



“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 9th, 2019

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APPEARANCES

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) Counsel
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George Marron) For Sandra Cooper
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1 --- Upon commencing at 9:05 a.m.

2

3 THE HONOURABLE FRANK MARROCCO: Mr.
4 Dabrus, thank you for getting here at nine o'clock. I
5 appreciate it.

6

7 RICHARD DABRUS, Previously Sworn

8

9 THE HONOURABLE FRANK MARROCCO: Mr.
10 Chenoweth...?

11

12 CROSS-EXAMINATION BY MR. FREDERICK CHENOWETH:

13 MR. FREDERICK CHENOWETH: I also
14 extend my thank yous to Mr. Dabrus for coming up
15 again. It's very much appreciated.

16 If the and multi-use recreational
17 facility project that was in the Steering Committee
18 report that you had a hand in proceeded, I take it
19 they would need an architect?

20 MR. RICHARD DABRUS: Yes.

21 MR. FREDERICK CHENOWETH: And
22 reasonable to say that that architect -- or the
23 architectural organization, in any event, would be in
24 line to receive some substantial fees?

25 MR. RICHARD DABRUS: The firm that

1 eventually did -- the project would --

2 MR. FREDERICK CHENOWETH: I'm sorry?

3 MR. RICHARD DABRUS: The firm that

4 eventually did the project would receive --

5 MR. FREDERICK CHENOWETH: Yes.

6 MR. RICHARD DABRUS: -- appropriate

7 fees --

8 MR. FREDERICK CHENOWETH: Yes.

9 MR. RICHARD DABRUS: -- according to
10 cost, a competitive process.

11 MR. FREDERICK CHENOWETH: I -- I'm
12 sure that's true. And there -- there would likely be
13 an RFP --

14 MR. RICHARD DABRUS: Absolutely.

15 MR. FREDERICK CHENOWETH: -- for those
16 fees. I understand. And the fees would be
17 substantial. Is that fair?

18 MR. RICHARD DABRUS: I'm not sure why
19 that's an issue. Of course there's fees, just like
20 lawyers charge fees.

21 MR. FREDERICK CHENOWETH: No, no, no.
22 The fees would be substantial in this case?

23 MR. RICHARD DABRUS: It would in the
24 order of 5 percent of the construction cost.

25 MR. FREDERICK CHENOWETH: Right. So

1 what does that work out to?

2 MR. RICHARD DABRUS: It's a \$7 million
3 arena; that's three hundred and fifty thousand dollars
4 (\$350,000).

5 MR. FREDERICK CHENOWETH: Thank you.
6 And that obviously would have been the kind of thing
7 that would have been -- you would wish to be involved
8 in such a -- such a project, \$35 million?

9 MR. RICHARD DABRUS: To be honest, in
10 hindsight, no.

11 MR. FREDERICK CHENOWETH: Pardon?

12 MR. RICHARD DABRUS: To be honest, in
13 hindsight, no.

14 MR. FREDERICK CHENOWETH: No. Okay.
15 All right. So you weren't interested in that kind of
16 a project?

17 MR. RICHARD DABRUS: Perhaps in this
18 situation, I would decline.

19 MR. FREDERICK CHENOWETH: There you
20 go. But you had -- you and -- you had taken the
21 opportunity to work on the library?

22 MR. RICHARD DABRUS: Yes.

23 MR. FREDERICK CHENOWETH: All right.
24 And that was like -- I'm assuming an RFP process?

25 MR. RICHARD DABRUS: Yes.

1 MR. FREDERICK CHENOWETH: And you've
2 been successful in that?

3 MR. RICHARD DABRUS: I believe so.

4 MR. FREDERICK CHENOWETH: Thank you.
5 And you'd earned your fee, whatever that might have
6 been, from that project?

7 MR. RICHARD DABRUS: Yes, we collected
8 a fee.

9 MR. FREDERICK CHENOWETH: And you were
10 obviously content to work with the Town of
11 Collingwood, certainly after the library, in any
12 event, because you came back and did the feasibility
13 study that Town staff put you onto in July of 2012?

14 MR. RICHARD DABRUS: We had a good
15 working relationship with the Town up until August of
16 2012.

17 MR. FREDERICK CHENOWETH: Very good.
18 So at the time that you were doing your report, you
19 were prepared to work for the Town, and happy to do
20 it, and took your fee for that feasibility study of
21 some fifteen thousand dollars (\$15,000)?

22 MR. RICHARD DABRUS: That's correct.

23 MR. FREDERICK CHENOWETH: Very good.
24 Is it -- is it ever reasonable to suggest that fees on
25 feasibility studies can be a bit of a loss leader? In

1 other words, you make them possibly a little more
2 modest than you might otherwise so that you become
3 associated with the project that you might become
4 involved?

5 MR. RICHARD DABRUS: That's -- that's
6 not how we operate.

7 MR. FREDERICK CHENOWETH: I'm sorry?

8 MR. RICHARD DABRUS: That's not how we
9 operate.

10 MR. FREDERICK CHENOWETH: Very good.
11 Okay. That wouldn't be a -- a practice that exists
12 from time to time amongst accounting firms?

13 MR. RICHARD DABRUS: I'm loosely aware
14 that it might. That's not how we operate.

15 MR. FREDERICK CHENOWETH: In any
16 event, it's pretty clear that any fees that might
17 arise to -- so you did the library, you done the --
18 the feasibility study, and -- and you had, at least up
19 until August, in any event, you had a good
20 relationship with the Town?

21 MR. RICHARD DABRUS: That's correct.

22 MR. FREDERICK CHENOWETH: Thank you.
23 So that you were in a position to be clearly
24 considered, should an RFP take place, for the
25 architectural task with respect to the multi-use

1 recreational facility?

2 MR. RICHARD DABRUS: If we chose to
3 pursue it. But again, after August 2012, we probably
4 would have declined.

5 MR. FREDERICK CHENOWETH: Very good.
6 But certainly, up to that time, up to the time you
7 began to work on the feasibility study, you would have
8 been interested in pursuing that --

9 MR. RICHARD DABRUS: I think I've
10 already answered that question.

11 MR. FREDERICK CHENOWETH: And I think
12 your answer was "yes," as I recall. And if I -- I've
13 got wrong, let me know.

14 MR. RICHARD DABRUS: We -- as of
15 August, 2012, we would have declined the opportunity
16 here in Collingwood.

17 MR. FREDERICK CHENOWETH: Thank you.
18 You would have received terms of reference with
19 respect to the feasibility study that you took on in
20 July of 2012?

21 MR. RICHARD DABRUS: They were very
22 loose, very poorly prepared, and a moving target.

23 MR. FREDERICK CHENOWETH: I -- I don't
24 know that -- that I asked you for comment on them. I
25 simply said: Did you receive a feasibility study -- or

1 did you receive terms of reference for your
2 feasibility study that you underst -- that you took on
3 in July of 20 -- 2012.

4 MR. RICHARD DABRUS: Our opinion of --

5 MR. FREDERICK CHENOWETH: That's
6 pretty much a "yes" or "no" answer, I might have
7 thought.

8 MR. RICHARD DABRUS: No, I'll -- I'll
9 comment. They were poorly prepared, and it took a
10 great deal of discussion to work out what was really
11 being asked.

12 MR. FREDERICK CHENOWETH: And I take
13 it you undertook -- you undertook that discussion?

14 MR. RICHARD DABRUS: Yes.

15 MR. FREDERICK CHENOWETH: Thank you.
16 Could we turn to the terms of reference, which are
17 TOC0188041.1.

18

19 (BRIEF PAUSE)

20

21 MR. FREDERICK CHENOWETH: I'm looking
22 for the direction that he got, which I think is --
23 let's go down a bit, and let's see it.

24 MS. KATE MCGRANN: I think you're
25 looking for the attachment to this email, which we can

1 pull up for you if you like.

2 MR. FREDERICK CHENOWETH: Could be.

3 Thank you. I'd appreciate it. There we go.

4

5 CONTINUED BY MR. FREDERICK CHENOWETH:

6 MR. FREDERICK CHENOWETH: All right,

7 so the -- the ice arena feasibility study, you've

8 obviously looked at this document, and you looked at

9 with My Friend, Inquiry counsel, the other day?

10 MR. RICHARD DABRUS: Yes.

11 MR. FREDERICK CHENOWETH: Thank you.

12 And I think the first couple of paragraphs explain

13 that there had been a joint Steering Committee report

14 which recommended a -- a certain approach to solving

15 the -- the recreational concerns in the Town of

16 Collingwood. And there'd been a -- a concept

17 developed of some \$35 million.

18 You would have known of that, because

19 you were part of that study prepared by the Steering

20 Committee, correct?

21 MR. RICHARD DABRUS: I think I've

22 testified that we were retained to be part of the

23 feasibility study, yes.

24 MR. FREDERICK CHENOWETH: Thank you.

25 So you -- to -- to try and get an answer to my

1 question, you would have known of the history of this
2 because you were retained. Is that fair?

3 MR. RICHARD DABRUS: We were authors,
4 in -- in part.

5 MR. FREDERICK CHENOWETH: Thank you.
6 So you would have known of it? You would have known
7 of the concept of the \$35 million MURF that is -- that
8 you're directed to in the introduction to the
9 feasibility terms of reference. Is that fair?

10 MR. RICHARD DABRUS: As being the
11 author, I would say that's fair.

12 MR. FREDERICK CHENOWETH: Thank you
13 very much. And going down a little further, I see --
14 if you'd go down a little further in the document,
15 please. Thank you.

16 The document suggests that -- that the
17 -- the Town is interested in looking to alternatives
18 to the \$35 million multi-use facility.

19 MR. RICHARD DABRUS: Okay.

20 MR. FREDERICK CHENOWETH:

21 "Although there is strong support
22 for the project, the anticipated
23 costs of the overall redevelopment
24 project as it has been preho --
25 proposed is prohibitive in the

1 current economic climate. The Town
2 is interested in identifying the
3 development -- in developing
4 creative approaches and ideas, the
5 enhancement that has been completed
6 to date to enable portions of the
7 project to move forward as
8 standalones."

9 So you would have been aware that the
10 Council was considering alternatives to taking on a
11 \$35 million MURF project. Is that fair?

12 MR. RICHARD DABRUS: We were made
13 aware of this in July of 2012.

14 MR. FREDERICK CHENOWETH: And you were
15 made aware of it right in your terms of reference?

16 MR. RICHARD DABRUS: Okay.

17 MR. FREDERICK CHENOWETH: Thank you.
18 And going down a little further, I think there's a --
19 a graph a little further down.

20 Keep going. There we go. Okay. So
21 you would have had occasion to review, and I think you
22 reviewed it the with Inquiry counsel the other day,
23 this chart which set out the nature of the review that
24 you were to do with respect to the single pad arena.

25 MR. RICHARD DABRUS: I have to

1 clarify. I was actually on vacation when this was
2 sent through, but my partner Brian Gregersen would
3 have.

4 MR. FREDERICK CHENOWETH: So Gregersen
5 would have known of that.

6 MR. RICHARD DABRUS: He would have
7 seen this. I didn't, because I was on vacation at the
8 particular time that it was --

9 MR. FREDERICK CHENOWETH: And -- and I
10 think you -- you indicated actually, probably as a
11 result of the fact that you were on vacation for a
12 period of time -- I think you were on vacation from
13 the 22nd of July, is the information I have.

14 MR. RICHARD DABRUS: I don't remember
15 precise dates.

16 MR. FREDERICK CHENOWETH: And this was
17 sent in on the 20th of July. But in any event, you --
18 I don't know if that's on a weekend or what it is, but
19 you're saying you didn't have an opportunity to review
20 this.

21 MR. RICHARD DABRUS: Not when it was
22 first sent through, no.

23 MR. FREDERICK CHENOWETH: All right.
24 Thank you. But you would have at a later time,
25 presumably.

1 MR. RICHARD DABRUS: Presumably, yes.

2 MR. FREDERICK CHENOWETH: Thank you.

3 But Mr. Gregersen of your organization, who was taking
4 on the task, would have reviewed it?

5 MR. RICHARD DABRUS: Yes.

6 MR. FREDERICK CHENOWETH: All right.

7 So Mr. Gregersen at the start of the project and you,
8 I take it when you got back from vacation, would have
9 understood the direction that -- it's really similar
10 for both a single pad arena and a single pad arena
11 that's -- has the potential to be twinned in the
12 future.

13 You would have seen that -- under
14 bullet 2 there, in each one (1) of those two (2) rows,
15 you would have noted that it's a fabric mem -- that
16 you -- one (1) of the things you're to have a look at
17 is a fabric membrane over a new arena, Sprung or
18 equivalent. You would have -- you would have viewed
19 that.

20 MR. RICHARD DABRUS: Yes.

21 MR. FREDERICK CHENOWETH: All right.

22 I think you actually indicated in your testimony
23 interestingly the other day that you hadn't recalled
24 that you were specifically directed to Sprung. That
25 was your statement in your -- in your evidence to

1 Inquiry counsel.

2 MR. RICHARD DABRUS: No. We were told
3 to not contact Sprung.

4 MR. FREDERICK CHENOWETH: No. You --

5 MR. RICHARD DABRUS: No. We were told
6 to not contact Sprung.

7 MR. FREDERICK CHENOWETH: I understand
8 that.

9 MR. RICHARD DABRUS: You can check the
10 -- you can check the testimony. We were told to not
11 contact Sprung.

12 MR. FREDERICK CHENOWETH: We'll come
13 to that. My memory is, and we can check the
14 transcript and make submissions in due course, but my
15 memory is that you commented to Inquiry counsel that
16 you didn't recall that you were directed to Sprung.
17 That's what you said.

