat.

11 MR. JOHN MATHER: Sorry. Who -- who
12 said that to you?

13 MR. TOM LLOYD: Pat Mills.

14 MR. JOHN MATHER: And was Mr. Houghton
15 present when he said that?

16 MR. TOM LLOYD: No.

17 MR. JOHN MATHER: Were you ever -- did
18 you ever have a conversation where Mr. Houghton was
19 present about Pat and Mr. Houghton's early
20 interactions before you were aware?

21 MR. TOM LLOYD: Only during the
22 introductory meeting which Pat Mills attended and, you
23 know, how we got to this stage was briefly discussed.

24 MR. JOHN MATHER: At that introductory
25 meeting which I think we'll get to in a moment, do you

1 recall what Mr. Houghton said about his level of
2 interest or the Town's level of interest in Sprung, if
3 anything?

4 MR. TOM LLOYD: Enough that the Town's
5 level -- his level of interest was enough to call this
6 meeting, and let's learn more.

7 MR. JOHN MATHER: And what do you mean
8 by that?

9 MR. TOM LLOYD: Well, he did -- I
10 actually believe he did quite a bit of homework and
11 realized things like our existing arenas, as well as
12 the Hockey Canada community endorsement from
13 Rob Nicholson and thought, you know, we -- we got to
14 go look at this.

15 MR. JOHN MATHER: How did you get the
16 sense that Mr. Houghton had done a lot of homework?

17 MR. TOM LLOYD: 'Cause he knew -- he
18 knew a lot more about Sprung than I thought he would.

19 MR. JOHN MATHER: Did you get a -- did
20 he express to you what he had done to learn about
21 Sprung?

22 MR. TOM LLOYD: Other than going on
23 our website, I don't recall.

24 MR. JOHN MATHER: I'm going to ask you
25 in a moment about a meeting that -- or a conversation

1 it appears you had with Dennis Seymour in or around
2 June 19th, 2012.

3 Before I ask you about that though, we
4 see in the documents that in early June 2012, there
5 was a Federal -- a FCM conference, a Federal Canadian
6 Municipalities association conference -- I may have
7 the words wrong there -- in Saskatoon.

8 Do you know if you attended the FCM
9 that year?

10 MR. TOM LLOYD: I did not. I couldn't
11 make it that year.

12 MR. JOHN MATHER: Do you know if
13 anyone from Sprung was in attendance?

14 MR. TOM LLOYD: Yes. We had a booth.

15 MR. JOHN MATHER: Okay. Are you --
16 did anyone in Sprung report back to you about speaking
17 with anyone at Collingwood at that conference?

18 MR. TOM LLOYD: You know, I can't
19 recall.

20 MR. JOHN MATHER: Do you know who from
21 Sprung was at the conference that year?

22 MR. TOM LLOYD: I would -- I believe
23 it was Mike Winder and Jeaniece Frick.

24 MR. JOHN MATHER: And where are they
25 based?

1 MR. TOM LLOYD: Calgary.

2 MR. JOHN MATHER: All right. So --
3 just give me one (1) moment.

4 While I pull -- I'm going to pull up a
5 reference to the Foundation Document. While I'm doing
6 that, it indicates that you had a meeting or someone
7 had a discussion with Dennis Seymour at Sprung in or
8 around June 19th, 2012.

9 Do you recall that discussion?

10 MR. TOM LLOYD: We met with Dennis and
11 another individual, did a tour of the existing arena,
12 and then went over to the outdoor arena. We explained
13 Sprung and what we do in the arena game.

14 And the primary purpose of that meeting
15 was for us to take a look at the outdoor arena and
16 talk about the option of covering it.

17 MR. JOHN MATHER: If we could pull up
18 Foundation Document paragraph 175. So this describes
19 what I had already described which is on June 20th,
20 2012 you send Mr. Seymour an email copying
21 Dave MacNeil and Pat Mills thanking them for the
22 meeting yesterday and saying:

23 "We look forward to assisting you
24 with your plans, so please do not
25 hesitate to ask if you need any

1 further information."

2 Do you believe that is the meeting you
3 were just describing?

4 MR. TOM LLOYD: Yes.

5 MR. JOHN MATHER: Okay. You said you
6 thought there might be someone else at the meeting.
7 Do you recall who?

8 MR. TOM LLOYD: It was a -- no, I
9 don't, but it was somebody from the Town.

10 MR. JOHN MATHER: Do you recall if it
11 was Dave McNalty?

12 MR. TOM LLOYD: Could have been.

13 MR. JOHN MATHER: June 20th --
14 June 19th, 2012, do you recall if you had ever spoken
15 or met Ed Houghton prior to this meeting?

16 MR. TOM LLOYD: I don't believe I had.

17 MR. JOHN MATHER: Do you know how this
18 meeting was arranged?

19 MR. TOM LLOYD: The one on the screen?

20 MR. JOHN MATHER: Yes.

21 MR. TOM LLOYD: I -- you know, I don't
22 recall.

23 MR. JOHN MATHER: You write in the
24 email:

25 "We look forward to assisting you

1 with your plans, so please do not
2 hesitate to ask if you need any
3 further information."

4 Do you know what the plans were at that
5 point in time?

6 MR. TOM LLOYD: Looking at different
7 options about covering the outdoor rink versus
8 building a new structure, perhaps doing both. Fully
9 enclosing the outdoor rink or using a Sprung sunshade
10 where the sides are open so you still have the outdoor
11 feel.

12 MR. JOHN MATHER: Do you recall if you
13 provided anything to the Town or with respect to
14 Sprung prior to this meeting? Any literature or any
15 marketing materials?

16 MR. TOM LLOYD: Oh, we would have
17 provided a lot of information and marketing materials
18 over the course of -- since 2010 for sure.

19 MR. JOHN MATHER: Okay. With respect
20 to this specific meeting, do you know if you sent
21 anything in advance of this specific meeting?

22 MR. TOM LLOYD: I can't say for sure,
23 but I likely would have.

24 MR. JOHN MATHER: Do you know if the
25 potential of covering the pool was discussed at this

1 stage in the process?

2 MR. TOM LLOYD: No, it was not.

3 MR. JOHN MATHER: If we go to
4 paragraph 201 of the Foundation Document.

5

6 (BRIEF PAUSE)

7

8 MR. JOHN MATHER: This paragraph
9 describes a -- a meeting that was arranged for July
10 11th, 2012. The attendees appear to be yourself, Mr.
11 Mills, Mr. MacNeil from Sprung; from the Town, Mr.
12 Houghton, Deputy Mayor Lloyd, Mayor Sandra Cooper, and
13 Dave McNalty.

14 Do you recall attending a -- a meeting
15 with some or all of those people in or around June --
16 July 2012?

17 MR. TOM LLOYD: I do.

18 MR. JOHN MATHER: Right. And
19 specifically July 11th?

20 MR. TOM LLOYD: Yeah, sure.

21 MR. JOHN MATHER: Don't recall the
22 specific --

23 MR. TOM LLOYD: I -- I can't recall
24 specific dates that far back. I'm sorry.

25 MR. JOHN MATHER: Were the people

1 listed here the people you recall attending the
2 meeting?

3 MR. TOM LLOYD: Yes.

4 MR. JOHN MATHER: Was there anyone
5 else that you recall attending who's not listed here?

6 MR. TOM LLOYD: I thought there was
7 more in the meeting. I'm not sure who Pam Hogg is. I
8 can't recall.

9 MR. JOHN MATHER: Ms. Hogg is Mr.
10 Houghton's executive assistant.

11 MR. TOM LLOYD: Could have been in the
12 meeting, but I can't say for sure.

13 MR. JOHN MATHER: Anyone else that you
14 recall?

15 MR. TOM LLOYD: No.

16 MR. JOHN MATHER: You spoke earlier
17 today about a task force, which you identified
18 comprised of Mr. Houghton, Mr. Seymour, and Deputy
19 Mayor Lloyd.

20 Were any of the people who were at this
21 meeting people who were also on the task force?

22 MR. TOM LLOYD: I believe Mr. McNalty
23 was.

24 MR. JOHN MATHER: Do you remember how
25 this meeting was arranged?

1 MR. TOM LLOYD: I believe through
2 emails.

3 MR. JOHN MATHER: Do you know why it
4 was arranged?

5 MR. TOM LLOYD: Yes, because they were
6 very interested in learning more, and -- about a
7 Sprung performance arena.

8 MR. JOHN MATHER: And when you say,
9 "They were very interested," who was very interested?

10 MR. TOM LLOYD: Some of the Town
11 employees and, well, Dennis Seymour, Ed Houghton, and
12 a few others, I guess.

13 MR. JOHN MATHER: And do you recall
14 how you came to understand that they were very
15 interested in learning more?

16 MR. TOM LLOYD: Because they wanted
17 the Mayor to hear directly about what Sprung could do
18 as well.

19 MR. JOHN MATHER: And what was your
20 understanding of why they -- why people wanted the
21 Mayor to hear about Sprung?

22 MR. TOM LLOYD: My understanding was
23 just so that she was brought up to speed on -- on our
24 product and what it could do for the community.

25 MR. JOHN MATHER: And do you know who

1 wanted the Mayor to hear that?

2 MR. TOM LLOYD: No.

3 MR. JOHN MATHER: In your experience,
4 was it common to have a meeting at this stage in a
5 potential project with a mayor and a deputy mayor?

6 MR. TOM LLOYD: Oh, yeah, very common.

7 MR. JOHN MATHER: At this point in
8 time, attending a meeting with senior -- some senior
9 staff members and the Mayor and the Deputy Mayor, from
10 your perspective as a potential participant in a
11 procurement, did you have any concerns about putting
12 your ability to participate in a procurement at risk?

13 MR. TOM LLOYD: Can you clarify what
14 you're trying -- I -- I don't understand the question.

15 MR. JOHN MATHER: Did you have any
16 concerns at this point in time that if you attend a
17 meeting with the Mayor and the Deputy Mayor and senior
18 staff people, it may impede Sprung's ability to
19 participate in an RFP if one proceeds?

20 MR. TOM LLOYD: No, I'd had no
21 concerns about it.

22 MR. JOHN MATHER: At this point in
23 time, were you generally aware that there -- that
24 where a municipality is contemplating an RFP, there's
25 a period of time in which the municipality cannot

1 contact potential proponents in that RFP?

2 MR. TOM LLOYD: I've heard of that,
3 but it's -- no. Only -- typically only when the RFP
4 goes out, is my experience.

5 MR. JOHN MATHER: So it was your --
6 and was that your understanding at that point in time?

7 MR. TOM LLOYD: Absolutely. It still
8 is.

9 MR. JOHN MATHER: That once the RFP
10 goes out, that's the time period in which proponents
11 can't be in contact with either members of council or
12 staff members?

13 MR. TOM LLOYD: Correct, and you must
14 follow the guidelines of the RFP.

15 MR. JOHN MATHER: So my next question
16 was going to be, Why -- what's the basis of that
17 understanding? It sounds like one of it is the RFP
18 document itself.

19 MR. TOM LLOYD: Yes.

20 MR. JOHN MATHER: Anything else?

21 MR. TOM LLOYD: No, just...

22 MR. JOHN MATHER: Do you recall what
23 was discussed at this meeting?

24 MR. TOM LLOYD: Yes. The Sprung
25 history; how we'd grown into a -- into a non-

1 industrial app -- numerous non-industrial
2 applications, sports and recreation; how we had built,
3 now, a few arenas.

4 Hockey Canada itself was blown away and
5 very impressed and was -- we were the only type --
6 only endorsement letter they'd ever written, because,
7 of course, their concern was lack of arenas or
8 deteriorating arenas. And how we could help a city,
9 what Sprung can do and can't do.

10 MR. JOHN MATHER: So do -- do you
11 recall bringing up the Hockey Canada letter at this
12 meeting?

13 MR. TOM LLOYD: Yes.

14 MR. JOHN MATHER: And you had
15 described earlier that at a meeting where the Hockey
16 Canada letter was discussed, at least as I understood
17 it, that was also the meeting where you were advised
18 that there had been difficulties with the recreation
19 facilities in the past and they might be looking for a
20 specific recommendation with respect to Sprung.

21 Was this the meeting where that
22 conversation occurred?

23 MR. TOM LLOYD: The difficulty with...

24 MR. JOHN MATHER: It was explained to
25 you that in the past, the Town had had difficulties

1 getting recreation facilities built, and they were
2 looking for a -- a quick solution, and that might
3 involve having a specific recommendation.

4 Do you recall speaking about that
5 earlier this morning?

6 MR. TOM LLOYD: I remember, in
7 general, yes, having a conversation about that, yes.

8 MR. JOHN MATHER: Was that at this
9 meeting?

10 MR. TOM LLOYD: A general high-level
11 conversation about it was, yes.

12 MR. JOHN MATHER: Okay. What do you
13 recall about what was said generally?

14 MR. TOM LLOYD: I believe an example
15 was they tried since 1980 to get an arena, but I think
16 there was something about an example of, If we want to
17 change the colour of the exterior doors at City Hall,
18 it could create a -- a serious battle with the
19 community over what colour we should choose. There
20 was a --

21 MR. JOHN MATHER: And how does that re
22 -- how does that relate to the discussion about prior
23 recreation facility history?

24 MR. TOM LLOYD: Oh, sorry. Just about
25 prior recreation? Oh, no. I'm sorry. I thought you

1 meant about -- you were talking about something else.

2 My mistake.

3 No, it was just a high-level discussion
4 around, We've wanted an arena. We've needed one for
5 over twenty (20), thirty (30) years, and our people --
6 what -- I think the discussion was around how often
7 they have to leave the community to go to get ice
8 time, the locals.

9 MR. JOHN MATHER: And as part of the
10 conversation at this meeting, was the potential
11 procurement options, from a RFP to a -- a -- a spec
12 RFP to a sole-source, were those potential procurement
13 options discussed at this meeting?

14 MR. TOM LLOYD: I don't believe so,
15 no.

16 MR. JOHN MATHER: What facilities were
17 discussed at this meeting, do you recall?

18 MR. TOM LLOYD: Just the arena.

19 MR. JOHN MATHER: Do you recall when
20 the pool was first raised?

21 MR. TOM LLOYD: Sometime just after,
22 shortly after.

23 MR. JOHN MATHER: Do you know how long
24 after?

25 MR. TOM LLOYD: Probably within a

1 week. Less than -- less than a couple of weeks would
2 be my -- my recollection, yes.

3 MR. JOHN MATHER: Do you recall how
4 the pool was raised?

5 MR. TOM LLOYD: Yes. In -- in
6 general, I do. It was raised because they had
7 funding. If they could find funding to do both a pool
8 and arena, they would pretty much accomplish what was
9 in the \$35 million plan. So we were asked, Could we
10 put together a budget for the pool -- to cover
11 Centennial Pool as well?

12 MR. JOHN MATHER: Who told you that --
13 about the potential for funding and that that could
14 achieve parts of the multi-use plan?

15 MR. TOM LLOYD: Not 100 percent sure,
16 because we were in contact with quite a few people at
17 the time, but I would be -- either Mr. Houghton or one
18 of his staff. It would -- it came from the Town
19 staff.

20 MR. JOHN MATHER: Do you recall if it
21 came in an email or a phone call?

22 MR. TOM LLOYD: I'm thinking it was --
23 I would probably think both, but for sure a phone
24 call.

25 MR. JOHN MATHER: And it -- was it

1 something that was said to you directly or something
2 said to someone else at Sprung and reported to you?

3 MR. TOM LLOYD: At this point, it was
4 a high-level request for us to give them a ballpark
5 budget on the pool, and maybe we should look at doing
6 both.

7 MR. JOHN MATHER: And were you -- were
8 you the person on the phone call who received that
9 instruction?

10 MR. TOM LLOYD: I think so, yes.

11 MR. JOHN MATHER: And was it on that
12 phone call when you received the instruction about a
13 ballpark budget for a pool, when you were also told
14 that there might be funding available for the pool?

15 MR. TOM LLOYD: Yes.

16 MR. JOHN MATHER: And just to clarify,
17 you don't recall who from the Town you had that
18 conversation with?

19 MR. TOM LLOYD: Correct.

20

21 (BRIEF PAUSE)

22

23 MR. JOHN MATHER: So if we could go to
24 paragraph 203 of the Foundation Document.

25

1 (BRIEF PAUSE)

2

3 MR. JOHN MATHER: So this paragraph,
4 Mr. Lloyd, contemplates that the day before the July
5 11th meeting, Dave MacNeil sent a letter to the Town
6 of Collingwood. And we'll open it up, but it contains
7 several pieces of material that relate to Sprung.

8 So if we could open up TOC0512701.

9

10 (BRIEF PAUSE)

11

12 MR. JOHN MATHER: We can scroll down.
13 Keep scrolling. You can see the letter dated July
14 10th, 2012. It's for Mr. MacNeil.

15 And if we go to page 3. This page, Mr.
16 Lloyd, sets out essentially a table of contents for
17 the package. As you can see, it's a hundred and
18 fifty-one (151) pages, but the -- the package that
19 follows -- do you recall if this package was provided
20 to the Town for the purposes of the attendees of the
21 meeting having it at the meeting?

22 MR. TOM LLOYD: I am going to say yes,
23 that's exactly why we did it, and it's a general
24 presentation on sports and recreation.

25 MR. JOHN MATHER: So when you say, "A

1 general presentation on sports and recreation," is
2 this a package that Sprung has ready to go whenever
3 it's talking about potential recreation facilities?

4 MR. TOM LLOYD: We -- we used to.
5 Yeah, it was covering off hockey pools -- or sorry,
6 arenas, I should say, pools, gymnasiums, things like
7 that.

8 MR. JOHN MATHER: If we could go to
9 page 16 of the package. So this comes from a
10 presentation that relates to arenas. It was part of
11 the package.

12 MR. TOM LLOYD: M-hm.

13 MR. JOHN MATHER: And this particular
14 page of the package, if we can scroll down a bit
15 further, please.

16

17 (BRIEF PAUSE)

18

19 MR. JOHN MATHER: One (1) of the items
20 it talks about is LEED certification. And it says
21 that -- it says:

22 "LEED certifiable, recycled content,
23 energy performance, durability,
24 construction waste."

25 Do you recall if you discussed LEED and

1 LEED certification at the July 11th, 2012 meeting that
2 we've been discussing?

3 MR. TOM LLOYD: I don't recall.

4 MR. JOHN MATHER: Do you recall
5 discussing LEED certification at any point with people
6 from the town prior to August 27th, 2012?

7 MR. TOM LLOYD: I do, actually, in
8 general, because it's a very -- it was a very popular,
9 let's say, topic at the time.

10 MR. JOHN MATHER: Who do you recall
11 speaking with about LEED certification at the Town?

12 MR. TOM LLOYD: I -- most likely
13 Dennis and Dave.

14 MR. JOHN MATHER: And do you remember
15 anything about when you spoke to them about the LEED
16 certification?

17 MR. TOM LLOYD: No, just that if LEED
18 is -- I -- I was made aware that the library was LEED
19 -- was certified LEED gold, I believe, and LEED -- a
20 LEED standard of some sort was something that would be
21 of interest to Collingwood for any project in general.
22 So we provided them with the fact that you can make a
23 Sprung structure LEED certified.

24 MR. JOHN MATHER: Do you recall what
25 you said about what that meant? Did -- like -- what -

1 - what did you say to them about Sprung and their LEED
2 capabilities?

3 MR. TOM LLOYD: That a Sprung
4 structure can LEED -- can just -- a Sprung building
5 envelope can lead you -- bad choice of words -- can
6 assist you in becoming LEED certified.

7 MR. JOHN MATHER: And when you say,
8 "Assist you in becoming LEED certified," what do you -
9 - what do you mean by that?

10 MR. TOM LLOYD: Well, the LEED
11 standard is based on the entire interior build-out, so
12 it includes your HVAC systems, your lighting, and all
13 the other stuff that we have no control over. So the
14 building envelope itself, you get great credit for --
15 for using a Sprung structure.

16 MR. JOHN MATHER: So to your
17 understanding, was it the case in 2012 that if a
18 customer purchased a LEED -- sorry, a customer
19 purchased a Sprung structure, that that building would
20 automatically be capable of achieving LEED
21 certification?

22 MR. TOM LLOYD: That was never my
23 understanding, no.

24 MR. JOHN MATHER: Was that something
25 that you expressed to the Town?

1 MR. TOM LLOYD: Never.

2 MR. JOHN MATHER: Mr. McNalty has said
3 in his evidence that it was his understanding that a
4 Sprung structure was, essentially, a turnkey LEED in
5 that once a Sprung was built, it would be LEED
6 certifiable, should you choose to go down the
7 certification process, and at the very least would be
8 LEED equivalent. And he said he got that
9 understanding from Sprung.

10 Do you have any sense of why Mr.
11 McNalty might have been under that impression?

12 MR. TOM LLOYD: No, I do not.

13 MR. JOHN MATHER: Do you know if
14 anyone else at Sprung spoke with Mr. McNalty about
15 LEED certification?

16 MR. TOM LLOYD: No.

17 MR. JOHN MATHER: To your knowledge,
18 are there any LEED certified or LEED equivalent Sprung
19 arenas?

20 MR. TOM LLOYD: Not arenas.

21 MR. JOHN MATHER: Are there any LEED
22 certified or LEED equivalent Sprung pools?

23 MR. TOM LLOYD: Not to my knowledge.

24 MR. JOHN MATHER: Are you aware of any
25 Sprung customer seeking to obtain LEED certification

1 for either a pool or arena?

2 MR. TOM LLOYD: I'm aware of -- for
3 any project, no one seeking LEED certification any
4 longer. Haven't -- haven't since before 2012.

5 MR. JOHN MATHER: All right. And I'll
6 just clarify, in 2012, were you aware of any Sprung
7 customer ever seeking LEED certification?

8 MR. TOM LLOYD: Ever receiving?

9 MR. JOHN MATHER: Seeking or
10 receiving.

11 MR. TOM LLOYD: Yes. We had a few
12 customers that received LEED certification.

13 MR. JOHN MATHER: And for what
14 buildings?

15 MR. TOM LLOYD: There was a building -
16 - one was a -- I believe a police academy, training
17 facility.

18 THE HONOURABLE FRANK MARROCCO: Did --
19 did I understand you just a minute ago to say that in
20 2012, people were not doing that anymore? Did -- did
21 I misunderstand that?

22 MR. TOM LLOYD: Yes, the general
23 feeling was, it was far too much paperwork and cost
24 just to get a certificate on your wall.

25 THE HONOURABLE FRANK MARROCCO: Right.

1 MR. TOM LLOYD: So what was becoming
2 more popular, it was weaning itself to what was called
3 LEED shadowing, which you would basically build to the
4 LEED silver, but you wouldn't do the work -- the
5 paperwork, or pay the -- I think if I remember
6 correctly, the pool alone was going to be over -- or
7 the arena alone was going to be over six hundred
8 thousand dollars (\$600,000) just to get the
9 certificate.

10 THE HONOURABLE FRANK MARROCCO: Right.

11 MR. TOM LLOYD: In additional --
12 that's non-building costs. That's paper
13 administration costs.

14 THE HONOURABLE FRANK MARROCCO: Okay.

15

16 CONTINUED BY MR. JOHN MATHER:

17 MR. JOHN MATHER: So pausing on that.
18 So the cert -- certification costs for the pool would
19 be six hundred thousand dollars (\$600,000).

20 Did you ever come to understanding of
21 what the additional building costs would be for the
22 pool?

23 MR. TOM LLOYD: My understanding was
24 none. My understanding was both the pool and arena --
25 are you talking -- we're talking the pool and the

1 arena were both built to LEED silver standard. That's
2 my understanding.

3 MR. JOHN MATHER: So let me back up.
4 Is it your understanding that the pool and its arena
5 as completed and constructed are as -- are LEED shadow
6 buildings --

7 MR. TOM LLOYD: Correct.

8 MR. JOHN MATHER: -- in that had the
9 Town wished to proceed with the certification, the --
10 and -- and the associated costs, they would have
11 received that certification?

12 MR. TOM LLOYD: That's my
13 understanding.

14 MR. JOHN MATHER: And what's the basis
15 of that understanding?

16 MR. TOM LLOYD: Discussions between
17 the Town and -- and BLT.

18 MR. JOHN MATHER: Who at the Town and
19 who at BLT were part of those discussions?

20 MR. TOM LLOYD: At BLT, it was -- the
21 -- with LEED, was Dave Barrow, and the Town was -- I
22 think even right up to perhaps Ron Martin and others.
23 I'm -- I'm not -- I can't remember who we -- exactly
24 had it, but they were very con -- they were very --
25 things like you open the -- the bathroom doors, the

1 lights come on. You leave, the lights go off. And it
2 was all built to those type of standards.

3 MR. JOHN MATHER: So other than
4 discussions you may have had with Mr. Martin and Mr.
5 Barrow, did you have any other -- is there any other
6 basis on which you believe that the pool and arena are
7 LEED shadow?

8 MR. TOM LLOYD: Yes, probably Abby
9 Stec, but she's not a Town employee, so.

10 MR. JOHN MATHER: So Mr. Martin and
11 Ms. Stec's evidence is that -- was that the arena and
12 pool were not built to -- or were not built to LEED
13 shadow equivalency.

14 Do you have any reaction to that?

15 MR. TOM LLOYD: They're probably
16 correct. I'm probably incorrect.

17 MR. JOHN MATHER: You specifically --

18 MR. TOM LLOYD: They -- we're probably
19 splitting hairs on the terminology.

20 MR. JOHN MATHER: Okay. So when I say
21 "LEED shadow," what you -- what does that mean to you?

22 MR. TOM LLOYD: It means you just do
23 your best efforts to build to LEED, gold, silver,
24 bronze, and whichever you decide, but you don't
25 register it.

1 MR. JOHN MATHER: Is it the case --
2 and I just want to make sure I understand this -- that
3 you're under -- your belief was that best efforts had
4 been made with respect to the pool and the arena, or
5 is it the case that your understanding is that the
6 pool and the arena would be LEED certified but for
7 going through the certification process?

8 MR. TOM LLOYD: Maybe best efforts is
9 a better term.

10 MR. JOHN MATHER: Okay. So I take it
11 then, other than what you may have been told by Ms.
12 Stec, Mr. -- Mr. Martin, or Mr. Barrow, you have no
13 independent information about the LEED status of the
14 pool or the arena?

15 MR. TOM LLOYD: I know they were -- I
16 know the Town was looking into LEED silver and whether
17 to -- certified or not, and that's all I know.

18 THE HONOURABLE FRANK MARROCCO: Just
19 before you leave that, on the screen you'll see a --
20 the green footprint?

21 MR. TOM LLOYD: Yes.

22 THE HONOURABLE FRANK MARROCCO: It
23 said -- it says:

24 "LEED, certifiable" --

25 That's one, two, three, fourth one

1 down.

2 MR. TOM LLOYD: Yes.

3 THE HONOURABLE FRANK MARROCCO:

4 -- "recycled content, energy
5 performance, durability,
6 construction waste."

7 That -- that's -- does that all
8 reference the membrane?

9 MR. TOM LLOYD: The membrane and the -
10 - the construction component of it, including the
11 membrane, the insulation, and the substructure, the
12 aluminum substructure.

13 THE HONOURABLE FRANK MARROCCO: But it
14 does not reference the other things that you would
15 have to do inside structure in order to make it LEED
16 certifiable equivalent.

17 MR. TOM LLOYD: Correct. It's
18 speaking strictly of the str -- Sprung structure only.

19

20 CONTINUED BY MR. JOHN MATHER:

21 MR. JOHN MATHER: So on this slide it
22 also mentions in the bullet point above that -- a
23 point about energy efficiency and exceptionally
24 airtight building envelope with R-30 insulation, which
25 is something we see commonly referenced when it comes

1 to Sprung.

2 And if we go to page 15, so back a
3 page, this page of the presentation talks more
4 specifically about the Sprung insulation and that it's
5 manufactured by a company called Johns Manville. Is
6 that correct?

7 MR. TOM LLOYD: Correct.

8 MR. JOHN MATHER: Do you know where
9 Johns Manville is -- is based?

10 MR. TOM LLOYD: I can't recall.

11 MR. JOHN MATHER: It's -- the document
12 suggested it's based in Denver, Colorado. Is that
13 something you're familiar with?

14 MR. TOM LLOYD: No.

15 MR. JOHN MATHER: If we could go to
16 page 17 of this report.

17 So this page of the report discusses
18 the Sprung shield, which we've heard is an aluminum
19 barrier that can be added to a Sprung building eight -
20 - eight feet six inches in the air.

21 Do you recall if at the July 11th,
22 2012, meeting with the Mayor and the Deputy Mayor, Mr.
23 Houghton, and Mr. McNalty, if the Sprung shield was
24 discussed?

25 MR. TOM LLOYD: I don't recall. It

1 probably was but I don't recall for sure.

2 MR. JOHN MATHER: Do you recall if at
3 any point prior to August 27th, 2012, the Sprung
4 shield was discussed?

5 MR. TOM LLOYD: Again it was probably
6 discussed but I don't recall.

7 MR. JOHN MATHER: Do you remember
8 anything about what was said to the Town about the
9 Sprung shield?

10 MR. TOM LLOYD: Throughout the whole
11 process?

12 MR. JOHN MATHER: Prior to August
13 27th, 2012.

14 MR. TOM LLOYD: Oh, prior to August
15 27th. Yes, we would've -- I think we even brought a
16 sample up and showed them. And if memory serves, we
17 even gave a budget line item to them for --

18 MR. JOHN MATHER: Okay.

19 MR. TOM LLOYD: -- for each project.

20 MR. JOHN MATHER: And what do you --
21 when you say "budget line item," do you mean the cost
22 of adding the --

23 MR. TOM LLOYD: Right.

24 MR. JOHN MATHER: -- Sprung shield to
25 the building?

1 And do you recall when that was
2 provided?

3 MR. TOM LLOYD: No.

4 MR. JOHN MATHER: Do you know if it
5 was before or after the contract with BLT was signed?

6 MR. TOM LLOYD: Oh, it was before.

7 MR. JOHN MATHER: Okay. Do you know
8 who it was provided to?

9 MR. TOM LLOYD: Whoever was
10 accumulating all the numbers at the time or --

11 MR. JOHN MATHER: And who was, in your
12 understanding, accumulating all the numbers at the
13 time?

14 MR. TOM LLOYD: If it wasn't Mr.
15 Houghton, it would be either the Treasurer or Mr.
16 McNalty.

17 MR. JOHN MATHER: Do you recall what
18 the additional cost was for the Sprung shield?

19 MR. TOM LLOYD: I'd be guessing.

20 MR. JOHN MATHER: Do you recall if at
21 any point it was -- do you recall that when Council
22 voted to proceed with the structures on August 27th,
23 2012, if a decision had been made about whether or not
24 to include the Sprung shield?

25 MR. TOM LLOYD: At that point they

1 were deciding -- they -- my recollection is they were
2 not going to proceed with it.

3 MR. JOHN MATHER: Okay. And do you
4 know how that decision had been made?

5 MR. TOM LLOYD: Budget. They were
6 quite confident in both locations, one being beside
7 the fire -- fire station and the other one being very
8 active lo -- area, that they'd be safe environments.

9 MR. JOHN MATHER: Do you know who made
10 that decision?

11 MR. TOM LLOYD: Staff.

12 MR. JOHN MATHER: Who on staff?

13 MR. TOM LLOYD: The group or committee
14 that I mentioned.

15 MR. JOHN MATHER: The members of the
16 task force?

17 MR. TOM LLOYD: Yes.

18 MR. JOHN MATHER: So do you recall
19 members of the task force explaining the rationale
20 that you've just provided about why the Sprung shield
21 --

22 MR. TOM LLOYD: Yes.

23 MR. JOHN MATHER: -- was not included?
24 Okay.

25 Do you remember who on the task force

1 provided that rationale?

2 MR. TOM LLOYD: No.

3 MR. JOHN MATHER: Going back to the
4 July 11th --

5 THE HONOURABLE FRANK MARROCCO: Sorry,
6 were -- were you about to say something?

7 MR. TOM LLOYD: No.

8 THE HONOURABLE FRANK MARROCCO: All
9 right.

10 MR. TOM LLOYD: Well, I was just going
11 to add that one (1) of the decisions was to put in a
12 full exterior security system on the Sprung.

13

14 CONTINUED BY MR. JOHN MATHER:

15 MR. JOHN MATHER: And were you present
16 when that decision was made?

17 MR. TOM LLOYD: No.

18 MR. JOHN MATHER: At the July 11th,
19 2012, meeting with the Mayor, Deputy Mayor, Mr.
20 Houghton, Mr. McNalty, was the -- was Sprung proposing
21 a potential turnkey solution to the Town?

22 MR. TOM LLOYD: We weren't proposing.
23 We suggested we could do that.

24 MR. JOHN MATHER: As part of that
25 conversation, did you get a sense from anyone at the

1 Town whether or not they wanted a turnkey option or
2 whether they were interested in a traditional
3 construction method or whether that was still an item
4 to be decided?

5 MR. TOM LLOYD: I believe they already
6 had some budget numbers on conventional, pre-
7 engineered steel, and they wanted to see what a Sprung
8 -- how it would line up to those numbers.

