



Decision on Funding

1. In this ruling, I set out my funding recommendations for parties who have been granted standing in the Public Order Emergency Commission.¹

General Principles

2. Before addressing the individual applications for funding, I wish to comment on the considerations that I have used in making my recommendations. I am guided by the Commission's Terms of Reference as set out in Order in Council PC 2022-0392 and the Rules of Standing and Funding issued on June 1, 2022. I have also considered funding decisions that have been issued in other public inquiries.

3. Paragraph (a)(v) of the Commission's Terms of Reference provides that I may:

... (B) grant any person who in the Commissioner's assessment would provide necessary contributions to the Public Inquiry and satisfies the Commissioner that they have a substantial and direct interest in the subject matter an opportunity for appropriate participation in it,

(C) recommend to the Clerk of the Privy Council that funding be provided, in accordance with approved guidelines respecting the remuneration and expenses and the assessment of accounts, to any person described in clause (B) if, in the Commissioner's view, the person would not otherwise be able to participate in the Public Inquiry...

4. The language in Paragraph (a)(v)(C) of "approved guidelines" refers to the Terms and Conditions of the Contribution Program for Commissions of Inquiry approved by the Treasury Board, as well as the Treasury Board Travel Directive (collectively, the "Treasury Board

¹ See Commissioner Paul S. Rouleau, Public Order Emergency Commission, [Decision on Standing](#) (June 27, 2022) [*Standing Decision*].



guidelines”). In making funding recommendations, I have taken into account the Treasury Board guidelines.

5. It is important to recognize that I do not have the power to award funding. My role is limited to making recommendations to the Clerk of the Privy Council Office (the “Clerk”). Ultimately, it is up to the Clerk to approve all funding in accordance with Treasury Board guidelines respecting rates of remuneration and reimbursement and the assessment of accounts. It is important to note that since funding is disbursed based on these guidelines, the entire costs of participation may not be covered.

6. In making my recommendations, I considered both the need to ensure that the Parties who have a substantial and direct interest and who would make necessary contributions to the Inquiry are able to do so, as well as the need to respect the public purse. To that end, I am guided by the following considerations: whether the Parties seeking funding would not be able to participate in the Inquiry without funding and whether the Parties that have been grouped together with a single grant of standing can share funding.²

7. I also considered the reasonableness of funding requests, including the number of counsel and number of hours for which funding is being requested. What constitutes a reasonable level of funding may differ between Parties.

8. Applicants who requested funding provided varying degrees of detail in terms of the amounts that they requested. Some provided detailed breakdowns of proposed counsel hours and

² Commissioner Dennis O’Connor, Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, [Ruling on Standing and Funding](#) (May 4, 2004), at p. 12-13; Commissioner Stephen T. Goudge, Inquiry into Pediatric Forensic Pathology in Ontario, [Decision on Standing and Funding](#) (August 17, 2007), at p. 11-12.



rates based on year of call. Others proposed only total amounts. Still others gave information about their proposed counsel team and requested appropriate or equitable funding. It is likely that few applicants were well versed in the details of the Treasury Board guidelines. While I appreciate the efforts of Applicants to provide me with more detailed proposals, I have not held it against those Applicants who did not do so. In all cases, I have attempted to formulate recommendations that, in my view, fairly reflect the principles – discussed above – that ought to govern the provision of funding to participants in this Inquiry.

9. I also note that in recommending funding, I retain the discretion to make supplementary recommendations for funding to the Clerk if, in the course of the Inquiry, it turns out that the initial level of funding provided to the Parties is inadequate.³

10. Keeping these principles in mind, I move to my recommendations on the individual applications for funding.

The Funding Applications

11. The Commission has received applications for funding from seven of the Parties who have been granted standing.

National Crowdfunding & Fintech Association

12. The National Crowdfunding & Fintech Association (“NCFA”) requested funding on the basis that it does not have sufficient funding for payment of counsel and the costs of any necessary fact finding and analysis to allow full participation in the Inquiry. It submits that it is a volunteer-

³ Commissioner Dennis O’Connor, Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, [Supplementary Ruling re: Funding](#) (May 26, 2004).



driven, not-for-profit organization that relies heavily on the support of its industry members. It states that its operating revenues are primarily generated through its offering of industry conferences and events, which have been dramatically impacted by COVID-19. In support of these submissions, it has provided its unaudited statement of financial position for the year ending December 31, 2020.