18 MR. RICHARD DABRUS: No. That's true,
19 and I was reminded only after seeing this document.

20 MR. FREDERICK CHENOWETH: I'm sorry?

21 MR. RICHARD DABRUS: I was reminded of
22 that only after seeing this document.

23 MR. FREDERICK CHENOWETH: Thank you.
24 So -- and that was -- you'd seen the document in the
25 course of your preparation for this hearing?

1 MR. RICHARD DABRUS: Well, actually it
2 was on the screen the other day.

3 MR. FREDERICK CHENOWETH: Right. And
4 I think that's when you commented, as I suggested,
5 that you hadn't understood that you -- or hadn't
6 remembered that you were directed to Sprung in your
7 initial directing document.

8 MR. RICHARD DABRUS: That's right.

9 MR. FREDERICK CHENOWETH: Thank you.
10 In any event, it looks like both with respect to a
11 single pad arena and a -- a standalone single pad
12 arena that could later be twinned, you were directed
13 to Sprung or equivalent and you were also to look at
14 other affordable structures over a new ice arena, and
15 that's again in -- in both columns, as we see in
16 bullet number 3.

17 And that, I take it, is what led you to
18 look at the prospect of a pre-engineered steel
19 building?

20 MR. RICHARD DABRUS: Yes. That came
21 up through discussion. Other options, of course, are
22 out there and are more fashionable today, but, yes,
23 those two (2) were the ones we focused on.

24 MR. FREDERICK CHENOWETH: Very good.
25 And that was inconsis -- that was consistent, was my

1 only point, with bullet number 3, in each one (1) of
2 the columns that we're referring to, correct?

3 MR. RICHARD DABRUS: Yes, yes.

4 MR. FREDERICK CHENOWETH: All right.

5 So I think we've agreed that in the initial part of
6 the project, Mr. Gregersen, and after your vacation,
7 you, were directed to Sprung or equivalent buildings,
8 and I note that on the 17th of August at 9:00 a.m. you
9 were, again, directed by Mr. McNalty to -- to Sprung.

10 And if we could pull up but TOC0200936.

11

12 (BRIEF PAUSE)

13

14 MR. FREDERICK CHENOWETH: And I see
15 that on that morning of the 17th at 9:00 a.m., you
16 were -- you again -- directed, as you were in your
17 initial Terms of Reference, to a Sprung performance
18 arena and Mr. McNalty sends along to you -- you
19 directly, not Gregersen but you, on that day:

20 "Attached is a brochure on insulated
21 fabric arenas."

22 And my sense is that you were forwarded
23 on that day a slide presentation by Sprung, some
24 seventeen (17) page slide presentation, of the
25 particulars --

1 MR. RICHARD DABRUS: That sounds
2 correct.

3 MR. FREDERICK CHENOWETH: -- of a
4 Sprung arena, correct?

5 MR. RICHARD DABRUS: That sounds
6 correct.

7 MR. FREDERICK CHENOWETH: Thank you.
8 So again you were directed to Sprung?

9 MR. RICHARD DABRUS: Yes.

10 MR. FREDERICK CHENOWETH: All right.

11 And then, as I understand it, later on that day at
12 about 1:30 you came out with the latest iteration of -
13 - or the -- the first iteration of your report.

14 And if we could turn to TOC0201146.

15 MS. KATE MCGRANN: Mr. Chenoweth, I
16 believe this is actually the second draft of the
17 report that WGD sent.

18 MR. FREDERICK CHENOWETH: Well, if you
19 have a note for the first draft -- a document for the
20 first draft, that would be appreciated.

21

22 (BRIEF PAUSE)

23

24 MR. FREDERICK CHENOWETH: I have the
25 second one as being a different number, but in any

1 event...

2

3

(BRIEF PAUSE)

4

5

MR. FREDERICK CHENOWETH: Could we

6

turn that document up, the one I've referred to,

7

TOC0201146?

8

9

(BRIEF PAUSE)

10

11

MR. FREDERICK CHENOWETH: And that's -

12

if we could, that's a document that you sent along to

13

-- to Marta Proctor and Dave McNally -- McNalty, at

14

1:30 on that Friday?

15

MR. RICHARD DABRUS: That sounds

16

correct.

17

MR. FREDERICK CHENOWETH: Thank you.

18

After having received the initial direction or terms

19

of reference that suggested that you look at Sprung or

20

comparables and having received the 13 -- seventeen

21

(17) page slide preser -- presentation with respect to

22

Sprung at 9:00 a.m. in the morning, you come up with

23

this document at 1:30. I think that's obvious.

24

And under "Energy Use and Thermal

25

Performance," just read that the first paragraph, if

1 you could, please.

2 THE HONOURABLE FRANK MARROCCO: You
3 don't have to read out loud, Mr. Dabrus.

4 MR. RICHARD DABRUS: Thank you.

5 THE HONOURABLE FRANK MARROCCO: You
6 can read it to yourself.

7 MR. FREDERICK CHENOWETH: Quite
8 content, Your Honour.

9 MS. KATE MCGRANN: Mr. Chenoweth, the
10 draft that I was referring to is referred to in
11 paragraph 36 of Summary Document 2-4. It's the draft
12 that's sent on August 16th at 3:19 p.m.

13 MR. FREDERICK CHENOWETH: Got it,
14 thank you.

15

16 CONTINUED BY MR. FREDERICK CHENOWETH:

17 MR. FREDERICK CHENOWETH: In any
18 event, on this morning --

19 THE HONOURABLE FRANK MARROCCO: Excuse
20 me. Have you -- have you had an opportunity to read
21 it?

22 MR. RICHARD DABRUS: Yes.

23 THE HONOURABLE FRANK MARROCCO: Well
24 would you read it then. Just -- why don't we wait
25 until he's had a chance to read it?

1 MR. FREDERICK CHENOWETH: Sorry, I
2 thought he had.

3 MR. RICHARD DABRUS: Well, I'm
4 familiar with the paragraph, yes.

5

6 CONTINUED BY MR. FREDERICK CHENOWETH:

7 MR. FREDERICK CHENOWETH: We're really
8 looking at the first paragraph.

9 And you make it clear that -- that pre-
10 engineered structures with a sandwich -- with a
11 sandwich panel, is R-19 for roofs and R-12 for walls,
12 and I take it you're talking there about the pre-eng
13 building?

14 MR. RICHARD DABRUS: So that's a
15 standard OBC requirement that I was mentioning. So
16 that's what any -- most owners and builders would turn
17 to as their first point of --of call.

18 MR. FREDERICK CHENOWETH: Thank you.
19 My question was: You're referring to a pre-engineered
20 building when you made that reference to the R-19 for
21 the roofs and the R-12 for the walls?

22 MR. RICHARD DABRUS: It was in the
23 same context, yes, but there's nothing -- there's
24 nothing about a pre-engineered building that is
25 restricted to those values.

1 MR. FREDERICK CHENOWETH: Thank you.
2 I understand. And you indicated that, however,
3 greater R values can be achieved with insulation
4 panels and roofs by increasing the thickness and
5 providing more insulation and the values can go as
6 high as R-30.

7 MR. RICHARD DABRUS: It can go as high
8 at R-40.

9 MR. FREDERICK CHENOWETH: Thank you, I
10 appreciate that.

11 And -- and then you say:

12 "Membrane structures by their nature
13 have no inherent thermal resistant R
14 value. However, by creating a
15 cavity, higher R values can be
16 obtained."

17 And you talk about 6 inch cavities,
18 maybe get into R-30. I notice there's no reference
19 there to -- to the fact that there was products on the
20 market that -- that offered that, i.e., a Sprung
21 building that by its very nature offered R-30 not only
22 in the roof but in the -- in the walls as well?

23 MR. RICHARD DABRUS: I think my
24 statement was that the fact that you have a membrane
25 that's made out of plastic, which I agree has some R

1 values, so I was wrong in that statement. But it's
2 minuscule, does not provide any insulating value.
3 It's what is encapsulated between the membrane that
4 provides the -- the insulating value.

5 MR. FREDERICK CHENOWETH: There was an
6 expression by Mr. McNalty of -- of the thought that
7 you seem to be referring in this paragraph to
8 agricultural or industrial-type fabric membranes that
9 -- that had limited insulation and limited R value.

10 MR. RICHARD DABRUS: I think I've been
11 fairly clear in my testimony that it's what's in-
12 between the membrane. I think I've also been clear in
13 my testimony that our original assumption was it was
14 nothing different, and I never said 'agricultural,'
15 but nothing different than what you use in an
16 architectural -- agricultural setting.

17 MR. FREDERICK CHENOWETH: Nothing
18 different then?

19 MR. RICHARD DABRUS: In our original
20 understanding, yes.

21 MR. FREDERICK CHENOWETH: Yes, thank
22 you. But in any event, it's clear that you didn't go
23 into any exploration of a Sprung building or a
24 comparable building and its availability on the market
25 --

1 MR. RICHARD DABRUS: So --

2 MR. FREDERICK CHENOWETH: -- in that
3 energy use paragraph that you have at 1:30 on August
4 17th?

5 MR. RICHARD DABRUS: So, at a certain
6 point in time we were told not to contact Sprung. Had
7 we contacted Sprung, we could have gone through that
8 exploration.

9 But again, I have to re-state there's
10 nothing about an enclosure that gives you your R
11 value, it's the insulation in -- encapsulated within
12 the enclosure.

13 MR. FREDERICK CHENOWETH: Thank --
14 thank you.

15 And -- and you would have been aware of
16 the -- I think we've -- you say you weren't allowed to
17 contact Sprung, and we'll come to that. I'll deal
18 with that head-on in a -- in a moment or two (2), Mr.
19 Dabrus, but clearly the existence of that alternative,
20 the Sprung or an alternative building is not something
21 that you chose to explore in your first paragraph.

22 MR. RICHARD DABRUS: I disagree with
23 that. We would have explored it, had we been allowed
24 to talk to Sprung.

25 MR. FREDERICK CHENOWETH: Well, we'll

1 come to that, as I've said. But in any event, you
2 clearly had the opportunity to -- to do any searches
3 you wished with respect to Sprung by the time you did
4 this report on August 17th, 2012?

5 You could have done whatever searches
6 you needed. I mean, it's on the internet, I'm -- I'm
7 assuming. Even -- even I could do those searches,
8 which is amazing. Is that -- is that fair? You would
9 have had an opportunity to do those searches?

10 MR. RICHARD DABRUS: I have no idea of
11 what the quality of information was in 2012 and what
12 Sprung had posted?

13 MR. FREDERICK CHENOWETH: Well, did
14 you -- did you look?

15 MR. RICHARD DABRUS: We looked at
16 membrane structures, absolutely.

17 MR. FREDERICK CHENOWETH: Did you look
18 at the Sprung structure that you were specifically
19 directed to in your terms of reference --

20 MR. RICHARD DABRUS: I was told not to
21 contact Sprung. And again, I have no idea of the
22 quality of their website in 2012.

23 MR. FREDERICK CHENOWETH: You seem
24 concerned about the fact that you'd been told not to
25 contact Sprung, and as I've indicated, we'll get to

1 that.

2 But if I could have an answer to the
3 question I'm asking, which is: Did you, having been
4 specifically referred to Sprung in the terms of
5 reference that you were given on July 20th, had you by
6 August 17th done any searches with respect to the
7 quality of the Sprung building that you referred to in
8 the terms of reference?

9 MR. RICHARD DABRUS: We would have
10 done a general search which would have included
11 Sprung, yes.

12 MR. FREDERICK CHENOWETH: All right,
13 thank you.

14 So you would have known of the -- the
15 quality -- the alleged quality of the -- of the Sprung
16 building, which offered in its very structure without
17 the necessity of -- of putting in after-market
18 insulation, you would have known that it had an R
19 factor throughout the structure of R-30?

20 MR. RICHARD DABRUS: No, I said that
21 was not evident on their website, or at least nobody
22 knew of it until the brochure was sent through.

23 And also this -- this use of after-
24 market, all buildings are assemblies of -- of all
25 sorts of different materials, like I mean, it's a --

1 it's an odd use of the term.

2 MR. FREDERICK CHENOWETH: Thank you
3 for your instruction in that regard.

4 In any event, you had been directed
5 specifically at 9:00 a.m. that morning to the Strung -
6 - Sprung building in the seventeen (17) slides that
7 Mr. McNalty had sent you, correct?

8 MR. RICHARD DABRUS: Correct.

9 MR. FREDERICK CHENOWETH: And it
10 didn't seem that that showed up in -- in the document
11 that -- that you produced at 1:30 on August 17th,
12 correct?

13 MR. RICHARD DABRUS: No, I disagree
14 with that. We changed our document based upon that
15 information.

16 MR. FREDERICK CHENOWETH: All right, I
17 see. I'm seeing a document -- in any event, we see
18 what's in the document and you send out, I believe, a
19 further report in -- and I'm going to bring you to it
20 on this one, it's TOC0201266.

21 So you say that the first document,
22 which My Friend has been referring me to in paragraph
23 36, this was an improvement on it, was it? The August
24 17th at 1:30 document --

25 MR. RICHARD DABRUS: It was --

1 MR. FREDERICK CHENOWETH: -- was an
2 improvement on what you'd earlier written?

3 MR. RICHARD DABRUS: It was revised
4 based upon new information.

5 MR. FREDERICK CHENOWETH: Very good.
6 And you came out with a later document, which I think
7 was later on that particular day, and the email
8 pursuant to which you sent it. And let's just look at
9 that for a second, get your timing down here, is
10 TOC0201265. Could we look at that email?

11 So it looks like you did a revised
12 report, again it seems, and it was sent out by your
13 associate, Michael Thier, to Dave McNalty and Margaret
14 Proc -- Proctor, and of course copied to you and your
15 associate, Mr. Gregersen.