9 MR. JOHN MATHER: When you say you
10 believe they had numbers on pre-engineered steel and
11 conventional, are you talking about two (2) different
12 sets of numbers or one (1) set of numbers?

13 MR. TOM LLOYD: I believe two (2)
14 different but I'm going from memory again, so.

15 MR. JOHN MATHER: Fair enough. And
16 what -- and -- and based on your memory, why do you
17 recall or what do you recall about them saying about
18 the numbers they had?

19 MR. TOM LLOYD: Well, part of the
20 numbers were in that \$35 million report, so they could
21 extrapolate from that, and I think they had looked at
22 pre-engineered steel. There was a comment made that
23 we don't believe pre-engineered steel is a good
24 environment. It's more expensive for the quality --
25 if we go quality steel, and it's not the right

1 building environment for either an arena or a pool.

2 MR. JOHN MATHER: Do you recall who
3 made that comment?

4 MR. TOM LLOYD: No.

5 MR. JOHN MATHER: Any -- anything you
6 can tell us about how that comment came about, what
7 part of the discussion it formed?

8 MR. TOM LLOYD: Well, we were asked to
9 discuss how we lined up to those types of structures.
10 That's -- probably it came out when we were discussing
11 pre-engineered steel and telling them, you know, we
12 have examples you can come see, if you want of --
13 pools in the Toronto area that are deteriorating and
14 were about to fall down and be condemned.

15 MR. JOHN MATHER: Who asked you about
16 how Sprung compared to other types of construction?

17 MR. TOM LLOYD: The group in that meet
18 -- we're referring now to the --

19 MR. JOHN MATHER: July 11th, 2012,
20 meeting.

21 MR. TOM LLOYD: Around the room,
22 different questions came out. I can't remember who
23 asked -- was asking which questions.

24 MR. JOHN MATHER: The notion that a
25 pre-engineered building wouldn't be the right

1 environment for an arena, was that a notion that you
2 heard another -- again or at another time down the
3 road?

4 MR. TOM LLOYD: It's a notion we had
5 heard many times, yes.

6 MR. JOHN MATHER: And outside of the
7 July 11th meeting, who was expressing that to you?

8 MR. TOM LLOYD: In the Town of
9 Collingwood?

10 MR. JOHN MATHER: Yes.

11 MR. TOM LLOYD: Well, the -- I
12 remember -- if I remember correctly, Lisa and this one
13 team came and they'd looked at those sort of options
14 and they corrode and rust so.

15 MR. JOHN MATHER: At any point in July
16 or August 2012, did any member of staff or Council
17 express to you that they didn't believe that a pre-
18 engineered steel building was the right solution?

19 MR. TOM LLOYD: Yes.

20 MR. JOHN MATHER: Okay. Who?

21 MR. TOM LLOYD: The group in general.
22 So a specific person, I can't recall which person, but
23 it was a feeling by the entire group.

24 MR. JOHN MATHER: Okay. And are you
25 talking again about the July 11th, 2012, meeting?

1 MR. TOM LLOYD: Both that meeting and
2 -- and others, yes.

3 MR. JOHN MATHER: Okay. Do you recall
4 how many meetings you had generally with people from
5 the Town prior to August 27th, 2012?

6 MR. TOM LLOYD: Face-to-face or on the
7 phone?

8 MR. JOHN MATHER: Start with face-to-
9 face.

10 MR. TOM LLOYD: Including the one (1)
11 we already talked about with Dennis Seymour, I'm going
12 to say there was probably five (5).

13 MR. JOHN MATHER: And on the phone?

14 MR. TOM LLOYD: Oh, daily.

15 MR. JOHN MATHER: Who were you dealing
16 with on the phone daily?

17 MR. TOM LLOYD: Different folks for
18 different reasons, but -- all of them. I can remember
19 calls from a lot of different people asking different
20 questions, gathering information.

21 MR. JOHN MATHER: Were you speaking
22 with Mr. Houghton on the phone?

23 MR. TOM LLOYD: Yes.

24 MR. JOHN MATHER: Were you speaking
25 with Mr. McNalty on the phone?

1 MR. TOM LLOYD: I might have, but I
2 can't recall for sure.

3 MR. JOHN MATHER: Were you speaking
4 with Mr. Seymour on the phone?

5 MR. TOM LLOYD: Yes.

6 MR. JOHN MATHER: Did you speak with
7 Ms. Leonard on the phone?

8 MR. TOM LLOYD: Before...?

9 MR. JOHN MATHER: Before August 27th,
10 2012?

11 MR. TOM LLOYD: I don't think so.

12 MR. JOHN MATHER: As between Mr.
13 Seymour and Mr. Houghton, who did you speak to more
14 frequently?

15 MR. TOM LLOYD: Originally, it was Mr.
16 Seymour, but then it became Mr. Houghton.

17 MR. JOHN MATHER: Do you remember when
18 that change occurred?

19 MR. TOM LLOYD: I'm going to say as we
20 moved into August.

21 MR. JOHN MATHER: Did you ever speak
22 with Deputy Mayor Lloyd directly on the phone?

23 MR. TOM LLOYD: Yes.

24 MR. JOHN MATHER: How often?

25 MR. TOM LLOYD: A few times.

1 MR. JOHN MATHER: And what did you and
2 Mr. -- what did you and Deputy Mayor Lloyd discuss on
3 the phone?

4 MR. TOM LLOYD: He was also doing his
5 own research, telling me that certain individuals had
6 questions and he was going to get -- could I get --
7 help him get some answers to them, things like that.

8 It'd be anything from our -- why a
9 Sprung would be good for a pool. One (1) of the
10 questions, I believe, was on why we encapsulate our
11 insulation and what that means, that kind -- those
12 kind of technical type questions.

13 MR. JOHN MATHER: Did he identify who
14 -- who he was trying to get answers for?

15 MR. TOM LLOYD: No.

16 MR. JOHN MATHER: Did you discuss
17 anything with Deputy Mayor Lloyd either on the phone
18 or in person -- sorry. Maybe I'll ask you this one.

19 Did you have in-person meetings with
20 just Dep -- Deputy Mayor Lloyd prior to August 27th,
21 2012?

22 MR. TOM LLOYD: Never one on one.

23 MR. JOHN MATHER: And the phone calls
24 you've been describing, were they one on one or were
25 other people on the calls?

1 MR. TOM LLOYD: My recollection would
2 say they'd be more one on one.

3 MR. JOHN MATHER: So, on the phone
4 calls that were one on one, did you discuss other
5 things with Deputy Mayor Lloyd other than answers to
6 specific questions about Sprung structures?

7

8 (BRIEF PAUSE)

9

10 MR. TOM LLOYD: My father, who was his
11 customer.

12 MR. JOHN MATHER: Fair. Did you
13 discuss with Deputy Mayor Lloyd at any point one (1)
14 on one (1) on one (1) the potential procurement
15 options for the Town when it came to Sprung?

16 MR. TOM LLOYD: I can't recall for
17 sure.

18 MR. JOHN MATHER: Do you know why
19 Deputy Mayor Lloyd was reaching out to you directly
20 about Sprung buildings?

21 MR. TOM LLOYD: He was very passionate
22 about getting this project done. He was the one who
23 re -- often explained how he'd been in council a long
24 time and how many times this comes and goes and
25 nothing gets happens -- nothing happens.

1 And he wanted to make sure that he got
2 as much information that they -- as he could to help
3 others make a decision to hopefully get this arena up
4 and running.

5 MR. JOHN MATHER: Over what period of
6 time do you recall that you had conversations with
7 Deputy Mayor Lloyd?

8 MR. TOM LLOYD: I don't think we spoke
9 before the meeting we referenced earlier. And then we
10 spoke a few times from that meeting in the -- in the
11 Mayor's office through -- right up through after the
12 building was complete.

13 MR. JOHN MATHER: Was it Deputy Mayor
14 Lloyd who initiated the phone conversations, to your
15 recollection?

16 MR. TOM LLOYD: If he was requesting -
17 - sorry, if he was requesting information, yes.

18 MR. JOHN MATHER: Were there instances
19 where you initiated phone conversations with Deputy
20 Mayor Lloyd?

21 MR. TOM LLOYD: I initiated them if I
22 was getting back to him on certain -- certain
23 information. But I've also, by then, learned enough
24 that we're at a state now where you deal with the city
25 employees and stay away from council if you can.

1 MR. JOHN MATHER: Sorry, is that
2 something you were aware of at the time?

3 MR. TOM LLOYD: That's something that
4 my general sales time spent dealing with numerous
5 municipalities and government agencies let me know was
6 a better strategy.

7 MR. JOHN MATHER: And why, in your
8 view, was it a better strategy to deal with staff and
9 not council members?

10 MR. TOM LLOYD: Because even though
11 council would approve it, staff needed to be fully
12 supportive. If you had staff support, you'll get
13 council support, in general.

14 MR. JOHN MATHER: And -- and just to
15 confirm, that's something that you understood based on
16 your experience and dealings with other
17 municipalities?

18 MR. TOM LLOYD: Correct.

19 MR. JOHN MATHER: Did you and Deputy
20 Mayor Lloyd ever discuss Mr. Bonwick on the phone
21 conversations you had with him?

22 MR. TOM LLOYD: We did, yes.

23 MR. JOHN MATHER: And what was -- what
24 were those conversations?

25 MR. TOM LLOYD: Mr. Bonwick was a

1 passionate -- was just as passionate as he was about
2 getting some infrastructure for -- desperately needed
3 infrastructure for the city (sic) of Collingwood and
4 would be great to get involved as part of the -- of
5 the process.

6 MR. JOHN MATHER: And what did you
7 understand when Deputy Mayor Lloyd said it would be
8 great for Mr. Bonwick to get involved as part of the
9 process?

10 MR. TOM LLOYD: That Mr. Bonwick is --
11 is a very knowledgeable, intelligent man who -- who
12 knows -- knows people, got a great experience.

13 MR. JOHN MATHER: Did Mr. -- Deputy
14 Mayor Lloyd express to you what he thought
15 specifically Mr. Bonwick may be able to do?

16 MR. TOM LLOYD: I would say first and
17 foremost get the project done --

18 MR. JOHN MATHER: And what did --

19 MR. TOM LLOYD: -- whether it's Sprung
20 or anyone else.

21 MR. JOHN MATHER: And what did you
22 understand that to mean?

23 MR. TOM LLOYD: They'd been trying
24 since 1980 to get an arena and that they were close --
25 really close now and Mr. Bonwick could put the ball in

1 the end zone --

2 MR. JOHN MATHER: Did he say -- sorry,
3 I didn't mean to cut you off.

4 MR. TOM LLOYD: Touchdown.

5 MR. JOHN MATHER: Did he say what
6 specifically Mr. Bonwick might be able to do to score
7 the touchdown?

8 MR. TOM LLOYD: No, he did not.

9 MR. JOHN MATHER: Do you recall when
10 you had -- put it this way. Did you have more than
11 one (1) conversation with Deputy Mayor Lloyd about Mr.
12 Bonwick?

13 MR. TOM LLOYD: Not that I recall.

14 MR. JOHN MATHER: The one (1) that you
15 do recall, do you know when that occurred?

16 MR. TOM LLOYD: July, I'm going to say
17 --

18 MR. JOHN MATHER: We --

19 MR. TOM LLOYD: -- after -- after the
20 meeting in -- with the mayor.

21 MR. JOHN MATHER: After the July 11th
22 meeting?

23 MR. TOM LLOYD: Correct.

24 MR. JOHN MATHER: And we see that
25 there's a meeting scheduled between BLT and Green Leaf

1 on July 26th, 2012. And Ms. Stec's evidence was it
2 was at that meeting where Green Leaf proposed to work
3 with BLT on the Collingwood project.

4 Do you know if your conversation with
5 Deputy Mayor Lloyd happened before or after that
6 meeting?

7 MR. TOM LLOYD: Definitely before.

8 MR. JOHN MATHER: And why do you say,
9 "definitely before"?

10 MR. TOM LLOYD: Because the meeting
11 wouldn't have happened if I hadn't introduced them.

12 MR. JOHN MATHER: Okay. When you say,
13 "The meeting wouldn't have happened if hadn't
14 introduced them," what do you mean by that?

15 MR. TOM LLOYD: Because of -- well, in
16 -- at the same time as -- on or about the same time as
17 that call, Abby Stec was making the same sort of
18 comments to me and being -- wanted -- you know,
19 becoming a manufacturer's rep and Paul -- and Mr.
20 Bonwick could be great at -- at getting structures --
21 Sprung structures at various different municipalities
22 and how could we come to some sort of arrangement.

23 MR. JOHN MATHER: Okay. So, we will
24 do this. If we could pull up paragraph 276 of the
25 Foundation Document.

1 (BRIEF PAUSE)

2

3 MR. JOHN MATHER: So, this paragraph
4 references an email that you sent to Dave Barrow, at
5 BLT, saying that:

6 "We are working with Abby Stec and
7 her partner, Paul Bonwick, on the
8 Collingwood projects."

9 And it goes on to suggest a meeting at
10 the office on July 26th, 2012, which is what I had
11 just discussed.

12 What conversations had you had with
13 Abby Stec about Green Leaf or Mr. Bonwick's potential
14 involvement with the Collingwood projects prior to
15 sending this email on July -- July 23rd, 2012?

16 MR. TOM LLOYD: They could help with
17 this project, but we were also looking at a broader
18 scope outside of Collingwood.

19 MR. JOHN MATHER: When you say, "They
20 could help with this project," do you mean the
21 potential pool and arena opportunities?

22 MR. TOM LLOYD: Correct.

23 MR. JOHN MATHER: Okay. Who suggested
24 to you that Green Leaf might be able to assist, or was
25 that --

1 MR. TOM LLOYD: Abby.

2 MR. JOHN MATHER: Okay.

3 MR. TOM LLOYD: Abby would have been
4 the lead for that, yes.

5 MR. JOHN MATHER: And do you remember
6 when Ms. Stec made that suggestion?

7 MR. TOM LLOYD: Shortly after the day
8 we met with the mayor.

9 MR. JOHN MATHER: So, sometime after
10 July 11th, 2012?

11 MR. TOM LLOYD: Right. And I believe
12 on that date I met for the first time Mr. Bonwick, and
13 with Abby.

14 MR. JOHN MATHER: So, Ms. Stec
15 suggests to you that Green Leaf may be able to assist
16 with the Collingwood projects. What sort of
17 assistance was she proposing?

18 MR. TOM LLOYD: That we would make a
19 great team. They were working on a nu -- number of
20 accessories that would be complimentary to Sprung
21 internally.

22 They were actually at one point
23 considering a Sprung office in Collingwood -- excuse
24 me -- building a Sprung office in Collingwood for
25 Green Leaf.

1 We're a very compatible fit. We can
2 refer each other, sort of a referral arrangement type
3 thing.

4 MR. JOHN MATHER: So, I understand
5 that to deal with assistance that Green Leaf may be
6 provi -- be able to provide with projects generally in
7 Collingwood.

8 Did Ms. Stec say there was assistance
9 that Green Leaf, herself, or Mr. Bonwick could provide
10 with the potential pool and arena project?

11 MR. TOM LLOYD: Did she believe Mr.
12 Bonwick could be of assistance? Yes.

13 MR. JOHN MATHER: And did she say what
14 type of assistance Mr. Bonwick could be?

15 MR. TOM LLOYD: She did not.

16 MR. JOHN MATHER: What -- did you have
17 an understanding of what type of assistance Mr.
18 Bonwick could provide?

19 MR. TOM LLOYD: Not really, no.

20 MR. JOHN MATHER: You then said you --
21 you spoke with Abby Stec and you believe you met with
22 Mr. Bonwick on that same day. Is that correct?

23 MR. TOM LLOYD: On the 11th.

24 MR. JOHN MATHER: Well, and we've seen
25 that you've attended a meeting on July 11th, 2012, in

1 which the deputy mayor and the mayor were -- were
2 present.

3 My understanding is your answer was
4 that, at some point after that meeting, you had a
5 meeting with Abby Stec in which Green Leaf's potential
6 assistance with respect to the pool and arena and more
7 broadly was discussed.

8 Do I have that correct?

9 MR. TOM LLOYD: No, sorry. Abby Stec
10 and I had talked about a relationship prior to -- long
11 before July 11th when we came up to meet with the
12 Town. I believe it was in the afternoon.

13 So at approximately, I'm going to say,
14 eleven o'clock we met with Green Leaf with Abby, and
15 we were introduced to Paul at that time. And we
16 discussed briefly why were here, but more so why
17 Sprung and Green Leaf could be a great partnership
18 going forward for referring business back and forth.

19 MR. JOHN MATHER: Okay. So, there --
20 on -- on a date, you're in town to meet with -- you're
21 in Collingwood to meet with the Town. On that same
22 date you meet with Ms. Stec.

23 Ms. Stec gave evidence that she
24 remembers attending a lunch with you in or around late
25 June 2012 in which the -- the possibility of her

1 becoming a manufacturer's rep and the potential for
2 Collingwood to be building recreation facilities was
3 being discussed.

4 Do you recall a lunch along those
5 lines?

6 MR. TOM LLOYD: I recall a lunch.
7 Yeah, it was probably along those lines, yeah, but
8 that was a different date, I believe.

9 MR. JOHN MATHER: That was a different
10 date, okay. So, there was the lunch date. And I'll
11 have some questions about that. And then there
12 appears to be a date in which Ms. Stec suggests to you
13 that Mr. Bonwick can assist specifically with the
14 recreation projects.

15 Was that -- that was at a different
16 time?

17 MR. TOM LLOYD: Yes.

18 MR. JOHN MATHER: Okay. And had you
19 discussed the recreation projects in Collingwood with
20 Mr. Bonwick at any point prior to Ms. Stec making that
21 suggestion?

22 MR. TOM LLOYD: No.

23 MR. JOHN MATHER: After Ms. Stec made
24 that suggestion what did you do?

25 MR. TOM LLOYD: I believe we -- what

1 did I do? I -- I'm -- I'm wanting Collingwood to get
2 the best structure, no demand, which I believe is a
3 Sprung structure.

4 I asked Mr. Bonwick how he thought he
5 could assist. We talked about a pile of different
6 things, and I cannot recall what they were. But, at
7 that point, it was becoming very obvious that, should
8 Collingwood proceed, they were going to proceed
9 through BLT and BLT would actually be buying a Sprung.

10 So, at that point, I believe we both
11 decided it'd be much better to form a -- call it a
12 three (3) way alliance, BLT, Sprung, Green Leaf, and
13 informal and have Abby and Mr. Bonwick meet directly
14 with BLT.

15 MR. JOHN MATHER: So, it sounds like
16 you had a discussion with Mr. Bonwick about what role
17 he, Abby, and Green Leaf could play.

18 Was that a conversation you had with
19 him in person or on the phone?

20 MR. TOM LLOYD: I think it was on the
21 phone.

22 MR. JOHN MATHER: Okay. And you said
23 you discussed how Mr. Bonwick might be able to assist.
24 And I think you said there was a pile of things that
25 were discussed.

1 What -- what were the ways in which Mr.
2 Bonwick might be able to assist?

3 MR. TOM LLOYD: Well, just he was bor
4 -- I -- I believe he gave me his background. He was
5 born and raised in Collingwood, if I recall, and, you
6 know, knows -- knows the issue intimately, being the
7 lack of ice time, the fact that people want to swim in
8 the -- in the winter, in the off-season, and on and on
9 and on and I -- I can't recall the rest.

10 That's about as much as I can get you
11 right now.

12 MR. JOHN MATHER: Why was it that Mr.
13 Bonwick could -- in your understanding -- assist with
14 the history of recreation facilities and the lack of
15 ice time?

16 MR. TOM LLOYD: Assist with what?

17 MR. JOHN MATHER: That's my question.
18 What was Mr. Bonwick suggesting or you suggesting he
19 could help Sprung or BLT do?

20 MR. TOM LLOYD: Well, Collingwood was
21 just a -- a nugget in a -- in a bigger piece, which
22 was his past experience with Ontario, federally,
23 provincially, he could get us into many, many
24 different communities that we may not other -- we may
25 not have access to otherwise, and that was very

1 intriguing to us.

2 MR. JOHN MATHER: So Mr. Bonwick may
3 be able to assist with other projects. Is there
4 anything he could do for Sprung or BLT with respect to
5 the Collingwood Recreation Facilities?

6 MR. TOM LLOYD: That he could assist
7 as part of the team and helping Collingwood make a
8 decision.

9 MR. JOHN MATHER: And what would he do
10 to assist, in your understanding?

11 MR. TOM LLOYD: I have no idea.

12 In my understanding, honestly, I wasn't
13 -- I didn't really have much of an understanding at
14 this point. He was just a welcome member to the team.

15 MR. JOHN MATHER: And what was welcome
16 about him being a member to the team?

17 MR. TOM LLOYD: Because he was highly
18 recommended by -- or highly thought of by everybody we
19 spoke to.

20 MR. JOHN MATHER: Who did you speak to
21 about Mr. Bonwick?

22 MR. TOM LLOYD: Different people on
23 Council mentioned his name. He's a pretty popular
24 name in Town, general -- like I told you, I've got a
25 big background in Collingwood, I was doing other sorts

1 of testing, if you will, trial -- throwing up trial
2 balloons with local people and seeing, you know, what
3 can you get talking to people like, as an example, the
4 local Collingwood Minor Hockey Association.

5 MR. JOHN MATHER: Did you know who Mr.
6 Bonwick was before the lunch meeting you had with Abby
7 Stec?

8 MR. TOM LLOYD: No. The -- sorry,
9 that lunch meeting was before the June --

10 MR. JOHN MATHER: Yes.

11 MR. TOM LLOYD: Yes. In June.

12 No, I did not.

13 MR. JOHN MATHER: How did you come to
14 know about Mr. Bonwick and -- and what he -- what he
15 could po -- like, how did you come to know about who
16 Mr. Bonwick was?

17 MR. TOM LLOYD: What his background
18 was?

19 MR. JOHN MATHER: Yes.

20 MR. TOM LLOYD: Partially through my
21 own research, partially through -- which included
22 talking to locals and what Abby and others had told me
23 about Mr. Bonwick.

24 MR. JOHN MATHER: Prior to July 26th,
25 2012, when Mr. Bonwick -- when the arrangement --

1 meeting is arranged between Green Leaf and BLT, who on
2 Council and staff had you spoken to about Mr. Bonwick?

3 MR. TOM LLOYD: I can't remember
4 exactly, to be honest. I mean, we know it was Deputy
5 Mayor Lloyd. I believe the other Lloyd on Council was
6 also -- thought it would be a good idea for us to
7 discuss -- have a discussion with Mr. Bonwick and I
8 think a few others, but I can't remember exactly.

9 MR. JOHN MATHER: Do you recall
10 specifically having a discussion with Kevin Lloyd
11 about Mr. Bonwick?

12 MR. TOM LLOYD: At a high level, I
13 kind of recollect something, yes.

14 MR. JOHN MATHER: What do you
15 recollect?

16 MR. TOM LLOYD: That he thought Mr.
17 Bonwick could be of assistance.

18 MR. JOHN MATHER: Do you remember when
19 that conversation happened with Kevin Lloyd?

20 MR. TOM LLOYD: No.

21 MR. JOHN MATHER: Do you know if it
22 was before July 26th, 2012 when Mr. Bonwick met with
23 BLT?

24 MR. TOM LLOYD: I can't say for sure.

25 MR. JOHN MATHER: So Kevin Lloyd,

1 Deputy Mayor Lloyd, any other members of Council that
2 you can recall speaking with about Mr. Bonwick prior
3 to August 27th, 2012?

4 MR. TOM LLOYD: No.

5 MR. JOHN MATHER: Anyone on staff you
6 can recall speaking to about Mr. Bonwick prior to
7 August 27th, 2012?

8 MR. TOM LLOYD: Probably -- I probably
9 brought it up to Mr. Houghton.

10 MR. JOHN MATHER: Do you recall
11 speaking to Mr. Houghton about Mr. Bonwick?

12 MR. TOM LLOYD: Yes.

13 MR. JOHN MATHER: What do you recall
14 about that conversation?

15 MR. TOM LLOYD: Probably just bouncing
16 it off him, saying there's -- is there any point in
17 adding to the team. Our team, being the Sprung BLT
18 team.

19 MR. JOHN MATHER: And when you say
20 "probably," do you specifically re -- recollect
21 putting that to Mr. Houghton?

22 MR. TOM LLOYD: No, I'm just
23 paraphrasing, so how I've talked about it back then, I
24 have no idea.

25 MR. JOHN MATHER: Do you recall if Mr.

1 Houghton ever gave you any feedback or any -- any
2 response to the notion that Paul Bonwick may join part
3 of the Sprung or BLT team?

4 MR. TOM LLOYD: Well, he didn't think
5 it was a bad idea.

6 MR. JOHN MATHER: Do you recall
7 specifically what he said to give you that impression?

8 MR. TOM LLOYD: No, I don't, sorry.

9 MR. JOHN MATHER: Anyone else on staff
10 you spoke with about Mr. Bonwick's involvement?

11 MR. TOM LLOYD: No.

12 MR. JOHN MATHER: When we started down
13 this line of questions, you had indicated that you had
14 a conversation with Deputy Mayor Lloyd about Mr.
15 Bonwick. Deputy Mayor Lloyd indicated he's someone
16 who could be of assistance, and then you suggested
17 that that's why you set up the meeting, or something
18 along those lines.

19 Do I have that right?

20 MR. TOM LLOYD: I don't think we -- we
21 set up a telephone call.

22 MR. JOHN MATHER: Telephone call with
23 who?

24 MR. TOM LLOYD: I believe my -- my
25 recollection is -- Mr. Bonwick's could be quite

1 different, but it was a long time ago -- my
2 recollection is that because of comments like that,
3 like the Deputy Mayor made, Abby Stec, was -- Abby
4 said -- I said to Abby I should talk to Paul and she
5 said that's a great idea.

6 MR. JOHN MATHER: Okay. So because of
7 what Abby said, you spoke to Paul.

8 Do you remember if you spoke to Deputy
9 Mayor Lloyd before you spoke with Mr. Bonwick?

10 MR. TOM LLOYD: Mr. -- Mr. Lloyd for
11 sure before Mr. Bonwick, yes.

12 MR. JOHN MATHER: Okay. And was the
13 purpose of speaking to Deputy Mayor Lloyd to find out
14 what he thought about Mr. Bonwick?

15 MR. TOM LLOYD: No, Mr. Lloyd was one
16 (1) of the ones who brought it up, that I should
17 consider reaching out to Mr. Bonwick.

18 MR. JOHN MATHER: And that was on a
19 phone call, as I understand it?

20 MR. TOM LLOYD: I believe so.

21 MR. JOHN MATHER: And was that phone
22 call -- the topic of conversation on that phone call
23 just Mr. Bonwick or was it other matters relating to
24 Sprung?

25 MR. TOM LLOYD: It was probably lots

1 of other matters, but that was just one of many on an
2 agenda.

3 MR. JOHN MATHER: Okay. I'm
4 wondering, Your Honour, if this is a good time for a
5 break?

6 THE HONOURABLE FRANK MARROCCO: Ten
7 (10) minutes.

8

9 --- Upon recessing at 11:41 a.m.

10 --- Upon resuming at 11:54 a.m.

11

12 CONTINUED BY MR. JOHN MATHER:

13 MR. JOHN MATHER: If we could pull up
14 paragraph 957 of the Foundation Document.

15

16 (BRIEF PAUSE)

17

18 MR. JOHN MATHER: So, Mr. Lloyd, this
19 paragraph describes that on June 19th, 2018 the CBC
20 News published an OPP investigative document relating
21 to Council's decision to purchase the Sprung
22 structures from the Centennial Pool and the Central
23 Park Arena.

24 The documents they published included a
25 document called an Information to Obtain a Production

1 Order, which was sworn by a Detective Constable Marc
2 Lapointe of the OPP on July 23rd, 2014. The -- and
3 the covering page of the document noted that the
4 allegations contained within it were -- had not been
5 proven -- I'm sorry, had not been tested in court.
6 I'm going to ask that the document itself be opened,
7 CJI0006013.

8

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(BRIEF PAUSE)

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MR. FREDERICK CHENOWETH: Your Honour,

I'd just like to get to some sense, while we're
opening the document, as to the use we're going to
make of it. Is Detective Lapointe going to be called,
or I'm -- I'm just trying to get some sense of the use
of the document.

THE HONOURABLE FRANK MARROCCO: It's

not necessary to call Detective Constable Lapointe.
Questions can be put to the witness. We'll get the
witness's answer. We'll see where it takes us.

MR. FREDERICK CHENOWETH: Thank you.

MR. JOHN MATHER: I believe it's

loading because it's a large file.

THE HONOURABLE FRANK MARROCCO: Well,

1 I -- I -- I hope it loads be -- otherwise, there'll be
2 more objections, so the sooner you load the document,
3 the better.

4 MR. JOHN MATHER: Ask and you will
5 receive.

6 MR. FREDERICK CHENOWETH: I'm -- I'm
7 presuming -- I'm assuming that there's no difficulty
8 with making inquiries and -- and -- and discussing
9 matters that are -- might be potential evidence.
10 That's an assumption I'm working on.

11 THE HONOURABLE FRANK MARROCCO: Well,
12 I think that's a valid assumption.

13 MR. JOHN MATHER: If we could --

14 MR. FREDERICK CHENOWETH: Thank you,
15 Your Honour.

16

17 CONTINUED BY MR. JOHN MATHER:

18 MR. JOHN MATHER: I'm -- sorry. If we
19 could go to page 37, which -- it's the numbered pages
20 in the document, so we have to go to the bottom of the
21 pages. Start around page 50. So if we go to 37, as
22 based on those numbered pages down there, and stop at
23 paragraph 78.

24 So, Mr. Lloyd, this paragraph of the
25 Information to Obtain describes that you had a meeting

1 on June 29th, 2012, with individuals from the Town of
2 Collingwood, and if you can see, he references that
3 information in footnote 70 to a review that he
4 conducted of a witness interview transcripts that you
5 had provided another officer named Detective Shawn
6 Evans and Tim Tichnor on July 19th, 2013.

7 The paragraph goes on to saying that he
8 learned from the review of those notes that on this
9 date, he also met with Ms. Stec -- scrolling over to
10 the next page -- a person familiar to him, and then
11 sets out information that he learned from those notes
12 about the meeting with Ms. Stec.

13 Are you familiar with this priv -- this
14 portion of this document?

15 MR. TOM LLOYD: Familiar? No. No,
16 well, I think you showed it to me.

17 MR. JOHN MATHER: Looking at what was
18 described in the sub-bullet points there, do you
19 recall if you had a meeting with Ms. Stec in which the
20 items discussed in sub-bullets (a) to (e) were -- were
21 -- were matters of conversation?

22 MR. TOM LLOYD: With the detective?

23 MR. JOHN MATHER: Do you recall --
24 this is describing a meeting that apparently took
25 place -- or reportedly took place on June 29th, 2012,

1 with -- between you and Ms. Stec. Do you know if this
2 meeting took place?

3 MR. TOM LLOYD: Would that be the
4 meeting we were referring to earlier where we went to
5 lunch?

6 MR. JOHN MATHER: Possibly, and that's
7 my question for you.

8 MR. TOM LLOYD: I'm -- I'm assuming it
9 -- I'm going to say it took place.

10 MR. JOHN MATHER: It indicated that,
11 later, at subparagraph (e), it suggests that you also
12 met with Mr. Bonwick on that date.

13 On the day you had lunch with Ms. Stec,
14 did you also meet Mr. Bonwick on that date?

15 MR. TOM LLOYD: No.

16 MR. JOHN MATHER: Prior to the phone
17 call you had with Mr. Bonwick that we were discussing
18 before the break, in which the possibilities of him
19 becoming part of the team were discussed, had you met
20 him before that?

21 MR. TOM LLOYD: My recollection is the
22 first time I physically met Mr. Bonwick was the day we
23 had the meeting that we talked about with the Mayor,
24 Mr. Houghton, Mr. McNalty, and perhaps others.

25 MR. JOHN MATHER: Sorry, you met him

1 on that day, is your recollection?

2 MR. TOM LLOYD: Correct.

3 MR. JOHN MATHER: Okay. And scrolling
4 down in this document, it describes that at -- at the
5 meeting or the interaction described here, that Mr.
6 Bonwick provided his professional history in politics,
7 and he knows that Paul Bonwick is a registered
8 lobbyist, goes -- he's also aware that Paul Bonwick's
9 sister is the Mayor's brother.

10 Mr. Lloyd stated that Paul Bonwick was
11 very connected with the Town of Collingwood and was
12 once a member of Council, friend -- (h), Paul
13 Bonwick's friends with most people in the town. Tom
14 Lloyd stated that Paul Bonwick had researched Sprung
15 instant structures and could only say great things
16 about the structures. Paul Bonwick was interested in
17 learning more about the Sprung instant structures.

18 The -- does this describe, in any way,
19 shape, or form, the first in-person meeting you had
20 with Mr. Bonwick?

21 MR. TOM LLOYD: No, it was more casual
22 than that. I think -- I thought -- my recollection
23 was all that information came out shortly thereafter.

24 MR. JOHN MATHER: Looking at paragraph
25 I -- or subparagraph (I), do you recall having a

1 interaction with Mr. Bonwick in which he said great
2 things about the structures?