13. I am not prepared to recommend funding at this time. Notwithstanding that its grant of standing is relatively limited, the NCFA made a substantial request for funding. While the NCFA included financial statements that reflect financial need, it does not appear to have attempted to raise funds from its members specifically for the purpose of its participation. While I would not expect or require every Applicant to first resort to fundraising before seeking funding, I note that as an industry organization, the NCFA is different than charitable or civil society entities.

14. In the event that good faith efforts by the NCFA fail to generate the funds necessary to permit the NCFA's participation in this Inquiry, it may re-apply for funding on a better record.

12532239 Canada Centre d/b/a Citizens for Freedom

15. In the *Standing Decision*, I gave 12532239 Canada Centre d/b/a Citizens for Freedom ("C4F"), The Democracy Fund ("TDF"), and the Justice Centre for Constitutional Freedom ("JCCF") a single grant of standing on the basis that all three organizations had a common interest.

16. C4F is the only organization of the three that requested funding. TDF and JCCF have indicated that they are able to participate in the Inquiry without funding. Given their joint grant of standing, I am satisfied that C4F will be able to participate as part of the TDF/C4F/JCCF coalition without funding.



Criminal Lawyers' Association (Ontario) and the Canadian Council of Criminal Defence Lawyers

17. The Criminal Lawyers' Association (Ontario) ("CLA") and the Canadian Council of Criminal Defence Lawyers ("CCCDL") jointly requested funding as a group. They indicate that they are both not-for-profit organizations that do not receive external funding outside of membership dues. They note that their members act *pro bono* when representing them in legal proceedings, such as Supreme Court of Canada interventions. They submit that the requirements of a public inquiry are significantly different than an intervention, and that it would be impossible for them to obtain *pro bono* representation.

18. Based on the evidence that the CLA and CCCDL provided about their current financial circumstances, I am satisfied that they would not otherwise be able to participate in the Commission without funding. I accept, given their grant of standing, that it would not be realistic to expect one or more lawyers to represent them *pro bono* for the duration of the Inquiry. I therefore recommended to the Clerk that funding be provided to the CLA and CCCDL in accordance with the Treasury Board guidelines respecting rates of remuneration and reimbursement and the assessment of accounts.

Canadian Civil Liberties Association

19. The Canadian Civil Liberties Association ("CCLA") requested funding. It states that it is a non-profit organization that receives no government funding for its advocacy purposes. It indicates that its day-to-day operations are funded through project-based grants (which presumably could not be re-allocated to allow for participation in this Inquiry) and individual donations. Like the CLA and CCCDL, the CCLA states that it relies on *pro bono* counsel to represent it in legal



proceedings, but that this is not realistic for a public inquiry. The CCLA provided a funding proposal designed to minimize expenses associated with its participation.

20. Based on the evidence that the CCLA provided about its financial circumstances, I am satisfied that it would not be able to participate in the Inquiry process absent funding. I therefore recommended to the Clerk that funding be provided to the CCLA in accordance with the Treasury Board guidelines respecting rates of remuneration and reimbursement and the assessment of accounts.

Calgary Chamber of Commerce

21. The Calgary Chamber of Commerce (“CCC”) has sought a limited grant of funding. It states that it is a not-for-profit, member-funded organization. It states that, due to the impact of COVID-19 on its members’ businesses, it has reduced its membership dues by a substantial amount, which has a corresponding impact on its operating budget.

22. Based on the evidence that the CCC has provided about its current financial circumstances, I am satisfied that it would not be able to participate in the Inquiry process absent funding. While the CCC is an industry organization, I note that it has made a very modest request for funding. Its request is much lower than requests made by several other Applicants who sought funding. I therefore recommended to the Clerk that funding be provided to the CCC in accordance with the Treasury Board guidelines respecting rates of remuneration and reimbursement and the assessment of accounts.