16 And that was sent out late on the day
17 of the 17th and so again you revised your report,
18 which appears to be, if Inquiry counsel is directing
19 you properly -- properly, to be the second revision
20 that you'd done.

21 MR. RICHARD DABRUS: I believe this
22 would have been the final, so yes.

23 MR. FREDERICK CHENOWETH: Very good,
24 thank you. And let's have a look at the -- at the
25 final report which is a document I referred to, which

1 was TOC0201266.

2 THE HONOURABLE FRANK MARROCCO: It's
3 there, isn't it, on the screen?

4 MR. FREDERICK CHENOWETH: It would
5 appear to be. If we could go down through that
6 document if we could. And you might go slowly so that
7 My Friend has a -- my witness has an opportunity to
8 look at it. Go further into it if you would, please.
9 Further down.

10

11 (BRIEF PAUSE)

12

13 CONTINUED BY MR. FREDERICK CHENOWETH:

14 MR. FREDERICK CHENOWETH: There's a
15 part here in which you talk about -- about the energy
16 factors again in this building.

17 MS. KATE MCGRANN: Page 9.

18 MR. FREDERICK CHENOWETH: Page 9.

19 Thank you very much.

20

21 CONTINUED BY MR. FREDERICK CHENOWETH:

22 MR. FREDERICK CHENOWETH: It seems --
23 and you can read that energy use paragraph, if you
24 would.

25 MR. RICHARD DABRUS: Okay.

1 MR. FREDERICK CHENOWETH: There is --
2 there is some minor change in this paragraph. You
3 again are saying that:

4 "However, greater R values can be
5 achieved."

6 But again, there is no reference to a
7 Sprung building or a Sprung equivalent building in
8 this document which might provide the reader with the
9 existence of a -- of a building that -- that had an
10 R-30 quotient already built into the structure itself?

11 MR. RICHARD DABRUS: The paragraph
12 does say, "membrane."

13 MR. FREDERICK CHENOWETH: Yes, it does
14 say --

15 MR. RICHARD DABRUS: We -- we --

16 MR. FREDERICK CHENOWETH: --
17 "membrane," no doubt.

18 MR. RICHARD DABRUS: When I said,
19 "pre-engineering structure," I did not mention any
20 particular manufacturer, just as I would not mention a
21 manufacturer in reference to a membrane structure.

22 MR. FREDERICK CHENOWETH: I understand
23 you didn't reference a manufacturer. And I -- I don't
24 have any quarrel with your approach in that respect.
25 I might have thought that you might have mentioned

1 that there are some buildings who had -- that had the
2 characteristics of -- already built into them in the
3 structure of -- of R-30 right out of the chute.

4 MR. RICHARD DABRUS: So, I think I've
5 mentioned in my previous testimony that we avoid with
6 public clients providing prescriptive specifications
7 but instead are performance-based.

8 We provide performance-based
9 specifications. So, this paragraph would be
10 consistent with that approach.

11 MR. FREDERICK CHENOWETH: I'm -- I'm
12 just a little -- little mystified. I -- I suppose I
13 can stretch and understand the word 'prescriptive' and
14 -- and other observations here.

15 Surely, the purpose of this report as
16 set out in the terms of reference was to explore
17 alternatives. You -- you acknowledge that, correct?

18 MR. RICHARD DABRUS: And it's
19 encapsulated by saying "membrane structures."

20 MR. FREDERICK CHENOWETH: I see. No
21 mention here that there's -- on the market it's
22 possible to find there are structures which their very
23 nature and design have R-30 in them and LEED's points
24 and --

25 MR. RICHARD DABRUS: Yeah, I -- I --

1 MR. FREDERICK CHENOWETH: -- things of
2 that nature?

3 MR. RICHARD DABRUS: I fundamentally
4 disagree with that statement, that -- and they could
5 provide R-10 in -- in their insulation. Like, it's
6 irrelevant. What you do with a performance
7 specification is say you want an R-30 roof.

8

9 (BRIEF PAUSE)

10

11 MR. FREDERICK CHENOWETH: Do you think
12 that paragraph fully flushed out for the Town the --
13 and I -- I take it you'll say it did. I have -- I
14 would suggest to you that the energy-use thermal
15 performance paragraph, as is in what appears to be
16 your third and final report, doesn't flush out an
17 alternative that would have been available to the
18 Town, i.e., a Sprung or comparable building.

19 And, again, you may not have wished to
20 use the word 'Sprung', but it doesn't let the reader
21 understand that there are buildings out there that, by
22 their very design, can offer up to an R-30 right out
23 of the package. Is that fair?

24 MR. RICHARD DABRUS: That's fair.

25 MR. FREDERICK CHENOWETH: Thank you.

1 So that I -- and so, I take it that you would, again,
2 understand the frustration that was expressed by Mr.
3 McNalty.

4 And you wouldn't have heard his
5 testimony, but those of us sitting here know that Mr.
6 McNalty said during his testimony -- expressed some
7 frustration and said, for some unexplained reason, the
8 reports of WGD kept -- seem to, again, be focussing on
9 agricultural, industrial style fabric structures
10 rather than giving any consideration to a Sprung or
11 comparable building?

12 MR. RICHARD DABRUS: Yeah, I -- I'm
13 not sure here where I said "agricultural." I'm not
14 sure where that comes from.

15 MR. FREDERICK CHENOWETH: Okay.

16 MR. RICHARD DABRUS: As far as not
17 giving a consideration to alternative, we talk about
18 membrane structures. It's in the next paragraph.
19 Clearly, we're addressing alternatives.

20 And I have to say, once again, we do
21 not mention particular suppliers for anything.

22 MR. FREDERICK CHENOWETH: I -- I have
23 that. I simply make the point, and -- and you and I
24 are going to disagree on this, it appears that your
25 paragraph doesn't present to the reader what was

1 requested of you, i.e., reasonably priced alternatives
2 to the \$35 million MURF project, including the
3 prospect of a Sprung or comparable roof without using
4 --

5 MR. RICHARD DABRUS: So, I have to --

6 MR. FREDERICK CHENOWETH: -- without
7 using the word 'Sprung'?

8 MR. RICHARD DABRUS: So, I have to
9 back you way up.

10 MR. FREDERICK CHENOWETH: I'm sorry?

11 MR. RICHARD DABRUS: First of all, the
12 30 -- I have to back you way up. First of all, you're
13 comparing a \$35 million project with the program that
14 was prescribed by the Town, not us. We didn't, you
15 know, get off of the bus and say how about it, it was
16 something the Town wanted, and it was \$35 million.
17 So, that was rejected.

18 So, now we're down to a single pad that
19 can expand a 7 or \$8 million facility; that's what we
20 were addressing in this report.

21 MR. FREDERICK CHENOWETH: I understood
22 that you were addressing reasonably priced
23 alternatives because the \$35 million price tag for the
24 steering committee was regarded as excessive for the
25 Town at that time?

1 MR. RICHARD DABRUS: A much different
2 program. We were given a different program. This was
3 a single pad with the ability to expand.

4 MR. FREDERICK CHENOWETH: Thank you.
5 I think we've exhausted that area. Thank you very
6 much, Mr. Dabrus.

7 Now, I'm sure this is a topic near and
8 dear to your heart, but you indicate that at some
9 juncture you were told not to contact Sprung?

10 MR. RICHARD DABRUS: There's an email
11 to that respect.

12 MR. FREDERICK CHENOWETH: And that
13 email is -- and let's get to it. That email is
14 CJI6682.16.

15

16 (BRIEF PAUSE)

17

18 MR. FREDERICK CHENOWETH: Go down
19 further, if you would, please. Yeah, here we go, just
20 the Brian Gregersen email, yes. If you'd pull that
21 up, the one of July 25th at 12:39. Let us see more of
22 that. Thank you very much.

23 So, that this is the -- the evidence in
24 item 3, that you were told not to contact Sprung. And
25 -- and that appears to arise -- you were told this by

1 Mr. McNalty. And that appears to have arisen from an
2 email that was sent by Mr. Houghton to Mr. McNalty.
3 And let's have a quick look at that.

4 And you weren't party to this email,
5 but let's have a look at it anyway, TOC0189964. Could
6 we have a quick look at that?

7

8 (BRIEF PAUSE)

9

10 MR. FREDERICK CHENOWETH: In that
11 email of July 25th, Mr. Houghton says to Mr. McNalty:

12 "The last point I -- I should -- I
13 should make is that I will be the
14 contact person with Sprung. The
15 deputy mayor made that perfectly
16 clear with me on the weekend."

17 It's -- it's interesting. We went
18 through this set of emails with the deputy mayor who
19 apparently gave that direction to Mr. Houghton
20 yesterday.

21 And the deputy mayor said that it was
22 his wish because there was a number of people
23 contacting Sprung to make one (1) person the contact
24 point, and that was Mr. Houghton, and that he wasn't
25 suggesting that -- that only Mr. Houghton contact

1 Sprung, but rather that Mr. Houghton be the contact
2 point.

3 Now, the direction that arose to you
4 people is -- can you see that as a -- as a possible
5 interpretation looking at this --

6 THE HONOURABLE FRANK MARROCCO: I --
7 I'm not interested in this witness's interpretation of
8 this email which he's not a party to.

9 MR. FREDERICK CHENOWETH: Very good,
10 Your Honour. Thank you.

11

12 CONTINUED BY MR. FREDERICK CHENOWETH:

13 MR. FREDERICK CHENOWETH: In any
14 event, clearly it led to the email to you that said
15 that you weren't to contact Sprung.

16 Now, if we could bring up that email
17 again, if we could, that was earlier on the screen,
18 which is CJI6682.16.

19

20 (BRIEF PAUSE)

21

22 MR. FREDERICK CHENOWETH: And just --
23 well, actually, we're back up to the top now, if we
24 could. That's great. And, just again, all of that
25 email including its timing. Thank you.

1 So it appears that you have here an
2 email from David Wood. And who's David Wood? He's an
3 acquaintance, I take it -- an associate at
4 Envision-Tatham?

5 MR. RICHARD DABRUS: David Wood was on
6 the same team working on the -- the Central Park study
7 --

8 MR. FREDERICK CHENOWETH: Very good.
9 And you came to know him in that.

10 MR. RICHARD DABRUS: Yes.

11 MR. FREDERICK CHENOWETH: And you had
12 found the direction not to -- not to contact Sprung
13 prohibitive and unusual. Correct?

14 MR. RICHARD DABRUS: Well, it was, and
15 it is.

16 MR. FREDERICK CHENOWETH: Thank you.
17 So you made some inquiries about it because you had
18 some concerns about it. And you took it up with --
19 with a chap that you'd met while working for the
20 Steering Committee, Mr. David Wood. Is that right?

21 MR. RICHARD DABRUS: We had a
22 discussion.

23 MR. FREDERICK CHENOWETH: I'm sorry?

24 MR. RICHARD DABRUS: We had a
25 discussion.

1 MR. FREDERICK CHENOWETH: All right.
2 And I'm assuming the discussion from the nature of
3 Mr. Wood's email was, why the heck are we being
4 restricted from contacting Sprung?

5 MR. RICHARD DABRUS: That would have
6 come up.

7 MR. FREDERICK CHENOWETH: Well, that's
8 the whole thrust of this --

9 MR. RICHARD DABRUS: Yes.

10 MR. FREDERICK CHENOWETH: -- email,
11 isn't it?

12 MR. RICHARD DABRUS: Yeah. Well, also
13 there was other direction being given at the time that
14 just seemed odd, and we were part of the Steering
15 Committee.

16 We did a great deal of work in -- in
17 analyzing the site, working things out. We did
18 some -- some engineering -- preliminary engineering,
19 and we were being told to put the building there. It
20 was not --

21 MR. FREDERICK CHENOWETH: Well, we'll
22 come to that issue.

23 THE HONOURABLE FRANK MARROCCO: Excuse
24 me. Let the witness finish his answer.

25 MR. FREDERICK CHENOWETH: Quite

1 content, Your Honour.

2 MR. RICHARD DABRUS: I'm -- I'm fine.

3

4 CONTINUED BY MR. FREDERICK CHENOWETH:

5 MR. FREDERICK CHENOWETH: All right.

6 We'll come to the issue of the location of the arena

7 in due course, Mr. Dabrus.

8 But in any event at the moment, this

9 email that you get from Mr. Wood, one (1) of its main

10 features is a discussion with respect to whether or

11 not you could or could not contact Sprung. Correct?

12 MR. RICHARD DABRUS: I don't think

13 that was the main feature. It was a discussion about

14 the process in general.

15 MR. FREDERICK CHENOWETH: Thank you.

16 And all right. Then I'll accept that. One (1) of the

17 things you discussed was whether or not you could

18 contact Sprung because you found that unusual so you'd

19 gone to David for some direction in that respect.

20 MR. RICHARD DABRUS: No, no.

21 Absolutely not. We wouldn't go to David for that.

22 That would have come out in the general discussion. I

23 wouldn't -- David's a landscape architect. I would

24 not refer to him for anything to do with a -- a

25 manufactured architectural product.

1 MR. FREDERICK CHENOWETH: Okay. But
2 you might refer to him with respect to what you saw as
3 an unusual direction that you weren't to contact
4 Sprung.

5 MR. RICHARD DABRUS: No. I don't --

6 MR. FREDERICK CHENOWETH: In fact, you
7 did.

8 MR. RICHARD DABRUS: -- I don't
9 believe so. Maybe that was in the context of the
10 general discussion, but no, I would not go to him with
11 that direct point.