3 MR. TOM LLOYD: After, again, that
4 early July meeting, yes.

5 MR. JOHN MATHER: Okay. So you have
6 an early July meeting with him in person, and then
7 there's a subsequent conversation in which he talks
8 about the structures?

9 MR. TOM LLOYD: Yes.

10 MR. JOHN MATHER: And that subsequen --
11 subsequent conversation, was that in person or was
12 that on the phone?

13 MR. TOM LLOYD: I -- my recollection
14 is those were all on the phone.

15 MR. JOHN MATHER: Was that the same
16 conversation in which it was also discussed about
17 whether or not Mr. Bonwick could provide assistance to
18 Sprung or BLT?

19 MR. TOM LLOYD: I think there was a
20 couple of discussions, but I -- one of those
21 discussions was about that, yes.

22 MR. JOHN MATHER: Okay. Do you know
23 how many discussions you had with Mr. Bonwick prior to
24 the July 26, 2012, meeting with BLT?

25 MR. TOM LLOYD: One physical, that I

1 recall, and the rest were telephone conversations.

2 MR. JOHN MATHER: And do you recall
3 how many telephone conversations?

4 MR. TOM LLOYD: No, but I would guess
5 to be in the two (2) to three (3) range.

6 MR. JOHN MATHER: Subparagraph (f)
7 mentions that -- that you were aware that Mr.
8 Bonwick's sister was the Mayor of Collingwood. Do you
9 recall when you became aware of that fact?

10 MR. TOM LLOYD: After -- some --
11 somewhere in that July time frame.

12 MR. JOHN MATHER: Did you know it
13 before the July 26, 2012, meeting?

14 MR. TOM LLOYD: With...

15 MR. JOHN MATHER: Between -- sorry.
16 There's a meeting that appears to have taken (sic)
17 place between Paul, Abby, and BLT on July 26, 2012.

18 MR. TOM LLOYD: I believe I was aware
19 before that, yes.

20 MR. JOHN MATHER: How did you become
21 aware?

22 MR. TOM LLOYD: Maybe Abby told me.
23 I'm not sure.

24 MR. JOHN MATHER: When you were
25 considering whether or not Mr. Bonwick could be part

1 of the team and how that might look, was the fact that
2 his Mayor -- that the Mayor was his sister, was that a
3 consideration or a relevant factor into those
4 determinations?

5 MR. TOM LLOYD: Not for me, no.

6 MR. JOHN MATHER: Why was it not a
7 factor for you?

8 MR. TOM LLOYD: Because the Town of
9 Collingwood, at that point, was leaning towards not
10 purchasing directly from Sprung, so it wouldn't affect
11 us.

12 MR. JOHN MATHER: Why do you say, The
13 Town, at that point, was not leaning towards
14 purchasing directly from Sprung?

15 MR. TOM LLOYD: Because they were
16 beginning to look hard at doing a direct -- a -- a
17 design build with BLT.

18 THE HONOURABLE FRANK MARROCCO: I -- I
19 think the witness said they -- they were looking at
20 dealing with BLT, and they were not looking at dealing
21 directly with Sprung. Is that right?

22 MR. TOM LLOYD: Correct.

23 THE HONOURABLE FRANK MARROCCO: Okay.

24

25 CONTINUED BY MR. JOHN MATHER:

1 MR. JOHN MATHER: So -- and why would
2 that affect how you felt about Mr. Bonwick being the
3 Mayor's brother?

4 MR. TOM LLOYD: It was more of a --
5 the decision would now go over to BLT, as it pertained
6 to the Collingwood projects directly, as to next steps
7 with Mr. Bonwick, not myself.

8 MR. JOHN MATHER: At any point, as
9 part of the conversations you were having with Mr.
10 Bonwick, did you consider whether or not Sprung would
11 engage Mr. Bonwick as opposed to BLT?

12 MR. TOM LLOYD: We had a very brief
13 discussion on it, yes.

14 MR. JOHN MATHER: And what can you
15 tell me about that discussion?

16 MR. TOM LLOYD: Well, the discussion
17 was basically explaining how a manufacturer's
18 representative process works with Sprung, clarifying
19 what Abby was going to become or had become -- I
20 believe she had become by then. But the project had
21 already been registered to Pat Mills, so he was
22 already the manufacturer's representative on the file.

23 MR. JOHN MATHER: So was the nature of
24 that conversation whether or not Mr. Bonwick could --
25 or somebody could serve as the manufacturer's

1 representative for the purposes of the Collingwood
2 projects?

3 MR. TOM LLOYD: Yes and no. It was
4 more about Mr. Bonwick recognized quickly that the
5 Sprung is a component of a much larger project, and it
6 was probably a good idea to go directly to BLT.

7 MR. JOHN MATHER: And can you tell me
8 more about that conversation?

9 MR. TOM LLOYD: It's about as simple
10 as I just said, and I -- I graciously offered to set a
11 meeting up for them.

12 MR. JOHN MATHER: Was it the case that
13 Mr. Bonwick asked you what the -- what the commission
14 would be for a manufacturer's representative for
15 Sprung, or was it something you raised with him?

16 MR. TOM LLOYD: It was probably
17 something I raised with him.

18 MR. JOHN MATHER: And why did you
19 raise it with him?

20 MR. TOM LLOYD: As it says right
21 there, he -- he wanted to learn more, and he believed
22 that he could bring us lots of interest through
23 First Nations communities, other municipalities.
24 Casinos were becoming -- had just opened up for
25 municipalities in Ontario under the provincial

1 government so.

2 MR. JOHN MATHER: Did you tell
3 Mr. Bonwick what the commission structure was for
4 Sprung manufacturer's representatives?

5 MR. TOM LLOYD: If I didn't, he seemed
6 to be aware of it. Whether I told him or not, I can't
7 recall.

8 MR. JOHN MATHER: Do you recall if he
9 expressed what he -- if he had any views on it or had
10 any reaction to it?

11 MR. TOM LLOYD: No.

12 MR. JOHN MATHER: If we could go to
13 page 40 of this document in the numbered pages at the
14 bottom, paragraph 85.

15 Mr. Lloyd, this paragraph describes
16 something that this document says that Mr. Mills told
17 the OPP detectives. It says that he was approached by
18 yourself a short time after the July 11th, 2012
19 meeting with the Town of Collingwood but before
20 Collingwood signed the contract to purchase the Sprung
21 structures and told the following: that Tom Lloyd
22 told him there could be a lobbyist who was going to
23 take part of Pat Mills' commission; that Tom Lloyd
24 told Pat Mills that was -- that there was someone who
25 could "massage the deal"; that Pat Mills refused to

1 give any part of his commission to anyone as he,
2 Pat Mills, had completed his role as Sprung
3 infrastructure's representative; and that Tom Lloyd
4 did not -- and Tom Lloyd did not tell Pat Mills the
5 name of the proposed lobbyist during the above
6 described conversation.

7 Did you -- do you recall having a
8 conversation with Pat Mills along the lines described
9 in this paragraph?

10 MR. TOM LLOYD: I do now, yes.

11 MR. JOHN MATHER: Okay. Do you
12 remember -- I appreciate there's some indication of
13 timing in the introduction. Do you know when the
14 conversation happened?

15 MR. TOM LLOYD: Probably shortly after
16 I was introduced and spoke to Mr. Bonwick on the
17 phone.

18 MR. JOHN MATHER: Do you know if it
19 was after you and Mr. Bonwick had discussed what the
20 compensation is for a manufacturer's representative?

21 MR. TOM LLOYD: It was probably on or
22 about that time.

23 MR. JOHN MATHER: Was the -- is there
24 anything that's described here that you think is
25 inaccurate?

1 MR. TOM LLOYD: No. I remember
2 calling Pat and saying, are you prepared to split? He
3 said no, and that was the end of that.

4 MR. JOHN MATHER: Why did you ask Pat
5 if he was prepared to split?

6 MR. TOM LLOYD: Because -- and I would
7 have -- if Pat had said yes or let me think about it,
8 I would have introduced Paul and let the two (2) of
9 them decide.

10 MR. JOHN MATHER: And I think it's
11 obvious, but from your answers, the lobbyist you refer
12 to on the call -- that was Mr. Bonwick?

13 MR. TOM LLOYD: Correct.

14 MR. JOHN MATHER: Did you report back
15 to Mr. Bonwick that you had inquired about whether or
16 not the registered rep would be willing to split?

17 MR. TOM LLOYD: I don't recall.

18 MR. JOHN MATHER: Do you recall ever
19 telling Mr. Bonwick that a commission from the Sprung
20 side would not be available?

21 MR. TOM LLOYD: I think I -- I
22 probably -- I'm not sure. And remember this,
23 Pat Mills' compensation is strictly on the Sprung
24 component.

25 MR. JOHN MATHER: Understood. Is it

1 fair to say that prior to your conversation with
2 Mr. Mills, you were considering -- you would have been
3 open to having Mr. Mills and Mr. Bonwick split the
4 commission if Mr. Mills was prepared to do so?

5 MR. TOM LLOYD: Absolutely.

6 MR. JOHN MATHER: And why would you
7 have been prepared to do that?

8 MR. TOM LLOYD: In a long sale cycle
9 or a -- a complicated sale cycle like this, the more
10 people you have on your team that can assist you the
11 better. Simply put.

12 MR. JOHN MATHER: At this point,
13 Mr. Mills had already registered the arena project.
14 Is that correct.

15 MR. TOM LLOYD: That's correct.

16 MR. JOHN MATHER: Did you contemplate
17 that Mr. Bonwick would also be registering the arena
18 project?

19 MR. TOM LLOYD: Mr. Bonwick wasn't a
20 manufacturer's rep.

21 MR. JOHN MATHER: So on what basis
22 would he get half of Mr. Mills' commission if
23 Mr. Mills agreed?

24 MR. TOM LLOYD: Mr. Mills would get
25 the commission and then would compensate

1 Mr. Bonwick --

2 MR. JOHN MATHER: Okay. And what was
3 your understand --

4 MR. TOM LLOYD: -- under Sprung rules.

5 MR. JOHN MATHER: Sorry?

6 MR. TOM LLOYD: Under the Sprung --
7 under our corporate rules.

8 MR. JOHN MATHER: On -- what was your
9 understanding of -- the basis on which Mr. Mills -- I
10 appreciate he said no -- but the basis on which he
11 might say yes?

12 MR. TOM LLOYD: Well, we do it all the
13 time actually. I was surprised he said no, to be
14 honest.

15 But it's very common. A manufacturer's
16 rep registers a project in Quebec, and they live in
17 Toronto. You have a Quebec rep locally that can
18 assist them, and they'll often split it. It's very
19 common.

20 MR. JOHN MATHER: The idea that --
21 being that Mr. Bonwick, to the extent he's able to
22 assist in this deal being completed, that would allow
23 Mr. Mills -- that would increase Mr. Mills'
24 probability of receiving any commission, and
25 therefore, he might be incentivized to agree to split

1 it to increase the probability of closing the deal?

2 MR. TOM LLOYD: Yeah. I mean, the
3 typical manufacturer's rep with Sprung -- we'll look
4 at it as 50 percent of -- of something is a lot better
5 than a hundred percent of nothing because there's no
6 compensation paid unless -- paid out unless we're
7 paid.

8 MR. JOHN MATHER: Has there ever been
9 an instance in which a commission was split as between
10 a registered manufacturer's representative and a
11 third party like Mr. Bonwick?

12 MR. TOM LLOYD: Pat Mills shares his
13 commissions with others that weren't even involved in
14 this deal.

15 MR. JOHN MATHER: Who else did
16 Pat Mills share his commissions with?

17 MR. TOM LLOYD: Well, that would be a
18 private conversation with Pat Mills, but I can tell
19 you he has two (2) others on his teams, and at the
20 time, he was giving them -- they were splitting their
21 revenues.

22 MR. JOHN MATHER: You're talking about
23 individuals who assist Mr. Mills in his efforts as a
24 manufacturer's rep?

25 MR. TOM LLOYD: Or they bring the lead

1 and work on it. One of them is in St. Catharines, for
2 instance. So he'll do all the work, and they'll split
3 the deal under -- under Pat Mills' name.

4 MR. JOHN MATHER: In this case, did
5 you think Mr. Bonwick would be doing similar work to
6 those individuals who assist Mr. Mills?

7 MR. TOM LLOYD: It's a completely
8 different scenario.

9 MR. JOHN MATHER: And what's
10 completely different?

11 MR. TOM LLOYD: Oh, dear. Mr. Mills
12 has -- I don't know how proper it is for me to bring
13 up his private business, but he works with a couple of
14 folks, and they often are completely independent.

15 They'll chitchat about the deals, but,
16 you know, the person I mentioned in St. Catharines
17 will run it. If that closes, Mr. Mills gets a
18 percentage. They have a percentage arrangement
19 between them all.

20 MR. JOHN MATHER: It's -- and is it
21 the case, again to your understanding, that Mr. Mills
22 has prearranged this with these individuals and has
23 told them if you assist me in registering these deals,
24 I will give you a portion of my commission?

25 MR. TOM LLOYD: Yeah. To the point

1 that one (1) of them goes direct to me, and Pat's not
2 even involved half the time.

3 MR. JOHN MATHER: So that wasn't the
4 case then with what Mr. Bonwick would have been doing?

5 MR. TOM LLOYD: No. But Mr. Bonwick
6 was interested more in the entire deal, not just the
7 Sprung deal.

8 MR. JOHN MATHER: And speaking about
9 the -- and when you said "just the Sprung deal," you
10 mean the Collingwood project. Is that correct?

11 MR. TOM LLOYD: Well, yeah. Like
12 larger referrals but not just the Sprung portion of
13 the deal.

14 MR. JOHN MATHER: And had there ever,
15 to your knowledge before, been a Sprung manufacturer's
16 rep who shared a commission with a non-manufacturer's
17 rep other than what Mr. Mills does?

18 MR. TOM LLOYD: Yes.

19 MR. JOHN MATHER: And how common was
20 that?

21 MR. TOM LLOYD: I can't speak for
22 across the company. I know it is quite common, but
23 within my region, it's more when it comes to a
24 language issue in Quebec.

25 MR. JOHN MATHER: Looking here, this

1 reflects that Mr. Lloyd told you that Mr. Bonwick
2 could "massage the deal." Do you remember if you used
3 that word when you spoke with Mr. Mills?

4 MR. TOM LLOYD: If the detective said
5 I did, then I must have. Oh, is that Pat Mills saying
6 that or the detective?

7 MR. JOHN MATHER: This is --

8 THE HONOURABLE FRANK MARROCCO: I
9 think that's Mr. Mills saying that.

10 MR. JOHN MATHER: Yeah. Mr. Mills is
11 saying to the detective that you used the word
12 "massage," and that's --

13 THE HONOURABLE FRANK MARROCCO: And
14 he's recording it in a -- and the detective is
15 recording it in the document. So --

16 MR. TOM LLOYD: Yeah. So Mr. Mills --
17 I don't know if I used the word "massaged" to
18 Mr. Mills. I don't -- I would have said assisted
19 typically.

20

21 CONTINUED BY MR. JOHN MATHER:

22 MR. JOHN MATHER: Okay. Did you
23 explain to Mr. Mills what Mr. Bonwick would do in your
24 mind?

25 MR. TOM LLOYD: Only a little because

1 it was up to them to talk about it.

2 MR. JOHN MATHER: And what did you
3 explain?

4 MR. TOM LLOYD: Pretty much what it
5 says here, that Mr. -- some of Mr. Bonwick's history
6 and that it might be worth you splitting it and having
7 a conversation with him.

8 MR. JOHN MATHER: If we could go back
9 to paragraph 276 of the Foundation Document.

10

11 (BRIEF PAUSE)

12

13 MR. JOHN MATHER: So, Mr. Lloyd, we've
14 discussed a fair bit about the interactions you had
15 with Ms. Stec and Mr. Bonwick before you sent this
16 email.

17 In that progression of events, what led
18 you at this point in time, on July 23rd, to email Mr.
19 Barrow and propose a meeting as between him and Mr.
20 Bonwick and Ms. Stec?

21 MR. TOM LLOYD: Well, understand that
22 Mr. Barrow and I are talking daily, so I brought him
23 up to speed on everything and he thought be -- you
24 know, it can't hurt to have a meeting.

25 MR. JOHN MATHER: When you and Mr.

1 Barrow were talking, and -- and you were bringing him
2 up to speed, are you referring to bringing him up to
3 speed about Green Leaf, Mr. Bonwick, and Ms. Stec?

4 MR. TOM LLOYD: Correct.

5 MR. JOHN MATHER: And what did you
6 tell Mr. Barrow?

7 MR. TOM LLOYD: As I've just said,
8 Abby -- Abby Stec's history with Sprung, along with
9 Mr. Bonwick, Dave, do your own homework, here's my
10 understanding and do you want to meet.

11 MR. JOHN MATHER: And I just want to
12 clarify this. Was it you who proposed that there'd be
13 a meeting with BLT or was it someone else?

14 MR. TOM LLOYD: I think Mr. Bonwick
15 and Abby and I decided if -- you know, if BLT was
16 willing it would be a good idea and I approached BLT,
17 who thought it would be can't hurt, why not.

18 As we said, it's a difficult --
19 generally of Sprung it's a very difficult or a project
20 of -- infrastructure projects are difficult. The more
21 people you can have to assist, the better.

22 MR. JOHN MATHER: What did you
23 understand would be discussed at the meeting?

24 MR. TOM LLOYD: How they could assist
25 Sprung, BLT with municipalities across Canada, First

1 Nations, casinos, and Collingwood itself.

2 MR. JOHN MATHER: With respect to
3 Collingwood itself, do you -- what did you expect
4 would be discussed?

5 MR. TOM LLOYD: I really wasn't sure.

6 MR. JOHN MATHER: You mentioned you
7 spoke with Mr. Barrow before you sent this email when
8 you were bringing it up to speed.

9 Do you remember what his response was?
10 For the notion of potentially involving Mr. Bonwick
11 and his company?

12 MR. TOM LLOYD: Let's hear what he has
13 to say and I'll make a decision from there.

14 MR. JOHN MATHER: This paragraph
15 contemplates that prior to the meeting on July 26th,
16 2012, there may also be a conference call that would
17 happen in advance. If you look it says:

18 "Please confirm that works with you
19 and/or Mark prior to Thursday, they
20 would like to have a conference
21 call."

22 Do you know if there was a conference
23 call before July 26th, 2012?

24 MR. TOM LLOYD: I'm not sure, no.

25 MR. JOHN MATHER: If we look at the

1 next paragraph, this is on the July 26th date at 7:41
2 in the morning, and you write to Dave MacNeil, Dave
3 Barrow, and Abby Stec and indicate that your meeting
4 in -- that afternoon in Sudbury had gotten cancelled,
5 you had gotten an earlier flight:

6 "So if all goes well I'll be able to
7 get there for 4:00 p.m."

8 And then you go on to talk about how
9 there's no meeting in Collingwood for Monday.

10 I just bring that to help you -- point
11 -- point you in time. Do you know if you attended the
12 meeting on July 26th, 2012?

13 MR. TOM LLOYD: At the BLT office?

14 MR. JOHN MATHER: It appears that
15 that's where the meeting was.

16 MR. TOM LLOYD: Well, my -- here
17 others have said I was there, but my recollection is I
18 did not get back in time to make the meeting.

19 MR. JOHN MATHER: Ms. Stec did state
20 in her evidence that you were in attendance at the
21 meeting.

22 Do you have any reason why you think
23 she might have thought you were there?

24 MR. TOM LLOYD: I -- that's a question
25 for her. I'm sorry, I can't speak for her.

1 MR. JOHN MATHER: Is it the case that
2 you do not -- that you do not recall whether you
3 attended the meeting, or is it the case that you are
4 confident you didn't attend the meeting?

5 MR. TOM LLOYD: Confident? I mean,
6 what did I have for breakfast this morning? My memory
7 is not that great. I could have been there, but I
8 would say 90 -- I'm -- I'd say 75 to 90 percent sure I
9 wasn't there. I would remember. I think I would
10 remember if I was there.

11 MR. JOHN MATHER: You then say at the
12 end of this email:

13 "Dave M. and I will be there to meet
14 the task force tomorrow."

15 Do you know who that was?

16 MR. TOM LLOYD: That would be in the
17 Town of Collingwood.

18 MR. JOHN MATHER: And the individuals
19 you've identified as being part of the task -- task
20 force?

21 MR. TOM LLOYD: Right.

22 MR. JOHN MATHER: Okay.

23 So Appreciate that you do not recall
24 attending the meeting on July 26th, 2012. Were you
25 told about what happened at that meeting?

1 MR. TOM LLOYD: That -- I believe my
2 recollection is that Mr. Barrow and Mr. Watts, Mark
3 Watts, the president of BLT, were interested in
4 learning more or were going to continue on
5 conversations with them.

6 MR. JOHN MATHER: Did they describe
7 the meeting to you?

8 MR. TOM LLOYD: It went well.

9 MR. JOHN MATHER: And that came from
10 their description of the meeting?

11 MR. TOM LLOYD: BLT's description?

12 MR. JOHN MATHER: Mr. Watts' and Mr.
13 Barrow's?

14 MR. TOM LLOYD: Yes, I think so, yes.

15 MR. JOHN MATHER: Do you remember what
16 else they said about the meeting?

17 MR. TOM LLOYD: Not really, no.

18 MR. JOHN MATHER: Did you speak with
19 Ms. Stec or Mr. Bonwick about the meeting?

20 MR. TOM LLOYD: No, other than Abby --
21 I think Abby told me it was a good meeting and they're
22 continuing conversations.

23 MR. JOHN MATHER: What did you
24 understand the continuing conversations to be about?

25 MR. TOM LLOYD: That on the Green Leaf

1 side they were very impressed with BLT and the number
2 of general projects they had done, including Sprung.

3 And on the BLT side they were very
4 impressed with the Green Leaf and Abby and Mr. Bonwick
5 and what they could bring to the table for future
6 development, BLT's prime projects.

7 MR. JOHN MATHER: Do you know, either
8 from your conversations with people at BLT or with Ms.
9 Stec whether or not the Collingwood recreation
10 facilities were discussed at the July 26th meeting?

11 MR. TOM LLOYD: I can -- no, I wasn't.

12 MR. JOHN MATHER: After July 26th,
13 2012, how did you come to understand that Green Leaf
14 would assist BLT when it came to the Collingwood
15 recreation facilities?

16 MR. TOM LLOYD: I never knew how they
17 would assist.

18 MR. JOHN MATHER: Did you know that
19 they were assisting?

20 MR. TOM LLOYD: I knew they were
21 reaching an arrangement with BLT, yes.

22 MR. JOHN MATHER: And what did you
23 know about that?

24 MR. TOM LLOYD: Very little, to be
25 honest.

1 MR. JOHN MATHER: What is included in
2 the very little that you did know?

3 MR. TOM LLOYD: My recollection is
4 that they were putting an agreement together and
5 whether that was just an email or a formal agreement,
6 I don't even know that.

7 MR. JOHN MATHER: Do you know what the
8 purpose of the agreement was?

9 MR. TOM LLOYD: Mutual referrals, I
10 believe.

11 MR. JOHN MATHER: Did you ever see a
12 copy of the agreement --

13 MR. TOM LLOYD: Sorry.

14 MR. JOHN MATHER: -- as between Green
15 Leaf and BLT, did you ever see a copy?

16 MR. TOM LLOYD: No.

17 MR. JOHN MATHER: Was it your
18 understanding that Green Leaf, Mr. Bonwick, and/or Ms.
19 Stec were assisting BLT in the time period between
20 July 26th and August 27th, 2012, with respect to the
21 Collingwood recreation facilities?

22 MR. TOM LLOYD: Yes.

23 MR. JOHN MATHER: And what did you
24 understand they were doing for BLT?

25 MR. TOM LLOYD: I think at that time

1 we were all working very hard to -- we were given the
2 dateline of that Council meeting to flush out a whole
3 -- a very long laundry list of things.

4 So we were very -- all working very
5 hard to come up with budgets and numbers and designs
6 on the Sprung part. It was designing and the interior
7 -- sorry, the -- the building, putting on the land,
8 all that kind of stuff.

9 So it was -- it was a lot of work going
10 on.

11 MR. JOHN MATHER: And what were Ms.
12 Stec and Mr. Bonwick doing?

13 MR. TOM LLOYD: They would be probably
14 guiding us as to what was best to get up to for the
15 Council, as well as any information they could gather.

16 But for the most part I was very busy
17 just on the Sprung side itself.

18 MR. JOHN MATHER: Were you involved in
19 conversations where either Mr. Bonwick or Ms. Stec
20 provided guidance on how to present matters to
21 Council?

22 MR. TOM LLOYD: I think I was given
23 some suggestions, but I don't recall much more than
24 that, and I don't know what they were, so.

25 MR. JOHN MATHER: Do you recall who

1 gave you the suggestions?

2 MR. TOM LLOYD: Both, I think.

3 MR. JOHN MATHER: I believe you said
4 that they were providing some guidance to Sprung and
5 BLT.

6 Was the other thing you said that you
7 understood them to be providing information to
8 Council, or getting information to Council?

9 MR. TOM LLOYD: No, I think I meant
10 that they were suggesting to us what information would
11 be best and how to package it for Council.

12 MR. JOHN MATHER: Did you understand
13 whether Ms. Stec or Mr. Bonwick were in contact with
14 anyone from the Town between July 26th and August
15 27th?

16 MR. TOM LLOYD: I have no idea.

17 MR. JOHN MATHER: Did you at any point
18 have any understanding that Mr. Bonwick was in contact
19 with any members of Council?

20 MR. TOM LLOYD: I have no idea.

21 MR. JOHN MATHER: Did you understand
22 that the work Ms. Stec and Mr. Bonwick were doing,
23 that they would be compensated for that?

24 MR. TOM LLOYD: I was given some
25 information to that effect, yes, but no -- nothing

1 formal.

2 MR. JOHN MATHER: What information
3 were you given?

4 MR. TOM LLOYD: Just that they're part
5 of the team and they'll be compensated if we win the
6 deal.

7 MR. JOHN MATHER: And who gave you
8 that information?

9 MR. TOM LLOYD: Mr. Watts and Mr.
10 Barrow.

11 MR. JOHN MATHER: And do you remember
12 when they gave you that information?

13 MR. TOM LLOYD: No.

14 MR. JOHN MATHER: Did they give you
15 that information prior to August 27th, 2012?

16 MR. TOM LLOYD: I can't recall.

17 MR. JOHN MATHER: Do you ha -- were
18 you given any particulars about what the compensation
19 would be?

20 MR. TOM LLOYD: No.

21 MR. JOHN MATHER: Did you know whether
22 or not it would be fee or percentage or a rate?

23 MR. TOM LLOYD: I was -- I believe it
24 was a percentage based on we get paid, you get paid
25 type of thing, contingency.

1 MR. JOHN MATHER: And did you come to
2 understand that from your conversations with Mr. Watts
3 and Mr. Barrow?

4 MR. TOM LLOYD: Yes.

5 MR. JOHN MATHER: Did they give you an
6 indication of what the percentage would be?

7 MR. TOM LLOYD: No. It wasn't my --
8 any of my concern.

9 MR. JOHN MATHER: Why was that not any
10 of your concern?

11 MR. TOM LLOYD: That's their business.

12 MR. JOHN MATHER: Ms. Stec's evidence
13 was that one (1) of the things that Green Leaf was
14 going to assist BLT with was assisting in seeing if
15 the deal could be sole sourced.

16 Is that something that you were aware
17 of at the time?

18 MR. TOM LLOYD: I was aware that we
19 were working towards that goal, yes.

20 MR. JOHN MATHER: And when you say,
21 "We were working towards a goal," what did that
22 involve?

23 MR. TOM LLOYD: Putting together a
24 package where they would go this is so good, how do we
25 even -- why would we even spend time having anyone

1 else look at it, let's just -- let's just do a
2 contract and move on.

3 MR. JOHN MATHER: And what were Ms.
4 Stec and Mr. Bonwick doing with respect to that effort
5 to work towards a sole source?

6 MR. TOM LLOYD: I do not know.

7 MR. JOHN MATHER: Do you understand
8 them to be involved in that effort?

9 MR. TOM LLOYD: I believe they were,
10 but I can't recall for sure what we were all doing
11 back then.

12

13 (BRIEF PAUSE)

14

15 MR. TOM LLOYD: Well, sorry, let me
16 clarify. My under -- my recollection is that, leading
17 up to that council meeting, the public goal was, if we
18 -- if council agrees at the vote that night in August,
19 that it would be sole sourced.

20 MR. JOHN MATHER: Sorry, can you
21 explain what you mean by that?

22 MR. TOM LLOYD: That they were going
23 to go, what's it referred to, in camera after the
24 public council meeting and discuss this project and
25 make a decision on whether they would sole source it

1 or not.

2 MR. JOHN MATHER: So, was it your
3 understanding that at the meeting council -- I just
4 want to make sure I understand. Your understanding
5 is, at the meeting, council would consider the
6 proposal, and then, as part of their consideration,
7 decide whether or not to sole source?

8 MR. TOM LLOYD: Yes.

9 MR. JOHN MATHER: Were you aware if
10 staff was going to make a recommendation with respect
11 to that?

12 MR. TOM LLOYD: I believe staff was
13 going to recommend -- the option they were
14 recommending was sole sourcing, yes.

15 MR. JOHN MATHER: And from your
16 understanding, how did it come to be that staff
17 recommended sole sourcing?

18 MR. TOM LLOYD: Because they believe
19 that -- or they believe we could give them a package
20 that no one else could have, and I -- \$12 million
21 versus \$35 million, I mean...

22 MR. JOHN MATHER: Who told you that
23 staff was going to recommend sole sourcing?

24 MR. TOM LLOYD: I think it was
25 starting to become obvious and -- or not obvious,

1 discussed or giving me that impression by -- whether
2 BLT heard it and told me or -- or Town staff told me,
3 I'm not sure. I can't remember, to be honest.

4 MR. JOHN MATHER: Did you have
5 discussions with anyone on Town staff about their
6 considerations about whether or not to recommend a
7 sole source?

8 MR. TOM LLOYD: No, because it was --
9 we are now getting into the period you mentioned
10 before where get us the information we need so we can
11 make a decision that you'll be happy with I guess was
12 what I was told.

13 MR. JOHN MATHER: Do you remember when
14 you learned for the first time that the sta -- staff
15 was going to recommend a sole source?

16 MR. TOM LLOYD: Probably very close to
17 the council meeting. And it wasn't that they -- I
18 think they were going to recommend, not just sole sour
19 -- but they were going to suggest -- let me rephrase
20 it -- give them options of which they were going to
21 recommend sole sourcing.

22 But we were led to believe that. I
23 don't remember ever being told a hundred percent for
24 sure they were going to do that.

25 MR. JOHN MATHER: When -- when did you

1 know for certain that there would not be an RFP?

2 MR. TOM LLOYD: I never -- I'm a sales
3 guy. I don't jinx it. So, until they actually got --
4 until I actually get a firm order, that's when I know
5 for sure.

6 So, when did I know for sure? When I
7 put the work order in at Sprung, October the 4th,
8 2012.

9 MR. JOHN MATHER: And prior to -- and
10 -- and did you have an understanding that would be
11 sole sourced when the contract was signed on August
12 31st, 2012?

13 MR. TOM LLOYD: We had verbal -- we
14 had a verbal call either the night after -- the night
15 of council and the day after that it was going to be -
16 - they had approval of sole source.

17 MR. JOHN MATHER: And who did you
18 receive that verbal call from?

19 MR. TOM LLOYD: If memory serves,
20 either Mr. Houghton or one (1) of his staff.

21 MR. JOHN MATHER: And what do you call
22 -- recall about that call?

23 MR. TOM LLOYD: Try not to get too
24 excited because, you know, deals don't close without
25 issues before they close, so.

1 MR. JOHN MATHER: Do you recall if you
2 received that call before or after council had voted?

3 MR. TOM LLOYD: Oh, it was well after
4 council had voted, for sure.

5 MR. JOHN MATHER: What would give you
6 uncertainty after council voted about whether or not
7 it would proceed with a sole source if that is the
8 direction council had selected?

9 MR. TOM LLOYD: If you had any idea
10 how many times we've been told we'll be putting a
11 purchase order in only to have something come up and
12 it never happens; far more often than you would --
13 than we actually close deals.

14 MR. JOHN MATHER: So, you discussed
15 about how you were aware that Green Leaf was doing
16 some -- was providing assistance to BLT with respect
17 to the Collingwood facilities and that they would
18 receive some form of compensation if the deal closed.

19 And you spoke earlier about -- that the
20 fact that Mr. Bonwick's sister was the mayor wasn't a
21 consideration that was top of mind for you because it
22 was -- it was BLT's decision to make.

23 Did you have any concerns about BLT
24 engaging the mayor's brother to assist in a recreation
25 project proposal?

1 MR. TOM LLOYD: Well, I didn't look at
2 it as the mayor's brother. I mean, I looked at it as,
3 you know, that's more of a coincidence than a -- than
4 a relationship.

