

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N :

THE HONOURABLE G. NORMAND GLAUDE,
COMMISSIONER OF THE CORNWALL PUBLIC INQUIRY

Applicant

- and -

PERRY DUNLOP AND HELEN DUNLOP

Respondents

APPLICATION UNDER section 5 of the
Interprovincial Summonses Act, R.S.O. 1990, CHAPTER I.12

APPLICATION RECORD
(Returnable August 21, 2007)

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The Honourable G. Normand Glaude,
Commissioner of the Cornwall Public
Inquiry

TO: PERRY DUNLOP
1901 Maple Bay
Duncan, British Columbia
V9L 5M7

AND TO: HELEN DUNLOP
1901 Maple Bay
Duncan, British Columbia
V9L 5M7

APPLICATION

1. The applicant makes application for:
 - (a) a certificate pursuant to the *Interprovincial Summonses Act*, R.S.O. 1990, C. I. 12, certifying that the attendance of the respondents, Perry Dunlop and Helen Dunlop, at the Cornwall Public Inquiry is necessary for the due adjudication of the Cornwall Public Inquiry, and in relation to the nature and importance of the Cornwall Public Inquiry, is reasonable and essential to the due administration of justice in Ontario;
 - (b) such further and other relief as counsel may advise and this Honourable Court may permit.

2. The grounds for the application are:
 - (a) The Cornwall Public Inquiry (the "Commission") was established by the Government of Ontario on April 14, 2005, pursuant to section 2 of the *Public Inquiries Act*. Justice G. Normand Glaude of the Ontario Court of Justice was appointed to act as Commissioner.
 - (b) The preamble to the Terms of Reference states:

Whereas allegations of abuse of young people have surrounded the City of Cornwall and its citizens for many years. The Police investigations and criminal prosecutions relating to these allegations have concluded. Community members have indicated that a public inquiry will encourage individual and community healing...
 - (c) The mandate of the Commission is set out in sections 2 and 3 of the Terms of Reference:

2. The Commission shall inquire into and report on the institutional response of the justice system and other public institutions, including the interaction of that response with other public and community sectors, in relation to:

 - a) allegations of historical abuse of young people in the Cornwall area, including the policies and practices then in place to respond to such allegations, and

b) the creation and development of policies and practices that were designed to improve the response to allegations of abuse

in order to make recommendations directed to the further improvement of the response in similar circumstances.

3. The Commission shall inquire into and report on processes, services or programs that would encourage community healing and reconciliation in Cornwall.

- (d) The Commission has the power to summons witnesses to give evidence relevant to the subject-matter of the inquiry, pursuant to section 7 of the *Public Inquiries Act*, R.S.O. 1990, c. P.41.
 - (e) The Commission has issued summonses for the respondents, Perry Dunlop and Helen Dunlop, to appear before the Commission on September 17, 2007.
 - (f) The respondents reside in Duncan, British Columbia;
 - (g) The attendance of the respondents at the Commission is necessary for the due adjudication of the Commission, and in relation to the nature and importance of the Commission, is reasonable and essential to the due administration of justice in Ontario;
 - (h) Section 7 of the *Public Inquiries Act*, R.S.O. 1990, c. P.41 ; sections 1 and 5 of the *Interprovincial Summonses Act*, R.S.O. 1990, C. I. 12; Rule 53.05 of the *Rules of Civil Procedure*;
3. The following documentary evidence will be used at the hearing of the application:
- (a) The affidavit of Counsel to the Cornwall Public Inquiry.
 - (b) Such further and other materials as counsel may advise and this Honourable Court may permit.

4. This application is to be served on the respondents in British Columbia, pursuant to Rule 17.02(n) of the Ontario *Rules of Civil Procedure*, on the basis that it is authorized by statute to be made against a person outside Ontario.

July 30, 2007

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