12 As I started to say earlier, there were
13 a lot of things in the previous study that we still
14 thought were -- or I still thought was valid. And it
15 was being completely discarded with no apparent
16 process. We were just told to do something different.

17 MR. FREDERICK CHENOWETH: Including
18 the location --

19 MR. RICHARD DABRUS: Yes.

20 MR. FREDERICK CHENOWETH: -- of the
21 arena.

22 MR. RICHARD DABRUS: Yes.

23 MR. FREDERICK CHENOWETH: Thank you.
24 But in any event, you at least acknowledge that it may
25 have been raised with David Wood in the general

1 context of the discussion that you'd been directed not
2 to contact Sprung.

3 MR. RICHARD DABRUS: But not for his
4 advice. It would have been a passing comment.

5 MR. FREDERICK CHENOWETH: Well, in any
6 event, he gave you his advice, I suggest, in this
7 email that he sent you on the 25th of July directed to
8 you. He said:

9 "I had coffee with Richard (sic)
10 Voigt from the Town of Collingwood
11 yesterday."

12 And if you could read that first
13 paragraph.

14 MR. RICHARD DABRUS: Yes.

15

16 (BRIEF PAUSE)

17

18 MR. FREDERICK CHENOWETH: And the
19 second paragraph.

20

21 (BRIEF PAUSE)

22

23 MR. RICHARD DABRUS: Sorry. Where
24 does this -- where does this talk about Sprung? Show
25 me.

1 MR. FREDERICK CHENOWETH: Well, it
2 talks about conflicting direction.

3 MR. RICHARD DABRUS: That has to do
4 with the site.

5 MR. FREDERICK CHENOWETH: Thank you.
6 I suggest to you that this email suggests to you that
7 if you had some concerns about the directions you were
8 receiving from the Town, including the direction that
9 you shouldn't contact Sprung, that you might contact
10 Mr. Ed Houghton, the CAO, for clarification on what
11 you regarded as missing directions or conflicting
12 directions.

13 MR. RICHARD DABRUS: I -- I don't see
14 where this email references a building supplier. It's
15 strictly related to the site.

16 MR. FREDERICK CHENOWETH: It -- it
17 references conflicting directions, and did you not
18 regard -- I thought you told us that you regarded the
19 direction not to contact Sprung as quite unusual.

20 MR. RICHARD DABRUS: True.

21 MR. FREDERICK CHENOWETH: All right.

22 MR. RICHARD DABRUS: But this email
23 has to do with the site.

24 MR. FREDERICK CHENOWETH: Well, did
25 you take it from this email that if you had a

1 direction that was troubling you, i.e., a direction
2 not to contact Sprung.

3 Did you take it that you could have
4 contacted the CAO, Mr. Ed Houghton, with respect to
5 that concern?

6 MR. RICHARD DABRUS: There's nothing
7 about this correspondence communication that has
8 anything to do with Sprung and contacting Sprung.

9 MR. FREDERICK CHENOWETH: I -- I take
10 it, Mr. Dabrus, that it's not much of a leap to go
11 from the question of conflicting directions to
12 contacting Mr. Houghton with respect to your concern
13 about the unusual direction not to contact Sprung.

14 MR. RICHARD DABRUS: Okay. To begin
15 with --

16 MR. FREDERICK CHENOWETH: Is that
17 fair?

18 MR. RICHARD DABRUS: I don't think
19 that is fair.

20 MR. FREDERICK CHENOWETH: Okay. Thank
21 you. Did you in any event -- let's get to it -- did
22 you, in any event, having received this email, contact
23 Mr. Houghton about your concern about being unable to
24 contact Sprung? Did you make that contact?

25 MR. RICHARD DABRUS: No. And I

1 wouldn't normally --

2 MR. FREDERICK CHENOWETH: Can you tell
3 me why you didn't contact --

4 MR. RICHARD DABRUS: -- I wouldn't
5 normally take direction from a more junior staff
6 member to leap above other people in the same
7 department.

8 MR. FREDERICK CHENOWETH: I see.
9 Well, this is a suggestion of Mr. Wood who's not a
10 junior staff member.

11 MR. RICHARD DABRUS: I think it might
12 have come from Rob Voigt.

13 MR. FREDERICK CHENOWETH: Well, it did
14 come from Rob Voigt, but it was obviously acknowledged
15 and encouraged by your associate on the Steering
16 Committee Mr. Wood.

17 Did you take up that opportunity,
18 having been encouraged to do so in the judgment of
19 Mr. Wood, to contact Mr. Houghton about your concerns
20 that you couldn't contact Sprung? Did you do that?

21 MR. RICHARD DABRUS: No. We have our
22 own ideas about what's appropriate in terms of client
23 contact, and we chose not to.

24 MR. FREDERICK CHENOWETH: Very good.
25 Thank you.

1

2

(BRIEF PAUSE)

3

4

MR. FREDERICK CHENOWETH: I was interested -- Mr. McNalty had taken some support -- you had told the Town through the course of -- to just rephrase the question somewhat.

8

You had told the Town through the course of preparing your feasibility study as you did in July and August 2012 that you were going to be unable to -- to do an energy study.

12

MR. RICHARD DABRUS: Correct.

13

MR. FREDERICK CHENOWETH: All right. And as a result of that, Mr. McNalty, in order to get some sense of the energy efficiency of Sprung and comparable structures, had gone to an energy comparison report.

18

Could we pull up that energy comparison report, which is, I believe, TOC0226210.

20

THE COURT OPERATOR: There's a number of documents with the extension --

22

MR. FREDERICK CHENOWETH: You know something. I didn't give you all the number. I apologize for that. Added to the end should be point one point three (.1.3). Could you go down to

25

1 the further body of that report?

2 I'm going to be hard-pressed to --
3 let's go down a little further. I am looking for --
4 there we go. This may be it. Yes.

5

6 CONTINUED BY MR. FREDERICK CHENOWETH:

7 MR. FREDERICK CHENOWETH: This is a
8 summary table, and I was interested in your comment
9 the other day that this was -- was useless.

10 If you wish, you can take a second to
11 read through this section of the report. Would you
12 wish to do that?

13 MR. RICHARD DABRUS: I don't need to.
14 In the title, it says --

15 MR. FREDERICK CHENOWETH: Just
16 before -- just before you --

17 THE HONOURABLE FRANK MARROCCO: Can
18 the witness be allowed to complete what he was going
19 to say before he's asked the question?

20 MR. FREDERICK CHENOWETH: I hadn't
21 even asked a question yet, Your Honour, so I'd like --
22 I'd like to do that.

23 THE HONOURABLE FRANK MARROCCO: No.
24 What were you going to say?

25 MR. RICHARD DABRUS: Right in the --

1 the title it, says R-12 wersus -- versus R-24. What's
2 -- what's the point of the study? You're comparing
3 two (2) completely different assemblies. Why -- why
4 go through the bother of -- of doing these -- this
5 energy analysis when you're not comparing the same
6 product? And again, it's the amount of insulation
7 that counts.

8

9 CONTINUED BY MR. FREDERICK CHENOWETH:

10 MR. FREDERICK CHENOWETH: Very good.
11 And in this case, it was comparing what I believe to
12 be a bricks-and-mortar building with a Sprung
13 building?

14 MR. RICHARD DABRUS: It's irrelevant.
15 It's the amount of insulation. I keep saying that.

16 MR. FREDERICK CHENOWETH: Very good.
17 Thank you. Now, you made a -- a further comment
18 through the course of your testimony. You said it was
19 not normal to look at specifics of suppliers, and in
20 this case, the Town had directed you -- it actually
21 used the word 'Sprung' in their direction to you, and
22 it sent you some Sprung materials on the morning of
23 the 17th. It was not normal to look at specific
24 suppliers at that stage, at the feasibility stage.
25 You made that comment per your evidence in-chief.

1 MR. RICHARD DABRUS: Then perhaps it
2 was misinterpreted or I misspoke. Yes, we do
3 exploration of different types of products on a
4 regular basis. We have people come in to us, make
5 presentations, whether it's floor tile or -- or
6 different types of equipment. That informs us, but it
7 does not give us bias.

8 MR. FREDERICK CHENOWETH: All right.
9 And in this case, you acknowledge that your initial
10 direction on July 20th was to look at Sprung or
11 alternatives, and you were sent materials on the
12 morning of the 17th, again with respect to Sprung.

13 I just -- I just really want to inquire
14 about the appropriateness of that, and I'm -- I'm
15 suggesting to you that there might be circumstances in
16 which looking at a -- a specific type of building
17 might be appropriate even at this stage. And I -- I'm
18 -- I'm just speculating here, but I take it that if --
19 and we'll -- we'll talk about the Town because it's
20 the Town that we're interested in here.

21 MR. RICHARD DABRUS: M-hm.

22 MR. FREDERICK CHENOWETH: If the Town
23 had -- had already done some research, had already had
24 some contact with the particular style of building, or
25 took a particular interest in a style of building, I

1 take it, it's -- in those circumstances, it might be
2 quite possible that the Town would direct you, even at
3 this stage, to look at a particular style of building.
4 Is that not possible?

5 MR. RICHARD DABRUS: Yes, it's
6 possible.

7 MR. FREDERICK CHENOWETH: Thank you.
8 And -- and you expressed a concern that the Town
9 seemed to be rejecting what you regarded as perfectly
10 good site work that your organization in particular
11 had directed its mind to in the Steering Committee
12 report, i.e., the location of -- of a single-pad arena
13 in Central Park.

14 You -- you took the view that -- that
15 not to accept the work that had been done by you for
16 the Steering Committee report was folly. Is that
17 correct? Is that what you expressed --

18 MR. RICHARD DABRUS: I wouldn't use
19 the word 'folly.'

20 MR. FREDERICK CHENOWETH: Okay. Was -
21 - was unnecessary and --

22 MR. RICHARD DABRUS: It seemed to be
23 uninformed.

24 MR. FREDERICK CHENOWETH: Okay. Very
25 good. Thank you. And I take it that in the Steering

1 Committee report, as a result of the locations chosen
2 for the arena in that report, one (1) of the ball
3 diamonds would have been lost.

4 MR. RICHARD DABRUS: That was -- in
5 the report, I believe, that was part of the
6 consideration. The broader consideration was it was
7 creating a large multi-use community complex where the
8 pool was tied into the curling rink with two (2) new
9 ice rinks, with a daycare. It would have become a
10 community hub. Yes.

11 MR. FREDERICK CHENOWETH: There --
12 there -- there's no doubt that if you lose one (1) of
13 the ball diamonds and have to go and find a new
14 location for a ball diamond, it's -- it may well
15 involve the necessity of purchasing property and a
16 pretty substantial expense to maintain for the Town a
17 two (2) ball diamond configuration.

18 MR. RICHARD DABRUS: So that would
19 have been all part of the consideration of the
20 Committee, and yes, it would have been considered and
21 -- and the benefits weighed, and -- and the decision
22 was that it was more important on that study to have a
23 integrated community complex.

24 MR. FREDERICK CHENOWETH: And you
25 would be aware that given the location for the arena

1 that was eventually chosen and built in the Town of
2 Collingwood, there was no necessity to scrub one (1)
3 of the ball diamonds and to spend substantial money on
4 property for another ball diamond?

5 MR. RICHARD DABRUS: So the priority
6 at the time was to --

7 MR. FREDERICK CHENOWETH: My simple
8 question was, are you aware of that?

9 MR. RICHARD DABRUS: To be honest, no.

10 MR. FREDERICK CHENOWETH: Okay. The
11 evidence seems to be, and you can take it as -- as a
12 given, that the two (2) ball diamonds were retained as
13 a result of the choice made by the Town on August
14 27th, 2012.

15 MR. RICHARD DABRUS: When the
16 Committee was studying Central Park in general, that
17 would have been weighed, and the decision by that
18 Committee at that particular time was to create an
19 integrated complex, which a lot of communities view as
20 being a -- a -- a -- a worthy goal.

21 MR. FREDERICK CHENOWETH: I -- I --
22 I'm simply suggesting to you that the eventual phased
23 outcome, i.e., the opportunity to maintain two (2)
24 ball diamonds without a substantial expense to -- to
25 do that, turned out to be far less than inappropriate

1 or -- or -- or ill-advised. It -- it certainly turned
2 out, for the moment, in any event, to save the Town a
3 lot of money.

4 MR. RICHARD DABRUS: And you've lost
5 the opportunity of creating a community hub.

6 MR. FREDERICK CHENOWETH: Very good.
7 We've heard some evidence with respect to phasing and
8 -- and we'll leave that area with those comments.

9

10 (BRIEF PAUSE)

11

12 MR. FREDERICK CHENOWETH: You
13 expressed a -- a concern during the course of your
14 evidence in-chief, Mr. Dabrus, that in essence, Sprung
15 had been given an opportunity to -- to sit with the
16 Town and the Town staff, and WG -- WGD had not been
17 given a chance to sit with the Town.

18 MR. RICHARD DABRUS: I don't actually
19 think I said that. I was not aware that Sprung -- I
20 was not aware that Sprung sat down with the Town --

21 MR. FREDERICK CHENOWETH: Yes.

22 MR. RICHARD DABRUS: -- I was never
23 aware of that.

24 MR. FREDERICK CHENOWETH: Yes. Thank
25 you.

1 MR. RICHARD DABRUS: And as far as us
2 not sitting down with the Town, everything was done by
3 phone, and yes, that's unusual. The time frame was
4 unusual. Everything was unusual about that particular
5 month of study.

6 MR. FREDERICK CHENOWETH: Thank you.
7 Did you -- did you ask to sit down with the Town?

8 MR. RICHARD DABRUS: I was on
9 vacation. Marta was on vacation. We had a one (1)
10 month time frame. It just couldn't be done.