5 MR. JOHN MATHER: Do you know --

6 MR. TOM LLOYD: And they're both
7 business people.

8 MR. JOHN MATHER: Sorry, I didn't mean
9 to cut you off.

10 MR. TOM LLOYD: Sorry?

11 MR. JOHN MATHER: Did you -- anything
12 else?

13 MR. TOM LLOYD: Well, yes. They're
14 both businesspeople with their -- with two (2)
15 separate business to run. And the fact that they're
16 related was -- I didn't see it as much of an issue,
17 personally.

18 MR. JOHN MATHER: Do you know if you
19 or anyone at Sprung turned their mind to whether or
20 not this would -- this could possibly be a perceived
21 or actual conflict of interest?

22 MR. TOM LLOYD: Nobody at Sprung's
23 concerned at this point, in my -- my recollection.

24 MR. JOHN MATHER: Do you know if it
25 was a topic that was raised at all?

1 MR. TOM LLOYD: I'm sure I talked to
2 the executives about how the project was going and
3 where we were, probably mentioned it, but...

4 MR. JOHN MATHER: But pes --
5 specifically whether or not there was a risk of either
6 a perceived or actual conflict with BLT engaging a
7 company that -- that the mayor's brother was a
8 principal of?

9 MR. TOM LLOYD: Oh, whether we were
10 concerned or not, we were not going to say anything.
11 I mean, it's BLT's business. I mean, they're a --
12 they're an alliance partner of ours that runs a much
13 larger business than Sprung.

14 MR. JOHN MATHER: But was there a
15 concern?

16 MR. TOM LLOYD: No, not that I can
17 remember.

18 MR. JOHN MATHER: Did you recall
19 having any discussions with anyone at BLT about
20 whether or not this was a matter of concern or a
21 matter that should be considered?

22 MR. TOM LLOYD: My recollection is, if
23 we did have a conversation, it was very similar to
24 what I just said, which is they're both
25 businesspeople, they run their own -- you know.

1 Sprung has four (4) family members in
2 it. I mean, there's -- well, that's not -- not a good
3 example, but... It's -- there was probably more
4 concern at the time that -- about the number of Lloyds
5 that were involved in this than there was the number
6 of Bonwicks.

7 And I was serious that my sister was
8 getting calls. Many people were getting calls.

9 MR. JOHN MATHER: Do you recall if the
10 nature of Mr. Bonwick's relationship to the mayor was
11 ever something that you discussed with anyone from
12 BLT?

13 MR. TOM LLOYD: I'm sure we discussed
14 it. I just don't think we made an issue of it.

15 MR. JOHN MATHER: Do you recall
16 anything about the contents of those discussions?

17 MR. TOM LLOYD: No.

18 MR. JOHN MATHER: Did you discuss that
19 matter with Mr. Bonwick?

20 MR. TOM LLOYD: Personally? Not that
21 I can recall.

22 MR. JOHN MATHER: Ms. Stec's evidence
23 was that one (1) of the reasons that Mr. Bonwick
24 wanted to assist BLT through the Green Leaf co --
25 company was to avoid a perceived conflict of interest

1 problem.

2 Was that something that you were made
3 aware of?

4 MR. TOM LLOYD: Not that I recall.

5 MR. JOHN MATHER: You spoke earlier
6 today about how Deputy Mayor Rick Lloyd suggested that
7 Mr. Bonwick might be someone who could assist Sprung
8 or BLT.

9 Do you know if he was aware in August
10 that in fact Green Leaf was working for BLT?

11

12 (BRIEF PAUSE)

13

14 MR. TOM LLOYD: Do I know -- sorry,
15 I'm going to have to get you to repeat that.

16 MR. JOHN MATHER: Was Deputy Mayor
17 Lloyd aware that BLT had engaged Green Leaf and Mr.
18 Bonwick?

19 MR. TOM LLOYD: I can only guess he
20 was, but...

21 MR. JOHN MATHER: Did he ever -- did
22 you ever have any conversations with Deputy Mayor
23 Lloyd about Mr. Bonwick working with BLT?

24 MR. TOM LLOYD: I did. And now that I
25 recall, I can't recall when, but I think you said,

1 It's a very good idea to have Mr. Bonwick on your
2 team.

3 MR. JOHN MATHER: Was that a different
4 conversation than the one that happened prior to --

5 MR. TOM LLOYD: Yeah.

6 MR. JOHN MATHER: Sorry.

7 MR. TOM LLOYD: It was after they had
8 come to their terms.

9 MR. JOHN MATHER: Did he say --

10 THE HONOURABLE FRANK MARROCCO: Can we
11 just make sure that Mr. Lloyd is --

12 MR. JOHN MATHER: Yeah.

13 THE HONOURABLE FRANK MARROCCO: Did
14 you -- did you want to say anything else? It was --
15 it was after they'd come to their terms.

16 MR. TOM LLOYD: Yes.

17 THE HONOURABLE FRANK MARROCCO: Was
18 there anything you wanted to add to that?

19 MR. TOM LLOYD: No, just that I know
20 Mr. -- I know that Deputy Mayor Lloyd was aware.

21

22 CONTINUED BY MR. JOHN MATHER:

23 MR. JOHN MATHER: Through
24 conversations with him?

25 MR. TOM LLOYD: Correct.

1 MR. JOHN MATHER: And was he aware
2 before August 27th, 2012?

3 MR. TOM LLOYD: No, I can't -- like I
4 said -- I said earlier, I can't recall exactly when he
5 told me he was aware.

6 MR. JOHN MATHER: To your knowledge,
7 was anyone -- other member of Council aware that Mr.
8 Bonwick and Green Leaf were working with BLT?

9 MR. TOM LLOYD: To my knowledge, I
10 have no idea, no.

11 MR. JOHN MATHER: To your knowledge,
12 was anyone on staff aware that Mr. Bonwick was working
13 with Green Leaf and BLT?

14 MR. TOM LLOYD: I became aware that
15 Mr. Houghton knew -- Houghton -- sorry if I
16 mispronounce his name. That's awful. I became aware
17 that he knew.

18 MR. JOHN MATHER: And how did you
19 become aware of that?

20

21 (BRIEF PAUSE)

22

23 MR. TOM LLOYD: Either through Abby,
24 or -- I'm not sure.

25 MR. JOHN MATHER: Do you know if Mr. -

1 - you became aware of Mr. Houghton's knowledge prior
2 to August 27th, 2012?

3 MR. TOM LLOYD: No.

4 MR. JOHN MATHER: Anyone else on staff
5 that you knew to be aware of Mr. Bonwick, Green Leaf,
6 or Ms. Stec's involvement?

7

8 (BRIEF PAUSE)

9

10 MR. JOHN MATHER: In the July to Aug -
11 - July 26th -- sorry -- in the July and August 2012
12 time period, did you ever have any dealings with the
13 architectural firm WGD as it related to Collingwood?

14 MR. TOM LLOYD: Once for sure.

15 MR. JOHN MATHER: And what could --
16 what do you recall about that?

17 MR. TOM LLOYD: I recall briefly -- or
18 kind of -- that the Town went back to them and asked
19 them to look into Sprung, and my recollection is that
20 they misinformed the Town on some Sprung facts, so I
21 believe I took it upon myself to reach out to that --
22 those individuals at WGD and correct them.

23 MR. JOHN MATHER: Do you remember when
24 that was?

25 MR. TOM LLOYD: July of that year?

1 But that's -- not exactly, no.

2 MR. JOHN MATHER: Do you recall who
3 you spoke to at WGD?

4 MR. TOM LLOYD: No, but there might be
5 -- I might have sent you guys some emails on it, I --
6 but I can't recall.

7 MR. JOHN MATHER: How did you come to
8 know that WGD had misrepresented something about
9 Sprung?

10 MR. TOM LLOYD: The -- somebody within
11 the City (sic) told me.

12 MR. JOHN MATHER: Do you remember who?

13 MR. TOM LLOYD: If it wasn't the CAO,
14 then it was one (1) of his team.

15 MR. JOHN MATHER: And when you say,
16 "his team," who are you referring to?

17 MR. TOM LLOYD: Dave McNalty, or
18 Dennis Seymour, or somebody.

19 MR. JOHN MATHER: And what do you
20 recall about your conversation with WGD?

21 MR. TOM LLOYD: My recollection is it
22 became to me -- my opinion was that they were trying
23 to throw Sprung under the bus to go with conventional
24 construction, and they had not done their research.
25 They didn't look into the product properly.

1 I volunteered to come down and do a
2 presentation for them, and...

3

4 (BRIEF PAUSE)

5

6 MR. TOM LLOYD: When I clarified a few
7 points, they actually confessed -- not confessed --
8 they admitted that perhaps they should have done
9 further research before they'd sent up their
10 suggestions to Town.

11 MR. JOHN MATHER: Do you remember what
12 points you had to clarify?

13 MR. TOM LLOYD: Yes, our tensioning
14 methods, our -- our -- why we have a patent, why we're
15 different, the longevity of the structure was a big
16 issue, the operating expenses of the structure were a
17 big issue. Those were some of the highlights that I
18 do recall discussing.

19 MR. JOHN MATHER: The Inquiry has
20 heard evidence that Sprung was directed not to con --
21 sorry, let me rephrase. The Inquiry has evidence that
22 WGD was directed not to contact Sprung as it was
23 conducting its research into fabric membrane
24 structures.

25 Was that a direction you were aware of

1 when you spoke with WGD?

2 MR. TOM LLOYD: WGD was not to contact
3 Sprung?

4 MR. JOHN MATHER: That's the evidence
5 the Inquiry has heard, yes.

6 MR. TOM LLOYD: Well, they never
7 contacted us, as far as I know. I reached out to
8 them, so yes, they did their evidence without -- I
9 guess by just researching on the Internet. I don't
10 know how they got it.

11 MR. JOHN MATHER: Were you aware that
12 they had received a direction not to contact Sprung?

13 MR. TOM LLOYD: No.

14 MR. JOHN MATHER: Is that something
15 that came up at all in the meeting you had with them?

16 MR. TOM LLOYD: Not that I can recall,
17 but it might have.

18 MR. JOHN MATHER: Could we go to
19 paragraph 275 of the Foundation Document.

20

21 (BRIEF PAUSE)

22

23 MR. JOHN MATHER: So this is a --
24 describing an email that indicates that a meeting was
25 scheduled with -- between Sprung and certain members

1 of the Town for Friday, July 27th, 2012, including
2 Dave McNalty, Larry Irwin, and Marjory Leonard, and Ed
3 Houghton.

4 Just pausing on the date -- well, I'll
5 start with this. Do you recall attending a meeting
6 with the Town on July 27th, 2012?

7 MR. TOM LLOYD: I'm sure I did.

8 MR. JOHN MATHER: Fair enough. We can
9 go to paragraph 277. So this is the emails we looked
10 at with respect to the meeting on July 26th with BLT
11 and Green Leaf, but in your email in paragraph 277,
12 you write to David Barrow that, There's no meeting in
13 Coll -- Monday in Collingwood so far, that Dave M. and
14 I will be there to meet the Task Force tomorrow.

15 And then paragraph 278, we see that Ms.
16 Stec sent David Barrow the address for the Collus
17 building, or the Collingwood utility services
18 building.

19 Do you recall if you attended a meeting
20 on July 27th in which BLT was in attendance with
21 people from the Town?

22 MR. TOM LLOYD: If -- I'm not sure if
23 that was the same meeting, but I believe if -- if --
24 it would be -- the Elvis festival was in -- there was
25 a meeting where BLT came, and we met at the -- at the

1 Colossus building, 43 Stewart, because of the Elvis
2 festival. Was it that day? I can't recall.

3 MR. JOHN MATHER: Okay. Was that the
4 first time that you were aware of BLT meeting with
5 member -- people from the Town?

6 MR. TOM LLOYD: Yes.

7 MR. JOHN MATHER: Okay. And we were
8 speaking about your meeting with WGD. Do you know if
9 that occurred before or after the meeting with BLT and
10 the Town?

11 MR. TOM LLOYD: No. And I didn't meet
12 with WG (sic); I just telephoned them.

13 MR. JOHN MATHER: Okay. So I -- I
14 thought I had understood you to say that you would --
15 you had --

16 MR. TOM LLOYD: I --

17 MR. JOHN MATHER: -- perhaps gone to
18 their office to speak to them. Is that something that
19 occurred?

20 MR. TOM LLOYD: I believe I
21 volunteered, and they said, There's no point now,
22 we've got the information we need from you, and...

23 MR. JOHN MATHER: And that
24 conversation, did that happen before or after, do you
25 know, the first time BLT met with...

1 MR. TOM LLOYD: Yeah, I'm not sure. I
2 would -- I'm going to say after, but I'm not sure.

3 THE HONOURABLE FRANK MARROCCO: I'm
4 sorry, I'm a bit confused. Which meeting -- when you
5 say you offered to attend, which meeting were you
6 referring to.?

7 MR. TOM LLOYD: I believe Mr. Mather
8 was asking me about WGD.

9 THE HONOURABLE FRANK MARROCCO: All
10 right.

11 MR. TOM LLOYD: The architect firm.

12 THE HONOURABLE FRANK MARROCCO: That -
13 - is that what you were asking?

14

15 CONTINUED BY MR. JOHN MATHER:

16 MR. JOHN MATHER: Yes. So -- and to
17 clarify, my understanding is you spoke with someone
18 from WG (sic) on the phone. You offered to meet them,
19 and that meeting never happened, because they didn't
20 take you up on the offer?

21 MR. TOM LLOYD: Right, or -- or we
22 just never got around to it.

23 MR. JOHN MATHER: Fair enough.

24 MR. FREDERICK CHENOWETH: Sorry, what
25 -- again, I was a little -- I -- I had some confusion

1 that His Honour did. When was this meeting supposed
2 to have taken place?

3 MR. JOHN MATHER: Well, I'm trying to
4 determine that.

5 MR. FREDERICK CHENOWETH: All right.

6

7 CONTINUED BY MR. JOHN MATHER:

8 MR. JOHN MATHER: My understanding was
9 that -- from Mr. Lloyd, that it was at some point in
10 July 2012.

11 Is that correct?

12 MR. TOM LLOYD: Which meeting?

13 MR. JOHN MATHER: You spoke with
14 Sprung -- sorry, WGD, when you spoke with WGD.

15 MR. TOM LLOYD: It -- I'm not sure. I
16 thought -- I think, actually, it would have been
17 August, because -- but I'm not sure.

18 MR. JOHN MATHER: Okay.

19 MR. TOM LLOYD: It was certainly
20 before the Council meeting --

21 MR. JOHN MATHER: Okay.

22 MR. TOM LLOYD: -- is my recollection.

23 MR. JOHN MATHER: And now moving back
24 to the meeting with BLT and the Town during the August
25 -- the Elvis festival. It's just been indicated to me

1 that the Elvis festival was on July 26 to 28th of that
2 year, so does that make sense that the meeting you had
3 with the Town on July 27th was the first meeting where
4 BLT met with the Town?

5 MR. TOM LLOYD: I'm pretty sure that
6 was the first physical meeting they had --

7 MR. JOHN MATHER: Do you know if
8 anyone -- go ahead.

9 MR. TOM LLOYD: -- with the team, the
10 Collingwood team.

11 MR. JOHN MATHER: Do you know if
12 anyone at BLT had spoken with anyone from the Town
13 prior to that meeting?

14

15 (BRIEF PAUSE)

16

17 MR. TOM LLOYD: A better question for
18 them, but I can't recall.

19 MR. JOHN MATHER: Do you recall who
20 introduced BLT to the Town?

21 MR. TOM LLOYD: Myself.

22 MR. JOHN MATHER: And do you recall
23 what you said about BLT?

24 MR. TOM LLOYD: They are our
25 recommended alliance partner.

1 MR. JOHN MATHER: And did you explain
2 what that meant to the Town?

3 MR. TOM LLOYD: Yes, I did.

4 MR. JOHN MATHER: And what did you
5 say?

6 MR. TOM LLOYD: What I said back then?

7 MR. JOHN MATHER: Yes.

8 THE HONOURABLE FRANK MARROCCO: What's
9 the gist of it?

10 MR. TOM LLOYD: The gist of it? Thank
11 you. The gist of it would have been that through our
12 partner BLT, we can -- we can do a full turnkey.
13 Sprung structures is the building envelope delivered
14 to site, BLT will take it from there, do all the prep
15 work for the land, and the whole turnkey.

16

17 CONTINUED BY MR. JOHN MATHER:

18 MR. JOHN MATHER: Do you know if at
19 this meeting it was discussed whether or not this
20 would be a turnkey project or not?

21 MR. TOM LLOYD: That's why BLT was
22 there, to discuss that exactly.

23 MR. JOHN MATHER: And prior to this,
24 was it your understanding that the Town was looking to
25 do a turnkey project?

1 MR. TOM LLOYD: Yes.

2 MR. JOHN MATHER: Okay. And how did
3 you come to that understanding?

4

5 (BRIEF PAUSE)

6

7 MR. TOM LLOYD: It -- like, it -- it's
8 -- it's almost giv -- it's a given, but in the -- when
9 we would have qualified that prospect, being the Town
10 of Collingwood, we would have asked that question.
11 They would have said, Yeah, we want a turnkey.

12 MR. JOHN MATHER: And do you remember
13 when that information was provided to you?

14 MR. TOM LLOYD: Through Pat Mills,
15 probably April.

16 MR. JOHN MATHER: And do you know at
17 any other time prior to this meeting on July 27th, had
18 you been present for any conversations about whether
19 or not the Town was looking for a turnkey project?

20 MR. TOM LLOYD: In our discussions
21 leading up to that meeting that we had in the mayor's
22 office -- I keep saying mayor's office, because I
23 can't remember dates -- was the -- yes, so they would
24 definitely want a turnkey project.

25 MR. JOHN MATHER: And who was telling

1 you that the Town definitely wanted turnkey?

2 MR. TOM LLOYD: The people that we
3 were speaking with at the time, being Dennis Seymour,
4 Mr. Houghton.

5 MR. JOHN MATHER: At any point did you
6 have a discussion with anyone at the Town about
7 whether or not the Town would go with a conventional
8 form of construction or was considering going with a
9 conventional form of construction but still using a
10 Sprung?

11 MR. TOM LLOYD: Yes.

12 MR. JOHN MATHER: And what -- when did
13 that conversation take place?

14 MR. TOM LLOYD: Probably the second we
15 started speaking. A -- the WGD report was \$35 million
16 conventional, so we knew that was our competition.

17 MR. JOHN MATHER: But my question is,
18 at any point did the Town indicate to you that they
19 were considering proceeding with a non-design build
20 contract but still using a Sprung?

21 MR. TOM LLOYD: Using a Sprung but
22 proceeding with a non-design build contract, I don't
23 have any idea what you're referring to.

24 MR. JOHN MATHER: Did they ever
25 indicate to you that they might look for a different

1 contractor to work on the elements within the Sprung?

2 MR. TOM LLOYD: We did have that
3 discussion, yes.

4 MR. JOHN MATHER: Okay. When did that
5 discussion occur?

6 MR. TOM LLOYD: Either at the -- that
7 early July meeting or on the phone, shortly
8 thereafter.

9 MR. JOHN MATHER: And who was that
10 discussion with?

11 MR. TOM LLOYD: Most of that would
12 have been with Mr. Houghton.

13 MR. JOHN MATHER: And what do you
14 recall Mr. Houghton saying about that?

15 MR. TOM LLOYD: That him and the team
16 were -- while they would -- while a local contractor
17 or putting out to RFP would be great, their concern
18 was they wanted to make sure someone who really
19 understood the Sprung structure.

20 MR. JOHN MATHER: And at that point in
21 time had you advised Mr. Houghton or any members of
22 the team of who BLT was?

23 MR. TOM LLOYD: Yes.

24 MR. JOHN MATHER: And was that
25 conversation prior to the meeting on July 27th, 2012,

1 in which BLT attended in person?

2 MR. TOM LLOYD: Yeah. Yes, for sure.

3 MR. JOHN MATHER: And during that
4 conversation, do you recall what you said to Mr.
5 Houghton about whether or not the Town could proceed
6 with another contractor other than BLT, if you said
7 anything?

8 MR. TOM LLOYD: Well, to use His
9 Worship's term, "gist," the gist of it would have
10 been, like we say to all our customers or prospects,
11 is obviously that one of the advantages of Sprung,
12 it's up like a Mechano set, so you can put it together
13 yourself with a local contractor using local labour.

14 The difficulty is connecting everything
15 within the Sprung in the interior, and you want
16 somebody -- our recommendation is you want somebody
17 with experience who knows that.

18 So we talked earlier about the alliance
19 agreement with BLT. BLT was also very happy to do --
20 just project manage the project. So right up until,
21 my recollection would be, coming up to that meeting on
22 43 Stewart Road, they -- they would have been
23 satisfied with the walkaway of -- of go ahead and use
24 local people and we'll project manage it.

25 MR. JOHN MATHER: Okay. So that was

1 their -- that's what they were looking for up until
2 that meeting?

3 MR. TOM LLOYD: No. They wanted to do
4 the whole thing.

5 MR. JOHN MATHER: Wanted to do the
6 whole thing.

7 MR. TOM LLOYD: But if the project
8 proceeded, as long as they were included, even as a
9 project manager, they would have been thrilled to make
10 the trip up to Collingwood and talk about that. I'm
11 not sure if I'm making myself clear.

12 MR. JOHN MATHER: No, I don't -- I
13 don't think I follow.

14 THE HONOURABLE FRANK MARROCCO: I
15 think that you're saying is that was a fallback
16 position, that they'd prefer to do the deal but -- but
17 if they couldn't do the whole thing, then they would
18 have been more than content to be the project manager.

19 MR. TOM LLOYD: Correct.

20

21 CONTINUED BY MR. JOHN MATHER:

22 MR. JOHN MATHER: So BLT would,
23 essentially, serve as the general contractor in the
24 fallback position?

25 MR. TOM LLOYD: No. The --

1 THE HONOURABLE FRANK MARROCCO:

2 Project manager.

3

4 CONTINUED BY MR. JOHN MATHER:

5 MR. JOHN MATHER: Project manager.

6 MR. TOM LLOYD: -- other way around.

7 Yeah.

8 MR. JOHN MATHER: Other way around,

9 okay. I understand.

10 Could we go to paragraph 292 of the
11 Foundation Document?

12

13 (BRIEF PAUSE)

14

15 MR. JOHN MATHER: So we see that there
16 was a meeting with the Town, Sprung, and members of
17 BLT on July 27th, which we were talking about, around
18 the Elvis festival. This paragraph contemplates a
19 meeting being set for August 3rd, 2012.

20 Do you recall what the purpose of the
21 second meeting was as between the Town and people from
22 Sprung?

23 MR. TOM LLOYD: Raises a concern about
24 a change in approach.

25 MR. JOHN MATHER: My question is about

1 the content of the paragraph.

2 MR. TOM LLOYD: Sorry.

3 MR. JOHN MATHER: Paragraph 292
4 contemplates that a meeting was scheduled for August
5 3rd, 2012, as between certain members from the Town
6 staff as well as yourself from Sprung and Dave
7 MacNeil, and I'm asking if you recall what the purpose
8 of the meeting on August 3rd, 2012, was.

9 MR. TOM LLOYD: I do not.

10 MR. JOHN MATHER: If we can go ahead
11 to paragraph 295.

12 This is an email from 11:25 a.m. on
13 August 3rd, which was the date contemplated for the
14 meeting. A member of the EMC, Larry Irwin, sends Dave
15 MacNeil from Sprung, notes from today's meeting and
16 copies Mr. Houghton, Mr. McNalty and Marjory Leonard.

17 And if we could open up the
18 attachments, TOC0195145.

19 MR. TOM LLOYD: Could you please
20 clarify the term "EMC"?

21 MR. JOHN MATHER: EMC -- did you
22 understand -- did you understand that Mr. Houghton --
23 what was his role with the Town?

24 MR. TOM LLOYD: I thought he was the
25 CAO --

1 MR. JOHN MATHER: And --

2 MR. TOM LLOYD: -- or acting CAO.

3 MR. JOHN MATHER: And -- and what
4 we've seen in the evidence is that Mr. Houghton had
5 individuals who were appointed to an Executive
6 Management Committee who assisted him: Ms. Leonard;
7 Ms. Almas, the Clerk; and Larry Irwin, who worked for
8 Collus.

9 Was that something you are aware of at
10 the time?

11 MR. TOM LLOYD: Oh, yes, and that's
12 what I was referring to as the task committee.

13 MR. JOHN MATHER: So we've talked
14 about the task committee a few times. You've
15 identified that Mr. Seymour and Mr. McNalty may have
16 been on the committee. You've now indicated that the
17 members of the EMC were on the committee.

18 Mr. Seymour and Mr. McNalty weren't
19 members of the EMC.

20 MR. TOM LLOYD: Mr. Seymour and...?

21 MR. JOHN MATHER: Mr. McNalty.

22 MR. TOM LLOYD: Oh. I didn't know the
23 internal structure.

24 MR. JOHN MATHER: Okay. When it came
25 to the members of staff who were working on the

1 recreation facilities project, who did you understand
2 those members of staff to be?

3 MR. TOM LLOYD: I thought it was --
4 included the Treasurer, I believe Deputy Mayor Lloyd,
5 Dennis Seymour, Dave McNalty, and a few others. They
6 always weren't always present, but I believe that
7 those were sort of the main people to be involved.

8 MR. JOHN MATHER: And did you
9 understand Ms. Leonard, Sara Almas, or Larry Irwin to
10 be members of that group of people?

11 MR. TOM LLOYD: I believe I met them
12 all. They're all familiar names to me but --

13 MR. JOHN MATHER: When you refer to
14 the task force, would you include them as members of
15 the task force?

16 MR. TOM LLOYD: From an outsider, yes.

17 MR. JOHN MATHER: Your Honor, I wonder
18 if -- it's -- I'm about to move on to the content of
19 these documents and I'm wondering if it makes sense to
20 break for lunch.

21 THE HONOURABLE FRANK MARROCCO: How
22 much longer are you going to be?

23 MR. JOHN MATHER: I expect I'll be
24 less than an hour after lunch.

25 THE HONOURABLE FRANK MARROCCO: Well,

1 let's go on for a little while longer. Go on till one
2 o'clock or so.

3

4 CONTINUED BY MR. JOHN MATHER:

5 MR. JOHN MATHER: So, Mr. Lloyd, to
6 reorient you, we were looking at a meeting that was
7 scheduled for August 3rd, 2012. Larry Irwin, who was
8 a member of the EMC, on that date sends Dave MacNeil
9 of Sprung, notes from today's meeting and this is the
10 attachment. And if you scroll down, you see this
11 document describes the Centennial Pool and contains a
12 list of design components with certain text in red
13 marked next to it.

14 I can pull it up if you'd like, but a
15 similar document is also attached with respect to the
16 arena.

17 MR. TOM LLOYD: Yes.

18 MR. JOHN MATHER: Do -- do you -- go
19 ahead.

20 MR. TOM LLOYD: I was going to say,
21 that prior meeting that led to this was because there
22 wasn't enough design information given to us to give
23 them the details they needed.

24 MR. JOHN MATHER: So the meeting on
25 July 27th or the meeting on August 3rd?

1 MR. TOM LLOYD: 27th.

2 MR. FREDERICK CHENOWETH: I'm sorry?

3

4 CONTINUED BY MR. JOHN MATHER:

5 MR. JOHN MATHER: The meeting on July
6 27th?

7 MR. TOM LLOYD: Yes. I think BLT
8 advised the City, you guys, you gotta give us more
9 information if you want firm numbers before the end of
10 August, and we provided them with a list of questions
11 and this is some of the things that came back.

12 MR. JOHN MATHER: So there's a meeting
13 on July 27th. At that meeting, BLT says we need more
14 information in order to provide you firm numbers?

15 MR. TOM LLOYD: Definitely.

16 MR. JOHN MATHER: Was any of the
17 design information provided at that meeting, on the
18 27th?

19 MR. TOM LLOYD: We brainstormed a
20 bunch of different ideas on the design for both
21 projects, yes.

22 MR. JOHN MATHER: And then what
23 happened after that meeting?

24 MR. TOM LLOYD: We got back to them
25 with some more information we would need, and I

1 believe this -- at this time it was decided that
2 between the roomful of people, we could figure this
3 out without them having to go to a third party, adding
4 cost --

5 MR. JOHN MATHER: What do you mean --

6 MR. TOM LLOYD: -- to the project.

7 MR. JOHN MATHER: What do you mean by
8 that?

9 MR. TOM LLOYD: I mean going out to an
10 independent architect to say can you design this.

11 MR. JOHN MATHER: Was that something
12 that was specifically discussed, do you recall?

13 MR. TOM LLOYD: I don't recall it
14 being specifically discussed. I do recall that we
15 were pretty -- we had flushed out so much stuff that
16 we knew that we could -- you know, we're going to get
17 you the -- we're going to save you an independent
18 consultant or architect or engineer costing.

19 MR. JOHN MATHER: So was it your
20 understanding that that was something the Town was
21 considering doing, having an independent consultant do
22 the costing?

23 MR. TOM LLOYD: It's often a normal
24 requirement that they -- every town we talk to regrets
25 completely, like they did regret the WGD report.

1 MR. JOHN MATHER: So I want to
2 understand what you understood at the point in time,
3 which is going into that July 27th meeting.

4 Was it your understanding that the Town
5 was considering getting a independent architect to do
6 the design and cost out the design of a Sprung BLT
7 structure?

8 MR. TOM LLOYD: No.

9 MR. JOHN MATHER: What was your
10 understanding at that point in time?

11 MR. TOM LLOYD: That that meeting --
12 part of the reason for that meeting was to see what we
13 can do as -- together, for us to clarify each other's
14 competencies.

15 MR. JOHN MATHER: Okay. And you
16 discuss a point in time or a discussion in which it
17 was your understanding that you -- you, as a team, had
18 gathered enough information that a third party didn't
19 need to do the costing.

20 What were you referring to when you
21 said that?

22 MR. TOM LLOYD: This process right
23 here.

24 MR. JOHN MATHER: So backing up, on
25 July 27th, at that meeting, these -- had these design

1 elements been circulated before then?

2 MR. TOM LLOYD: If they weren't before
3 then, they were, I believe, at that meeting.

4 MR. JOHN MATHER: Okay. And then what
5 was your understanding of what the Town was going to
6 do with the design elements once they were generated?

7 MR. TOM LLOYD: Get them back to us as
8 fast as they could.

9 MR. JOHN MATHER: And --

10 MR. TOM LLOYD: Some of the red is
11 just examples. Well, some of those are Town
12 questions, but others are part of the design.

13 MR. JOHN MATHER: And what was Sprung
14 and BLT going to do with that information?

15 MR. TOM LLOYD: Put together the
16 detailed drawings and pricing.

17 MR. JOHN MATHER: And where in that
18 process was it contemplated that it may be the case
19 that the Town would go to an independent architect?

20 MR. TOM LLOYD: I don't recall there
21 was ever a firm discussion of that happening.

22 MR. JOHN MATHER: Was it something you
23 thought might happen?

24 MR. TOM LLOYD: It was something I
25 thought could happen, but then when they wanted firm

1 numbers by the end of August, there was no way they
2 would have -- it was also -- you have to under --
3 please understand that the Sprung building envelope is
4 already architecturally designed and engineered, done,
5 so a consultant is not going to add any value there.
6 Neither is an architect.

7 So the rest of it is, can we lay out
8 the interior with the BLT team and their connections,
9 including architects, and Sprung, and the answer was
10 we can do it.

11 MR. JOHN MATHER: And was that
12 something that was expressed to the Town?

13 MR. TOM LLOYD: That was what we
14 expressed to the Town, correct.

15 MR. JOHN MATHER: And when was that
16 expressed to the Town?

17 MR. TOM LLOYD: If I was to guess, it
18 would be that meeting during the Elvis festival.

19 MR. JOHN MATHER: And was it your
20 expectation before then, given your experience with
21 other municipalities, that the Town might otherwise go
22 to an independent architect to have this costed out as
23 you had experienced with other towns?

24 MR. TOM LLOYD: Well, they already --
25 Collingwood had already sort of done that.

1 MR. JOHN MATHER: What were you told
2 about what WGD was doing?

3 MR. TOM LLOYD: If memory serves, they
4 were doing a Town assessment of the needs and a
5 costing to those needs.

6 MR. JOHN MATHER: And who told you
7 that?

8 MR. TOM LLOYD: I remember actually
9 reading the report, but, boy, I read so many of them.
10 Me. I -- I don't know who told me that.

11 MR. JOHN MATHER: Did you -- before
12 you were told that WGD had misrepresented some things
13 about Sprung in the draft report or in a report they
14 prepared, did you know that WGD was looking into the
15 cost of a fabric building?

16 MR. TOM LLOYD: I might have, but I
17 don't recall for sure.

18 MR. JOHN MATHER: When did it -- what
19 point in time in your mind were you -- did you -- were
20 you -- did you know that, when it came to the Sprung
21 pricing, that there wouldn't be a third party involved
22 in doing that?

23 MR. TOM LLOYD: The Sprung component
24 only?

25 MR. JOHN MATHER: Sprung and BLT total

1 package pricing.

2 MR. TOM LLOYD: Sorry. It -- I don't
3 know if there's a definitive answer to your question.
4 There was never one (1) hired, so that's -- that's
5 what I knew.

