

Public inquiries and coroners' inquests in Canada

Overview

Throughout Canada, various commissions have been established to conduct public inquiries (also known as Commissions of Inquiry), formerly known as Royal Commissions, under Federal and Provincial legislation. Set up by the provincial and federal governments, these inquiries investigate and report on issues of serious public concern, and scrutinize past decisions and events. Unlike other formal judicial processes, inquiries provide important opportunities to learn from the past and provide public policy recommendations for the future. Public inquiries have been used to address a range of issues, often with the goal of identifying how similar incidents, including catastrophic events, might be prevented in the future.

Coroner's inquests are established under provincial legislation to examine the circumstances related to a death. While inquiries and inquests are not intended to establish liability, both can have a significant impact on the reputations of the parties involved. As a consequence, it is essential that parties with standing or who may wish to seek standing be properly represented by experienced counsel with a deep grasp of the public policy implications of the process.

Dentons' Inquiries group in Canada offers a multidisciplinary team with an in-depth understanding of the constantly evolving regulatory landscapes across a number of sectors, including health care, professional services, construction and manufacturing.

Working in concert with our Government Affairs and Public Policy group, and comprising a world-class team of former politicians, policy leaders and leading lawyers, we leverage our full service legal platform to achieve our clients' objectives, strategically address complex issues, and mitigate risk.

While inquiries are presided over by a commissioner, usually a sitting or retired judge, and inquests are generally convened by a doctor deputized under the applicable Coroner's Act, lawyers play a critical role in the inquiry process. At Dentons, our goal is to enable our clients to achieve resolutions in the most timely and cost-effective means possible and preserve their reputations. The members of our public inquiries team have significant experience representing parties and intervenors, as well as acting as commission counsel, in contentious public inquiries. They are experienced and energetic advocates regardless of the forum, successfully representing clients before every level of court and all types of commissions of inquiry and administrative tribunals.

We support clients across our six Canadian offices, with inquiries-related services including:

- Representing and seeking standing for organizations affected by an inquiry or inquest.
- Preparing clients to testify at inquiries and inquests.
- Preparing expert witnesses.
- Preparing submissions and recommendations for the Coroner's jury.
- Providing advice and representation on related litigation, malpractice, disciplinary and employment issues.
- Providing strategic advice to protect our clients' reputations, from assisting with communications strategies to defamation litigation.
- Lobbying.

While we currently live through unprecedented times of isolation and public and personal tragedies from the

COVID-19 pandemic, we need to look to the future. As the pandemic subsides and the world settles into a new normal, we will have an opportunity to look back at the decisions that were made and the impact they had on our communities. Public Inquiries will be a valuable tool in this endeavour. Dentons' global platform will provide our clients with a unique opportunity to draw from the insights and experiences of other regions as they too examine the impacts of COVID-19 and the decisions and policies of public and private bodies.

Representative Experience

The members of our public inquiries team have represented clients at many public inquiries, including the following:

- **Public Inquiry** (2018-2019) (Collingwood, Ontario) - **business valuers and advisors:** Acting for a leading national accounting, tax and business consulting firm whose partners are involved as witnesses in the *Collingwood Judicial Inquiry*.
- **Coroner's Inquest** (2019) (Windsor, Ontario) - **manufacturer of an excavator:** Acting as counsel in a Coroner's Inquest under the *Coroners' Act* for the manufacturer and lessor of an excavator arising out of a workplace fatality on the shores of Lake Erie.
- **Public Inquiry:** Representing a company in the forestry industry on the Papiers Gaspésia Public Inquiry.
- **Public Inquiry:** Representing a company in the construction industry on the Charbonneau Public Inquiry.
- **Fatality Inquiries:** Acting as counsel to law enforcement agencies at Fatality Inquiries called under the Alberta Fatality Inquiries Act.
- **Cullen Commission:** Acting on behalf of BMW in the Cullen Commission into Money Laundering.
- **Collingwood Judicial Inquiry** (Municipal): Part 3 Good Governance Phase regarding municipal board and corporate relationships, conflicts.
- **Coroner's Inquest** (Ontario) - **Industrial transportation and logistics company:** Acting as litigation counsel in a Coroner's Inquest under the *Coroner's Act* regarding a fatality during the course of employment at a construction site
- **Listeriosis Inquiry:** Acted as counsel to the independent investigator appointed by the Prime Minister to examine the government's response to the listeriosis crisis in 2008.
- **Fatality Inquiry:** Acted as counsel to interested families and individuals in an inquiry into C-Train related deaths and injuries in Calgary.
- **Coroner's Inquest** (1999) (Hamilton, Ontario) - **manufacturer of gas-testing equipment:** Acting as counsel in a Coroner's Inquest under the *Coroner's Act* into the deaths of two young men who were asphyxiated by breathing argon gas in a vacuum degasser tank at a steel manufacturing plant.
- **Fatality Inquiry** (Provincial Court): Involved a suicide by a young person detained in a mental health facility known as Albert Hospital.
- **Analogous Proceeding:** Appeared on behalf of a regional health authority in an analogous proceeding conducted by the Midwifery Health Profession in respect of a fatality at a birth assisted by a midwife.
- **Public Inquiry:** Representing an intervenor in the commission of Inquiry into the Investigation of the Bombing of Air India Flight 182 (Federal).
- **Public Inquiry:** Representing a party in the Mississauga Judicial Inquiry in connection with the acquisition by the City of Mississauga of approximately 8.5 acres of land in the city centre and issues in connection with the December 2000 Enersource Shareholders Agreement to which the City was a party.

Your Key Contacts

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