11 MR. FREDERICK CHENOWETH: All right.
12 So you couldn't take a -- an hour to -- to sit with
13 the Town and -- and discuss any --

14 MR. RICHARD DABRUS: Well, it's --
15 it's --

16 MR. FREDERICK CHENOWETH: -- any
17 concerns about direction you might have had or
18 anything of that nature?

19 MR. RICHARD DABRUS: Everything
20 happened very quickly. That direction was set very
21 quickly. We had to produce things very quickly.

22 MR. FREDERICK CHENOWETH: M-hm.

23 MR. RICHARD DABRUS: It was done.

24 MR. FREDERICK CHENOWETH: Thank you.

25 So I take it you regarded the contact you were able to

1 have with the Town by email and phone and otherwise,
2 in that you didn't inquire for more, to have been
3 satisfactory to complete your task at that time.

4 MR. RICHARD DABRUS: I think we
5 performed very well given the time frame and the
6 information made available.

7 MR. FREDERICK CHENOWETH: Very good.
8 Thank you. And you didn't, again, feel it necessary
9 to call the Town and -- and sit with them.

10 MR. RICHARD DABRUS: Well, we didn't.

11 MR. FREDERICK CHENOWETH: Thank you.
12 Now, you had some comments through the course of your
13 evidence in-chief with respect to the utility of the
14 Sprung structure.

15 And as I recall your evidence, you
16 expressed a concern about the prospect of -- of
17 collapse with the fabric structure?

18 MR. RICHARD DABRUS: That's -- that's
19 a fact. I mean, it has. I'm not saying Sprung
20 structures have collapsed, but it's a fact that, yes,
21 membrane structures have collapsed when they're put in
22 compression.

23 Plastics naturally harden a little bit
24 over time, and in the case of the MetroDome in
25 Minneapolis, they had a particularly heavy snowfall

1 and the roof collapsed. It collapsed more than once.

2 MR. FREDERICK CHENOWETH: Thank you.

3 And you have indicated you did some -- some work on
4 exploring the Sprung structure, you said you did some
5 searches on the internet. You said that you reviewed
6 the seventeen (17) slides that were forwarded to you
7 by -- by Mr. McNalty on the morning of August 17th.

8 Would you be aware of the fact that the
9 Sprung product, in the over 100 years of use that it's
10 had, has not collapsed?

11 MR. RICHARD DABRUS: Well, that's what
12 they say.

13 MR. FREDERICK CHENOWETH: Okay. Do
14 you have some -- some evidence to the contrary?

15 MR. RICHARD DABRUS: No, I don't. But
16 it's just my -- it's just them saying it.

17 MR. FREDERICK CHENOWETH: Thank you.
18 Is it fair to say that -- that at least given the
19 evidence we have, that -- that you say comes from
20 Sprung, that the evidence we have suggests that Sprung
21 buildings have not collapsed in excess of 100 years of
22 use? That's the evidence we have.

23 And that was a building that you were
24 directed to, both in your terms of reference and on
25 August 17th. Is that fair?

1 MR. RICHARD DABRUS: You're going to
2 have to rephrase that. I -- I can't just accept
3 somebody's -- what a manufacturer says as being fact.
4 We have to do some exploration. We have to check
5 references. You can't just have somebody sit up here
6 and say everything I've done has always been perfect
7 and say okay.

8 MR. FREDERICK CHENOWETH: Right.
9 Well, in the same way, you were directed, specifically
10 it seems on July 20th, and again by the slides of
11 August 17th, you were directed to consider a Sprung
12 building or a comparable building, correct --

13 MR. RICHARD DABRUS: Yes, yes.

14 MR. FREDERICK CHENOWETH: -- we'd have
15 to agree on that?

16 And you made a comment the other day in
17 the witness box that there's a concern about collapse,
18 and I'm just really inquiring about that because, as I
19 understand it, the only information before this
20 Inquiry is that the very building you were directed
21 to, i.e., a Sprung building, has not collapsed in the
22 last 100 years.

23 Did you do the -- some -- some research
24 in order for you to make the statement the other day
25 that there was a concern about collapse?

1 MR. RICHARD DABRUS: Given the time
2 and effort and, quite frankly, fee, I would -- I would
3 thoroughly explore it.

4 MR. FREDERICK CHENOWETH: And you
5 didn't thoroughly explore it before making your
6 comment the other day about collapsed roofs?

7 MR. RICHARD DABRUS: It's a fact that
8 there's been membrane roofs that have collapsed.
9 Sprung is a membrane roof. Like, what -- what
10 couldn't be clearer?

11 MR. FREDERICK CHENOWETH: Well,
12 according to Sprung it's -- it's not very clear. But
13 in any event, I think we've discussed the point and I
14 will move on.

15 You made the comment the other day in
16 your evidence in-chief that with respect to replacing
17 the outer membrane of -- of a Sprung roof, that you
18 know of no other way of doing that, other than taking
19 it down and interrupting the utility of -- of the
20 building.

21 MR. RICHARD DABRUS: Okay, so I may
22 not be completely up to speed on that. As I
23 understand it now, you can unfasten a bolt or
24 something on the top and take off the top membrane.

25 No, I was not aware of that.

1 MR. FREDERICK CHENOWETH: All right.
2 And as I understand the evidence of -- of Mr. Lloyd
3 given the other day, he said that -- and I think he
4 cited an example where they'd done it, where Sprung
5 outer skins can be replaced without the people inside
6 even knowing it's being done.

7 MR. RICHARD DABRUS: Isn't that what I
8 just said?

9 MR. FREDERICK CHENOWETH: I -- I think
10 it may have been. So that's in -- so that you weren't
11 up to speed --

12 MR. RICHARD DABRUS: I think I said
13 that.

14 MR. FREDERICK CHENOWETH: -- you --
15 thank you. So you weren't up to speed when you made
16 your comment about you'd have to take down the Sprung
17 building to --

18 MR. RICHARD DABRUS: So this is the
19 fourth time I've answered that --

20 MR. FREDERICK CHENOWETH: -- to change
21 the -- to change the outside membrane?

22 MR. RICHARD DABRUS: -- yes. This is
23 the fifth time I've answered that. Yes.

24 MR. FREDERICK CHENOWETH: Thank you
25 very much.

1 Now, I'm not sure whether you're up to
2 speed on this one as well or not, but we'll -- we'll
3 review it.

4 You suggested that Code amendments in
5 2016 would make the -- the nature of the building that
6 Sprung constructed after 2012 impossible. Changes in
7 the building --

8 MR. RICHARD DABRUS: So it's SB-10,
9 part 2 of the Code, amended in 2016.

10 MR. FREDERICK CHENOWETH: Right.

11 MR. RICHARD DABRUS: It's a very
12 complicated list of directives that have to deal with
13 walls, foundations, roofs, structural penetrations,
14 and there is an allowance for some structural
15 penetration. And as a percentage of the overall
16 volume, I don't have time to do the calculation.

17 MR. FREDERICK CHENOWETH: So you don't
18 have time to work through the -- the complicated
19 building Code direction that would be necessary to
20 carry out to decide whether or not a Sprung building
21 could continue to be constructed following the
22 building Code amendment of 2016.

23 Is that --

24 MR. RICHARD DABRUS: Okay, so we just
25 finished --

1 MR. FREDERICK CHENOWETH: -- what
2 you're telling me?

3 MR. RICHARD DABRUS: We just finished
4 a building that has some similarities to what we're
5 talking about.

6 The building part of it, we went
7 through SP-10 and we had to have a continuous --
8 continuous insulation for a roof that's -- that is
9 required for a roof, which is R-24, continuous which
10 means instead of having the insulation between the
11 structure, which is quite common, everything had to be
12 on top of the roof, on top of the structure, which
13 requires a different kind of roof construction, if you
14 want.

15 So yes, I'm certainly aware of the
16 issue. Did I take a Sprung structure and do the
17 analysis? Well, nobody has given me a Sprung
18 structure to do the analysis. Give me the shop
19 drawings and perhaps I will on my own free time.

20 MR. FREDERICK CHENOWETH: Very good.
21 But you said, in spite of the fact that you haven't
22 had an opportunity to do that research and haven't
23 been retained and got a fee to do it, you said that
24 you couldn't build that building in 2016.

25 MR. RICHARD DABRUS: That's my belief.

1 MR. FREDERICK CHENOWETH: I see. Have
2 you --

3 MR. RICHARD DABRUS: I gave you just
4 an example of what I just went through that a Sprung
5 structure would have to go through today.

6 MR. FREDERICK CHENOWETH: I --

7 MR. RICHARD DABRUS: The insulation
8 would have to be continuous on top of the structure.

9 MR. FREDERICK CHENOWETH: I heard you.
10 Have you heard of the -- of the
11 bankruptcy of Sprung since that building code
12 amendment in 2016? I'm just wondering.

13 MR. RICHARD DABRUS: I have no idea
14 what they've built since then.

15 THE HONOURABLE FRANK MARROCCO: I
16 appreciate -- I appreciate your question, but they --
17 for people listening, they're still in business. I
18 appreciate the thrust of your question, but no one
19 should get the idea from your question that there
20 actually was a -- any bankruptcy associated with
21 Sprung.

22 MR. FREDERICK CHENOWETH: No, indeed.
23 Indeed.

24 THE HONOURABLE FRANK MARROCCO: I
25 understand that. I just want it to be clear to people

1 listening that -- that despite the -- that despite the
2 comment in your question, no one was suggesting that
3 there had, in fact, been such a bankruptcy.

4

5 CONTINUED BY MR. FREDERICK CHENOWETH:

6 MR. FREDERICK CHENOWETH: The -- the
7 inference is exactly the opposite, that Sprung in
8 fact, as you've acknowledged, is still in business,
9 and to the best of your knowledge are they still in
10 business?

11 MR. RICHARD DABRUS: So, I'm fully
12 aware that Sprung have put up structures recently, in
13 Ontario, and this SP10 is -- is a part of the Ontario
14 Building Code.

15 MR. FREDERICK CHENOWETH: Yes.

16 MR. RICHARD DABRUS: I don't know how
17 they got away with it, because I didn't get away with
18 it on a recent building in Brampton.

19 MR. FREDERICK CHENOWETH: But you're -
20 - you're aware that they've put up a -- a number of
21 buildings since that building --

22 MR. RICHARD DABRUS: I think I just
23 said I was aware.

24 MR. FREDERICK CHENOWETH: I'm sorry?

25 MR. RICHARD DABRUS: I think I just

1 said I was aware.

2 MR. FREDERICK CHENOWETH: Thank you.

3 And it appears that by guess or by God they seem to
4 have found a way in that complicated Building Code
5 amendment to continue to put out that product,
6 correct?

7 MR. RICHARD DABRUS: Guess so.

8 MR. FREDERICK CHENOWETH: Thank you.

9 A couple of vexing areas.

10 The LEEDS or LEED equivalent situation,
11 I think you'd acknowledged that -- and I think you
12 have it in your evidence in-chief that LEEDS is a
13 point system?

14 MR. RICHARD DABRUS: Yes.

15 MR. FREDERICK CHENOWETH: And you have
16 some familiarity with that point system?

17 MR. RICHARD DABRUS: Yes.

18 MR. FREDERICK CHENOWETH: Thank you.

19 And I think you've acknowledged that -- that the
20 Sprung structure by its very design has built into it
21 a number of LEED's points as a result of its
22 particular design, its insulation features, and
23 matters of that nature?

24 MR. RICHARD DABRUS: I don't think
25 there's any particular about Sprung, and I keep saying

1 this, it's the amount of insulation. The amount of
2 insulation gives you eight (8) points out of between
3 fifty (50) and fifty-nine (59) for LEED silver.

4 MR. FREDERICK CHENOWETH: But we know
5 that the Sprung building that was being looked at on
6 that occasion had a substantial 'R' value, R-30?

7 MR. RICHARD DABRUS: yes.

8 MR. FREDERICK CHENOWETH: All right.
9 And you'd acknowledge that the structure -- I'm only
10 talking about the structure. I'm not talking about
11 what you build inside it.

12 You'd acknowledge that -- that, given
13 the design of -- of the Sprung structure, as you
14 understood it in 2012, would have a number of LEED's
15 points attributed to it?

16 MR. RICHARD DABRUS: Any structure
17 that has an insulating value over and above what the
18 building code requires and there's modelling done will
19 get eight (8) points out of a required fifty (50) to
20 fifty-nine (59) for LEED silver --

21 MR. FREDERICK CHENOWETH: Yes.

22 MR. RICHARD DABRUS: -- any structure.

23 MR. FREDERICK CHENOWETH: And -- and,
24 in fact, the Sprung building had that?

25 MR. RICHARD DABRUS: I'll give them

1 that.

2 MR. FREDERICK CHENOWETH: Thank you.
3 And I -- I take it, given the characteristics of the
4 Sprung building, if you were going to look at
5 engineered steel, you would have to find a way of --
6 of getting it up to snuff with the Sprung building in
7 order to get the kinds of points that the Sprung
8 design -- initial Sprung design had in it?

9 MR. RICHARD DABRUS: All you have to
10 do is provide the proper amount of insulation. I
11 don't -- I don't -- I keep going over this point over
12 and over again.

13 MR. FREDERICK CHENOWETH: Yeah.

14 MR. RICHARD DABRUS: It's not the
15 manufacturer, it's the amount of insulation that gives
16 you the 'R' value.

17 MR. FREDERICK CHENOWETH: Thank you.
18 So, again, you would -- I don't know what you'd do,
19 but you'd design some sort of system in your pre-
20 engineered structure to -- to put in more insulation?