6 MR. JOHN MATHER: Did anyone from the
7 Town ever tell you that that -- that decision had been
8 made?

9 MR. TOM LLOYD: To not hire an
10 independent counsel?

11 MR. JOHN MATHER: With respect to the
12 pricing of the BLT/Sprung.

13 MR. TOM LLOYD: Yes, I guess they
14 probably did, but I can't recall who and when.

15 MR. JOHN MATHER: If we could go to
16 paragraph 288 of the Foundation Document.

17

18 (BRIEF PAUSE)

19

20 MR. JOHN MATHER: So, Mr. Lloyd, we
21 were just looking at a document that set out design
22 components with respect to the arena -- to the pool.
23 And there is a similar document with respect to the
24 arena.

25 What we see is that the first version

1 of that document was created in the morning of August
2 2nd, 2012, by Dave McNalty, at the Town.

3 We then see that on August 2nd at
4 around noon Abby Stec sends you and Mr. MacNeil, of
5 Sprung, a document that is essentially identical,
6 except -- to the one (1) we were looking at, except it
7 has the Green Leaf memo and letterhead on top.

8 Do you recall receiving a version of
9 the document we just looked at with a Green Leaf memo
10 on top?

11 MR. TOM LLOYD: No.

12 MR. JOHN MATHER: If we could pull up
13 CJI6583.

14

15 (BRIEF PAUSE)

16

17 MR. JOHN MATHER: If you could scroll
18 down. So -- and keep scrolling just so the witness
19 can get a sense of the document.

20 So, this is a document setting out
21 design components of both the arena and the pool,
22 similar to what we looked at. Do you know where Ms.
23 Stec received this information?

24 MR. TOM LLOYD: I can only assume the
25 Town of Collingwood.

1 MR. JOHN MATHER: Do you know if
2 anyone at Sprung provided Ms. Stec with this
3 information?

4 MR. TOM LLOYD: I do not. I think we
5 provided standard -- or common features within a
6 single-pad arena and pool to them, but it's up to the
7 Town to design.

8 MR. JOHN MATHER: Do you know why, at
9 this point in time, Ms. Stec is sending Sprung and BLT
10 a memorandum that sets out the design components of
11 the Centennial pool and the arena?

12 MR. TOM LLOYD: My best recollection
13 is that she and Mr. Bonwick were very good at hel --
14 at getting -- flushing out the actual issues, like how
15 many seats --

16 MR. JOHN MATHER: And what role --

17 MR. TOM LLOYD: -- do you need a pool
18 or do you need a change room, that sort of thing,
19 guys, we need to make decisions to move along.

20 MR. JOHN MATHER: And how did they go
21 about doing that, to your understanding?

22 MR. TOM LLOYD: I don't have any
23 understanding of how they did that.

24 MR. JOHN MATHER: I'm happy to keep
25 going, Your Honour, but I am moving on to another

1 topic.

2 THE HONOURABLE FRANK MARROCCO: We'll
3 break for lunch. We'll take an hour.

4

5 --- Upon recessing at 1:05 p.m.

6 --- Upon resuming at 2:06 p.m.

7

8 CONTINUED BY MR. JOHN MATHER:

9 MR. JOHN MATHER: If we could pull up
10 paragraph 296 of the Foundation Document.

11

12 (BRIEF PAUSE)

13

14 MR. JOHN MATHER: So, Mr. Lloyd, this
15 is an email that describes -- or this is a paragraph
16 that describes an email that Mr. Bonwick sent at
17 12:15 p.m. on the same day. It appears that you
18 attended a meeting to discuss the design components
19 with certain members of the staff at Collingwood.

20 In his email, Mr. Bonwick writes:

21 "We need to organize a call once
22 again to discuss our collective
23 strategy. Ed was very confused
24 regarding part of the discussion
25 with Tom this morning. If there's

1 been a change in approach, I think
2 we all need to understand it and
3 then determine how we participate
4 going forward."

5 Do you recall receiving this email?

6 MR. TOM LLOYD: I do.

7 MR. JOHN MATHER: Do you know what
8 Mr. Bonwick is referring to in this email?

9 MR. TOM LLOYD: My recollection is
10 that there was a meeting in Collingwood, and at one
11 point in time, Mr. Ed Houghton and myself were one on
12 one and part of the meeting was trying to figure out
13 their budget cost savings to which I mentioned to
14 Mr. Houghton you are able to -- if you want, you can
15 buy the Sprung directly, do two (2) purchase orders --
16 one to Sprung and one to BLT -- and you will save
17 funds.

18 MR. JOHN MATHER: And how would that,
19 in your mind, save the Town funds?

20 MR. TOM LLOYD: Well, because
21 anybody's going to mark up another person's product,
22 so it would save the markup.

23 MR. JOHN MATHER: So in that instance,
24 Mr. Houghton would -- the Town would buy a Sprung
25 without BLT have adding an additional cost over and

1 above it and then pay BLT directly for the remaining
2 services?

3 MR. TOM LLOYD: That was what the
4 discussion we had, yes.

5 MR. JOHN MATHER: What was
6 Mr. Houghton's reaction to that suggestion?

7 MR. TOM LLOYD: He wanted to stick
8 with -- call it for simplicity -- one neck to choke.
9 He wanted a full design build contract only with BLT.

10 MR. JOHN MATHER: Do you have a -- as
11 part of that discussion with Mr. Houghton, was it
12 contemplated that if the Sprung was purchased directly
13 that the BLT component of the work could be then sent
14 out for tender?

15 MR. TOM LLOYD: No.

16 MR. JOHN MATHER: Did you ever have a
17 discussion with Mr. Houghton or anyone at the Town
18 about whether or not the Town could purchase the
19 Sprung directly from Sprung and then engage in a
20 competitive process with respect to the erection and
21 building the materials inside?

22 MR. TOM LLOYD: Yes. I think we
23 discussed that this morning. I -- yeah, we did.
24 Yeah. Long before we were at this stage.

25 THE HONOURABLE FRANK MARROCCO: You're

1 right. We did discuss it this morning.

2

3 CONTINUED BY MR. JOHN MATHER:

4 MR. JOHN MATHER: Do you -- what was
5 your understanding of why that discussion you've
6 described with Mr. Houghton led with Mr. Bonwick to
7 send this email?

8 MR. TOM LLOYD: I think Mr. Houghton
9 was a bit confused with what I said and misinterpreted
10 some information.

11 MR. JOHN MATHER: Did you speak with
12 Mr. Bonwick after he sent this email?

13 MR. TOM LLOYD: I believe he called me
14 prior to sending it, and I clarified what I said.
15 Yeah. Well, that makes perfect sense. I get it now.
16 But let's just have the conversation referenced in the
17 email.

18 MR. JOHN MATHER: Okay. So you had a
19 conversation with Mr. Bonwick in which you explained
20 what you've explained to the Inquiry today. Is that
21 correct?

22 MR. TOM LLOYD: Yes.

23 MR. JOHN MATHER: And what was -- did
24 Mr. Bonwick say in response?

25 MR. TOM LLOYD: That the Town's

1 preference is to go with a contract directly to BLT.

2 MR. JOHN MATHER: And do you know how
3 Mr. Bonwick knew that information?

4 MR. TOM LLOYD: Mr. Bonwick was very
5 close with many people in the Town, so I have no idea.

6 MR. JOHN MATHER: Was it your
7 understanding that Mr. Bonwick had been -- had had a
8 discussion with Ed directly about the meeting that had
9 happened that morning?

10 MR. TOM LLOYD: I'm -- I don't know
11 for sure.

12 MR. JOHN MATHER: Did Mr. Bonwick say
13 anything on the call that indicated that he had been
14 in contact with Mr. Houghton about the meeting you had
15 had with him that morning?

16 MR. TOM LLOYD: He was in contact with
17 the Town, and I -- but I assume it was -- I could
18 guess, but I -- I don't know for sure if it was
19 Mr. Houghton.

20 MR. JOHN MATHER: So I take it from
21 your answer you had a discussion specifically with
22 Mr. Bonwick and then you indicated you had a further
23 conference call. Is that correct?

24 MR. TOM LLOYD: I think the conference
25 call went ahead, but I'm not sure.

1 MR. JOHN MATHER: Do you have any
2 recollection of what was discussed on the conference
3 call if it happened?

4 MR. TOM LLOYD: No. I can't remember
5 if it happened for sure.

6 THE HONOURABLE FRANK MARROCCO: Well,
7 you can't remember whether you had the call, right?

8 MR. TOM LLOYD: Exactly.

9

10 CONTINUED BY MR. JOHN MATHER:

11 MR. JOHN MATHER: Let me put it to you
12 this way. Do you recall if you discussed the issue
13 further with anyone after your conversation with
14 Mr. Bonwick?

15 MR. TOM LLOYD: Probably discussed it
16 with BLT.

17 MR. JOHN MATHER: Do you recall having
18 those discussions?

19 MR. TOM LLOYD: Sort of, yes.

20 MR. JOHN MATHER: What do you recall
21 of them?

22 MR. TOM LLOYD: Just that the
23 preference is to go -- the preference is definitely
24 leaning to go directly to you guys.

25 MR. JOHN MATHER: Did you have any

1 further discussions with Mr. Houghton about the notion
2 of buying from Sprung direct?

3 MR. TOM LLOYD: Not after that
4 conversation.

5 MR. JOHN MATHER: Could we go to
6 paragraph 384 of the Foundation Document?

7

8 (BRIEF PAUSE)

9

10 MR. JOHN MATHER: So this paragraph
11 describes that on August 22nd, 2012, Dave Barrow sent
12 Ed Houghton budgets for the pool and the arena, and it
13 appears to us that this is the first time that BLT
14 sent the budget numbers to Mr. Houghton. And if we
15 could open them, the first is TOC0202990.

16

17 (BRIEF PAUSE)

18

19 MR. JOHN MATHER: So this is the
20 budget for the arena, Mr. Lloyd. Would you have -- do
21 you recall if you reviewed this budget before it was
22 sent to the Town?

23 MR. TOM LLOYD: I think I probably
24 did, but I can't recall for sure.

25 MR. JOHN MATHER: Do you have any

1 involvement in developing any of the figures in the
2 budget?

3 MR. TOM LLOYD: Only the Sprung
4 portion.

5 MR. JOHN MATHER: Could we go to
6 page 3 of 5. We see there -- and scroll down -- under
7 "specialties" -- the first line under "specialties"
8 you see is the Sprung structure, and it's listed at
9 2.584 million. Do you see that?

10 MR. TOM LLOYD: I do.

11 MR. JOHN MATHER: Any other elements
12 of this budget you would have involvement in
13 preparing?

14 MR. TOM LLOYD: We would have provided
15 a lot of the information to assist them with the
16 labour, foundation, and probably that's about it
17 roughly. Yeah.

18 MR. JOHN MATHER: And if we could open
19 the pool budget which is TOC0202991.

20

21 (BRIEF PAUSE)

22

23 MR. JOHN MATHER: And if we could go
24 to page 5. And we see there under "specialities" the
25 Sprung structure is listed again, and for the pool, it

1 was 1.566 million, give or take.

2 For these two (2) structures -- the
3 arena and the pool -- do you know what Sprung charged
4 BLT for those structures?

5 MR. TOM LLOYD: Well, keep in mind
6 both changed a lot between the final configuration and
7 these budgets based on city requirements. I can give
8 you the original numbers on -- if it's okay to look
9 them up?

10 THE HONOURABLE FRANK MARROCCO: Yes.
11 Yes. By all means.

12

13 CONTINUED BY MR. JOHN MATHER:

14 MR. JOHN MATHER: Yeah.

15

16 (BRIEF PAUSE)

17

18 MR. TOM LLOYD: I -- I'd like to
19 clarify, if I may, that this was the initial purchase
20 of the two (2) structures, the prices. There's always
21 add-ons because one (1) client makes changes, but,
22 too, a lot of the HVAC-type components haven't been
23 fully configured yet, which can change and mean more
24 Sprung parts to be added.

25 So, the Sprung Centennial pool was one

1 million one hundred and fifty-two thousand and sixteen
2 dollars (\$1,152,016).

3 MR. JOHN MATHER: And the arena?

4 MR. TOM LLOYD: And this was on
5 October the 4th, both. The arena, two million two
6 hundred and forty-two thousand three hundred and
7 forty-four dollars (\$2,242,344), and both are plus
8 tax.

9 MR. JOHN MATHER: And when you say
10 this is on October the 4th, what do you mean by that?

11 MR. TOM LLOYD: That is when the
12 actual purchase from BLT -- Sprung BLT was actually
13 made. So, that's when we started manufacturing, on
14 that date.

15 MR. JOHN MATHER: Do you know the date
16 on which BLT paid Sprung for the structures?

17 MR. TOM LLOYD: We got our standard
18 terms. The direct answer is I can't remember the
19 exact date, no, but Sprung's terms --

20 THE HONOURABLE FRANK MARROCCO: Approx
21 -- approximately?

22 MR. TOM LLOYD: It was -- Sprung
23 standard terms are 50 percent on order and 50 percent
24 on delivery. And those terms were not changed, so we
25 were paid most or all of the moneys either just before

1 October the 4th for 50 percent and probably in
2 November for the rest.

3 THE HONOURABLE FRANK MARROCCO: So, 50
4 percent in October, around October the 4th, and 50
5 percent in November?

6 MR. TOM LLOYD: Correct.

7

8 CONTINUED BY MR. JOHN MATHER:

9 MR. JOHN MATHER: Are you -- based on
10 the -- those numbers that you have for the pool and
11 arena on October 4th, 2012, are you able to provide a
12 sense of how much it co -- it would cost to replace
13 the -- the membrane of two (2) Sprung structures of
14 that size. Is that something you can tell us?

15 MR. TOM LLOYD: I can't tell you off
16 the top of my head. I need a -- I need to do some
17 calculations to do that --

18 MR. JOHN MATHER: Okay.

19 MR. TOM LLOYD: -- with a price book,
20 so.

21 MR. JOHN MATHER: You have a
22 ballpark?

23 MR. TOM LLOYD: In the -- depending on
24 what the customer wants, in the five (5) to ten
25 dollars (\$10) a square foot range would be my best

1 guess. And that's probably -- yeah, it'd be close,
2 yeah.

3 MR. JOHN MATHER: If we could pull up
4 paragraph 386 of the Foundation Document.

5

6 (BRIEF PAUSE)

7

8 MR. JOHN MATHER: So, this is an email
9 that was sent on August 22nd, 2012. It was sent by
10 Deputy Mayor Rick Lloyd to Mr. Bonwick. And it says:

11 "I was -- I must say that I was
12 rather surprised to hear from your
13 cousin, Wasaga mayor, Cal Patterson,
14 that he had a meeting last week with
15 Sprung.

16 Cal told us this when he overheard
17 you speaking about our plans for
18 Monday night and the proposed Sprung
19 building.

20 I must say that I was disappointed
21 that you had not informed me about
22 this presentation because, if Cal
23 wasn't supportive, he could have
24 caused us a great deal of
25 embarrassment, especially when he

1 grew up in Collingwood and as a
2 count warden."

3 Stopping there, do you know if you or
4 anyone from Sprung was having a meeting with Cal
5 Patterson in Wasaga in or around this time?

6 MR. TOM LLOYD: Meaning whether on the
7 telephone or call -- or face-to-face? I think it was
8 telephone, yes. Pat Mills was marketing around the
9 area.

10 MR. JOHN MATHER: And do you know what
11 the purpose of Mr. Mills speaking with Mr. Patterson
12 at that time?

13 MR. TOM LLOYD: About a potential
14 Wasaga Beach casino, theatre, and pool -- or sorry,
15 and arena.

16 MR. JOHN MATHER: We can scroll down
17 to the next paragraph. On the same day, Mr. Bonwick
18 forwarded the email from Deputy May -- Mayor Lloyd
19 that we just looked at, and he forwarded it to
20 individuals at Sprung and BLT, including yourself as
21 well as Abby Stec. And he writes:

22 "Can someone help me respond to this
23 email I've received from the deputy
24 mayor of Collingwood. I suggest
25 that, if it's true there -- that

1 there are discussing taking place
2 with Wasaga Beach officials at this
3 critical juncture, in time, we all
4 look uncoordinated, best, and
5 incompetent at worst.
6 The mayor Wasaga Beach, also county
7 warden, is a cousin of the mayor of
8 Collingwood and best friends with
9 Councillor Edwards.
10 Imagine if Mayor Patterson wasn't
11 impressed or felt Collingwood should
12 put the brakes and -- and look at
13 com -- combing -- presumably
14 combining -- the reference with
15 Wasaga.
16 Any one (1) of these or other
17 scenarios could have a detrimental
18 effect at this stage of the process.
19 My understanding was we were
20 attempting to create a model as one
21 team that we could emulate in other
22 jurisdictions, specifically Simcoe
23 County and other municipalities."
24 Do you recall receiving that from Mr.
25 Bonwick?

1 MR. TOM LLOYD: I do.

2 MR. JOHN MATHER: Did you have a sense
3 of what concerned Mr. Bonwick about what Deputy Mayor
4 Lloyd had reported?

5 MR. TOM LLOYD: I never really totally
6 understood it. I kind of see what his -- what he was
7 getting at in the sense of if the mayor of Wasaga
8 Beach thought Sprung was not a good idea.

9 I didn't really realize how closely
10 tied the two (2) were.

11 MR. JOHN MATHER: Do you remember if
12 after you received this email from Mr. Bonwick, if you
13 had any discussions with him about it?

14 MR. TOM LLOYD: With Mr. Bonwick?

15 MR. JOHN MATHER: Yes.

16 MR. TOM LLOYD: Probably just telling
17 him that I contacted the representative and asked him
18 to stand down for now.

19 MR. JOHN MATHER: At the end of this
20 email Mr. Bonwick writes:

21 "My understanding is we're
22 attempting to create a model as one
23 team that could em -- emulate in
24 other jurisdictions, specifically
25 Simcoe County and other

1 municipalities."

2 Do you know what he meant by creating a
3 model that could be emulated in other jurisdictions?

4 MR. TOM LLOYD: I have my
5 interpretation only.

6 MR. JOHN MATHER: What was your
7 understanding?

8 MR. TOM LLOYD: We were looking to --
9 well, exactly what he said, I think, he would
10 introduce us. He would be the one (1) introducing us,
11 not a Sprung representative.

12 MR. JOHN MATHER: When he says, "One
13 team," do you know who he -- who did you understand
14 the team to be?

15 MR. TOM LLOYD: Green Leaf, BLT, and
16 Sprung.

17 MR. JOHN MATHER: Did you have any
18 discussions with anyone else about this issue after
19 you received this email?

20 MR. TOM LLOYD: Anyone else other than
21 Pat Mills --

22 MR. JOHN MATHER: Yes.

23 MR. TOM LLOYD: -- in my own team?
24 No, not that I recall.

25 MR. JOHN MATHER: Did you ever discuss

1 this with the deputy mayor?

2 MR. TOM LLOYD: Mr. --

3 MR. JOHN MATHER: Rick Lloyd.

4 MR. TOM LLOYD: I can't recall.

5 MR. JOHN MATHER: Go to paragraph 36
6 of summary document 2-4.

7

8 (BRIEF PAUSE)

9

10 MR. JOHN MATHER: So, I'm bringing you
11 here, Mr. Lloyd, as a point in time. We were
12 discussing earlier today about -- you learning that
13 WGD had said some incorrect things about Sprung in a
14 report they had provided.

15 This paragraph reflects that WGD sent a
16 report to the Town on August 16th, 2012, and it's the
17 first instance in which we see WGD reporting to the
18 Town about fabric structures.

19 Do you -- does this help place in your
20 mind at all when you had a conversation with someone
21 at WGD?

22 MR. TOM LLOYD: Not really, unless I
23 saw what they said about membrane structures.

24 MR. JOHN MATHER: Do you know if you
25 had that conversation prior to the August 27th, 2012,

1 meeting?

2 MR. TOM LLOYD: Yeah. I think as I
3 said this morning, yes, I'm pretty sure I did.

4 MR. JOHN MATHER: Was the conversation
5 with someone named Brian Gregersen possibly?

6 MR. TOM LLOYD: It rings a bell.
7 Whether I read that name or that was the person I had
8 the conversation with, I'm not sure.

9 MR. JOHN MATHER: If we could go to
10 paragraph 364 of the Foundation Document.

11

12 (BRIEF PAUSE)

13

14 MR. JOHN MATHER: So, this is
15 describing an email that Ms. Stec sent on August 24th,
16 2012, to yourself, Mr. MacNeil, and Mr. Barrow. She
17 says:

18 "Ed is going into several meetings
19 today to share information regarding
20 Sprung. I have armed him with the
21 PowerPoint and hard copies of the
22 PowerPoint pool and arena projects.
23 The only thing -- the only missing
24 component is the cost comparison
25 between traditional buildings,

1 arenas, and pools."

2 Do you know what PowerPoint Ms. Stec
3 was referring to in this email?

4

5 (BRIEF PAUSE)

6

7 MR. TOM LLOYD: I think she might be
8 referring to the PowerPoint that we were presenting to
9 council. They all wanted a briefing, a preview of it,
10 before we came up for the council meeting.

11 MR. JOHN MATHER: When you say, "They
12 all wanted a preview of it," who are the "they"?

13 MR. TOM LLOYD: Senior staff and
14 Council.

15 MR. JOHN MATHER: Do you know who on
16 senior staff and Council?

17 MR. TOM LLOYD: I would have -- I
18 believe the entire EMC task force, and all of Council
19 wanted it.

20 MR. JOHN MATHER: Do you recall if you
21 provided a copy of the presentation to Ms. Stec or
22 anyone at the Town?

23 MR. TOM LLOYD: I'm assuming -- I
24 guess -- I think I did. I mean, I just -- I go to
25 many communities, that's part of the protocol now, you

1 normally have to have your presentation to them in
2 advance.

3 MR. JOHN MATHER: If we can go to
4 paragraph 476 of the Foundation Document?

5 So this paragraph contemplates a
6 meeting that was arranged between Abby Stec, yourself,
7 Mr. MacNeil, Dave Barrow, Mark Watts, and Paul Bonwick
8 at the Green Leaf offices at 4:00 p.m. on the day of
9 the Council meeting to vote to proceed with the Sprung
10 structures.

11 Do you recall if you attended that
12 meeting?

13 MR. TOM LLOYD: I forgot all about
14 that, but I think I did, yes.

15 MR. JOHN MATHER: What do you recall
16 about that meeting?

17 MR. TOM LLOYD: I think we were just
18 doing a dry run of the -- my recollection is we did a
19 dry run of what was -- what we were going to be
20 presenting at Council that night.

21 MR. JOHN MATHER: Do you know how it
22 came to be that you were -- you were scheduled to
23 present to Council?

24 MR. TOM LLOYD: That -- I think BLT
25 Sprung was asked to present at Council and I was

1 nominated by the team.

2 MR. JOHN MATHER: Fair enough.

3 Do you know who asked BLT Sprung to
4 present to Council?

5 MR. TOM LLOYD: Officially? I forget
6 her name who organizes the Council meetings.

7 MR. JOHN MATHER: The clerk, Sara
8 Almas?

9 MR. TOM LLOYD: Yes, that rings a
10 bell, yes.

11 MR. JOHN MATHER: Is there an
12 unofficial request?

13 MR. TOM LLOYD: Oh, I think we were
14 advised quite a bit before that it would be on the
15 agenda.

16 MR. JOHN MATHER: And who advised you
17 of that?

18 MR. TOM LLOYD: The committee.

19 MR. JOHN MATHER: And when you say
20 "the committee," do you mean --

21 MR. TOM LLOYD: The EMC.

22 MR. JOHN MATHER: The executive -- Ms.
23 -- the committee of individuals, including the
24 treasurer to the clerk and Larry Irwin, is that who
25 you mean when you say "the committee"?

1 MR. TOM LLOYD: Correct.

2 MR. JOHN MATHER: Okay. Do you recall
3 if anything was discussed at this meeting other than
4 preparing for the presentation you were planning to
5 give?

6 MR. TOM LLOYD: Not really.

7 MR. JOHN MATHER: At this point in
8 time, when -- when this meeting occurred, and it
9 appears it occurred about 4:00 p.m., do you know if
10 you had reviewed the staff report that had been
11 prepared with respect to the Sprung structures?

12 MR. TOM LLOYD: I don't recall seeing
13 it.

14 MR. JOHN MATHER: Do you recall at any
15 point in time looking at the staff report about the
16 Sprung structures to which you were going to speak to?

17 MR. TOM LLOYD: I'd have to see it to
18 know.

19 MR. JOHN MATHER: If we could pull up
20 CJI6146. Scroll down a bit. So this is a staff
21 report that includes recommendations to go within --
22 the Council proceed with an insulated architectural
23 membrane for the pool in the arena.

24 We can scroll through the document as
25 it would assist you, but my question for you is if you

1 recall reviewing this document before the August 27th
2 meeting?

3 MR. TOM LLOYD: No.

4 MR. JOHN MATHER: Was it your
5 understanding at this point in time that when staff
6 made recommendations generally to municipalities they
7 would prepare reports?

8 MR. TOM LLOYD: Oh, yes.

9 MR. JOHN MATHER: Is -- in other cases
10 would you look at the staff report before a Council
11 meeting relating to Sprung?

12 MR. TOM LLOYD: It's -- it's actually
13 more common now. They ask us to review at least
14 sections of it to make sure they are accurate.

15 MR. JOHN MATHER: And I take it from
16 your answers, but I wish to confirm, you weren't asked
17 to review this report prior to the August --

18 MR. TOM LLOYD: I do not recall. I
19 don't think I did.

20 MR. JOHN MATHER: At the meeting with
21 Ms. Stec, Mr. Bonwick and BLT in which they -- you
22 were preparing for your presentation, do you know if
23 the decision to sole source of the RFP was discussed
24 at that meeting?

25 MR. TOM LLOYD: At 4:00 p.m., that

1 meeting?

2 MR. JOHN MATHER: Yes.

3 MR. TOM LLOYD: I think it was
4 discussed that they would be making a decision shortly
5 after they wrapped up the public portion of the
6 Council meeting.

7 MR. JOHN MATHER: And do you know who
8 provided that information?

9 MR. TOM LLOYD: To me?

10 MR. JOHN MATHER: Yes.

11 MR. TOM LLOYD: Probably Abby and Mr.
12 Bonwick.

13 MR. JOHN MATHER: Do you know where
14 they received that information from?

15 MR. TOM LLOYD: No.

16 MR. JOHN MATHER: So if we could go
17 back to paragraph 476. So this is in the same
18 paragraph that's talking about this August 27th
19 meeting.

20 Ms. -- Ms. Stec -- first you reply to
21 Ms. Stec and said that you and other Sprung
22 representatives would be there, and then Ms. Stec
23 responded asking if there was any luck with the
24 spreadsheet and you replied:

25 "Unfortunately they've taken it off

1 their website."

2 And then she asked:

3 "Do you have the contact information
4 for them or other facilities we
5 could get operational costs on?"

6 Do you remember that Ms. Stec was
7 looking to get information about operational costs
8 with respect to the pool and arena?

9 MR. TOM LLOYD: I do.

10 MR. JOHN MATHER: Do you know why she
11 was looking for that information?

12 MR. TOM LLOYD: Because when you are
13 able to review an existing Sprung structure or stand-
14 alone -- as a stand-alone building, it's significantly
15 -- it's typically significantly less an operating cost
16 of any other type building, including conventional.

17 MR. JOHN MATHER: And did you have any
18 operational data that you could provide Ms. Stec for -
19 - to demonstrate that?

20 MR. TOM LLOYD: We provided quite a
21 bit of operational data, but not directly for a pool
22 or arena, which is why this -- these are going back
23 and forth.

24 MR. JOHN MATHER: Was that because
25 that was the sort of data Sprung did not have in its

1 possession at that point in time?

2 MR. TOM LLOYD: Well, our clients are
3 always eager to share their information, but
4 unfortunately most of them are tied into other
5 buildings.

6 So they can't break it out. For
7 instance, the pool -- Kearns pool is tied into a
8 massive facility, so they can't break the Sprung
9 component out of it.

10 MR. JOHN MATHER: Do you recall if you
11 asked Kearns about whether or not they had data you
12 could use with respect to Collingwood?

13 MR. TOM LLOYD: Oh, yes.

14 MR. JOHN MATHER: Did they --

15 MR. TOM LLOYD: We provided
16 references.

17 MR. JOHN MATHER: Did they provide you
18 with data?

19 MR. TOM LLOYD: They spoke directly to
20 Town. My understanding was they spoke directly to
21 officials at the Town.

22 MR. JOHN MATHER: And what's the basis
23 of that understanding?

24 MR. TOM LLOYD: We gave them -- they
25 agreed -- they said we'd be thrilled to provide a

1 reference and have them give us a call.

2 We provided that information up to the
3 Town and my understanding was there was a call.

4 MR. JOHN MATHER: Do you know who that
5 call was between?

6 MR. TOM LLOYD: I only know -- if it
7 happened I would have -- I thought it was between the
8 -- somebody on the EMC, so I don't know exactly who
9 would know.

10 And I believe the same scenario applies
11 to Edge -- the Edge School, where the two (2) arenas
12 are and the Sprung gymnasium.

13 MR. JOHN MATHER: When you say "the
14 same scenario," do you mean that you provided the --
15 was it the case that you provided the Edge School with
16 the contact information of someone at the Town, or did
17 you provide someone with the -- at the Town with
18 contact information about the Edge School?

19 MR. TOM LLOYD: Both, introduction, so
20 they could talk independently to the Town. The Town
21 could talk independently to both Kearns pool and the
22 Edge School for a reference and ask any questions
23 around maintenance and operational expenses and things
24 like that.

25 MR. JOHN MATHER: And how was that

1 introduction made?

2 MR. TOM LLOYD: Through me.

3 MR. JOHN MATHER: On the phone, via
4 email, some other method?

5 MR. TOM LLOYD: Probably because we
6 were going so fast, it was by -- I'm guessing on the
7 phone, but there could be emails.

8 MR. JOHN MATHER: Prior to the August
9 27th, 2012 Council meeting, had you ever had any
10 meetings or ever met with a woman named Marta Proctor?

11 MR. TOM LLOYD: I don't think prior to
12 then I had met her. I might have spoke to her on the
13 phone, but I can't recall.

14 I think she was either on vacation for
15 a lot of this period.

16 MR. JOHN MATHER: If we could go to
17 paragraph 546 of the Foundation Document.

18 THE HONOURABLE FRANK MARROCCO: Did
19 you say Marta Proctor was on vacation?

20 MR. TOM LLOYD: I think she was, or --
21 I --

22 THE HONOURABLE FRANK MARROCCO: How
23 did you know? Who told you that?

24 MR. TOM LLOYD: Maybe Dennis Seymour
25 or someone said that he was going to leave from the

1 parks and rec team for now, because Marta was away,
2 that seems to be my recollection.

3 THE HONOURABLE FRANK MARROCCO: Okay.

4

5 CONTINUED BY MR. JOHN MATHER:

6 MR. JOHN MATHER: This on the screen,
7 Mr. Lloyd, is a paragraph describing the payment
8 schedule that was set out in the final contract as
9 between the Town and BLT.

10 Did you or anyone from Sprung have a
11 role in negotiating the contract?

12 MR. TOM LLOYD: No.

13 MR. JOHN MATHER: Do you know how this
14 payment schedule was devised?

15 MR. TOM LLOYD: No.

16 MR. JOHN MATHER: So the contract with
17 -- between BLT and the Town was signed on August 30th,
18 2012. We now know that the work order for the Sprung
19 structure was put in on October 4th, 2012.

20 Who from Sprung received commissions in
21 relation to the sale of the pool and the arena?

22 MR. TOM LLOYD: Commissions were given
23 to -- the only person remotely outside was Pat Mills,
24 as a manufacturer's rep, and the only other payments
25 made were internally to staff involved in the sales

1 process, which would be -- back then we had a sharing
2 system, so it would be Justin Kavanaugh, Tom Lloyd,
3 Dave MacNeil.

4 MR. JOHN MATHER: Did Prung -- sorry,
5 did Sprung pay, other than Mr. Mills and the -- its
6 own employees you've identified -- did it pay anyone
7 else any fees in association with the pool or arena?

8 MR. TOM LLOYD: None. Well, are you
9 including engineering and stuff? Like --

10 THE HONOURABLE FRANK MARROCCO: No,
11 no, no, I don't --

12

13 CONTINUED BY MR. JOHN MATHER:

14 MR. JOHN MATHER: No, that wasn't --
15 that wasn't -- I want to know if anyone other than Pat
16 Mills outside of Sprung received commissions or fees
17 or benefits with respect to the pool or arena.

18 MR. TOM LLOYD: If I could clarify
19 your question, meaning, were they given any
20 commissions? I mean, we have outside -- we do
21 independent engineering and all that stuff, so those
22 people, obviously, get compensated. But in terms of
23 reward commission, only the people I mentioned.

24 MR. JOHN MATHER: If you go to
25 paragraph 559 of the Foundation Document. So this

1 paragraph reflects that on August 31st, 2012, BLT
2 transferred seven hundred and fifty-six -- seven
3 hundred and twenty-five -- seven hundred and twenty-
4 five dollars to Green Leaf.

5 Did you -- you said earlier that you
6 knew that Green Leaf was going to get paid a fee and
7 that it might be beta -- paid on a percentage. At any
8 point, did you learn the actual dollar amount that
9 Green Leaf got paid with respect to the pool and
10 arena?

