

August 21, 2007

for the Applicant (the Commissioner)

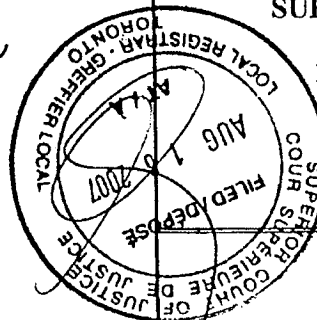
Patricia M. Latimer

for the Respondents (Perry Dunlop and
Helen Dunlop)

no one - though
served with motion and
motion record.

The Commissioner is conducting an
inquiry under the Public Inquiries
Act examining, among other things the
institutional response of the justice
system and other public institutions to
allegations of sexual abuse of
young people in the Cornwall area.

The Commissioner wishes to hear
testimony from the Respondents who
now reside in British Columbia.
Efforts have been made to locate
them either on a voluntary basis but



ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at Toronto

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have not been successful. The Commissioner now seeks, from this Court, the issuance of a certificate pursuant to the Interprovincial Summoners Act, section 5. The appropriate Court in British Columbia will, with the certificate in hand, adopt the accompanying subpoena as its own. (see Subpoena (Interprovincial) Act - of British Columbia section 2). A failure to respond appropriately will then be ~~of~~ a contempt of the British Columbia Court.

The Motion Record for to-day was served on both Rocky Dunlop and Helen Dunlop. Within the material is the advice that the Commissioner wishes them to appear on September 17, 2007. Accordingly they are on notice as to his expectation. They did not appear here.

Under s7 of the Public Inquiries Act the Commissioner can issue a summons. The word summons in definition in the Interprovincial Summoners Act to include summons issued by a "Commissioner". Section 5 allows for the issuance of a certificate, where a summons is to be issued to a party residing in another province. The section refers to "proceedings in a Court". Is the Commissioner a Court for this purpose? I find that it is. Both sections s7 & s5 make it clear that such summons may be directed to parties to testimony before, among others, a Commissioner.

section 5 puts in place tools to be used by

(Signature of judge).....

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to this situation. Hence the record that is met.

Both the Ontario Interprovincial Summary Act and the Subpoena (Interprovincial) Act of British Columbia give discretion to the court as to the length of notice to be provided but also suggest a 10 day period. Given that Counsel advises ~~there~~ there is enough time to go the court in British Columbia and still serve with 10 days notice and given that the Durlaps have been ^{AWAY} ~~away~~ ~~from~~ ~~the~~ ~~court~~ Sept 17, 2007 is the date for their appearance to commence since service of this motion (August 13, 2007) I see no reason to object from the suggested 10 day notice period. The Certificate is to be issued with the seal of the court.

No costs
 J. Clerk J.