21 MR. RICHARD DABRUS: To put in
22 insulation. We have to put in insulation. It's just
23 a matter of how much.

24 MR. FREDERICK CHENOWETH: Thank you.

25 And...

1 (BRIEF PAUSE)

2

3 MR. FREDERICK CHENOWETH: Your Honour,
4 those are all the questions I have of this witness.

5 THE HONOURABLE FRANK MARROCCO: Thank
6 you, Mr. Chenoweth.

7 MR. FREDERICK CHENOWETH: Thank you.

8 THE HONOURABLE FRANK MARROCCO: Mr.
9 Marron...?

10 MR. GEORGE MARRON: I -- I found the
11 witness's evidence most interesting, but I don't think
12 the questions I would put would have relevance to the
13 Inquiry, Your Honour, so --

14 THE HONOURABLE FRANK MARROCCO: Well,
15 thank you for not putting irrelevant questions to the
16 witness. And thank you on the witness's behalf as
17 well as my own.

18 Mr. Trudell...?

19 MR. BILL TRUDELL: I ju -- thank you,
20 sir. I have one (1) question.

21

22 CROSS-EXAMINATION BY MR. BILL TRUDELL:

23 MR. BILL TRUDELL: Mr. Dabrus, I --
24 I've been listening very carefully. I represent BLT.
25 And I -- I think that you want to be fair to everyone

1 when you give your evidence, so I would suggest you --
2 you should be very careful in terms of your wording.

3 So, what you said was, I don't know how
4 Sprung got away with it. And I think what you really
5 -- you're not suggesting that any structures put up by
6 Sprung or BLT in recent times are contrary to any code
7 or violated any guidelines.

8 Is that fair? You don't --

9 MR. RICHARD DABRUS: I'm -- I'm --

10 MR. BILL TRUDELL: You're not
11 suggesting --

12 MR. RICHARD DABRUS: I'm being fair
13 and honest in that my experience with SB10 is that, in
14 the city of Brampton, is you have to have continuous
15 insulation. Our engineers --

16 MR. BILL TRUDELL: Now, that --

17 MR. RICHARD DABRUS: Our engineers
18 vetted it. We had an argument. The contractor didn't
19 want to do it. We were not allowed to get away
20 without continuous insulation.

21 MR. BILL TRUDELL: Yes.

22 MR. RICHARD DABRUS: Other
23 municipalities, sometimes the plan examiners aren't up
24 to speed. I'm not saying anybody's cheating. I'm
25 just stating a fact.

1 MR. BILL TRUDELL: So, suggesting that
2 you don't know how Sprung got away with it is quite
3 unfair, isn't it?

4 MR. RICHARD DABRUS: I don't think so.
5 The building code's the building code. If people miss
6 things in the building code, it's unfortunate, but I
7 don't -- I don't think I'm saying anything
8 disparaging.

9 MR. BILL TRUDELL: Okay. Thank you.

10 THE HONOURABLE FRANK MARROCCO: Mr.
11 Bonwick...? Act -- actually, I'm sorry, Mr. Bonwick.
12 Maybe before you start, we'll take ten (10) -- we'll
13 take ten (10) minutes.

14

15 --- Upon recessing as 10:20 a.m.

16 --- Upon resuming at 10:31 a.m.

17

18 THE HONOURABLE FRANK MARROCCO: Go
19 ahead, Mr. Bonwick

20 MR. PAUL BONWICK: Thank you, Your
21 Honour.

22

23 CROSS-EXAMINATION BY MR. PAUL BONWICK:

24 MR. PAUL BONWICK: Mr. Dabrus, my name
25 is Paul Bonwick, and I'm a participant here of the

1 Hearing. I echo the earlier comments. Thanks very
2 much for making time to come up again today and
3 address -- address the Inquiry.

4 I'd like to focus in more at this point
5 on the Central Park report. Would it be fair to say
6 that the good work you and your colleagues did on that
7 report with the Steering Committee had the ability to
8 provide a very substantive need in the community as it
9 related to what the community was wanting in terms of
10 recreational amenities?

11 MR. RICHARD DABRUS: Do you want me to
12 just say yes, or do you want me to give you a bit of a
13 history?

14 MR. PAUL BONWICK: By all means,
15 please. And feel free to speak at length if you --

16 MR. RICHARD DABRUS: So the first
17 part --

18 MR. PAUL BONWICK: -- any --

19 MR. RICHARD DABRUS: -- of any
20 feasibility study if you want is obviously a -- a
21 general desire on the part of the community -- what's
22 wanted, what's needed.

23 Then consultants are engaged to do
24 something called a Needs Assessment and Community
25 Engagement. Community engagement includes typically

1 surveys, websites these days are organized, and -- and
2 community visioning sessions are all held.

3 Features are prioritized and some fall
4 off, some stay in. Then eventually, it gets to people
5 like ourselves where we test what we provide a program
6 based upon our experience for what is being asked for.
7 So a number of square feet for something.

8 Then we will begin testing the
9 different site alternatives. So we were brought in at
10 the program and site alternatives stage. So all the
11 needs, all the wants had already been vetted.
12 Somebody else had prioritized things.

13 We were brought in with the mandate of
14 doing the urban design site analysis and ultimately
15 costing.

16 MR. PAUL BONWICK: Thank you. During
17 that process -- and I should give you a little bit of
18 background.

19 I served on Collingwood Council a
20 number of years ago back in the mid '90s, and
21 subsequently served in Canada's Parliament for a
22 number of years as well, and subsequent to that have
23 worked within the development sector in various --
24 various ways over the course of the last fifteen (15)
25 years.

1 And I'm curious as they go through this
2 exercise of reaching out to the community and
3 identifying the priorities and shaping those
4 priorities, in your experience, do they typically give
5 the respondents any indication as it relates to
6 cost -- what implication that might have on the tax
7 bill, what that might require in terms of debt or
8 financing?

9 In your experience, does that become
10 part of the discussion with people that are being
11 interviewed or having the opportunity to provide input
12 on their priorities?

13 MR. RICHARD DABRUS: Well at a staff
14 level, I -- my experience is that would normally be a
15 consideration at staff level. From the user groups?
16 No, they wouldn't be part of that.

17 As far as the consultant's involvement,
18 sometimes the consultants as they are right now all
19 across the province will help in applications for
20 funding.

21 MR. PAUL BONWICK: Thank you. I
22 shared a story -- a very short one -- in part 1 of the
23 Inquiry, and it was about a pre-budget consultation
24 that took place and a couple hundred people in the
25 room, and the idea was similar. What are the

1 priorities? What are the things that we should be
2 doing with your money?

3 And without going into great detail,
4 half a dozen individuals got up from different parts
5 of the room and spoke about the need for better roads,
6 better schools, better recreational amenities, and of
7 course everybody gave a little round of applause as
8 those were going on.

9 And then at the end of the session, one
10 (1) fellow got up and said this is all well and good,
11 but don't raise my taxes. And everybody else that
12 supported those concepts of recreation, new roads, all
13 gave him a robust round of applause.

14 The reason I draw that is: During
15 these processes, it really is identifying priorities
16 or wish lists within certain groups of the community
17 in terms of what they want to deliver to the community
18 but rarely do they get the opportunity to understand
19 the financial implications of what they're asking for
20 certainly during that stage.

21 MR. RICHARD DABRUS: So we're going
22 through a similar process in Perth right now. We
23 developed -- we did the survey. There was a wish
24 list, and what percentage of respondents want squash
25 courts.

1 Staff decided to prioritize. We
2 provided a very high level budget, and it went to
3 Council last week. I'm not sure what the outcome was.
4 But at the Council level, they would have said, no,
5 you're asking for too much and staff would have made
6 revisions.

7 MR. PAUL BONWICK: Thank you. Could I
8 bring up document number TOC -- sorry -- TOC0124036.

9

10 (BRIEF PAUSE)

11

12 MR. PAUL BONWICK: I don't need to go
13 through this. Your company is the author of this
14 report if I'm not mistaken?

15 MR. RICHARD DABRUS: We would have
16 contributed to the report.

17 MR. PAUL BONWICK: Contributed to the
18 report. The report, as I understand it, has sixty-six
19 (66) pages, four (4) sections, and appendices included
20 in it. You'll be familiar with the report?

21 MR. RICHARD DABRUS: I'm sure I saw it
22 at one (1) point in time.

23 MR. PAUL BONWICK: Can you give any
24 indication on the number of meetings you might have
25 had in terms of the hard work your firm -- your

1 colleagues did in contributing to this report?

2 MR. RICHARD DABRUS: We came here to
3 the Town several times.

4 MR. PAUL BONWICK: Who at WGD would
5 have been involved in terms of working on this report
6 or contributing to it?

7 MR. RICHARD DABRUS: Largely myself,
8 but Michael Thier would have been involved and some --
9 some draftsmen in our office.

10 MR. PAUL BONWICK: So it's fair to say
11 that WGD did a great deal of work in terms of offering
12 contribution towards the final report that was given.

13 MR. RICHARD DABRUS: Our role was site
14 planning options, analysis, program, and our cost
15 consultant did a budget.

16 MR. PAUL BONWICK: So you would agree
17 then that a great deal of effort --

18 MR. RICHARD DABRUS: Sure.

19 MR. PAUL BONWICK: -- was expended by
20 your team in terms of helping the Central Park
21 committee -- Steering Committee --

22 MR. RICHARD DABRUS: Sure.

23 MR. PAUL BONWICK: -- get to this --
24 get to this stage, and I think for that you need to be
25 thanked.

1 You would have looked at things like
2 integration of the expansion of the YMCA, integration
3 of the curling club, investigating a running track,
4 community room, youth office, PRC offices, internal
5 corridors, expanded parking, et cetera, et cetera.

6 MR. RICHARD DABRUS: Yes.

7 MR. PAUL BONWICK: It's a fairly
8 expansive list in terms of everything that was looked
9 at as it relates to this.

10 As I understand it over this six (6)
11 week or six and a half week (6 1/2) period you worked
12 on this report -- you and your colleagues worked on
13 this report that the total fee for the report was
14 twenty-six thousand four hundred and ninety dollars
15 (\$26,490)?

16 MR. RICHARD DABRUS: (NO AUDIBLE
17 RESPONSE)

18 MR. PAUL BONWICK: Again, one (1)
19 would suggest that the community received significant
20 value in terms of all the work that was brought to
21 bear from your team in terms of helping deliver this
22 final report.

23 MR. RICHARD DABRUS: So -- okay. Yes.

24 MR. PAUL BONWICK: Would you agree --
25 or would you comment on that once the report was

1 complete and delivered to Council, it really presented
2 a very comprehensive in-depth report that showed how
3 Collingwood could provide very significant
4 recreational -- integrated recreational facilities for
5 the residents of Collingwood.

6 MR. RICHARD DABRUS: It was a vision.

7 MR. PAUL BONWICK: You were proud of
8 the work?

9 MR. RICHARD DABRUS: We're happy with
10 the work.

11 MR. PAUL BONWICK: Did you think that
12 the Steering Committee was very excited about this
13 proposition, this vision?

14 MR. RICHARD DABRUS: As far as I'm
15 aware.

16 MR. PAUL BONWICK: Did you think that
17 this was something that was, in fact, very legitimate
18 in terms of what Council should consider based on all
19 the hard work that had been conducted and the feedback
20 that had been provided by the various stakeholders?

21 MR. RICHARD DABRUS: I think that it
22 would have been an asset to the community, yes.

23 MR. PAUL BONWICK: And again, I want
24 to focus on this part in time, not going forward in to
25 August.

1 Had Council embraced this report and
2 the \$35 million and plus -- and there's -- to your
3 point, there's all sorts of different ways that you
4 can address those costs, debt, reserves, financing,
5 try for grants. We've identified earlier that at that
6 time there were no grants. But there's a multitude of
7 private/public partnerships. There's a multitude of
8 ways to deal with the financing of this.

9 But if, at the end of the day,
10 Collingwood Council had of embraced this report and
11 moved forward, excluding any other considerations,
12 would your firm, under that environment, not wanted to
13 participate in helping the municipality realize this
14 vision?

15 MR. RICHARD DABRUS: At that point, we
16 had a good working relationship, and yes, if a RFP
17 came out, we would have submitted a fee.

18 MR. PAUL BONWICK: Documents have --
19 presented to the Inquiry have identified, and I can
20 bring up the budgets if you wish -- but through
21 detailed design, architectu -- the role of the
22 architects, project management, the fees in total
23 would have represented somewhere around \$4.4 million.

24 MR. RICHARD DABRUS: That's really on
25 the high range. That's quite -- quite a bit on the

1 high range.

2 MR. PAUL BONWICK: I would agree, but
3 --

4 MR. RICHARD DABRUS: But I don't
5 believe that anybody ever presented that number,
6 because we certainly wouldn't be charging that.

7 MR. PAUL BONWICK: And -- and -- and
8 thank you for that, and I wasn't suggesting for a
9 moment that had you been a -- successful in the RFP
10 process, that 4 -- 4 -- 4.4 million would have gone to
11 WGD. But there would have been a significant role
12 that WGD would have played in terms of helping the
13 community realize that vision as part of those fees.

14 Is that fair?

15 MR. RICHARD DABRUS: I'm not going to
16 answer you in a straightforward way. Typically, the
17 cost of design, so architecture and engineering, is 5
18 percent of the construction cost. On a building that
19 was envisioned back then, it was probably in the order
20 of seven thousand (7,000) to eight thousand (8,000)
21 hours worse -- worth of effort. So yes, we would have
22 contributed significantly.

23 MR. PAUL BONWICK: Thank you. What
24 amazes me as I look at the documents and the work that
25 your team contributed is that you were able to do it

1 in six and a half (6 1/2) weeks.