11 MR. TOM LLOYD: I probably did,
12 although that seems higher than I thought it was.

13 MR. JOHN MATHER: Do you remember when
14 you found out what the dollar amount was?

15 MR. TOM LLOYD: No.

16 MR. JOHN MATHER: Do you know how you
17 found out?

18 MR. TOM LLOYD: Just talking to Mark
19 and Dave.

20 MR. JOHN MATHER: If we could pull up
21 TOC211157.1. So this is an email that Mr. Houghton
22 sent you on September 7th, 2012.

23 At this point, Council has voted to
24 proceed with the Sprung structures, and the contract
25 between BLT and the Town has been signed. Mr.

1 Houghton emails you and says:

2 "I have a sensitive and confidential
3 question to ask you. Earlier today,
4 I hear a rumour that the Mayor's
5 brother (Paul Bonwick) benefited
6 from Council's decision to purchase
7 from Sprung. Can you tell me if he
8 has been paid by Sprung for his
9 alleged involvement?"

10 Do you recall receiving this inquiry
11 from Mr. Houghton?

12 MR. TOM LLOYD: I do.

13 MR. JOHN MATHER: Before receiving it,
14 did you discuss -- did Mr. -- did you discuss whether
15 or not Mr. Bonwick has been paid by Sprung with Mr.
16 Houghton?

17 MR. TOM LLOYD: I don't recall.

18 THE HONOURABLE FRANK MARROCCO: Just
19 before you go on, did Mr. Houghton call you before he
20 sent this email to tell you he was sending it?

21 MR. TOM LLOYD: I seriously don't
22 recall, but -- something tells me he did, but I can't
23 recall for sure.

24 THE HONOURABLE FRANK MARROCCO: Thank
25 you.

1

2 CONTINUED BY MR. JOHN MATHER:

3 MR. JOHN MATHER: So if we go to your
4 response, you say:

5 "Hi, Ed. There's absolutely no
6 relationship between Paul Bonwick
7 and Sprung. There has been -- there
8 has been no payments of any type
9 made to Paul Bonwick by Sprung.

10 Kindest regards, Tom."

11 Why did you answer like that?

12 MR. TOM LLOYD: Well, how else would I
13 answer? We did pay -- Sprung didn't pay Mr. Bonwick
14 anything. The question was, did Sprung pay Mr.
15 Bonwick? The answer is no.

16 MR. JOHN MATHER: Was there any reason
17 that you didn't mention -- mention in your response that
18 Sprung had considered having Mr. Bonwick earn a
19 commission first as a potential manufacturer's
20 representative Sprung, and then when that did not
21 happen, he had now gone and worked for Sprungs (sic)
22 through its strategic alliance partner BLT?

23 MR. TOM LLOYD: No, I didn't consider
24 it.

25 MR. JOHN MATHER: When you -- was

1 there any reason why you wouldn't mention that?

2 MR. TOM LLOYD: It never happened. It
3 wasn't -- or, sorry, no transaction happened, so
4 there's nothing to mention, in my opinion. Probably
5 already forgotten about it.

6 Just -- point -- case in point was --
7 just back to your comment, Your Honour -- is Mr.
8 Houghton was probably calling me once or twice a day
9 or his staff at this point because there was a large
10 dissident group camped outside City Hall that was
11 complaining, and they were making terrible accusations
12 from the fact that I was related, and it just went on
13 and on and on. So there was a lot of clarification
14 going on over about a three-week to four-week period,
15 maybe even longer.

16 MR. JOHN MATHER: Do you recall in
17 those conversations Mr. Houghton expressing that there
18 had been assertions about Mr. Bonwick's involvement
19 with the Sprung structures?

20 MR. TOM LLOYD: Can you repeat that?

21 MR. JOHN MATHER: You said that Mr.
22 Houghton was calling you regularly in response to --
23 or to discuss issues that had been raised by dissident
24 groups.

25 As part of those conversations, did Mr.

1 Houghton raise whether or not Mr. Bonwick had been the
2 subject of the allegations or statements made by the
3 dissident groups?

4 MR. TOM LLOYD: No, just this -- the
5 only recollection I have is this particular date and
6 email.

7 MR. JOHN MATHER: Did you speak with
8 Mr. Bonwick after you sent -- sorry, Mr. Houghton
9 after you spent -- sent this response?

10 MR. TOM LLOYD: We spoke on a num --
11 all the time on a number of issues.

12 MR. JOHN MATHER: Did you speak about
13 this response?

14 MR. TOM LLOYD: Not that I recall.

15 MR. JOHN MATHER: Can we go to
16 paragraph 640 and 6 -- of this Foundation Document.
17 Sorry, 640 of the Foundation Document.

18

19 (BRIEF PAUSE)

20

21 MR. JOHN MATHER: So in this
22 paragraph, Ms. Stec sends an email to Tom, Dave, and
23 Dave and says:

24 "There are several interest groups
25 that are stirring the pot about

1 sole-source -- about the sole-
2 sourcing method we followed. Can
3 you please put some bullet points
4 together that clearly indicate why
5 Sprung is in the league of its own
6 and that there's really no company -
7 - company to compare it to. It's
8 very important that we put this to
9 bed ASAP."

10 And if we scroll down, Mr. Barrow

11 responds:

12 "I will send you the comparisons
13 this morning regarding other
14 structures. I also looked to see if
15 we -- we have or can get some
16 testimonials."

17 And then Ms. Stec replies:

18 "It would be a huge help if someone
19 -- if something about Sprung could
20 be highlighted on the home page of
21 your site."

22 And then she goes on to suggest a
23 conference call five (5) minutes later with the
24 individuals identified there. Do you know if a
25 conference call took place?

1 MR. TOM LLOYD: I do not.

2 THE HONOURABLE FRANK MARROCCO: I -- I
3 think the reference was to a five (5) minute
4 conference call and not necessarily five (5) minutes--

5 MR. JOHN MATHER: Thank you, Your
6 Honour.

7 THE HONOURABLE FRANK MARROCCO: --
8 later.

9

10 CONTINUED BY MR. JOHN MATHER:

11 MR. JOHN MATHER: And so if we can
12 continue on to paragraph 642. Then the next day, on
13 September 6, you send Mr. Houghton a two (2) page
14 document that you said speaks to the local membrane
15 competitors, Craigleith and Innisfil Creeks.

16 Who were Craigleith and Innisfil
17 Creeks?

18 MR. TOM LLOYD: Those are all three
19 (3) different topics. So the local membrane
20 competitors would have been a document attached, along
21 with Craigleith Ski Club had a Sprung -- a temporary
22 Sprung structure for quite a few years, and Innisfil
23 Creek Golf Course has a -- had a Sprung for twenty-
24 five (25) years. You can still see it on the 400.

25 MR. JOHN MATHER: And then I -- are

1 the local membrane competitors you're referring to --
2 do they include MegaDome, Britespan, and Calhoun Super
3 Structures?

4 MR. TOM LLOYD: That's probably who I
5 was referring to, yes.

6 MR. JOHN MATHER: Do you know why you
7 were providing Mr. Houghton with information about
8 other mem -- membrane manufacturers at this point in
9 time?

10 MR. TOM LLOYD: Well, these -- these
11 aren't -- just to be clear, these aren't membrane
12 manufacturers. These are actual structure
13 manufacturers that use membrane. Because the other
14 interest group, as Abby so nicely called them, were
15 all saying all these other people can build better
16 than Sprung, simply put.

17 MR. JOHN MATHER: And we'll get to --
18 to it in a bit, but we do see that Sprung and BLT
19 provide the Town, starting here and in the subsequent
20 days, information about other structure -- membrane
21 structure providers.

22 Do you know if anyone at Sprung
23 provided any information on competitors to the Town
24 before August 27th, 2012?

25 MR. TOM LLOYD: I am -- I'm almost

1 positive we did, and I believe it was me.

2 MR. JOHN MATHER: Do you know what
3 information you provided to the Town before
4 August 27th, 2012?

5 MR. TOM LLOYD: I think you -- is it
6 okay to mention our conversation earlier?

7 MR. JOHN MATHER: If there's a
8 document that would assist you, I'm happy to pull it
9 up. Are you referring to a --

10 MR. TOM LLOYD: The actual Sprung one
11 that you mentioned from Joanne Dryden.

12 MR. JOHN MATHER: Okay.

13 MR. TOM LLOYD: I'm pretty sure we
14 sent that long before this date -- before the Council
15 meeting.

16 MR. JOHN MATHER: If we could pull up
17 TOC0219565 -- sorry, apologies -- CJI10463.

18

19 (BRIEF PAUSE)

20

21 MR. JOHN MATHER: It's coming up. So
22 this is a spreadsheet that the document metadata
23 indicates that it was created on March 15th, 2011 by a
24 person who's identified as Dryden A. With that
25 information, are you familiar with this spreadsheet?

1 MR. TOM LLOYD: Very.

2 MR. JOHN MATHER: Okay. And what is
3 it?

4 MR. TOM LLOYD: It's a competitive
5 spreadsheet of Sprung's.

6 MR. JOHN MATHER: Okay. And who --

7 MR. TOM LLOYD: Sprung's information.

8 MR. FREDERICK CHENOWETH: I'm sorry.
9 Can my friend assist me? I'm sorry to interrupt,
10 Your Honour. I apologize for that. The document
11 number with respect to this --

12 MR. JOHN MATHER: It's --

13 MR. FREDERICK CHENOWETH: Oh, there it
14 is at the top. I've got it now. Thank you. Sorry.

15 THE HONOURABLE FRANK MARROCCO: I
16 didn't see it either.

17 MR. JOHN MATHER: CJI10463. It's on
18 the top of the screen.

19

20 CONTINUED BY MR. JOHN MATHER:

21 MR. JOHN MATHER: Who generated the
22 information for this spreadsheet?

23 MR. TOM LLOYD: Well, it was a group
24 of -- at Sprung, but as it said there, Amy:
25 A. Dryden. It's Amy Dryden. And --

1 MR. JOHN MATHER: And who is she?

2 MR. TOM LLOYD: -- she was an
3 administrative assistant to the executive team.
4 Coincidentally, you'll also see Joanne Dryden is on
5 it. She is the mother. They both were admins.

6 MR. JOHN MATHER: And what was the
7 purpose of this spreadsheet?

8 MR. TOM LLOYD: For staff to
9 understand and get a better understanding of our
10 competitors.

11 MR. JOHN MATHER: When you say
12 "staff," are you talking about internal Sprung staff?

13 MR. TOM LLOYD: Correct.

14 MR. JOHN MATHER: So when you were
15 answering the earlier question about what information
16 was provided to the Town before August 27th, 2012, was
17 this the spreadsheet that you were referencing in your
18 response?

19 MR. TOM LLOYD: That -- that I sent
20 up, you're saying? I would -- this would likely be
21 the spreadsheet, yes.

22 MR. JOHN MATHER: So is it the case
23 that you recall sending this spreadsheet to people at
24 the Town?

25 MR. TOM LLOYD: Yeah. This is amended

1 all the time. So is the exact copy? No. I don't
2 know. But what I can tell you is this version -- one
3 of these versions was sent up, yes.

4 MR. JOHN MATHER: And do you know who
5 it was sent to at the Town.

6 MR. TOM LLOYD: I do not, and I'm
7 not -- can't remember if I printed it and hand
8 delivered it or I emailed it.

9 MR. JOHN MATHER: So if we could go
10 back to the Foundation Document paragraph 645.

11

12 (BRIEF PAUSE)

13

14 MR. JOHN MATHER: So this is
15 describing an email that you sent Mr. Houghton and
16 Dave MacNeil on September 17th, 2012. In it, you
17 write:

18 "The competitors that sell membrane
19 structures in Ontario are
20 highlighted in red. To the best of
21 our knowledge, and the folks we hire
22 for competitive info, none have an
23 existing structures as wide as
24 Collingwood requires."

25 And then Mr. Houghton responds that he

1 has questions, and you say:

2 "There is no competitor to Sprung.
3 Who else has proven insulation
4 buildings? No one."

5 We've seen reference to Sprung and its
6 insulative qualities at several points in time. I'm
7 not sure if "insulative" is a word, but it's
8 insulation.

9 I take it from your perspective that is
10 one (1) of the big differentiators between Sprung and
11 other membrane competitors. Is that fair?

12 MR. TOM LLOYD: Very fair. And part
13 of the process is no one else manufactures the -- with
14 the insulation. Most are -- get insulation as an
15 afterthought from a second hand partner.

16 MR. JOHN MATHER: So related to that,
17 if we could go to paragraph 659.

18

19 (BRIEF PAUSE)

20

21 MR. JOHN MATHER: So this is
22 referencing another email that Ed Houghton sent you
23 asking how many other membrane companies are there.
24 Are there any that are insulated? And you reply -- if
25 we can scroll down:

1 "Further to the info below, there
2 are ten membrane manufacturers in
3 Canada. Most are designed for farm
4 buildings, household garages, and
5 small cold storage buildings. None
6 insulate from the manufacturer. If
7 they do, it's an aftermarket
8 addition that is installed by the
9 resellers. None of their websites
10 even mention insulation."

11 What you write there about aftermarket
12 additions, is that what you were just referring to in
13 that the -- from the manufacturer itself, it's not
14 insulated?

15 MR. TOM LLOYD: Correct.

16 MR. JOHN MATHER: I take it then that
17 the other competitors can provide -- the other
18 competitors can provide an insulated membrane, but the
19 difference is the insulation comes after the fact, and
20 it may not be done by them. It may be done by another
21 intermediary. Is that correct?

22 MR. TOM LLOYD: Correct. They would
23 have to design it. The manufacturer won't design it.
24 They have to -- the third party has to now design the
25 insulation and figure out they're going to put it in

1 there.

2 I can give you a classic example if you
3 want, but I don't know why it isn't in here 'cause it
4 was mentioned to Collingwood many times.

5 MR. JOHN MATHER: Sure.

6 MR. TOM LLOYD: And I'm going to go
7 name blank on the community. Maybe somebody from
8 Toronto can help me. I think it's the Reese Arena
9 (sic). It's a big arena in Toronto.

10 They have a second arena they built
11 with the -- it was a coverall or one of the coverall
12 branded companies built it, and the insulation is
13 bubble wrap and newspaper. They put a makeshift
14 interior liner on it, and in less than six (6) months,
15 there's so much mold and, let's just say, bad stuff in
16 then -- in there, I believe it's now been condemned.
17 That was put up just slightly before the Collingwood
18 project started.

19 MR. JOHN MATHER: So if we could go to
20 paragraph --

21 MR. TOM LLOYD: Ted Reeve Arena.
22 There you go.

23 MR. JOHN MATHER: -- paragraph 668 of
24 the Foundation Document.

25

1 (BRIEF PAUSE)

2

3 MR. JOHN MATHER: So this is looking a
4 bit later in September, and Mr. Watts of BLT sends
5 Ed Houghton an email with the subject line "Sprung's
6 notes on the competitors," and he writes:

7 "Please find attached a reformatted
8 copy of what Tom had previously sent
9 you regarding the competition of
10 Sprung. The hard copy you received
11 was loaded with typos. Please
12 reprint this copy for your records."

13 If we could open up that version and go
14 to TOC219565.

15

16 (BRIEF PAUSE)

17

18 MR. JOHN MATHER: And if we could zoom
19 out, that's probably good. Do you -- I take it from
20 your earlier answers that the information on this
21 spreadsheet that was provided to Mr. Houghton was
22 taken from the internal Sprung document that we were
23 looking at earlier, the one that you had sent prior to
24 August 27th, 2012. Is that correct?

25 MR. TOM LLOYD: That would be correct.

1 MR. JOHN MATHER: And in terms of the
2 information about Sprung's competitors that's
3 contained in this spreadsheet, do you know how that
4 information was obtained?

5 MR. TOM LLOYD: Through our internal
6 resources as well as we use competitor shoppers.

7 MR. JOHN MATHER: As far as you know,
8 is the information that was sent to the Town about the
9 competitors on September 4th, 2012 accurate?

10 MR. TOM LLOYD: Yes. As far as I
11 know. Most of these, I -- most of -- all the local
12 ones, I personally.

13 MR. JOHN MATHER: I don't propose
14 walking through each one (1) of these in the columns,
15 but when it comes to insulation on our review, it
16 appears that for each of these competitors insulation
17 is available, although, in some cases, it might have
18 to be af -- aftermarket.

19 Is that -- is that your understanding?

20 MR. TOM LLOYD: At the time? At the
21 time, I don't know that any one of them when I
22 researched insulated as part of their manufacturing
23 process. It was all -- they were all aftermarket
24 products.

25 MR. JOHN MATHER: So, for instance, if

1 you go to, "Yeadon air-supported structures," it
2 contemplates that they can insulate up to R14?

3 MR. TOM LLOYD: I think that's just
4 adding a thicker liner. I'm really not -- do not know
5 if that's actual insulation.

6 MR. JOHN MATHER: Do you know if it's
7 the case that Yeadon adds the thicker liner or if they
8 have to go to a third party?

9 MR. TOM LLOYD: Yeah, I don't -- I'm
10 not sure and I don't -- typically, air-supported
11 structures are a completely different ball of -- or,
12 well, whatev -- never mind.

13 MR. JOHN MATHER: But they were
14 included in this analysis of competitors that was sent
15 to the Town?

16 MR. TOM LLOYD: At the time, yes.

17 MR. JOHN MATHER: So, if we can scroll
18 down to Norseman. So, we see that with Norseman,
19 under, "Insulation 'yes' or 'no'," in column 'F' it
20 says, "Yes." And then it says, "If insulation, what
21 type," under column 'G'. And it says:

22 "Uses straight liner and add R-20 as
23 additional insulation. More
24 elaborate structures can add R-30."

25 When it comes to Norseman, do you know

1 whether or not the insulation that's contemplated here
2 is added by them or by a third party?

3 MR. TOM LLOYD: My understanding at
4 the time was, first of all, Norseman wasn't even
5 selling in this part of the world, but -- because
6 they're out of Edmonton, and that I don't know even
7 know if that's correct, and if it is, it's from a
8 third party.

9 MR. JOHN MATHER: Later on --

10 MR. TOM LLOYD: Anyways.

11 MR. JOHN MATHER: Sorry, what were you
12 going to say?

13 MR. TOM LLOYD: I see now it says --
14 or further down it says, "Distributing through some
15 building sales company in Ontario." I'm not aware of
16 that.

17 MR. JOHN MATHER: That's what I was
18 going to ask you about. And if we continue scrolling
19 down and we go to column 'P', for Norsemen, if we can
20 -- if you look, there's, "Applications." Do you see
21 that under column 'P'?

22 MR. TOM LLOYD: 'P'?

23 MR. JOHN MATHER: Yeah, 'P'.

24 MR. TOM LLOYD: Yes.

25 MR. JOHN MATHER: And for Norseman, it

1 says its applications are in -- they are in many
2 industries, and they include hay storage, cold
3 storage, some sports and rec, and vehicle storage.

4 Was that your understanding at the time
5 that Norseman could provide sports and rec structures?

6 MR. TOM LLOYD: Yes, but, again, we
7 never ran into them. And to this day I don't run into
8 them.

9 MR. JOHN MATHER: So, if we can go
10 back to the spreadsheet we looked at first, the one
11 (1) that I understand Ms. Dryden had created. So,
12 that was CJI10463.

13

14 (BRIEF PAUSE)

15

16 MR. JOHN MATHER: There are companies
17 on this version of the spreadsheet in which the
18 metadata indicated was created on March 15th, 2011.
19 There are companies on this version of the spreadsheet
20 that aren't included on the spreadsheet that was sent
21 to Mr. Houghton on September 24th, 2012.

22 And I think probably the easiest way to
23 do it is I can name some of them. And they are Alaska
24 Structures, All-Weather Shelters, All Points
25 International, ClearSpan, Mahhaffeg, which is M-A-H-H-

1 A-F-F-E-G, Metal Brand X, Metal Butler, Proteus, and
2 Universal Structures.

3 Do you know why those competitors were
4 not included in the spreadsheet that was sent to the
5 Town?

6 MR. TOM LLOYD: Because they're all
7 American and they don't represent -- as far as I know,
8 that whole entire list is American companies and they
9 don't sell in Ontario, with the exception -- you said
10 Metal Butler.

11 Was that -- is that in -- is that in
12 Butler Metal buildings?

13 MR. JOHN MATHER: It's described in
14 the spreadsheet as, "Metal Butler."

15 MR. TOM LLOYD: Never heard of them.

16

17 (BRIEF PAUSE)

18

19 MR. JOHN MATHER: If we could pull up
20 TOC0600371.

21

22 (BRIEF PAUSE)

23

24 MR. JOHN MATHER: If we could scroll
25 down to the bottom. And sorry --

1 OBJ MR. DEAN EMBRY: Sorry, Your Honour.
2 This is Dean Embry. Good afternoon. I'm counsel to
3 Mr. Lloyd. And I'm just going to raise an objection
4 with regard to this line of questioning.

5 I -- I think I know what's coming from
6 discussions My Friend and I have had. My
7 understanding is this line of questioning My Friend's
8 about to embark on relates to some -- the
9 craftsmanship of some of the -- the tiling and the
10 pool, and it relates to a -- in my -- my submission,
11 an unsubstantiated and recent complaint.

12 I suppose my objection really is that
13 this area is irrelevant to the Inquiry and, in fact,
14 outside the term of reference. I understand the
15 public inquiry is about how this -- so the deal, if I
16 can put it that way, came together.

17 And this seems to be some sort of look
18 into sort of specific issues with regard to not even
19 Sprung, but also BLT. And, in my view, it would be --
20 it would be unfair to expose Mr. Lloyd through a
21 public inquiry to have to defend himself or his
22 business partner -- business partners in this manner.

23 So, I just -- I just wonder, before we
24 get into it, if My Friend could indicate what the
25 relevance is.

1 MR. BILL TRUDELL: Your Honour, is
2 this thing on? To save you time tomorrow, I
3 anticipate that -- I have been advised that on
4 Thursday Mr. Barrow will be asked the same type of
5 inquiry. And we have shared some information or
6 discussions with commission counsel about this.

7 And just for your information, and I
8 leave it, at the end of the day, of course, if you
9 think this is helpful, but the first time, first time
10 that any suggestion that there may -- may be something
11 wrong with the tiling or the floor of the pool was
12 raised in an email to Mr. Barrow.

13 I believe it was on September the 6th.
14 And I don't know whether you've seen that email, but I
15 was notified of the email. There's an unfortunate
16 comment in the email by the person who authored it
17 suggesting quality of work.

18 Nothing had ever been brought to the
19 attention of BLT since this contract was over and the
20 work committed -- or com -- completed to code for a
21 number of years. They were never contacted.

22 And we were contacted by Commission
23 counsel to say, on Friday, I believe it was, the 27th,
24 that they intended to ask these questions of Mr.
25 Barrow.

1 We can't help in relation to what may
2 have happened over the last number of years. They're
3 -- I've asked My Friend whether they intended to call
4 some expert evidence to describe what the problem may
5 have been.

6 But we don't really think that it is --
7 it doesn't matter what we think. We would submit that
8 it's not helpful to you. It's not within the terms of
9 reference. It is unfair and it is late.

10 And I can also tell you that Mr. Barrow
11 receiving this email on September the 6th for the
12 first time offered, even though warranties have long
13 since passed, to send someone over to maybe help and
14 have a look was severely declined.

15 So, this is getting into an entirely
16 different unhelpful area that takes away from the help
17 that we're all trying to give you in terms of the
18 terms of reference.

19 So, I mean, I -- I could imagine that,
20 if a year or within a warranty period, the Sprung
21 structure had blown away, this might be an issue that
22 you might want to talk about, but this is so foreign,
23 so -- there's no evidence. There's no help as to what
24 the problem may have been, and the problem could be
25 many, many different issues.

1 So, in anticipation that My Friend will
2 raise this issue with Mr. Barrow, I thought I would
3 join My Friend, Mr. Embry, and raising our concerns
4 with you.

5 I just don't know how it can help the
6 terms of reference in relation to this and the email
7 first received from a Town official on September 6th,
8 in my respectful submission, is unfair and the
9 motivation and comment are -- are quite troubling to
10 me in that course, and I offer to come and have a look
11 was summarily rejected.

12 So I feel that you'll make this
13 decision, but we really are concerned here. Thank you.

14 THE HONOURABLE FRANK MARROCCO: Thank
15 you.

16 MR. FREDERICK CHENOWETH: Your Honour,
17 I just simply wanted to say that I concur with the
18 remarks of both of the last speakers for the reasons
19 they've suggested and -- and I'll say no more.

20 MR. JOHN MATHER: This email and
21 related documents that we intend to put before Mr.
22 Lloyd today relate to recent expenditures that the
23 Town has incurred with respect to the pool.

24 It is Inquiry counsel's view that these
25 matters are relevant to what the Town paid for the

1 pool and arena, what the Town continues to pay for the
2 pool and arena, and what they're receiving for what
3 they have paid for the pool and arena.

4 I also note that in this Inquiry
5 participants have elicited evidence already about the
6 quality and the value of both facilities and Inquiry
7 counsel is interested in exploring that further.

8 THE HONOURABLE FRANK MARROCCO: I
9 think the evidence of repairs is relevant in -- in the
10 -- is relevant to the issue which was raised in --
11 earlier about the quality of the -- about the -- about
12 the fact that this was an excellent structure.

13 I don't think we can go beyond the fact
14 that these repairs were made. I -- I don't think we
15 can go beyond that.

16 But I think the fact that these repairs
17 were made or have to be made is relevant. But to --
18 to go much further and suggest that there's been
19 demonstrated some causal relationship between the
20 structure and the repair, I don't think we can do
21 that.

22 But I think it is a fact that repairs
23 were made or have to be made. I think that fact you
24 can get into and -- but I don't know if this witness
25 really can comment on it.

1 But I think you can ask the -- you can
2 ask that sort of question. But I don't think
3 suggesting anything further at this point support --
4 supportable.

5 So ask questions about the repairs, but
6 that's it.

7 MR. BILL TRUDELL: Your Honour, might
8 I just respond? I don't -- and I may be totally --
9 may be inappropriate and you'll tell me.

10 But I'm very concerned about what you
11 just said. Because you said the fact that repairs
12 have to be made, repairs to what? From when?

13 And so -- so this is not going to help
14 you in terms of reference, but it could be seen as a
15 very prejudicial here. And -- and the very fact that
16 repair -- let's just take an example of some other
17 aspect of the pool or the arena where a repair --
18 repairs have to be made, probably repairs have to be
19 made all the time.

20 But this is years, years later. And
21 the -- and the timing of this coming to the attention
22 of BLT and the response, and now Commission counsel
23 wants to ask about this? It's never been raised
24 before. Ever.

25 MR. FREDERICK CHENOWETH: Your Honour,

1 if I --

2 THE HONOURABLE FRANK MARROCCO: I
3 think it was -- the questions were put to other
4 witnesses about the structure and -- and how useful
5 the structure is.

6 If there are repairs that have been
7 made over the years that I think -- I think I can hear
8 that, and I will hear that.

9 But that's -- that's as far as it goes.

10 MR. FREDERICK CHENOWETH: Your Honour,
11 if I could make a comment as well?

12 Does My Friend intend to -- My Friend,
13 Mr. Mather, intend to call some expert witness of some
14 kind to say why the repairs are necessary? Is it --
15 are the repairs necessary because the -- the areas
16 weren't mopped in the way they should have been by
17 some of the staff? You know, I'm -- I'm just
18 wondering what can be drawn from a -- a limited
19 inquiry to this.

20 The fact that there was repairs may
21 tell us nothing with respect to the quality of what
22 was provided. And I would have thought that the
23 Inquiry that would needed -- that would need to be
24 made in order to some -- come to some conclusion about
25 the matter that you say is relevant, i.e., quality,

1 would have to be a much more significant inquiry,
2 including expert testimony, to come to any conclusions
3 with respect to why the repairs might have been made
4 or who was responsible for doing the -- the work or --
5 or matters of that nature.

6 I just -- I just don't know how it --
7 how it could possibly be helpful or useful even with
8 respect to the question of quality.

9 THE HONOURABLE FRANK MARROCCO: First
10 of all, you're the one that's drawing the connection
11 to quality. It is a fact that repairs were made and
12 that is the fact that I'm going to allow Commission
13 counsel to establish. That's it.

14 And in order to draw a causal
15 connection between the structure and the repairs,
16 somebody would have to say that. But it is a fact
17 that repairs were -- were required. That's as far as
18 we're going.

19 Go ahead, ask your questions. I don't
20 want to get on -- I don't want to talk about it
21 anymore.

22

23 CONTINUED BY MR. JOHN MATHER:

24 MR. JOHN MATHER: If we could scroll
25 up to the initial email and the text of it, which is

1 from an individual named Mel Milanovic. Higher in the
2 email.

3 So Mr. Lloyd, this is an email from Mel
4 Milanovic, who works with the Town. It's sent to
5 yourself, Dave Barrow, Mr. Waddell, and copied to Dean
6 Collver, who is also with the Town.

7 If you need a moment, you can take a
8 moment to read it.

9 MR. TOM LLOYD: I -- I remember the
10 email. I received it, it's the first -- like BLT,
11 this was the absolutely first time I'd heard of it.

12 MR. JOHN MATHER: And when you say the
13 first time you've heard of it, it is it the first time
14 you've heard of the issues with the tiling in the
15 change rooms that are identified in this email?

16 MR. TOM LLOYD: Exactly, which makes
17 no sense to me.

18 MR. JOHN MATHER: And why does that
19 make no sense to you?

20 MR. TOM LLOYD: Because Collingwood,
21 the Town, and we have a great relationship and
22 whenever there's any type of issue, I could give you
23 countless examples, the first person they normally
24 phone is me.

25 And they had wind issues at the doors,

1 we hired BLT -- actually, we paid BLT through
2 ourselves to come up and we designed a wind cover
3 around both structures for the front doors, that was
4 installed, unfortunately Dave's not here, I can't ask
5 him when, but I think it was, I'm going to say within
6 six (6) months.

7 Like, we're at the sites a lot doing
8 added value for the Town. Now, they paid for that,
9 don't get me wrong. But I'm just saying, we're here
10 all the time and all of a sudden we find out about
11 floors. I understand the frustration. This is very
12 frustrating to us as a team.

13 MR. JOHN MATHER: In Mr. Milanovic's
14 email, he says in the second paragraph:

15 "Our facilities are your flagship
16 buildings when it comes to arenas
17 and pools. The groups that I tour
18 through these facilities or that
19 call to inquire about them are
20 asking about the quality of
21 workmanship and the longevity of
22 materials used."

23 Starting with the first sentence, do
24 you agree with Mr. Milanovic that the pool and arena
25 are the Sprung and/or BLT's flagship buildings for

1 arenas and pools?

2 MR. TOM LLOYD: Well, given that we
3 haven't built many more, yes, for arenas and pools.

4 MR. JOHN MATHER: And is it the case
5 in your understanding that a tour -- that Town staff
6 provide tours of the arenas and pools from time to
7 time?

8 MR. TOM LLOYD: Quite often they do.

9 MR. JOHN MATHER: Do you know if
10 that's done in response to requests from Sprung?

11 MR. TOM LLOYD: Yes. Well, I know
12 it's done in responses in respect of Sprung, and they
13 get called directly. Quite often from other
14 municipalities or groups.

15 MR. JOHN MATHER: And if we can scroll
16 up in the email. Sorry, to the top, and we see Mr.
17 Lloyd's response. You respond that you've spoken to
18 BLT and they're looking into this, and then you go on
19 to say:

20 "As you know, the Collingwood
21 Inquiry is starting next week, so
22 timing is not great."

23 What do you mean by the last part of
24 that?

25 MR. TOM LLOYD: Well, it just seemed

1 very ironic to me, in my personal opinion -- and I'm
2 speaking for Tom, not anyone else, not Sprung, not
3 anyone -- that days before the Inquiry kicks off, the
4 first I hear, me personally or BLT, about an issue
5 that they believe to be poor-quality tile, when we
6 have never heard an issue about quality once in seven
7 (7) years -- this is -- the pool has now been open for
8 well over seven (7) years and operating full-time.
9 How do we know, as it was raised, that it wasn't bad
10 mopping, it wasn't vandalism? It just -- it just
11 seemed the timing was very odd.

12 MR. JOHN MATHER: One (1) more
13 document that I'm going to take you to related to
14 this, and that will end my examination. TOC600372.

15

16 (BRIEF PAUSE)

17

18 MR. JOHN MATHER: This is a staff
19 report that was presented to Council on September
20 16th, 2019, dealing with the tiling issues that were
21 the subject of the email that we just looked at. If
22 we could scroll down.

23 And in the box highlighted Amendments,
24 the staff report lists the total value of unplanned
25 expenditures at the pool, and in that list, the final

1 item is the change room tile repairs we understand it
2 that we just discussed. My question for you is: Were
3 you aware of the items listed above that?

4 MR. TOM LLOYD: I was not.

5 MR. JOHN MATHER: Those are my
6 questions.

7 THE HONOURABLE FRANK MARROCCO: Yeah.
8 We -- we'll take ten (10) minutes or so, and then --
9 and then we'll -- the questioning's not over yet. The
10 other lawyers will have to ask you some questions, but
11 what I intend to do is I intend to sit late. I'd like
12 you to complete your evidence today if you can.

