

Town of Collingwood Judicial Inquiry

March 27, 2019

REASONS AND DECISION ON AN APPLICATION FOR ADDITIONAL FUNDING RECOMMENDATION FOR PAUL BONWICK

1. On February 26, 2018, the Council of the Town of Collingwood voted to request an independent judicial inquiry under s. 274 of the Municipal Act, 2001 to inquire into all aspects of the Town's sale of shares of Collingwood Utility Services Corporation to PowerStream Inc. (defined as the "Transaction" in the Terms of Reference) and into the allocation of the proceeds of that Transaction to the construction of the recreational facility at Central Park and Heritage Park in Collingwood.
2. On August 14, 2018, the Inquiry heard applications for recommendations that the Town fund legal expenses for four participants in the Inquiry.
3. On October 29, 2018, two individuals who were granted participation rights at the Inquiry, Paul Bonwick and Mayor Sandra Cooper, brought applications to request amendments to the funding recommendations.
4. On March 11, 2019, Mr. Bonwick brought a further application to request amendments to the funding recommendations. Mr. Bonwick asks that I review my recommendation for funding and direct the Town to reconsider its refusal to pay his legal fees.

August 2018 Application for Funding

5. Mr. Bonwick, in his original application for funding, provided an affidavit concerning his personal financial information in support of his request. 1.
6. On August 20, 2018 I made the following observation and recommendation concerning Mr. Bonwick's application for funding:

Aspects of Mr. Bonwick's available personal financial information support a recommendation for funding. However, he has not provided details of the assets and liabilities of his companies. We recommend that the town obtain this information prior to deciding whether to provide Mr. Bonwick with funding.

October 2018 Application for Funding

7. Materials Mr. Bonwick supplied in October indicated that Mr. Bonwick's application to the Town for funding was declined.

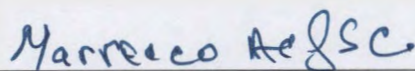
8. During submissions, counsel for the Town advised that the funding impasse might be resolved if Mr. Bonwick were to provide a more detailed financial affidavit and subject himself to cross examination.
9. At the time, counsel for Mr. Bonwick indicated that this was not an acceptable course of action for his client. He did however offer to produce his client for an interview with the CAO.

MR. BONWICK'S APPLICATION

10. On March 11, 2019 Mr. Bonwick made a further application for funding. In his application he asked that I review my recommendation for funding and direct the Town to reconsider its refusal to pay his legal fees.
11. A recommendation that the Town fund Mr. Bonwick is not possible based on the material provided and accordingly I have directed my Counsel not to cross-examine Mr. Bonwick on his affidavit in support of this application.
12. Inquiry Counsel has sent Mr. Bonwick's counsel a letter listing the deficiencies apparent on the face of the material provided and identifying additional information that would be required to understand his current financial situation.

RECOMMENDATION

13. My recommendation to the Town is that it engage directly with Mr. Bonwick to determine whether the identified deficiencies apparent on the face of the material provided have been addressed and whether it should reverse its decision to decline funding his participation in the Inquiry



Associate Chief Justice Frank N. Marrocco

Reasons and Decision on an Application for Additional Funding Recommendation for Paul Bonwick

Reasons released on March 27, 2019