2 MR. RICHARD DABRUS: Well, in actual
3 fact, it took a lot longer than that. There were
4 iterations after that six (6) weeks. Marta came back
5 to us several times. We had other discussions with
6 the YMCA. It didn't -- didn't stop at six (6) weeks.

7 MR. PAUL BONWICK: And again, I -- I
8 appreciate that there was work after that, but during
9 a six and a half (6 1/2) week period, by your own
10 evidence or submission, WGD really brought the
11 horsepower to the table in order to get this --

12 MR. RICHARD DABRUS: Yeah.

13 MR. PAUL BONWICK: -- thing to a place
14 where it was within that six and a half (6 1/2) week
15 period. So I'd like to address your comments as it
16 relates to what you said now and what you said under
17 cross-examination with Mr. Chenoweth.

18 This really presented a vision, an
19 integrated recreational amenities vision for the
20 municipality. And I think you were referring to it as
21 a lost opportunity to create a community hub.

22 MR. RICHARD DABRUS: Yeah.

23 MR. PAUL BONWICK: And I'm suspecting
24 that based on the vision and the work that your team
25 did in cooperation with the Steering Committee, that

1 you felt that this integrated hub -- this vision of an
2 integrated recreational hub was lost as a result of
3 the direction Collingwood Council ended up moving
4 towards.

5 MR. RICHARD DABRUS: You could have
6 built the single pad where the existing outdoor pad
7 is, and you -- it would have retained some of the
8 vision.

9 MR. PAUL BONWICK: Are you familiar
10 with Central Park as it stands today?

11 MR. RICHARD DABRUS: I drove by it the
12 other day.

13 MR. PAUL BONWICK: So I grew up in the
14 community not one (1) block away from it and seen it
15 go through various incarnations as it relates to
16 recreational amenities, but by my count right now,
17 there's an arena there, there's a YMCA there, there's
18 a swimming pool there, there's a curling rink there,
19 there's a community centre there, there's a lawn
20 bowling area there, there's baseball diamonds there,
21 there's public washrooms there, there's a
22 confectionary there.

23 When I take my grandson there or when I
24 have the opportunity to visit, by my standards and I
25 think by most, they would suggest that it's -- it's a

1 pretty exciting community hub in its own state right
2 now. So I'm curious why you suggest that the
3 community lost an opportunity to create a community
4 hub when, in fact, it's a very, very vibrant, well-
5 used community hub as it stands today.

6 MR. RICHARD DABRUS: So our firm,
7 other firms, have been doing multi-use facilities
8 recently where all those activities are connected by
9 central circulation and -- and lobbies, and it allows
10 for a certain synergy of activity and -- and
11 excitement and -- and extra activities you wouldn't
12 normally expect in a recreational facility to take
13 place: Municipal facilities, a New Year's levy or
14 something. That's what I'm referring to as a hub.

15 MR. PAUL BONWICK: And will you be
16 aware of the fact that Collingwood Council, during
17 that period, 2010 to 2014, actually approved funding
18 and significant work was undertaken to create within
19 that hub and that framework a -- for lack of a better
20 description, I'll call it a community centre where
21 community events can take place, weddings, any kind of
22 different thing. It's serviced by an elevator. It
23 has bars, a food station.

24 Are you aware that all that exists in
25 there today?

1 MR. RICHARD DABRUS: No, I'm not. So
2 it's not just my interpretation of what an exciting
3 hub would be. It was the Steering Committee's
4 interpretation at the time.

5 MR. PAUL BONWICK: Thank you. I'd
6 like to move on to the direction that was finally
7 taken by Council as it relates to Sprung and, more
8 specifically, your involvement in that, helping Mr.
9 McNalty do a cost analysis on what the options were.

10 If I understand the correspondence
11 properly, at Mr. McNalty's direction, choosing to
12 engage WGD, he asked for the arena feasibility study
13 to be completed in four (4) weeks, and it's my
14 understanding that that four (4) week period would
15 have been July 20th to on or about August 15th. And
16 on August 17th, you delivered a -- a report.

17 Is that accurate?

18 MR. RICHARD DABRUS: Yes.

19 MR. PAUL BONWICK: You delivered a
20 twelve (12) page report.

21 MR. RICHARD DABRUS: Right.

22 MR. PAUL BONWICK: I apologize for not
23 being here on Friday. I had another commitment. But
24 as I understand the testimony, you raised the issue
25 about it being a very tight time frame and having a

1 great deal of difficulty in meeting the requirements
2 identified, specific to time line, from Mr. McNalty.
3 Is that fair?

4 MR. RICHARD DABRUS: Yes.

5 MR. PAUL BONWICK: So I'm struggling
6 with how a twelve (12) page report for wor -- much of
7 the work largely done in the earlier stage created a
8 difficult time line for you, when, in fact, you
9 delivered a sixty-nine (69) page report over six and a
10 half (6 1/2) weeks.

11 MR. RICHARD DABRUS: So I don't
12 believe we were the total contributors for the sixty-
13 nine (69) page report. We contributed in part. There
14 was a great deal of preliminary work that was done by
15 staff with the Committee, and that would have made up
16 a large part of the body. It was not all ours. We
17 had a number of drawings. We had a -- a cost. That's
18 only a few pages, four (4) pages. We had, here again,
19 drawings. We didn't do sixty-nine (69) pages worth of
20 work.

21 MR. PAUL BONWICK: But by your own
22 admission, you and your colleagues and drafts people
23 and numerous people from your firm made a very
24 substantial contribution during that six and a half (6
25 1/2) week period.

1 MR. RICHARD DABRUS: Yes.

2 MR. PAUL BONWICK: It appears that the
3 contribution that you made, and I think you've
4 acknowledged, is substantial in terms of the report
5 that was delivered to Council.

6 I congratulate you on the ability to do
7 it in the six and a half (6 1/2) weeks and make those
8 contributions and marshal those resources. Where I'm
9 struggling is, sir, on the opposite -- or on the other
10 direction that Council chooses to go you suggest that
11 the twelve (12) page report was a stretch to complete
12 in four (4) weeks.

13 And that's where I'm really struggling
14 with. It appears you have heart and soul into this
15 grand vision for an integrated \$35 million MURF, but
16 yet for simple analysis on a twelve (12) page report,
17 much of which was done in your earlier work, you have
18 raised significant issue about only being provided
19 four (4) weeks?

20 MR. RICHARD DABRUS: Absolutely. I
21 mean, ab -- absolutely.

22 MR. PAUL BONWICK: I've been involved
23 with several construction projects and, like you, have
24 identified there's always a number of different
25 consultants or firms that are working on it from

1 engineers to architects to planners, landscape
2 architects. The list goes on and on.

3 It's fairly extensive when you get into
4 a fairly large project. Would you agree?

5 MR. RICHARD DABRUS: Yes.

6 MR. PAUL BONWICK: And so, in the
7 interest of efficiency and trying to manage the
8 information flow, traditionally what we would do is
9 create a point of contact.

10 And rather than having every consultant
11 that has a vested interest in trying to advance the
12 project communicating outside sort of an organized
13 structure, we create a system where there's a point of
14 contact. And the Information Requests come through
15 the point of contact.

16 The point of contact then typically
17 reaches out and engages the appropriate resource for
18 the information being requested. Do you find that
19 that's --

20 MR. RICHARD DABRUS: So, as the
21 architect, we're the coordinating consultant, so we
22 manage all the various sub-consultants. We would be
23 the -- the point contact with the client.

24 There will be meetings where the
25 engineers or other consultants will be there, as well,

1 but we're the prime consultant typically on a ar -- on
2 a construction project.

3 MR. PAUL BONWICK: But on a situation
4 where Council or staff have identified Mr. McNalty as
5 the resource at the direction of the CAO who's the
6 lead on this, direct Mr. McNalty to take the lead in
7 terms of the costing and the comparisons.

8 They've already identified that person
9 as the lead. Mr. McNalty respo -- reports to Mr.
10 Houghton who, at the end of the day, has been tasked
11 and directed very clearly by Council to explore at
12 this point the option of something other than the \$35
13 million MURF that has been tabled.

14 And so, you're not the lead?

15 MR. RICHARD DABRUS: We're the lead
16 consultant.

17 MR. PAUL BONWICK: Pardon me?

18 MR. RICHARD DABRUS: We're the lead
19 consultant.

20 MR. PAUL BONWICK: Sorry, I'll --
21 okay. I'll finish my question. You're not the lead
22 in this particular instance. Mr. McNalty and Mr.
23 Houghton are the lead on behalf of the municipality.

24 And so, my question, sir, is, if you
25 receive direction -- I'm thinking about my

1 expectations if I was involved in a different project.

2 But if you have questions specific to
3 Sprung construction, would it not make sense, whether
4 you are particularly fond of the direction or not fond
5 of the direction, to put together an email to Mr.
6 Houghton or Mr. McNalty and say here are our list of
7 questions that we would like to have addressed by
8 Strung -- Sprung, is it possible, either a) for you to
9 get answers to these or, b) could we set up a meeting
10 with Sprung in order to address these points?

11 MR. RICHARD DABRUS: As I mentioned in
12 my previous testimony, I was concerned about the
13 site-ing of the building. I have no particular issue
14 with Sprung one way or another.

15 My only point was it's the insulation
16 that counts. And I keep saying that over and over
17 again.

18 MR. PAUL BONWICK: And -- and I
19 understand that. Again, when you get into design
20 builds on standard -- what is a more standard
21 construction approach, whether that be steel or bricks
22 and mortar, those buildings have the ability to
23 accommodate R-30, as well; fair?

24 MR. RICHARD DABRUS: Yes.

25 MR. PAUL BONWICK: But in designing a

1 building to accommodate an R-30 or something greater,
2 in my experience, the costs grow exponentially as it
3 relates to depth of wall, the --

4 MR. RICHARD DABRUS: That's fair to
5 say.

6 MR. PAUL BONWICK: -- the design of
7 the structure in terms of its capacity to hold the
8 weight --

9 MR. RICHARD DABRUS: That's fair to
10 say.

11 MR. PAUL BONWICK: -- the beams. It's
12 -- it's quite a substantive undertaking to -- to
13 accommodate that kind of stuff?

14 MR. RICHARD DABRUS: And that's why
15 people don't routinely do it. Yes, that's fair to
16 say.

17 MR. PAUL BONWICK: So, in a standard
18 bricks and mortar or design build for fabricated
19 steel, to your point, that's why people don't normally
20 go there, is because of the substantive costs that's
21 associated with expanding the walls, expanding the
22 ceilings, increased girders, all that type of stuff,
23 fair?

24 MR. RICHARD DABRUS: Yes.

25 MR. PAUL BONWICK: So, we acknowledge

1 that Sprung has a standard building envelope and wall
2 that they purport to be an R-30, fair?

3 MR. RICHARD DABRUS: Sure.

4 MR. PAUL BONWICK: And we acknowledge
5 that a standard bricks and mortar is more in keeping
6 with an R-12 or an R-19?

7 MR. RICHARD DABRUS: Well, I -- I
8 think you're not characterizing it properly because in
9 our report we said you could have an R-30 wall on a
10 pre-eng structure. And I believe that was reflected
11 in the costing we provided.

12 MR. PAUL BONWICK: Where I'm going is
13 you have a standard product from Sprung that is R-30.
14 We accept that they're telling us the truth. We have
15 a standard building envelope that is R-12 to R-19.

16 I missed out on the part where you did
17 a detailed design analysis in terms of costing for
18 what would be required in terms of depth of roof, size
19 of girders, depth of wall.

20 I see you reference what can be done,
21 but it doesn't provide -- I didn't see the cost
22 analysis for that kind of structure.

23 MR. RICHARD DABRUS: I believe that's
24 what was in the costing.

25

1 (BRIEF PAUSE)

2

3 MR. RICHARD DABRUS: I mean, really,
4 on a pre-eng building you're just talking about a
5 bigger standoff. The insulation doesn't have a weight
6 by itself, it's the snow load that counts.

7 MR. PAUL BONWICK: And we're going to
8 have, I believe -- I noticed in my emails that we're
9 going to have an expert come in and speak to that very
10 issue, and we'll certainly be able to get their take
11 on what's required to achieve these various levels and
12 how that impacts cost.

13 MR. PAUL BONWICK: I want to close out
14 with a couple of points. One (1) is your -- again, I
15 wasn't here to witness on Friday your -- your direct
16 comments in terms of evidence-in-chief and cross-
17 examination.

18 But it appears to me that you felt that
19 Mr. McNalty's report was weak, you discredited
20 numbers; that's what I took out of your comments.

21 MR. RICHARD DABRUS: Sorry, those were
22 questions asked by the tritu -- tribunal's counsel. I
23 did not present anything. I was strictly asked
24 questions.

25 MR. PAUL BONWICK: I understand that.

1 And you'll acknowledge that you provided answers?

2 MR. RICHARD DABRUS: Where
3 appropriate, yes.

4 MR. PAUL BONWICK: And so, I'm not
5 referring to the Inquiry Counsel's questions or the
6 cross-examination. I'm referring to your answers.
7 And again, I didn't have the benefit of sitting here
8 and seeing, but rather going through the transcripts.

9 And it appeared to me that you went
10 into some detail as it related to questioning the
11 integrity of his report, the information that he
12 provided in terms of discrediting the numbers.

13 And that's what I took away from your
14 comments.

15 MR. RICHARD DABRUS: It's safe to say
16 that a number was taken from our costing and applied
17 inappropriately as an add-on to what our report was or
18 what would cost. I think that's safe to say.

19 Now, can I...?

20 MR. PAUL BONWICK: Please.

21 MR. RICHARD DABRUS: I'm not saying
22 that it's by a huge amount, it's just that strictly
23 taking a number that applies to a part of the building
24 over here and putting it there is not a reasonable way
25 of doing costing.

