

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

January 30, 2022

Robert Haché
President and Vice-Chancellor
Laurentian University
935 Ramsey Lake Road
Sudbury, Ontario P3E 2C6

Dear Dr. Haché,

The Speaker of the Assembly has referred the January 28, 2022 correspondence from your counsel to the Standing Committee on Public Accounts. The Committee met in a special meeting on Sunday, January 30, 2022 to consider your proposal.

As you know, this Committee has been directly seeking the production of documents from Laurentian University for several months. When this Committee requested Speaker's warrants on December 9, 2021 for the documents you have refused to provide, it recommended a deadline of February 1, 2022.

The Committee arrived at the February 1, 2022 deadline after great and thoughtful consideration of the concerns you had previously raised regarding the volume of documents and the University's insolvency. The Committee considered that nearly two months was ample time for you to prepare and deliver the documents demanded in a way that respected the University's limited financial resources.

Instead of using that time to prepare to comply with the requests of the Committee and the Warrants issued by the Speaker, you chose to devote substantial resources to continue your challenge to the authority of the Assembly before the Superior Court. Your choice to pursue litigation and the fact that you were unsuccessful before the Court regarding these documents cannot be the responsibility of this Committee, nor can it justify the Committee further delaying its inquiry into Laurentian University.

Your proposal to withhold all documents after the "Separation Dates" in the 54 categories identified in your letter has the effect of indefinitely preventing the Committee from accessing a significant volume of records that are not, as the Court describes, "documents referenced in the Sealing Order and information and documents covered in the Mediation Order." Your proposal has no provision for the timely resolution of the Committee's access to these documents, to which it is legally entitled, and which are necessary for its inquiry.

However, this Committee is sympathetic to Laurentian's financial challenges and the costs and resources associated with distinguishing between the documents covered by the sealing order and the CCAA mediation order (together, "the judicial confidentiality orders") and the documents that the Court has clearly affirmed this Committee is entitled to demand. While there may remain a question before the Court respecting some documents we have demanded, this Committee requires a timelier resolution of its requests for documents that are not at issue.

As such, the Committee will accept that Laurentian make production as described in your letter before 5:00 p.m. on February 1, 2022. For greater certainty, Laurentian will produce two hard drives as described on page 2 of your correspondence, with the second being encrypted. However, the Committee is prepared to accept this production on the condition that Laurentian shall also work in good faith to diligently review and separate its records on the second drive that are not subject to the judicial confidentiality orders so that this Committee can be provided with those records as soon as is practicable.

This Committee does not presently intend to meet again until its regularly scheduled meeting on February 23, 2022 and will reserve its judgement of whether Laurentian's plan for timely production of the records on the second drive that are not subject to the judicial confidentiality orders constitute good faith efforts to substantively and substantially provide the Committee with access to these documents, or whether a contempt recommendation to the House is warranted.

This represents almost four weeks from today for Laurentian to meaningfully comply with the Committee's and Assembly's lawful demands before the Committee will assess whether it will have received sufficient documentation to complete its inquiry and the value-for-money audit.

This Committee, and the Assembly as a whole, have consistently held that we have the constitutional authority and democratic mandate to compel the production of the documents we have requested, a position which has now been affirmed by the Court, in respect of the vast majority of the Committee's requests. It is incumbent upon Laurentian University to work in good faith to comply with the Order of the Assembly and the requests of the Committee.

Sincerely,



Taras Natyshak, MPP
Chair of the Committee

CC: Christopher Tyrell, Clerk of the Committee