

**NOTES FOR A SPEECH
BY THE HONOURABLE MADAM JUSTICE DENISE BELLAMY
COMMISSIONER**

**REMARKS ON ADJOURNING THE
TORONTO COMPUTER LEASING INQUIRY**

TUESDAY, NOVEMBER 25, 2003

Having heard the testimony of this last witness we have reached the end – or nearly the end - of this phase of the Toronto Computer Leasing Inquiry. I say “nearly the end” because there are still two outstanding issues.

First, we are trying to resolve the matter of the eighteen sealed banker’s boxes that belong to Mr. Jeffery Lyons. Because we do not know the content of the documents in those boxes, we cannot determine whether they contain material that is relevant to this Inquiry. Mr. Lyons has brought an application to the Divisional Court seeking judicial review of my ruling that the boxes should be opened. This issue, therefore, remains unresolved.

Second, throughout this Inquiry, Commission Counsel has continuously assessed who would be called as witnesses, whether we still needed to hear from witnesses who had already been summonsed to testify, and whether some witnesses must be recalled. Recently, the City has specifically requested that Commission Counsel recall Jeffery Lyons, Tom Jakobek, Dash Domi and Peter Wolfrain. Such decisions cannot be made piece-meal or in isolation. As I have stated a number of times during the Inquiry, I have no interest in calling a witness repeatedly. I especially have no interest in doing so if it could lead to the proceedings becoming confusing, cumbersome, unnecessarily expensive or if it would be unfair to bring back a witness for an unimportant or unhelpful issue. I will make a decision about whether to recall any of these witnesses at the appropriate time and after careful consideration.

Although the Toronto Computer Leasing Inquiry has not formally concluded, I plan to adjourn this phase of the Inquiry and proceed to the next phase -- the examination of good government at

the City of Toronto. This phase will begin in January 2004, on a date to be arranged with the parties with standing. All parties will be notified as soon as that date is fixed and it will be posted on our website at www.torontoinquiry.ca. I expect this phase of the Inquiry will address policy issues such as lobbyist policies and practices, conflicts of interest, procurement/purchasing matters, and effective municipal government. We have commissioned research papers on these topics. These papers will be posted on our website. After completing the good government phase, hearings of the Toronto External Contracts Inquiry will begin.

We have come a long way since Council established this Public Inquiry in February 2002. At that time, the City thought this Inquiry would involve just over one filing cabinet of documents and approximately forty hearing days. The City initially thought it would not need a lawyer at these hearings. The City based its budget on those assumptions. In fact, however, this Inquiry has involved more than 64,000 pages of documents, twelve parties, forty lawyers, twice as many witnesses as originally projected, and has taken over 150 days of hearings.

As I said at the opening of this Inquiry, “getting to the bottom of matters takes time”. But the time has been necessary, because throughout I have tried to make fairness and thoroughness the overriding principles of this Inquiry. Early in our investigation, we recognized the likely magnitude of this Inquiry. After carefully analyzing timelines and budgetary needs, we tabled our schedule and budget for Council’s approval. We continue to be both on time and on budget.

The evidence at the Inquiry has had extensive media coverage. I think it’s fair to say that the entire process has helped raise public awareness of issues such as integrity, good government, conflicts of interest, accountability and lobbying, matters which were seriously addressed by all the major mayoralty candidates in the recent municipal campaign. As I previously mentioned, these issues will be explored further in the next phase of this process.

Before we begin the good government phase, I want to take this opportunity to thank my Commission Counsel and Commission staff who have worked so hard to ensure that this Inquiry operates smoothly, efficiently and cost-effectively. I could not have accomplished what I have without their hard work, devotion and commitment.

I would also like at this time to acknowledge the staff who have been in this room and who have made things work so smoothly for us: our Registrars, in reverse order of appearance, Dorothy Button, Janet Smith and Joyce Ihamaki. You will recall that Joyce suffered a stroke earlier in the year. I'm happy to report that last week Joyce celebrated her 70th birthday and is now back with her family. Thanks also to the gentlemen who make sure that we can all be heard: Bernie Sandor and his assistants, Derek Best and Ken Wheeler; to our court reporting facility: Carol Geehan and Wendy Warnock, and all the individuals supporting them whom we never see; and lastly our Hearing Services Operators, Bob Gray, Voltaire Veneracion and Andy Pandoff.

Thanks to all of you for your assistance. I wish you a happy holiday and a good rest.