1 MR. PAUL BONWICK: Did you have the
2 opportunity to review Mr. McNalty's testimony or --
3 live stream or otherwise?

4 MR. RICHARD DABRUS: I tuned in, but I
5 certainly didn't hear all of it.

6 MR. PAUL BONWICK: You'll be aware Mr.
7 McNalty, in my opinion, is one (1) of the few
8 witnesses that actually took responsibility and said
9 this is what I did and this is why I did it and he's
10 very highly regarded within the staff environment,
11 very well respected.

12 We've had testimony from others that
13 work with him that speak about him being a valued
14 addition to the Collingwood team. We've heard about
15 his work history in terms of both public and private
16 service.

17 I fundamentally am challenged with you
18 -- how I took it, based on Friday's comments, that you
19 seem to very much focus on Mr. McNalty, that's how I
20 took it in terms of him not doing the job that you
21 felt that should have been done.

22 MR. RICHARD DABRUS: I don't believe I
23 ever said such a thing. I actually get along with
24 Dave when I worked with him on -- on the curling rink.
25 We had a -- a good relationship. Commenting on his

1 work, the --

2 MR. PAUL BONWICK: You --

3 MR. RICHARD DABRUS: -- the fact there
4 were numbers that were applied improperly, well, it's
5 just a fact.

6 MR. PAUL BONWICK: And that's your
7 opinion. He obviously feels somewhat differently.

8 MR. RICHARD DABRUS: People can make
9 mistakes.

10 MR. PAUL BONWICK: On both sides.

11 But you would be aware of the fact, if you watched, as
12 you acknowledged, his testimony, that he raised issues
13 with regards to how your firm was approaching the
14 analysis, both in terms of the terms of reference that
15 were applied to you, as well as your review of Sprung
16 or Sprung-related products. You're aware of the fact
17 that he raised significant concern about how --

18 MR. RICHARD DABRUS: We weren't aware.
19 I mean, the fact that he said it after the fact is --
20 is -- I don't have anything to do with that. At the
21 time he had the opportunity to speak.

22 He had the opportunity at the time to
23 say I don't like your report, we're not meeting that
24 August deadline, either go away or go away and redo
25 it. He had that opportunity.

1 MR. PAUL BONWICK: Sorry, that wasn't
2 my question about then. My question is about now.

3 You've acknowledged you had the
4 opportunity to watch some of Mr. McNalty's comments on
5 the live stream, you will then be aware of the fact
6 that Mr. McNalty raised issues in his mind that WGD
7 was not being reasonable and fair in terms of their
8 approach with Sprung. You'll be aware of that.

9 MR. RICHARD DABRUS: To be honest, I
10 wasn't aware of that, but that's okay.

11 MR. PAUL BONWICK: Okay. It was part
12 of his testimony.

13 I'm going to conclude with -- with the
14 points where I started, and that is, when a
15 municipality goes through an exercise and develops
16 these visions and these plans, the reality is that the
17 people that provide input do become very passionate
18 about it. You would agree?

19 MR. RICHARD DABRUS: Sure.

20 MR. PAUL BONWICK: The challenge you
21 have with raising that level of passion and excitement
22 is traditionally they have no idea in terms of what
23 the cost implications are for the Council as a
24 collective in terms of an integrated multi-use
25 recreational facility, fair?

1 MR. RICHARD DABRUS: That's -- well, I
2 wouldn't say it's 100 percent true. But, sure.

3 MR. PAUL BONWICK: And you'll agree
4 with me that Council, elected councils, have a much
5 broader responsibility to the electorate or to the
6 people of any municipality in terms of managing the
7 financing as it relates to many of the other services
8 that they're expected to deliver. Fair?

9 MR. RICHARD DABRUS: Sure.

10 MR. PAUL BONWICK: And so can you see
11 how the challenge when you're sitting there with a \$35
12 million facility, the Town of Collingwood has
13 identified that they have some fairly substantive
14 financial challenges already in play.

15 Can you see why they might divert from
16 this grand vision that you helped produce, to
17 something that would still, in their minds, meet the
18 needs of the community?

19 MR. RICHARD DABRUS: Absolutely.

20 MR. PAUL BONWICK: That ends my
21 questions. Thank you.

22 THE HONOURABLE FRANK MARROCCO: Thank
23 you, Mr. Bonwick. Mr. Breedon...?

24 MR. RYAN BREEDON: Thank you, Your
25 Honour.

1 CROSS-EXAMINATION BY MR. RYAN BREEDON:

2 MR. RYAN BREEDON: Mr. Dabrus, we've
3 spoken, my name is Ryan Breedon, I'm counsel for the
4 Town. I just have a -- very few questions. First,
5 can we look at that energy comparison report, it's
6 TOC0226210.0001.0003. Thank you.

7 You've been asked a number of questions
8 about this by various parties and we all know what
9 your views are on the -- the value of the report. I
10 just had a couple questions that I'm hoping you might
11 be able to help the Inquiry with.

12 Can we look at page 3, please? Mr.
13 Chenoweth took you to this yesterday (sic). Just
14 scroll down a little bit more. Thanks.

15 And -- and as we've seen, this is a
16 comparison between what's described as a traditional
17 structure and the Sprung structure. And the -- you'll
18 see the first line of this table is the Energy Star
19 performance rating for each building.

20 Do you see that?

21 MR. RICHARD DABRUS: This is an
22 American thing, isn't it?

23 MR. RYAN BREEDON: Well, I don't know,
24 they're both Canadian buildings. One (1) is in Barrie
25 and one (1) is in Dorchester.

1 MR. RICHARD DABRUS: The Energy Star
2 usually applies to -- Energy Star usually applies to
3 mechanical equipment. You don't usually do Energy
4 Star performance ratings on buildings.

5 MR. RYAN BREEDON: Okay. And you're
6 familiar, I guess, in general with what the Energy
7 Star performance rating is?

8 MR. RICHARD DABRUS: The stickers are
9 on my washer and dryer.

10 MR. RYAN BREEDON: All right. And if
11 we look at page 8, this is -- so the traditional
12 building is a synagogue in Barrie. And scroll down a
13 little bit, please.

14 So you'll see there is the discussion
15 of the energy performance rating of this particular
16 building. And this one (1) we had seen on the
17 previous table, has an Energy Star performance rating
18 of 1.

19 And this seems to explain that a rating
20 of 1 means that the building performs better than 1
21 percent of all buildings nationwide. Do you see that?

22 MR. RICHARD DABRUS: M-hm. Yes.

23 MR. RYAN BREEDON: And so what that
24 means, as I understand it, is that this building is in
25 the bottom 1 percent of all buildings in terms of

1 energy efficiency, at least according to however
2 they've measured this.

3 MR. RICHARD DABRUS: I agree that's
4 what it says.

5 MR. RYAN BREEDON: Okay. And -- and
6 can you just help us with -- with this. A building
7 using traditional construction or pre-engineered steel
8 could be built to be more energy efficient than this,
9 correct?

10 MR. RICHARD DABRUS: Right.

11 MR. RYAN BREEDON: All right. So
12 they've just taken sort of the bottom of the batch for
13 the purposes of the comparison?

14 MR. RICHARD DABRUS: It appears so.

15 MR. RYAN BREEDON: Thank you. All
16 right, now I only have one (1) other thing I wanted to
17 -- to speak to you about.

18 You were asked a number of questions
19 last week about the cost of a second floor addition.
20 Do you recall that?

21 MR. RICHARD DABRUS: Yes.

22 MR. RYAN BREEDON: All right. And you
23 testified that in 2012 the approximate cost would have
24 been about \$80 a square foot?

25 MR. RICHARD DABRUS: Did I really say

1 that? I'll have to -- I'll have to retract that then,
2 because that probably would have been too light.

3 MR. RYAN BREEDON: Too -- too light?

4 MR. RICHARD DABRUS: Yes.

5 MR. RYAN BREEDON: Okay, so what would
6 be the number if you were estimating it?

7 MR. RICHARD DABRUS: So to talk about
8 a -- a steel structure, pre-eng building, the envelope
9 is \$200 a square foot today. I might have said 180.
10 I'm -- I'm not --

11 MR. RYAN BREEDON: We can pull up the
12 tran -- but I think what you testified was 80 back
13 then and 100 now.

14 MR. RICHARD DABRUS: Okay, I'll have
15 to -- I can't stand by that because that seems a
16 little bit low. That would be good for a tenant fit
17 up, so strictly you'd have the shell already there,
18 the floors there, and you put down carpet and you
19 paint the walls. That wouldn't be additional
20 structure and envelope.

21 MR. RYAN BREEDON: Okay. And so do
22 you have a sense of --

23 MR. RICHARD DABRUS: I'm really
24 reluctant to do that, because I get hung up on those
25 numbers and --

1 MR. RYAN BREEDON: All right. Okay,
2 well thank you very much then. Those are my
3 questions.

4 THE HONOURABLE FRANK MARROCCO: Any
5 re-examination?

6 MS. KATE MCGRANN: No further
7 questions.

8 THE HONOURABLE FRANK MARROCCO: Well,
9 Mr. Dabrus, thank you very much for coming back. Your
10 evidence is very helpful. Thank you.

11

12 (WITNESS STANDS DOWN)

13

14 THE HONOURABLE FRANK MARROCCO: Where
15 are we with the affidavit of -- have we made any
16 progress with that?

17 I was just asking about the affidavit,
18 if -- where we are with that?

19 MR. RYAN BREEDON: So there is a draft
20 affidavit, it has not been finalized or sworn and I
21 think more to the point, hasn't been circulated to the
22 other parties.

23 MR. FREDERICK CHENOWETH: I've not
24 seen one, Your Honour. I may have missed it, but I've
25 not seen one.

1 THE HONOURABLE FRANK MARROCCO: Well,
2 hopefully this will get straightened out by -- by -- I
3 guess we're back on Tuesday? Yes, we're not going to
4 sit on Thanksgiving, so I'll see you all on Tuesday.

5 We've completed the witnesses that we
6 scheduled to be completed this week and can't sit
7 tomorrow and it doesn't seem reasonable to bring
8 people back up here on Friday for the one (1) day. So
9 we'll break until Tuesday at -- Tuesday at 10:00.

10 MR. BILL TRUDELL: And Happy
11 Thanksgiving to everyone.

12 THE HONOURABLE FRANK MARROCCO: Thank
13 you, Mr. Trudell.

14
15 --- Upon adjourning at 11:10 a.m.

16
17
18 Certified Correct,

19
20
21 _____
22 Wendy Woodworth, Ms.

23
24
25

<p><u> </u> \$ \$15,000 8:21 \$200 102:9 \$26,490 78:15 \$35 7:8 12:17 13:7,18 14:11 36:2,13,1 6,23 80:2 87:15 89:12 98:11 \$350,000 7:4 \$4.4 80:23 \$7 7:2 \$8 36:19 \$80 101:24 <u> </u> 1 1 16:14,16 19:1 38:23 42:9,16 53:2,12 54:2 56:9 69:20 74:22 75:10 76:22 78:18 83:14 93:14 95:7 99:24,25 100:16,18 ,20,25 101:16 104:8 1.3 48:25 1/2 78:11 82:1,9,14 86:10,25</p>	<p>87:7 1:30 20:12 21:14,23 26:3 29:11,24 10 71:12,13 10:00 104:9 10:20 71:15 10:31 71:16 100 58:9,21 59:22 98:2 102:13 104 3:16 11:10 104:15 12 85:20 86:6 87:11,16 12:39 37:21 13 21:20 15 73:24 15th 85:15 1658 4:3 1659 4:4 1660 4:5 16th 22:12 17 19:24 21:21 29:6 58:6 17th 19:8,15 26:4 27:4 28:6 29:11,24 30:17 50:23 51:12 58:7,25 59:11 85:16 180 102:9</p>	<p><u> </u> 2 2 16:14 18:23 26:18 50:3 53:8,17 54:12,23 62:9 20 11:3 2010 84:17 2012 8:13,16 10:3,15,2 0 11:3 14:13 27:4,11,2 2 48:10 54:14 62:6 67:14 101:23 2014 84:17 2016 62:5,9,22 63:24 64:12 2019 1:23 20th 15:17 28:5 51:10 59:10 85:15 22nd 15:13 2-4 22:11 25th 37:21 38:11 44:7 27th 54:14 <u> </u> 3 3 18:16 19:1 37:24 99:12 3:19 22:12</p>	<p>30 36:12 36 22:11 29:23 <u> </u> 4 4 3:3 76:19 81:10 85:13,14 86:18 87:12,19 4.4 81:10 <u> </u> 5 5 3:6 6:24 81:17 50 67:3,19 59 67:3,20 <u> </u> 6 6 24:17 78:10,11 82:1,4,6, 9,14 86:10,24 87:7 66 76:19 69 3:7 86:9,13,1 9 <u> </u> 7 7 36:19 7,000 81:20 71 3:8 <u> </u> 8 8 67:2,19 100:11 8,000 81:20 80 102:12 <u> </u> 9 9 31:17,18 9:00 19:8,15</p>	<p>21:22 29:5 9:05 5:1 90s 73:20 97 1:19 99 3:9 9th 1:23 <u> </u> A a.m 5:1 19:8,15 21:22 29:5 71:15,16 104:15 ab 87:21 ability 37:3 72:7 87:6 90:22 able 56:25 81:25 93:10 99:11 absolutely 6:14 27:16 42:21 87:20,21 98:19 accept 42:16 52:15 59:2 92:14 accommodate 90:23 91:1,13 according 6:9 60:12 101:1 accounting 9:12 accurate 85:17</p>
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