13 MR. TOM LLOYD: I'd love to.

14 THE HONOURABLE FRANK MARROCCO: Yeah,
15 I figured that's right. Well, we'll see how that
16 works out.

17 MR. TOM LLOYD: As much as I love
18 being in Collingwood.

19 THE HONOURABLE FRANK MARROCCO: We'll
20 see how that works out.

21 MR. TOM LLOYD: Thank you, Sir.

22

23 --- Upon recessing at 3:17 p.m.

24 --- Upon resuming at 3:28 p.m.

25

1 THE HONOURABLE FRANK MARROCCO: Mr.
2 Chenoweth...?

3 MR. FREDERICK CHENOWETH: Thank you,
4 sir.

5

6 (BRIEF PAUSE)

7

8 CROSS-EXAMINATION BY MR. FREDERICK CHENOWETH:

9 MR. FREDERICK CHENOWETH: Mr. Lloyd,
10 my name is Chenoweth, Fred Chenoweth, and I act on
11 behalf of Mr. Houghton. A couple of little
12 clarification questions for you.

13 You spoke about the agreement that you
14 signed with BLT in or about February of 2012
15 describing -- which -- which laid out the terms of
16 your affiliation agreement, or partnership, or
17 whatever you wish to call it.

18 I -- I was wondering since 2012, has
19 there been any Sprung buildings that have been put up
20 by people other than BLT?

21 MR. TOM LLOYD: In --

22 MR. FREDERICK CHENOWETH: In Ontario?

23 MR. TOM LLOYD: Yes.

24 MR. FREDERICK CHENOWETH: And can you
25 give me any sense of -- of what percentage of Ontario

1 Sprung buildings that have been put up had been put up
2 by BLT as opposed to other contractors?

3 MR. TOM LLOYD: In the last seven (7)
4 years, I'm going to say eight (8) out of ten (10) are
5 put up by BLT.

6 MR. FREDERICK CHENOWETH: Thank you.
7 That's...

8

9 (BRIEF PAUSE)

10

11 MR. FREDERICK CHENOWETH: You
12 mentioned procurement in your remarks to My Friend,
13 Inquiry counsel. And I just want a bit of a
14 clarification as to what the nature of the procurement
15 process is you're talking about.

16 I think you indicated that there was
17 approximate forty (40) to fifty (50) procurement
18 processes that Sprung was involved in -- in 2010 to
19 2012. I think you indicated it may be something like
20 approximately one (1) a month.

21 Are these RFPs you're talking about, or
22 what's -- what's the nature of the -- of the
23 procurement process?

24 MR. TOM LLOYD: I believe that was the
25 question I was asked. They were RFPs, yes.

1 MR. FREDERICK CHENOWETH: Good. You
2 mentioned that you've had some experience with sole
3 sourcing --

4 MR. TOM LLOYD: M-hm.

5 MR. FREDERICK CHENOWETH: -- and from
6 time to time, Sprung buildings are sole sourced. You
7 mentioned that the federal government has done sole
8 sourcing with Sprung?

9 MR. TOM LLOYD: Yes.

10 MR. FREDERICK CHENOWETH: I'm
11 interested in learning a bit more about that, and -- I
12 don't know, since 2010 or something of that nature,
13 how many -- how many buildings would you say the
14 federal government has sole sourced with Sprung, if
15 you can assist?

16 MR. TOM LLOYD: I -- I'll try to
17 assist. I'm going to say thirty (30) plus.

18 MR. FREDERICK CHENOWETH: Thank you.
19 And what's the nature of the -- of the buildings that
20 they've sole sourced?

21 MR. TOM LLOYD: Quite a few different
22 ones, everything from garages, to some with offices,
23 storage type buildings --

24 MR. FREDERICK CHENOWETH: So a variety
25 of --

1 MR. TOM LLOYD: -- insulated -- non-
2 insulated, all sorts of different applications.

3 MR. FREDERICK CHENOWETH: Thank you.
4 So a variety of different kinds of buildings and
5 applications?

6 MR. TOM LLOYD: Correct.

7 MR. FREDERICK CHENOWETH: Very good.
8 You mentioned that there was other fabric bidders
9 involved in some of the procurement processes that
10 you've described as RFPs that your organization was
11 involved in. You mentioned -- one (1) of the names
12 you mentioned was MegaDome.

13 And can you give me some sense of the -
14 - the differences that might exist between a -- a
15 MegaDome structure and your Strung (sic) structures?

16 MR. TOM LLOYD: Well, MegaDome uses --
17 MegaDome and most of them use tubular -- meaning
18 hollow tube -- steel frames that are assembled and
19 welded together on site.

20 MR. FREDERICK CHENOWETH: Why -- why
21 is that -- is that different than what Sprung uses,
22 obviously, with their aluminum structures?

23 MR. TOM LLOYD: Right. We use solid
24 grade aluminum.

25 MR. FREDERICK CHENOWETH: And what are

1 the advantages in the solid grade aluminum?

2 MR. TOM LLOYD: Well, first of all,
3 there's no welding spots on the -- on the -- in the
4 buildings, therefore they're bolted together. They
5 are designed for a high wind and snow load, so they
6 flex in a storm. There's good examples that with the
7 two (2) structures we have here. And we have never
8 had a collapse, and that's not the case for any of our
9 competitors --

10 MR. FREDERICK CHENOWETH: And you --

11 MR. TOM LLOYD: -- some of which have
12 only been in business a few years.

13 MR. FREDERICK CHENOWETH: Thank you.
14 And you attribute that in part, I take it, from the
15 aluminum uni-structures that you use, as opposed to
16 the tubular steel models?

17 MR. TOM LLOYD: Partly. They also
18 wrap the membrane around the outside of their beams,
19 whereas we build a channel in our beams, so the
20 membrane fits in, and then gets tension vertically and
21 horizontally, completely unique to anything else in
22 the marketplace. So the membrane on competitors will
23 loosen over time, and when wind gets in, it can rip it
24 off.

25 MR. FREDERICK CHENOWETH: And that's

1 part of the Tedlar patented system, I take it?

2 MR. TOM LLOYD: No, that's part of our
3 patent in general. Tedlar is a product --

4 MR. FREDERICK CHENOWETH: Okay.

5 MR. TOM LLOYD: -- made by DuPont that
6 coats the -- it's a coating on the membrane. It's
7 part of the actual membrane.

8 MR. FREDERICK CHENOWETH: Okay. A
9 coating. And how about -- we were talking about
10 MegaDome. How about their membrane? What is the
11 situation with that?

12 MR. TOM LLOYD: In be -- you'll have
13 to be -- if you don't mind clarifying?

14 MR. FREDERICK CHENOWETH: Yeah, well,
15 what's -- I understand they have an 18 ounce membrane?

16 MR. TOM LLOYD: Yeah, I mean, an
17 ounce -- an ounce -- it gets very misleading, the
18 thickness of the membrane. It's really the strength
19 of how it's built.

20 MR. FREDERICK CHENOWETH: Yes.

21 MR. TOM LLOYD: And without getting
22 into any -- too technical with you, ours is a -- a
23 unique arrangement we have with Seaman's in Wooster,
24 Ohio, that's helped us design it, and they -- it's
25 only sold to Sprung Structure.

1 They do sell membrane to others, but
2 ours is far stronger, and they will -- as they will
3 tell you, very much so superior.

4 MR. FREDERICK CHENOWETH: And is -- is
5 that membrane advantage an advantage you believe you
6 have over, in fact, all of your other competitors?

7 MR. TOM LLOYD: That's one (1) of the
8 many.

9 MR. FREDERICK CHENOWETH: Thank you.
10 And the aluminum situation is also one (1) of the
11 many, your aluminum structure?

12 MR. TOM LLOYD: Yeah, I'm -- I'm in
13 sales, so I'm going to say it's an absolute advantage
14 to the -- from the engineering side. From -- as a
15 sales guy, it makes us more expensive, so.

16 MR. FREDERICK CHENOWETH: Right.

17 MR. TOM LLOYD: Tougher to compete.

18 MR. FREDERICK CHENOWETH: Yes. And I
19 get the impression that there's a difference in the
20 guarantees that are offered by Sprung in MegaDome?

21 MR. TOM LLOYD: Totally.

22 MR. FREDERICK CHENOWETH: And do you
23 have any sense of the -- the length of the guarantees
24 offered by MegaDome versus the length of your
25 guarantee?

1 MR. TOM LLOYD: Well, our guarantee
2 for the aluminum is fifty (50) years, and for the
3 membrane is twenty-five (25), in the case of these
4 ones, and what they are, I -- I've heard all sorts of
5 different stories, but I -- in 2012 I had a rough
6 idea. It was on that spreadsheet.

7 MR. FREDERICK CHENOWETH: Thank you.
8 Do you -- is it your thought that your guarantee is a
9 competitive advantage for you with respect to your
10 competitors, or at least was in 2010/2012?

11 MR. TOM LLOYD: Definitely. And as
12 is, you know, our customer testimonials. We've been
13 around a long time. We're a hundred and thirty-three
14 (133) year old company now.

15 MR. FREDERICK CHENOWETH: Very good.
16 You mentioned that -- I -- I -- and I'm -- I'm
17 focusing, really, on one (1) organization, really, to
18 bring out in general terms the differences. You
19 mentioned insulation being one (1) of the differences
20 between yourself and your competitors.

21 MR. TOM LLOYD: M-hm.

22 MR. FREDERICK CHENOWETH: Is that
23 correct?

24 MR. TOM LLOYD: Correct.

25 MR. FREDERICK CHENOWETH: And tell me

1 if you would, briefly, the nature of the difference in
2 the insulation situation that you have as opposed to
3 MegaDome and other of your competitors.

4 MR. TOM LLOYD: Well, at the time, we
5 were the only one that -- that built structures
6 designed for installation. The competitors were
7 building structures that were -- insulation was an
8 aftermarket -- market product that a reseller would
9 source out and do for them.

10 We worked very closely with Johns
11 Manville, and I can tell you a lot of res -- research
12 and development went into the Sprung for the
13 insulation.

14 MR. FREDERICK CHENOWETH: And does
15 your insulation advantage give you -- what kind of
16 advantages does it give Sprung over MegaDome and your
17 other competitors?

18 MR. TOM LLOYD: Cust --

19 MR. FREDERICK CHENOWETH: I'm assuming
20 'R' factor is one (1) of those, but tell me what
21 others there might be.

22 MR. TOM LLOYD: Our -- well, energy
23 value in total is a -- is a huge one for customers
24 that are looking at the cost of -- the life cost of a
25 building as part of their purchase. We have a

1 significant advantage because of our energy value,
2 which is partly because of the insulation, as well as
3 the fact there's no air pockets. There's no mold.
4 There's no water issues you need to be concerned about
5 with the Sprung structure.

6 MR. FREDERICK CHENOWETH: Thank you.
7 So I take it that -- is there any of your competitors
8 that, from the manufacturer, match your -- your 'R'
9 factor that you're able to develop in your buildings?

10 MR. TOM LLOYD: The last we were told
11 to this day is not even steel buildings can come close
12 to our energy efficiency.

13 MR. FREDERICK CHENOWETH: Good. And
14 you mentioned mold, et cetera. And you mentioned the
15 Ted Reeve arena --

16 MR. TOM LLOYD: M-hm.

17 MR. FREDERICK CHENOWETH: -- which I
18 take it was -- that -- is that a fabric structure?

19 MR. TOM LLOYD: That was a Cover-All.

20 MR. FREDERICK CHENOWETH: A Cover-All.
21 Okay. Does that mean it's covered in fabric?

22 MR. TOM LLOYD: Sorry, Cover-All is
23 the manufacturer.

24 MR. FREDERICK CHENOWETH: Very good.
25 Yes, thank you.

1 MR. TOM LLOYD: And they are now known
2 as Britespan or Norseman, depending on who you talk
3 to.

4 MR. FREDERICK CHENOWETH: All right.

5 MR. TOM LLOYD: And that insulation,
6 when we looked -- when the arena manager took us there
7 and opened it up, was newspaper and -- what do you
8 call it -- air -- what are those things called --
9 bubble -- bubble wrap.

10 MR. FREDERICK CHENOWETH: Bubble wrap.

11 MR. TOM LLOYD: Newspaper --
12 newspaper and bubble wrap was jammed between the
13 liners.

14 MR. FREDERICK CHENOWETH: Okay. And I
15 take it with -- with an aftermarket application of
16 insulation, that's one (1) of the things that you
17 might well be concerned about by using an aftermarket
18 product?

19 MR. TOM LLOYD: Absolutely.

20 MR. FREDERICK CHENOWETH: And that --
21 that led to, I think, a condition at the Ted Reeve
22 Arena that -- that you, I think, described earlier in
23 your evidence, a mold condition?

24 MR. TOM LLOYD: The -- the arena
25 manager showed me all the black mold in there. It was

1 not -- not a pretty sight and not a very nice smelling
2 building.

3 MR. FREDERICK CHENOWETH: All right.
4 Thank you. And what did that lead to in terms of the
5 prospect of the utility of that building on an ongoing
6 basis, that mold problem?

7 MR. TOM LLOYD: I'm not sure what
8 they've done about it since. At the time they were
9 debating -- one (1) of the many reasons we were there
10 was they were looking at taking it down and replacing
11 it with a Sprung.

12 MR. FREDERICK CHENOWETH: Thank you.
13 It's not my purpose to go through all of your
14 competitors, but is it fair to say that the kinds of
15 differences you describe between Strung -- between
16 Sprung and your other competitors are -- are typical
17 of the manner in which Sprung competes with others in
18 the market?

19 MR. TOM LLOYD: Sorry, I need that
20 question clarified, if you don't mind.

21 MR. FREDERICK CHENOWETH: Well, is --
22 the differences that we've talked about between Sprung
23 and MegaDome, are those kinds of differences, the --
24 the aluminum versus the steel, the --

25 MR. TOM LLOYD: Yes.

1 MR. FREDERICK CHENOWETH: --
2 insulation versus the aftermarket, the -- the choice
3 of membrane, the guarantees. Are these the kinds of
4 things that -- that you feel Sprung competes better
5 with your competitors than others do?

6 MR. TOM LLOYD: Yes.

7 MR. FREDERICK CHENOWETH: Thank you.
8 I'm going to turn now to the July 11th meeting that
9 you appear to have had with -- with the Mayor, with
10 the Deputy Mayor, and others from what you from time
11 to time described as the task team or the EMC.

12 And that you mentioned that at some
13 time there was some discussion at various meetings
14 about a frustrating history that had occurred prior to
15 the time that you got involved with the Town, i.e.,
16 their inability to move the arena and swim situation
17 forward to a result for the town people.

18 Was the frustration that you've
19 described one (1) of the things that was heard by you
20 in the meeting with the Mayor and Deputy Mayor and
21 others on July 11th?

22 MR. TOM LLOYD: Yes.

23 MR. FREDERICK CHENOWETH: Thank you.
24 You mentioned I think two (2) things that you were
25 hearing from the people at the Town that you were

1 chatting with.

2 The second thing I understand you
3 mentioned was a wish to move quickly and the prospect
4 that maybe there might be a -- an RFP or something of
5 that nature with specific specs set out in that RFP.
6 Is that -- is that correct?

7 MR. TOM LLOYD: Yes.

8 MR. FREDERICK CHENOWETH: Had you
9 heard that?

10 MR. TOM LLOYD: Yes.

11 MR. FREDERICK CHENOWETH: And was that
12 the kind of thing that you heard at the July 11th
13 meeting with -- with the mayor and with the Deputy
14 Mayor?

15 MR. TOM LLOYD: I don't -- I don't
16 believe we discussed that specific. We didn't get
17 into those sort of specifics in that meeting.

18 MR. FREDERICK CHENOWETH: Very good.
19 All right. Maybe you can assist me, if you would,
20 moving on to another area.

21 We were talking about a LEED silver
22 shadow building.

23 MR. TOM LLOYD: M-hm.

24 MR. FREDERICK CHENOWETH: And you were
25 kind enough to explain exactly what that was in the

1 evidence that was led by Inquiry counsel. And as I
2 understand it, that's a LEED silver building without
3 having taken the trouble and gone to the expense of
4 getting a certification to that effect. Is that
5 correct?

6 MR. TOM LLOYD: The -- the existing
7 structures are LEED silver. Is that what you said?

8 MR. FREDERICK CHENOWETH: No. You
9 talked about a LEED silver shadow building, and I'm
10 trying to understand what that phrase means, because
11 we've had a series of phrases that we've been
12 applying.

13 MR. TOM LLOYD: It's terms -- it's a
14 term used by facility people regarding not spending
15 the money to actually get certified, so you shadow the
16 -- the LEED program.

17 MR. FREDERICK CHENOWETH: Yes.

18 MR. TOM LLOYD: And that's the term
19 they use, shadow it, so build to the same sim --
20 similar standards but don't go to the work of -- and
21 expense of getting it actually certified.

22 MR. FREDERICK CHENOWETH: Thank you.
23 And as I understand it, that would apply to the Sprung
24 structure, for a start.

25 MR. TOM LLOYD: M-hm.

1 MR. FREDERICK CHENOWETH: And in
2 addition it would apply to the facilities that you put
3 inside that Sprung structure.

4 MR. TOM LLOYD: My understanding was
5 everything going inside the Sprung was to -- was to
6 try to be LEED silver shadowed, yes.

7 MR. FREDERICK CHENOWETH: Talk about -
8 - when you talk about the Sprung, you're talking about
9 the Sprung buildings that were erected in Collingwood.

10 MR. TOM LLOYD: Yes.

11 MR. FREDERICK CHENOWETH: Right. Have
12 you -- have you heard the phrase "LEED equivalent"?

13 MR. TOM LLOYD: Same idea, I believe,
14 as LEED shadowing. It's -- but I have heard it, yes.

15 MR. FREDERICK CHENOWETH: All right.
16 Is that -- is that -- do you use the phrase "LEED
17 equivalent" in your discussions with -- with potential
18 clients?

19 MR. TOM LLOYD: I've heard it but most
20 times it's referred to as LEED shadowing.

21 MR. FREDERICK CHENOWETH: And in 2010,
22 2012, did you have occasion to discuss with the Town
23 the prospect that the buildings they were erecting
24 could be a LEED shadow building?

25 MR. TOM LLOYD: Yes.

1 MR. FREDERICK CHENOWETH: Thank you.

2

3 (BRIEF PAUSE)

4

5 MR. FREDERICK CHENOWETH: You
6 mentioned that you had had discussions with the Town
7 about the Sprung shield.

8 MR. TOM LLOYD: Yes.

9 MR. FREDERICK CHENOWETH: And those
10 discussions took place before August 27th?

11 MR. TOM LLOYD: Yes.

12 MR. FREDERICK CHENOWETH: All right.
13 And I think you indicated that -- that the Town chose
14 for matters of budget not to use the Sprung Shield in
15 the buildings it was purchasing?

16 MR. TOM LLOYD: Correct.

17 MR. FREDERICK CHENOWETH: All right.
18 And I think you indicated, if I've got it right, that
19 it's infrequent or there really isn't very many
20 buildings that have actually gone to the trouble of
21 purchasing the Sprung Shield optional product. Is --

22 MR. TOM LLOYD: That's --

23 MR. FREDERICK CHENOWETH: -- that
24 fair?

25 MR. TOM LLOYD: -- very fair.

1 MR. FREDERICK CHENOWETH: How many do
2 you -- how many are you aware of that have gone to the
3 trouble to purchase the Sprung shield product?

4 MR. TOM LLOYD: Oh, we have one (1)
5 building in my region since I've been here that's put
6 up a Sprung shield.

7 MR. FREDERICK CHENOWETH: Thank you.
8 I take it, however, that in their considerations they
9 decided to do something else, and you mentioned this
10 through the course of your evidence in-chief and I'd
11 not heard it before, they -- they chose some sort of
12 improved security system or security system of some
13 kind as an alternative to the shield.

14 MR. TOM LLOYD: Correct.

15 MR. FREDERICK CHENOWETH: And can you
16 tell me something of what they chose in that respect?

17 MR. TOM LLOYD: I don't know much
18 about it other than it's cameras on the exterior and
19 alarm systems.

20 MR. FREDERICK CHENOWETH: Thank you.
21 And that was designed to deal with the pros -- with
22 prospects of a break-in and other matters, I take it,
23 was it?

24 MR. TOM LLOYD: It was.

25 MR. FREDERICK CHENOWETH: All right.

1 Now, you mentioned that you'd had a discussion at the
2 July 11th meeting that Sprung representatives had with
3 -- with the Mayor and the Deputy Mayor and others on
4 the EMC. You mentioned that you had some discussions
5 about the steel buildings as -- as a -- as a possible
6 alternative.

7 MR. TOM LLOYD: That they had con --
8 yes, that steel was an option. Obviously pre-
9 engineered steel was a very popular style building.

10 MR. FREDERICK CHENOWETH: Yes.

11 MR. TOM LLOYD: But they weren't --
12 they weren't what the City (sic) wanted for these two
13 (2) applications.

14 MR. FREDERICK CHENOWETH: All right.
15 And did you -- as I under -- as I understand it from
16 what you've said, you took the trouble to offer to
17 them that you would take them to some steel buildings
18 and -- and show them what you regarded as the
19 potential downfalls of that utility?

20 MR. TOM LLOYD: I don't think I quite
21 said that, but I probably --

22 MR. FREDERICK CHENOWETH: Okay, but
23 you did say that --

24 MR. TOM LLOYD: -- did say it to the
25 City (sic) that there are examples of pools, in

1 particular, in Ontario that were built when steel
2 structures, and they have serious problems.

3 MR. FREDERICK CHENOWETH: All right.
4 And what was the nature of the problems that -- and
5 I'm thinking now specifically about the July 11th
6 meeting and what you might have told to those that
7 were assembled at that meeting -- what would you've
8 told those at the July 11th meeting about the problems
9 that a pool might run into if they chose to use a
10 steel building?

11 MR. TOM LLOYD: If we discussed it at
12 that meeting, it would have been the heat and humidity
13 factors in the -- for -- again -- against the steel
14 itself, along with the chemicals in a pool that will
15 cause corrosion of the steel.

16 MR. FREDERICK CHENOWETH: You
17 expressed that concern to those gathered at that
18 meeting?

19 MR. TOM LLOYD: Well, I had said it's
20 a consideration for -- it's -- it's something that
21 needs to be considered, a structure that can handle
22 all those elements.

23 MR. FREDERICK CHENOWETH: Moving on to
24 one (1) other matter, you talked about the occasions
25 on which you met with Abby Stec and others at Green

1 Leaf, and I think you talked about a -- a July 11th
2 a.m. meeting you had, with a p.m. meeting that took
3 place with the Town, the afternoon meeting. You
4 talked about July 27th meeting. You talked about the
5 fact that there was discussions during those meetings
6 on a -- on a bit of a level about doing other projects
7 in -- in other areas.

8 Was that one (1) of the focuses of the
9 meetings?

10 MR. TOM LLOYD: That didn't come up
11 until after Green Leaf met with BLT.

12 MR. FREDERICK CHENOWETH: All right.
13 And tell me what the nature of the discussions were in
14 that respect after Green Leaf met with BLT.

15 MR. TOM LLOYD: Well, most of the
16 discussions -- they really weren't. It's like BLT had
17 decided Green Leaf would ask me. I think Green Leaf
18 will be a great addition to us and help us get into
19 other communities as well as assist with the
20 Collingwood projects.

21 MR. FREDERICK CHENOWETH: Thank you.
22 You indicated that there was a conversation had with -
23 - with someone, I think you said you weren't sure who,
24 prior to the August 27th Council meeting, and you said
25 that in that conversation, there was some discussion

1 about the prospect of -- of the project being sole-
2 sourced.

3 MR. TOM LLOYD: Yes.

4 MR. FREDERICK CHENOWETH: And I think
5 you indicated that -- I just want to make sure I've
6 got it right -- that you don't have a recollection -- a
7 recollection of who you had that conversation with.

8 MR. TOM LLOYD: No, other than an --
9 and are you authorized within your bylaws to do that?
10 Yes, was the answer.

11 MR. FREDERICK CHENOWETH: Thank you.
12 Your Honour, I think those are all the questions I
13 have of this witness. Thank you.

14 THE HONOURABLE FRANK MARROCCO: Thank
15 you, Mr. Chenoweth. Mr. Marron...?

16 MR. GEORGE MARRON: I have no
17 questions. Thank you.

18 THE HONOURABLE FRANK MARROCCO: All
19 right. Mr. Trudell...? Mr. Neubauer?

20 MR. ERIC NEUBAUER: Yes, very briefly.

21

22 CROSS-EXAMINATION BY MR. ERIC NEUBAUER:

23 MR. ERIC NEUBAUER: Thank you, Mr.

24 Lloyd. So you've alluded to this previously in your
25 evidence, but if you could just make absolutely clear

1 now, do you have a continuing relationship with BLT,
2 and how would you describe it? Is it ongoing and
3 positive?

4 MR. TOM LLOYD: We have a very
5 positive continuing agreement; in fact, as we --
6 during my breaks, I'm responding about a purchase
7 order for a Canadian Nuclear Laboratories that BLT
8 will be installing.

9 MR. ERIC NEUBAUER: And can you speak
10 to some of the ongoing projects that you have, a
11 recent project specifically with municipalities?

12 MR. TOM LLOYD: There's lots of
13 ongoing ones. That one just closed, I'm excited to
14 announce. The other ones -- last year, we built,
15 sole-sourced, from the City of Toronto -- a sole-
16 source directly to Sprung/BLT team -- three (3)
17 respite centres, each housing over 100 homeless folks,
18 with full washrooms, kitchenette -- kitchenette, the
19 whole kit and caboodle; and BLT did it from start to
20 finish, including the ground prep and more. And the
21 City, I can tell you, from the top down, is ecstatic
22 with the quality and have been a great reference for
23 us.

24 MR. ERIC NEUBAUER: Thank you. Those
25 are all our questions.

1 THE HONOURABLE FRANK MARROCCO: Mr.
2 Bonwick...?

3

4 (BRIEF PAUSE)

5

6 MR. PAUL BONWICK: Thank you, Your
7 Honour.

8

9 CROSS-EXAMINATION BY MR. PAUL BONWICK:

10 MR. PAUL BONWICK: Mr. Lloyd, for the
11 record, my name's Paul Bonwick, and I'm a participant
12 here at the hearing. Firstly, let me thank you very
13 much for making time available. I'm not sure you had
14 a choice, but...

15 MR. TOM LLOYD: It's my pleasure to be
16 here.

17 MR. PAUL BONWICK: But irrespective of
18 how you got here, I -- I think the time that you're
19 providing to us and the information you're providing
20 to us is enormously helpful, certainly from my end.
21 I did just want to address a couple of issues before
22 we -- before we got underway into some of the evidence
23 in-chief you provided.

24 Just to clarify, Mr. Lloyd, have we had
25 any communication whatsoever over the past five (5)

1 years related to the matter before the Inquiry?

2 MR. TOM LLOYD: In the last five (5)
3 years?

4 MR. PAUL BONWICK: Yes.

5 MR. TOM LLOYD: Not that I can
6 remember.

7 MR. PAUL BONWICK: Have we had any
8 discussion -- maybe I'll shortcut up. Well, I think
9 that answers the question. I appreciate the fact that
10 that's going -- going back some time.

11 Mr. Lloyd, yesterday we had an
12 opportunity to hear testimony and have some cross-
13 examination, and during that period of time, I had the
14 -- I brought up some information from the Sprung
15 website. I'm sure I don't need to bring it up again,
16 but if you want me to, I can. I'm going to speak to
17 that for just a couple of minutes here.

18 Sprung has been in business, as you
19 just stated, for approximately 133 years.

20 MR. TOM LLOYD: Correct.

21 MR. PAUL BONWICK: You've been with
22 Sprung for somewhere in the neighbourhood of ten (10)
23 of those years.

24 MR. TOM LLOYD: Yes.

25 MR. PAUL BONWICK: Could you please

1 describe the culture, the management culture, within
2 the Sprung organization.

3 MR. TOM LLOYD: It's a very -- it's a
4 family. It's a -- moving into the fifth generation of
5 Sprungs. It is founded by a Sprung, hence the name.
6 It is run by the Sprungs. Mostly, it is owned 100
7 percent by the Sprung family. The culture is -- is
8 one of longevity employees. We have many employees
9 over 30 years. We have many employees that are
10 getting close to 50 years, shockingly enough. They
11 don't want to leave, and we're glad -- glad for that.

12 It's -- it's a company that -- most
13 people think we're huge because we make big buildings,
14 but we're actually a very small company, and we run
15 like a small company. So we're also -- there's a lot
16 of -- the word nepotism's not right, but there's a lot
17 of friends of friends of friends referred and work in
18 Sprung, including people like myself.

19 THE HONOURABLE FRANK MARROCCO: I
20 don't --

21 MR. TOM LLOYD: Does that help?

22 THE HONOURABLE FRANK MARROCCO: I
23 don't think nepotism was the word you were looking
24 for, but I have -- I have your point.

25 MR. PAUL BONWICK: You've thrown me

1 off.

2

3 (BRIEF PAUSE)

4

5 CONTINUED BY MR. PAUL BONWICK:

6 MR. PAUL BONWICK: So in that 130
7 years, without stating the -- the obvious, I'm going
8 to assume that the relationship you have with your
9 customers and that the reputation that you need to be
10 -- that you need to maintain as a company is of
11 paramount importance.

12 MR. TOM LLOYD: Paramount.

13 MR. PAUL BONWICK: Is there anything
14 that takes priority over the relationship you have
15 with your customers?

16 MR. TOM LLOYD: That's an interesting
17 question, and I would say that's my number one
18 priority. That's why last night, I was serving an
19 existing customer with BLT.

20 MR. PAUL BONWICK: And so following
21 that -- that train, you've commented that you've got a
22 longstanding relationship with BLT, correct?

23 MR. TOM LLOYD: Yes.

24 MR. PAUL BONWICK: And can you comment
25 on your experience as it relates to the culture at

1 BLT?

2 MR. TOM LLOYD: Sure. I think they're
3 a -- they're a very easy company to work with. They
4 are very similar to us in that they very much care
5 about their existing customers, which is why so many
6 of their existing customers keep using them to grow.

7 And they've got long-term customers
8 given the length of their company that is very
9 admirable.

10 MR. PAUL BONWICK: And so, in your
11 experience with these several dozen buildings that
12 have been erected in partnership or in alliance with
13 BLT, would you say, by and large, that the jobs have
14 been done to a level that satisfies the end user?

15 MR. TOM LLOYD: Absolutely.

16 MR. PAUL BONWICK: You've alluded to
17 or spoken about interactions with municipal staff and
18 some elected officials in the Town of Collingwood.
19 I'm wondering -- I'm going to focus in first and
20 foremost on the staff.

21 And so, for the purposes of the
22 Hearing, we're referring to is as an executive
23 management te -- committee, I believe. And then
24 beyond the executive management committee there was
25 people in what I think would be fair to call mid-level

1 management that were tasked with specific
2 responsibilities as they looked at their recreational
3 options.

4 In your meetings with the various
5 individuals, whether they be Mr. Seymour, and I'll
6 miss some I'm sure, but Mr. McNalty, Mr. Houghton, Ms.
7 Almas, Ms. Leonard, I'm not sure if I'm missing
8 anybody, but irrespective if I did, how did you find
9 these employees conducted themselves?

10 Were they professional? Were they
11 collegial? Were they abrasive? How -- what was the
12 overall environment? How did you find working with
13 these people and communicating with them?

14 MR. TOM LLOYD: I found the overvall -
15 - overall environment to be very good.

16 MR. PAUL BONWICK: Thank you. Seemed
17 to cooperate well together, communicate well together
18 based on what you witnessed?

19 MR. TOM LLOYD: Based on what I
20 witnessed, absolutely.

21 MR. PAUL BONWICK: Seemed to be -- and
22 seemed to be very, very much interested in providing
23 the best possible service and product for the
24 residents of Collingwood?

25 MR. TOM LLOYD: Definitely.

1 MR. PAUL BONWICK: You have provided
2 some background in terms of how we come -- came to
3 meet each other. You, I think, mentioned that you had
4 a previous relationship with Ms. Stec, from the Pretty
5 River Academy, a private school just out the highway,
6 and that, as a result of those interactions, I believe
7 Ms. Stec became manufacturers rep --

8 MR. TOM LLOYD: Correct.

9 MR. PAUL BONWICK: -- for -- for
10 Sprung? You mentioned that Mr. Lloyd had spoken
11 highly of me in terms of his opinions as you were
12 moving forward?

13 MR. TOM LLOYD: Correct.

14 MR. PAUL BONWICK: You mentioned a
15 long history in the area, from your family skiing here
16 and friends and family, your mom living up -- or your
17 mother-in-law -- or Godmother, I think it was, living
18 up here.

19 MR. TOM LLOYD: Godmother. Still is.

20 MR. PAUL BONWICK: Good. God bless.
21 The -- generally speaking, and -- and please speak
22 freely, what was the feedback that you received as you
23 were making inquiries about me?

24 MR. TOM LLOYD: Well, speaking freely,
25 a lot of the people I spoke to didn't know who you

1 were.