Ottawa Coalition of Residents and Businesses

23. The Lowertown Community Association, Action Sandy Hill, Vanier Community Association, Byward Market Business Improvement Association, Bank Street Business Improvement Association, Sparks Street Business Improvement Association, Downtown Rideau Business Improvement Association, Vanier Business Improvement Area, and Ottawa Coalition of Business Improvement Areas (collectively, the “Ottawa Coalition of Residents and Businesses”) jointly requested funding as a coalition. Collectively, these organizations state that they lack the necessary funding to participate in a public inquiry. Most of the organizations have at most 1 paid staff person, and some have none at all. Generally, their operational funding comes in the form of project-based grants or individual dues/donations from their members. Two of the organizations state that they have no assets at all. The coalition provided a relatively detailed funding request that substantially complied with the Treasury Board guidelines.

24. Based on the evidence that the Ottawa Coalition of Residents and Businesses has provided about their current financial circumstances, I am satisfied that they would not be able to participate in the Inquiry process absent funding. I therefore recommended to the Clerk that a single grant of funding be provided to the Ottawa Coalition of Residents and Businesses in accordance with the Treasury Board guidelines respecting rates of remuneration and reimbursement and the assessment of accounts.

Canadian Constitution Foundation and Professor Ryan Alford

25. In the *Standing Decision*, I gave the CCF and Professor Alford a single grant of standing on the basis that their views generally align and they have worked together in the past.



26. Both the Canadian Constitution Foundation (“CCF”) and Professor Alford requested funding. Professor Alford’s request was limited solely to travel-related expenses, while the CCF sought funding for counsel as well. The CCF states that it is a registered charity that relies almost exclusively on private donations and foundation funding. It states that, given its other commitments, there is no space within its current budget to fund the participation of counsel in a public inquiry.

27. Based on the evidence that the CCF provided about its financial circumstances, I am satisfied that it would not be able to participate in the Inquiry process absent funding. For that reason, and bearing in mind the modest funding request that Professor Alford has submitted and the fact that CCF and Professor Alford are acting together, I recommended to the Clerk that funding be provided to the CCF and Professor Alford in accordance with the Treasury Board guidelines respecting rates of remuneration and reimbursement and the assessment of accounts. This would be a single grant of funding. It will be up to the CCF and Professor Alford to determine how any funding that they receive will be apportioned between them.

Conclusion

28. Commission counsel will communicate with the Parties for whom I made a funding recommendation to provide further information and details.

29. For ease of reference, I have appended to this decision a list of the Parties for whom I recommended funding as Schedule A.

The Honourable Paul S. Rouleau
Commissioner
July 5, 2022



SCHEDULE A: FUNDING RECOMMENDATIONS

Applicants	Funding
The National Crowdfunding & Fintech Association	Not recommended
Citizens for Freedom	Not recommended
The Criminal Lawyers' Association & The Canadian Council of Criminal Defence Lawyers (Jointly)	Recommended
Canadian Civil Liberties Association	Recommended
Calgary Chamber of Commerce	Recommended
Action Sandy Hill, Byward Market Business Improvement Area, Bank Street Business Improvement Area, Lowertown Community Association, Ottawa Coalition of Business Improvement Areas, Sparks Street Business Improvement Area, Vanier Business Improvement Area & Vanier Community Association (Jointly)	Recommended
Canadian Constitution Foundation & Professor Ryan Alford (Jointly)	Recommended
Government of Canada	Did not apply for funding
Government of Alberta	Did not apply for funding
Government of Saskatchewan	Did not apply for funding
Government of Manitoba	Did not apply for funding
City of Ottawa	Did not apply for funding
City of Windsor	Did not apply for funding



Ottawa Police Service	Did not apply for funding
Ontario Provincial Police	Did not apply for funding
Canadian Association of Chiefs of Police	Did not apply for funding
National Police Federation	Did not apply for funding
Peter Sloly	Did not apply for funding
Tamara Lich, Chris Barber, Daniel Bulford, Tom Marazzo, Sean Tiessen, Chris Garrah, Miranda Gasinor, Joseph Janzen, Dale Enns, Ryan Mihilewicz & Freedom 2022 Human Rights and Freedoms not-for-profit corporation (Jointly)	Did not apply for funding
Insurance Bureau of Canada	Did not apply for funding