2 MR. PAUL BONWICK: Might explain why I
3 was fired in 2010.

4 THE HONOURABLE FRANK MARROCCO: I
5 guess a little shorter examination than perhaps you
6 anticipated.

7 MR. PAUL BONWICK: Nobody knows you.

8 MR. TOM LLOYD: I heard nothing
9 negative other than not sure who he is.

10

11 CONTINUED BY MR. PAUL BONWICK:

12 MR. PAUL BONWICK: Thank you. But
13 through your research specific to me, you were aware
14 of the fact that I did serve on municipal council?

15 MR. TOM LLOYD: Correct.

16 MR. PAUL BONWICK: You were aware that
17 I served in Canada's Parliament for seven (7) years?

18 MR. TOM LLOYD: I was.

19 MR. PAUL BONWICK: You were aware that
20 I had been appointed to the Privy Council by the prime
21 minister?

22 MR. TOM LLOYD: Probab -- I -- I might
23 have. I can't remember now.

24 MR. PAUL BONWICK: Okay. I'm simply
25 going down a path to give some sense of what your

1 impression was as it related to my abilities and my
2 background.

3

4 (BRIEF PAUSE)

5

6 MR. PAUL BONWICK: I'd like to move
7 over to a -- clean up one (1) issue fairly quickly, I
8 -- I think, CJI0007113. Thank you.

9

10 (BRIEF PAUSE)

11

12 MR. PAUL BONWICK: Can you scroll
13 down, please? Sorry, "Good afternoon." Sorry, go
14 down a little further. We had this email up. I just
15 wanted to quickly refresh your memory on it, and the
16 discussion.

17 Well, to be clear, when you were having
18 the discussion with Mr. Houghton this day or the day
19 before, I was not present at that meeting?

20 MR. TOM LLOYD: You were not.

21 MR. PAUL BONWICK: Thank you. And so,
22 would you recall that, as a result of the phone call
23 and subsequent email, that I raised a concern that had
24 been expressed to me specific to your suggestion that
25 parts of this can be broken out if, in fact, the

1 municipality wants to.

2 And I'm wondering if you recall the
3 discussion about they seemed to be in a path where
4 they're looking for a turnkey operation versus
5 purchasing the Strung -- Sprung structure separately
6 or the Zamboni separately or the signs separately,
7 things that, in all fairness to BLT, could have saved
8 them some money.

9 I'm not sure I like your comparison
10 about they only wanted one (1) throat to be able to
11 grab, but I think the issue was confusing in terms of
12 they felt that having one (1) point of contact on a
13 turnkey operation made a lot more sense than ordering
14 a sign, a Zamboni, the roof structure, things that
15 might not be related to the standard construction of -
16 - of a company like BLT.

17 MR. TOM LLOYD: A hundred percent. I
18 was only trying to offer Ed an opportunity -- or make
19 sure Ed was clear of my relationship with BLT,
20 Sprung's relationship with BLT and that they were fine
21 with that.

22 MR. PAUL BONWICK: Thank you. Could I
23 bring up document CJI0011234? And I'll maybe go to
24 the point you raised about, through your various
25 contacts, being familiar with the history of

1 Collingwood as it related to recreational facilities,
2 whether they be refurbishing or the intention to buy
3 new ones over a course of twenty (20) or thirty (30)
4 years.

5 But it's fair to say you were
6 reasonably well aware that the history had not been
7 tremendously successful as it related to delivering up
8 to the point you, BLT, and others became involved?

9 MR. TOM LLOYD: Correct.

10 MR. PAUL BONWICK: I don't need you to
11 read through this because it is several pages, but if
12 we go down to the -- if we go down to the second
13 paragraph. Keep going down to -- sorry, page 5. My
14 apologies.

15 Oh, okay. I could be -- sorry, page
16 22, paragraph 5. Thank you. Keep going down.
17 "Deputy Mayor Lloyd." Okay, good, there. There was a
18 'however' in there that just -- I'm going to pull a
19 paragraph out, the fifth paragraph down.

20 THE HONOURABLE FRANK MARROCCO: Do you
21 want it to go up a bit?

22 MR. PAUL BONWICK: I'm pointing in the
23 wrong direction, I think. Could you go -- thank you.
24 Now, could you drop down a little bit more, please?
25 How did we find it so easily yesterday?

1 THE HONOURABLE FRANK MARROCCO: I
2 thought it was near the bottom.

3 MR. JOHN MATHER: Is there specific
4 wording you're looking for?

5 MR. PAUL BONWICK: Yeah, it was -- I
6 mean, it's -- it's three (3) sentences. It's a quote
7 from the transcripts from the council meeting on July
8 the 16th, council transcript, and it starts with,
9 "Deputy Mayor Lloyd," and simply one (1) -- one (1)
10 paragraph out of his transcript.

11 "However, I realize that the people
12 of -- that the people want and in
13 fact deserve a new ice pad. And
14 they want and deserve and indoor six
15 (6) lane -- six (6) lane, 25-metre
16 pool, and I'm prepared to support
17 the additional operating costs of
18 those facilities."

19 If we move over to his last paragraph:
20 "As chair of finance, I do -- I
21 really would like to work with staff
22 and our CAO to come up with an
23 alternative.
24 I would like to see a report back to
25 our next council meeting, which is

1 July 30th, again to look at covering
2 our Centennial pool, a new ice pad,
3 and a new ice pad at Central Park."

4 Councillor Chadwick made the comment
5 that:

6 "Because we're not going ahead with
7 the full project, what we can do is
8 meet demands. We know that there's
9 a demand for ice time. We know
10 there's a demand for a pool."

11 Councillor West -- his first opening
12 sentence -- this is public:

13 "But we do have some urgencies right
14 now."

15 And he goes on to speak to his personal
16 experiences as his kids are in hockey.

17 Councillor Mike Edwards -- Councillor
18 Mike Edwards, his last sentence in a four (4)
19 paragraph summation:

20 "So why shouldn't we be giving them
21 something back that was an immediate
22 need? So I don't see anything wrong
23 in that."

24 Councillor Cunningham -- the last
25 sentence in the last paragraph:

1 "Mr. Lloyd is talking about giving
2 us instant access to a new arena at
3 expedition park --"

4 Which is Central Park if you weren't
5 aware of that, as I call it:

6 "-- leave the outside rink there and
7 enclose the pool, and it's a done
8 deal."

9 Councillor Kevin Lloyd -- his last
10 sentence in his last paragraph:

11 "Let's make some decisions, and
12 let's make this happen."

13 So I cite those examples, as I did
14 yesterday, to get your sense -- knowing the history of
15 Collingwood , knowing that -- and I should have asked
16 you this at the start. You'd be aware of the fact
17 that a new Council was elected in 2010?

18 MR. TOM LLOYD: (NO AUDIBLE RESPONSE)

19 MR. PAUL BONWICK: You'll be aware
20 that -- you have -- sorry -- you have to answer "yes"
21 or "no."

22 MR. TOM LLOYD: Oh, yes.

23 MR. PAUL BONWICK: You'll be aware of
24 the fact that a council term is four (4) years,
25 meaning municipal government --

1 MR. TOM LLOYD: Yes.

2 MR. PAUL BONWICK: -- fixed term? So
3 you'll be aware of the fact that three-quarters of the
4 way through the first year and well into the second
5 year, they were still grappling with how to deliver on
6 multi-use facilities or --

7 MR. TOM LLOYD: Yes.

8 MR. PAUL BONWICK: -- recreational
9 amenities? You're aware of that?

10 MR. TOM LLOYD: Yes.

11 MR. PAUL BONWICK: And so based on the
12 quotes that I provided out of transcript, can you
13 appreciate that they would want to deliver on
14 something very quickly, knowing that they only had
15 two (2) years left in their mandate or approximately
16 two (2) years left in their mandate?

17 MR. TOM LLOYD: Absolutely. And to
18 that point, may I add something that I should have
19 mentioned at the very beginning?

20 MR. PAUL BONWICK: Please.

21 MR. TOM LLOYD: My wife and I -- my
22 first wife and I actually split, and my wife moved to
23 Collingwood.

24 My son Adam played in Collingwood house
25 league hockey for about four (4) years, and I can't

1 tell you the number of times we couldn't play at this
2 arena 'cause we had to go to Thornbury or wherever
3 'cause there wasn't enough ice space.

4 So as a father, I personally
5 experienced the over demand for hockey in this city.

6 MR. PAUL BONWICK: Thank you. The --

7 MR. TOM LLOYD: That -- it could be
8 why it led to how long we've been trying to do this.

9 MR. PAUL BONWICK: Right. It's
10 interesting you speak to the -- I think you used the
11 word shock -- but shock and surprise of staff and
12 Council in terms of how quickly you could deliver.

13 Was that an accurate summation of what
14 you said earlier?

15 MR. TOM LLOYD: Yes.

16 MR. PAUL BONWICK: And so knowing
17 Councils had wrestled with this for arguably 20-plus
18 years, once again the ability to have a company like
19 Sprung -- a hundred and thirty (130) -- or at that
20 time, I guess, a hundred and twenty-five (125) year
21 running company in Canada with significant
22 relationships with many levels of government in the
23 private sector to be able to deliver that that
24 quickly, could you see how they might get excited
25 about the prospect of telling staff to get on the

1 bandwagon and do it quickly?

2 MR. TOM LLOYD: Absolutely.

3 MR. PAUL BONWICK: I'd like to go a
4 little bit to the history of our call -- our
5 introduction beyond Ms. Stec's first introduction to
6 us. And I think you dropped by the office, but I
7 couldn't really recall. I was trying my best. I do
8 recall a phone call.

9 Do you recall me covering off points
10 that I thought were very relevant from a municipal
11 council's consideration and subject to staff? And I'm
12 thinking about -- I remember having a discussion with
13 you -- and I'd like you to confirm, and if you don't
14 recall, please, by all means, do so. I think there
15 was four (4) points.

16 One (1) was the fact that this is a
17 patented, somewhat new technology or new approach in
18 terms of delivering buildings to municipal
19 governments, and as such, there would be a need to
20 demonstrate that it's not a tent, it's not a bubble,
21 that this is a quality piece of infrastructure.

22 Do you remember the conversation that
23 you need to be able to do that to these elected
24 officials and staff?

25 MR. TOM LLOYD: I do remember you

1 mentioning that, yes.

2 MR. PAUL BONWICK: Do you recall the
3 discussion we had with regards to the challenges
4 municipalities all across the province were facing as
5 a result of downloading as well as expanding services,
6 their limited financial capacity to address especially
7 recreational amenities within their communities?

8 MR. TOM LLOYD: Sounds familiar, yes.

9 MR. PAUL BONWICK: Do you remember
10 having a discussion about municipalities that were
11 under a population of a hundred thousand people and
12 the difficulty they have in terms of scope or breadth
13 of staff to take on major projects and in turn keeping
14 it a seamless -- I'll go back to your -- the one
15 throat policy -- but keeping it as seamless as
16 possible in terms of them buying into a solution
17 rather than creating something that's far more complex
18 and difficult to manage?

19 MR. TOM LLOYD: Yes.

20 MR. PAUL BONWICK: Do you recall
21 lastly about including that the discussion during the
22 time -- 2010, 2011, 2012 -- really across all levels
23 of governments, there was a very strong green
24 consideration, if I can use that -- LEEDs was one (1)
25 example and one (1) example only -- but recycling,

1 composting, solar. There was so many initiatives.
2 Governments were really trying to incorporate any kind
3 of green thumb or green approach with -- into their
4 buildings. Do you remember me speaking about that?

5 MR. TOM LLOYD: Vaguely.

6 MR. PAUL BONWICK: Okay. You spoke
7 about the synergies and so you referred to the history
8 of Green Leaf and Sprung and BLT. You talked about
9 your knowledge of some of the environmental
10 initiatives Green Leaf had underway. Correct?

11 MR. TOM LLOYD: Yes.

12 MR. PAUL BONWICK: You referred to
13 your history with Ms. Stec as a Sprung representative.
14 Correct?

15 MR. TOM LLOYD: Correct.

16 MR. PAUL BONWICK: You've commented on
17 having done some sort of background in terms of me or
18 establishing some credence towards my reputation as it
19 relates to being an active and productive team member.

20 And I think if I understood you
21 properly, you talked about Green Leaf and Sprung and
22 BLT potentially making a great team to deliver
23 something like Collingwood was doing to communities
24 all across Ontario and beyond.

25 MR. TOM LLOYD: Yeah. For a sports

1 and rec and other applications, yes.

2 MR. PAUL BONWICK: And so the
3 knowledge that you had about Green Leaf and the other
4 points that I covered off, do you recall me ever at
5 any time suggesting that Green Leaf shouldn't be the
6 company that's involved with Sprung and BLT as opposed
7 to my company that I spent more time with, which is
8 Compenso Communications?

9 MR. TOM LLOYD: No. I only remember
10 conversations around Green Leaf.

11 MR. PAUL BONWICK: We've had
12 significant discussion today about the sole sourcing,
13 and again, we understand -- I think we understand why
14 Council would be treating this as a top priority.
15 That's the political dynamic.

16 And I think we all recognize that
17 irrespective of the product that you deliver, process
18 is important, and so council's need to work within a
19 prescribed set of rules and process. Would -- you
20 would agree with that.

21 MR. TOM LLOYD: Yes.

22 MR. PAUL BONWICK: And so if staff --
23 they rely heavily on staff -- especially municipal
24 rule councils rely heavily on staff. Would you agree
25 with that? I think you --

1 MR. TOM LLOYD: Yes.

2 MR. PAUL BONWICK: -- suggested that
3 if you get staff onboard or the reports provide the
4 appropriate clarification or scope in terms of
5 recommendation, typically councils will quite often
6 buy in?

7 MR. TOM LLOYD: Correct. I did
8 mention that.

9 MR. PAUL BONWICK: Yeah. And so
10 obviously as the regional sales manager for Sprung,
11 you do believe in heart of hearts that Sprung is a
12 very unique Canadian product compared to any of its
13 so-called competitors.

14 MR. TOM LLOYD: Absolutely.

15 MR. PAUL BONWICK: Do you have any
16 doubt in your mind that Sprung -- and based on your
17 communications to staff -- that at that time, Sprung
18 was an entirely unique product for any number of
19 reasons and able to deliver on the needs of
20 Collingwood Council.

21 MR. TOM LLOYD: Absolutely. Still
22 believe it to this minute.

23 MR. PAUL BONWICK: Thank you.

24

25 (BRIEF PAUSE)

1 MR. PAUL BONWICK: During our
2 dealings, did you ever have cause -- directly or by
3 way of concerns brought forward by Collingwood staff,
4 elected officials, the BLT team, did anybody during
5 that entire period of time ever raise issue with
6 respect to my conduct being inappropriate in any way?

7 MR. TOM LLOYD: Never.

8 MR. PAUL BONWICK: We've seen
9 emails -- we've seen emails flying around by some of
10 the staff and -- 5:00, 7:00, 11:00, 7:00 in the
11 morning. I mean, it's -- it goes back to the point
12 that I was addressing with you earlier.

13 Have you ever witnessed a situation
14 where staff are that dedicated to trying to deliver on
15 Council's wishes?

16 MR. TOM LLOYD: Well, that's a tough
17 one. It's -- it was great to work with the Town of
18 Collingwood. But, I mean, to put it in perspective to
19 compare it to the City of Toronto -- with all due
20 respect to Toronto -- it's a huge animal.

21 So people here don't -- people here act
22 like they really -- not "act" -- perform like
23 they're -- they got a lot of -- there's a lot in it
24 for them. They wanted the structures.

25 MR. PAUL BONWICK: And --

1 MR. TOM LLOYD: They worked hard for
2 them.

3 MR. PAUL BONWICK: You'll excuse me
4 for bouncing around because the questions --

5 MR. TOM LLOYD: That's okay.

6 MR. PAUL BONWICK: -- we're going in.
7 So I'm just wanting to make sure I cover off --

8 MR. TOM LLOYD: I --

9 THE HONOURABLE FRANK MARROCCO: Well,
10 you know what, Mr. Bonwick, why don't we --
11 Mr. Breedon's got to come next. So why don't we take
12 ten (10) minutes, and I give you a chance to take a
13 look at your notes to make sure you've not missed
14 anything.

15

16 --- Upon recessing at 4:22 p.m.

17 --- Upon resuming at 4:31 p.m.

18

19 MR. PAUL BONWICK: Thank you for that
20 time, Your Honour. I have just a couple of short
21 points to make to conclude.

22

23 CONTINUED BY MR. PAUL BONWICK:

24 MR. PAUL BONWICK: Mr. Lloyd, you
25 referenced in earlier testimony the challenging

1 environment created by some as council was moving down
2 a path to choose something other than the \$35 million
3 facility -- or multi-use that was being proposed.

4 Did I understand you properly?

5 MR. TOM LLOYD: Yes.

6 MR. PAUL BONWICK: You referenced that
7 -- I think one (1) of them was that there was three
8 (3) Lloyds involved. And to -- to the judge's credit,
9 he clearly articulates that -- or clarifies that none
10 of them are in fact related.

11 But at the time, misinformation was
12 suggesting that in fact this was a family or related
13 measure. And in fairness, there was a lot of
14 misinformation circling at that point in time.

15 Is that a fair statement?

16 MR. TOM LLOYD: Definitely, throughout
17 the community.

18 MR. PAUL BONWICK: And so, between
19 those people that are very passionate about -- and
20 rightly so, about delivering on hard work of a \$35
21 million solution, and couple that with the
22 misinformation, the abi -- the inability really to get
23 out and talk one on one with -- with people, council,
24 would you agree, must have been feeling intense
25 pressure from the \$35 million group, if I can call

1 them that, to make a selection and move in that
2 direction versus something that was arguably a third
3 of the price.

4 Would you agree with that?

5 MR. TOM LLOYD: Definitely.

6 MR. PAUL BONWICK: Thank you. I want
7 to touch -- and I don't know that we've had anybody
8 that's had as much experience directly with municipal
9 councils and staff as you certainly in the last ten
10 (10) years, and so I think this will be extremely
11 helpful for the inquiry to understand.

12 In your experience, if government,
13 municipal government, chooses to go down a path
14 irrespective of their ability to sole source
15 something, if they choose to go down a path for a
16 Request For Proposals, would you agree that that
17 process can quite often take several months?

18 MR. TOM LLOYD: Oh, I've seen it take
19 a lot longer than that, but I'd say several months at
20 a minimum.

21 MR. PAUL BONWICK: Thank you. There
22 has -- earlier today there was some questions that you
23 were asked as it related to a fee paid to Green Leaf.
24 And you indicated you were not aware of that fee,
25 correct?

1 MR. TOM LLOYD: I wasn't aware of the
2 amount, correct.

3 MR. PAUL BONWICK: Thank you. I'm
4 going to close out with you've been involved in many,
5 many transactions with both government and the private
6 sector, and so you have the ability to compare the
7 work, the effort, the product that was delivered in
8 Collingwood to other -- other deals that you've been
9 involved with, not only in your area, being Ontario,
10 Eastern Canada, and Michigan, but I assume you have
11 the ability to compare when you're with your
12 colleagues out west about other deals.

13 You know the price?

14 MR. TOM LLOYD: Yes.

15 MR. PAUL BONWICK: You know the
16 product that was delivered?

17 MR. TOM LLOYD: Yes.

18 MR. PAUL BONWICK: Can you tell this
19 Inquiry how you feel about the product and the value
20 the taxpayers of Collingwood received based on what
21 they paid?

22 MR. TOM LLOYD: How I feel?

23 MR. PAUL BONWICK: Yes.

24 MR. TOM LLOYD: I feel that the Town
25 of Collingwood got amazing value for the amount they

1 paid. And I have numerous examples to show of other
2 communities that have since and before bought other
3 products usually ending up spending a lot more that
4 had been a disaster.

5 MR. PAUL BONWICK: Your Honour, that
6 ends my questions. And thank you very much, Mr.
7 Lloyd.

8 MR. TOM LLOYD: Thank you.

9 THE HONOURABLE FRANK MARROCCO: Okay.
10 Mr. Breedon...?

11 MR. RYAN BREEDON: Thank you.

12

13 (BRIEF PAUSE)

14

15 CROSS-EXAMINATION BY MR. RYAN BREEDON:

16 MR. RYAN BREEDON: Actually, just one
17 (1) thing before I -- we start. In response to the
18 question that I think Mr. Mather asked you, you pulled
19 out some documents to find out what the price was?

20 MR. TOM LLOYD: Correct.

21 MR. RYAN BREEDON: What were you
22 looking at?

23 MR. TOM LLOYD: I was looking at a
24 Sprung internal document.

25 MR. RYAN BREEDON: And has that been

1 produced to Inquiry counsel?

2 MR. TOM LLOYD: Not that particular
3 document, no. It was an issue that was only raised on
4 Friday.

5 MR. RYAN BREEDON: And -- and that
6 document just set out the price that BLT paid Sprung
7 for the Sprung structures?

8 MR. TOM LLOYD: It's virtually an --
9 becomes an all-shops memo as to what the Town is
10 buying.

11 MR. RYAN BREEDON: Okay. Was the
12 price as between Sprung and BLT negotiated or does
13 Sprung just have a set price?

14 MR. TOM LLOYD: That's a funny --
15 Sprung has a set price, yes. We give all our
16 customers, with the exception of those that have GSA,
17 which is a US term for government services, the exact
18 same price.

19 MR. RYAN BREEDON: All right. And so,
20 when I asked you if the -- the price in -- in -- with
21 respect to BLT was negotiated or not, you said that --
22 that's a funny story, so --

23 MR. TOM LLOYD: Well, funny in that
24 with Dave Barrow, I could -- it doesn't matter what I
25 say. If I said it was free, he'd still try to

1 negotiate with me --

2 MR. RYAN BREEDON: All right.

3 MR. TOM LLOYD: -- because that's just
4 Dave.

5 MR. RYAN BREEDON: Okay. All right.
6 Fair enough. So -- so, BLT maybe tried to negotiate
7 or tries to negotiate a different price, but they get
8 the same price as everybody else?

9 MR. TOM LLOYD: Correct.

10 MR. RYAN BREEDON: Okay. Now, you
11 mentioned in your evidence the project that was
12 recently completed for the city of Toronto, and you
13 raised that as an example of a sole source project?

14 MR. TOM LLOYD: Yes.

15 MR. RYAN BREEDON: All right. And
16 that was the three (3) temporary structures, temporary
17 housing structures?

18 MR. TOM LLOYD: They're calling them
19 temporary housing, but we'll see how that goes.

20 MR. RYAN BREEDON: The intention is
21 they're supposed to be temporary, I -- I take it?

22 MR. TOM LLOYD: Well, the intention is
23 they're hoping in far less than fifteen (15) years
24 there will be no homeless issues in Toronto. And if
25 that's the case, they will be donated to the

1 communities where they are today.

2 And then the community can relocate
3 them or keep them and retrofit them or do whatever
4 they want with them.

5 MR. RYAN BREEDON: Right. And as I
6 understand it, the -- the buildings are designed in
7 such a way that they can be taken down and moved to a
8 different location as needed?

9 MR. TOM LLOYD: All Sprung structures
10 are designed that way, yes --

11 MR. RYAN BREEDON: All right.

12 MR. TOM LLOYD: -- including the two
13 (2) here.

14 MR. RYAN BREEDON: And the -- those
15 buildings were erected in 2018?

16 MR. TOM LLOYD: Yeah. I -- I'm going
17 to say one (1) in '17 and two (2) in '18 off the top -
18 - oh, sorry, wait, wait, one (1) '18, two (2) in '19.

19 MR. RYAN BREEDON: Okay. And -- and
20 in that case, the -- the city of Toronto moved on that
21 because of a significant pressure with respect to the
22 homeless issue in the city at the time?

23 MR. TOM LLOYD: Yes.

24 MR. RYAN BREEDON: There -- there was
25 an urgency to getting a solution in place as soon as

1 possible?

2 MR. TOM LLOYD: Ye -- yeah. The city
3 has -- had their reasons, but they wanted to assist
4 the homeless situation as fast as they could.

5 MR. RYAN BREEDON: Okay. Now, in
6 terms of -- I -- I take it though that, in terms of
7 the vast majority of projects that Sprung is involved
8 in with governments, either federal or municipal or
9 the Provincial Government, generally those would
10 proceed by way of RFP or call for tender?

11 MR. TOM LLOYD: Majority, yes.

12 MR. RYAN BREEDON: Okay. All right,
13 now, I want to turn to some other things and just
14 clarify a couple of points that came up earlier today.
15 One (1) deals with the replacement cost of the
16 membrane.

17 Mr. Mather asked you about that, you'll
18 recall. And you testified -- and I appreciate you
19 were just trying to -- put on the spot and coming up
20 with an estimate.

21 But you testified that you thought the
22 replacement cost would be between five (5) and ten
23 dollars (\$10) per square foot?

24 MR. TOM LLOYD: Yeah. And I'm
25 thinking now it's closer to five (5), but it depends

1 on the membrane they decide at the time and what
2 colouring they want and there's -- there's issues that
3 are a little more -- it's not quite that simple,
4 but...

5 MR. RYAN BREEDON: Fair enough. And -
6 - and the only thing that I just wanted to clarify
7 because it wasn't clear to me, when you say "per
8 square foot," are you talking about the square footage
9 of the building or the square footage of the actual
10 membrane as it gets stretched overtop?

11 MR. TOM LLOYD: No, the building
12 square footage.

13 MR. RYAN BREEDON: All right. So, the
14 building is 70,000 square feet or whatever?

15 MR. TOM LLOYD: Exactly.

16 MR. RYAN BREEDON: Thank you. On this
17 question of LEED, you testified that none of the
18 arenas that have been constructed with -- using Sprung
19 structures have been LEED certified?

20 MR. TOM LLOYD: That's right. To my
21 knowledge, yes.

22 MR. RYAN BREEDON: To -- to your
23 knowledge, or LEED shadows, I take it?

24 MR. TOM LLOYD: I think they were LEED
25 shadowed --

1 MR. RYAN BREEDON: Okay.

2 MR. TOM LLOYD: -- including -- I
3 think all of them had been LEED shadowed.

4 MR. RYAN BREEDON: All right.

5

6 (BRIEF PAUSE)

7

8 MR. RYAN BREEDON: Do you know whether
9 any of the arenas actually sought certification?

10 MR. TOM LLOYD: Well, no, because I
11 think actually, as Mr. Bonwick put it, it was a very
12 popular thing that was coming to an end. I mean,
13 there was a lot of press on it. You might have read
14 that it was extraordinarily expensive.

15 It turned out to be, let's just call it
16 -- well, there was criminal investigations into --
17 into the LEED organization, so there was a lot of
18 negative issues around it and somebody needed to come
19 up with a new system that didn't cost the poor end-
20 user anything to make energy efficient buildings.

21 MR. RYAN BREEDON: M-hm. So -- so,
22 the answer is, to your knowledge, no, none of the
23 parties --

24 MR. TOM LLOYD: We --

25 MR. RYAN BREEDON: -- ever sought to

1 certify?

2 MR. TOM LLOYD: We don't even discuss
3 -- hardly discuss it anymore.

4 MR. RYAN BREEDON: All right. But
5 Sprung has been in business for a long time. And you
6 --

7 MR. TOM LLOYD: Yes.

8 MR. RYAN BREEDON: -- you've installed
9 a number of arenas and a number of pools, you've told
10 us?

11 MR. TOM LLOYD: Yes.

12 MR. RYAN BREEDON: All right. And --
13 and all I just want to know is did any of those
14 clients ever seek LEED certification to your
15 knowledge?

16 MR. TOM LLOYD: Yeah, no, I -- yeah.
17 I'm sorry, yeah, no, not to my knowledge.

18 MR. RYAN BREEDON: Thank you. In
19 terms of the cost associated with LEED, I take it the
20 construction cost is going to be the same to build a
21 LEED certified building or a LEED shadow building?

22 MR. TOM LLOYD: Yes.

23 MR. RYAN BREEDON: There's -- there's
24 certification costs over and above in the one (1) case
25 that -- that you've told us about. And every witness

1 whose -- whose testified has told us about that.

2 But the actual cost of building the
3 structure is going to be the same?

4 MR. TOM LLOYD: That's my
5 understanding, correct.

6 MR. RYAN BREEDON: All right. And --
7 and as a general matter, I think you'll agree, the
8 cost of building the LEED building, whether it's
9 certified or shadow, is higher than the cost of not
10 building to that standard?

11 MR. TOM LLOYD: Probably the initial
12 construction cost would definitely be higher, yes.

13 MR. RYAN BREEDON: The -- the hope is
14 that the operational costs will be lower and you'll
15 recover the investment over time, right?

16 MR. TOM LLOYD: Exactly.

17 MR. RYAN BREEDON: But the initial
18 construction costs will be higher because you have to
19 have all of these fancy devices?

20 MR. TOM LLOYD: Correct.

21 MR. RYAN BREEDON: Right. That's
22 probably not the technical term for it.

23 MR. TOM LLOYD: It probably was back
24 in 2012.

25 MR. RYAN BREEDON: All right. And --

1 and so, if the buildings in this case, the Collingwood
2 buildings, were to be constructed as -- we've been
3 using the phrase 'LEED equivalent' or 'LEED shadow
4 buildings' --

5 MR. TOM LLOYD: M-hm.

6 MR. RYAN BREEDON: -- that cost would
7 have to have been built into BLT's budget, correct?

8 MR. TOM LLOYD: Yes.

9 MR. RYAN BREEDON: All right. And --
10 and it follows, I suppose, that BLT would have to know
11 that they were designing or budgeting for LEED
12 equivalency?

13 MR. TOM LLOYD: Correct, as best they
14 could, yes.

15 MR. RYAN BREEDON: Right. And so, I -
16 - I understand -- and we'll see later this week. But
17 I -- I understand that Mr. Barrow is going to testify
18 that there was no discussion of LEED with BLT prior to
19 the contract being signed.

20 And I take it from your evidence you --
21 you don't know. You weren't present at any
22 discussions between the Town and BLT regarding whether
23 this building would or would not be LEED shadowed?

24 MR. TOM LLOYD: That's correct.

25 MR. RYAN BREEDON: All right. But --

1 but if I'm correct, that's Mr. Barrow's evidence and
2 BLT's evidence. And I take it this building would not
3 be LEED shadowed if that wasn't built into BLT's
4 budget?

5 MR. TOM LLOYD: You'd have to get into
6 those specifics with BLT, but I'm pretty -- my
7 understanding was it was going to be as close as they
8 could.

9 MR. RYAN BREEDON: Well, as close as
10 they could isn't -- isn't necessarily the same as --

11 MR. TOM LLOYD: I know, but that's --
12 that's my understanding.

13 MR. RYAN BREEDON: Okay. But you
14 don't know. We'll leave it for Mr. Barrow. Thank
15 you. Those are my questions, Your Honour.

16 THE HONOURABLE FRANK MARROCCO: Mr.
17 Embry, do you have any questions?

18 MR. DEAN EMBRY: No, Your Honour, I
19 don't.

20 THE HONOURABLE FRANK MARROCCO: All
21 right. Thank you. Mr. Lloyd, thank you very much.
22 You're -- you can stay there if you want, but you can
23 also leave.

24

25 (WITNESS STANDS DOWN)

1 THE HONOURABLE FRANK MARROCCO: And
2 so, we're adjourned until Thursday nine o'clock.

3 MR. PAUL BONWICK: I'm sorry?

4 THE HONOURABLE FRANK MARROCCO: Nine
5 a.m. on Thursday. Is that a problem?

6 MR. JOHN MATHER: 9:00 a.m.

7 MR. PAUL BONWICK: Well, I was going
8 to consult -- consult with Mr. McDowell but he's not
9 here right now.

10 THE HONOURABLE FRANK MARROCCO: Well,
11 no. No, I'm asking.

12 MR. PAUL BONWICK: I'm good with nine
13 o'clock. I mean, I don't have to travel.

14 THE HONOURABLE FRANK MARROCCO:
15 There's a silence here. Like, you've got five (5)
16 seconds. Do you want it at ten o'clock for travel
17 purposes?

18 MR. BILL TRUDELL: Yes. And there may
19 be a council meeting before that we don't want to
20 interrupt the hearing with, so can --

21 THE HONOURABLE FRANK MARROCCO: Yeah,
22 I -- you -- yes, that -- thanks for ment -- so, first
23 of all, we'll start at 10:00.

24 And secondly, if you are going to have
25 a council meeting, I'd appreciate it if -- if it

1 didn't cause the Inquiry to start late because I -- I
2 don't like to leave the impression that we're not
3 starting on time for whatever reason when, in fact,
4 we're not starting on time because you're all having a
5 meeting about something.

6 And you're certainly --

7 MR. BILL TRUDELL: For --

8 THE HONOURABLE FRANK MARROCCO: It's
9 certainly quite understandable that you might do that,
10 but I just think we need to make sure that the
11 impression given is correct.

12 MR. BILL TRUDELL: We'll -- we'll be
13 ready at 10:00. Thank you very much.

14 THE HONOURABLE FRANK MARROCCO: Okay.
15 Thank you.

16

17 --- Upon adjourning at 4:47 p.m.

18

19 Certified Correct,

20

21

22 _____

23 Wendy Woodworth, Ms.

24

25

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