



**PUBLIC ORDER  
EMERGENCY  
COMMISSION**

**COMMISSION  
SUR L'ÉTAT  
D'URGENCE**

**Public Hearing**

**Audience publique**

**Commissioner / Commissaire  
The Honourable / L'honorable  
Paul S. Rouleau**

**VOLUME 2**

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Mr. Peter Sloly	Mr. Tom Curry Ms. Rebecca Jones Mr. Nikolas De Stefano

## IV

### Appearances / Comparutions

Ottawa Police Service	Mr. David Migicovsky Ms. Jessica Barrow
Ontario Provincial Police	Mr. Christopher Diana Ms. Jinan Kubursi
Windsor Police Service	Mr. Thomas McRae Mr. Bryce Chandler Ms. Heather Paterson
National Police Federation	Ms. Nini Jones Ms. Lauren Pearce Ms. Jen Del Riccio
Canadian Association of Chiefs of Police	Ms. Aviva Rotenberg
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Canadian Constitution Foundation and Professor Alford	Ms. Sujit Choudhry Ms. Janani Shanmuganathan Prof. Ryan Alford

## V

### Appearances / Comparutions

Ottawa Coalition of Residents and Businesses	Mr. Paul Champ Ms. Emilie Taman Ms. Christine Johnson
The Democracy Fund, Citizens for Freedom, JCCF Coalition	Mr. Rob Kittredge Mr. Antoine D'Ailly Mr. Alan Honner Mr. Dan Santoro Mr. Hatim Kheir Mr. James Manson
Canadian Civil Liberties Association	Ms. Cara Zwibel Ms. Ewa Krajewska
The Convoy Organizers	Mr. Brendan Miller Ms. Bath-Sheba Van den Berg
Insurance Bureau of Canada	Mr. Mario Fiorino

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Ottawa, Ontario

--- Upon commencing on Friday, October 14, 2022 at 9:30 a.m.

**THE REGISTRAR:** Order. À l'ordre. The Public Order Emergency Commission is now in session. La Commission sur l'état d'urgence est maintenant ouverte.

**COMMISSIONER ROULEAU:** Bonjour. Good morning. Welcome, to Day 2. Bienvenue à la deuxième journée, and our first day of live witnesses.

Before I call on the witnesses, there are just a couple of matters I want to raise. The first is the -- what the public and the media know, in particular, with respect to exhibits. I may have mislead people yesterday in calling Exhibits 1, 2, and 3.

As the parties know, the documents that become exhibits are put into the database that's available to the public in accordance with their unique document number, not as exhibits. And it's important to know that all the exhibits that go into the database that's available for the public, all the documents are not necessarily referred to in the hearing, in the sense that there are many documents that will become part of the record, either because they were referred to in the overview reports you heard yesterday, so that not only the overview report goes into the record but all of the documentation that supports that.

Same thing for other types of reports or affidavits or witness statements, when they go into evidence, we -- what we have arranged, if you like, is that all the backup goes in so that the full record will be composed not only of



1 documents referred to here, but documents referred to in the  
2 backup documentation.

3                   So a little bit complicated, but it's simply to  
4 alert the media and the public that when you go to the website  
5 of the Commission, you'll find a lot more documents that back up  
6 the statements and the evidence. The parties know this because  
7 the parties have been provided these documents, have reviewed  
8 them, and they may question witnesses about them, but it's a  
9 much more fulsome record. Because of the timelines we have, we  
10 couldn't spent days noting documents and putting in all of that  
11 evidence.

12                   The contentious evidence you will hear at the  
13 hearing. Don't worry about that, the parties will ensure that.

14                   La deuxième chose que j'aimerais soulever, c'est  
15 qu'il n'est pas permis d'enregistrer ou de diffuser de vos  
16 téléphones, et cetera, en salle. There is no livestreaming  
17 allowed or a recording of the proceedings. It is livestreamed  
18 by the Commission, but people should not be doing this from  
19 their own phones.

20                   So with that brief introduction, there are --  
21 this, according to the schedule, will be a busy day. It -- if  
22 it goes according to plan, we will not finish before seven  
23 o'clock tonight, so let's get started as soon as possible  
24 because we have scheduled a full day. It can be shorter if  
25 people shorten their cross-examinations, and we'll -- but  
26 obviously the times have been allocated and we'll hold people to  
27 it.

28                   So Commission Counsel, ready to go.

1 Ms. Rodriguez.

2 **MS. NATALIA RODRIGUEZ:** Good morning,  
3 Commissioner. My name is Natalia Rodriguez, as you know. I'm  
4 Senior Commission Counsel to this Commission.

5 And I am going to be calling our first witnesses  
6 to the Commission, Ms. Victoria De La Ronde and Ms. Zexi Li.

7 **THE REGISTRAR:** Ms. De La Ronde, will you swear  
8 on a religious document or do you wish to affirm?

9 **MS. VICTORIA De La RONDE:** Religious document,  
10 please.

11 **THE REGISTRAR:** With the Bible, the Koran?

12 **MS. VICTORIA De La RONDE:** The Bible, please.

13 **THE REGISTRAR:** Please take the Bible and hold it  
14 in your right hand. For the record, please state your full name  
15 and spell it out.

16 **MS. VICTORIA De La RONDE:** My name is Victoria De  
17 La Ronde, and Victoria, V-I-C-T-O-R-I-A, and De La Ronde is  
18 three words, capital D-E, capital L-A, capital R-O-N-D-E.

19 **--- MS. VICTORIA De La RONDE, Sworn:**

20 **THE REGISTRAR:** Ms. Li, will you swear on a  
21 religious document or do you wish to affirm?

22 **MS. ZEXI LI:** I would like to affirm, please.

23 **THE REGISTRAR:** For the record, please state your  
24 full name and spell it out.

25 **MS. ZEXI LI:** My full name is Zexi Li, spelled  
26 Z-E-X-I, last name, L-I.

27 **--- MS. ZEXI LI, Affirmed:**

28 **COMMISSIONER ROULEAU:** Okay, the witnesses have

1 been sworn.

2 **MS. NATALIA RODRIGUEZ:** Thank you very much.

3 **COMMISSIONER ROULEAU:** Just give a moment for the  
4 registrar to take back the Bible. Okay, go ahead.

5 **--- EXAMINATION IN-CHIEF BY MS. NATALIA RODRIGUEZ:**

6 **MS. NATALIA RODRIGUEZ:** Good morning, Ms. Li.  
7 Good morning, Ms. De La Ronde. Can you both confirm that you  
8 are residents of Ottawa.

9 **MS. VICTORIA De La RONDE:** Yes, I am a resident  
10 of Ottawa.

11 **MS. ZEXI LI:** Yes, I am a resident of Ottawa.

12 **MS. NATALIA RODRIGUEZ:** And Ms. De La Ronde, are  
13 you retired?

14 **MS. VICTORIA De La RONDE:** Yes, I am retired.

15 **MS. NATALIA RODRIGUEZ:** And Ms. Li, what do you  
16 do for a living?

17 **MS. ZEXI LI:** I am a federal public servant.

18 **MS. NATALIA RODRIGUEZ:** And do you both live  
19 alone?

20 **MS. VICTORIA De La RONDE:** Yes.

21 **MS. ZEXI LI:** Yes.

22 **MS. NATALIA RODRIGUEZ:** And were you both in  
23 Ottawa during the protests of January and February of 2022?

24 **MS. VICTORIA De La RONDE:** Yes.

25 **MS. ZEXI LI:** Yes.

26 **MS. NATALIA RODRIGUEZ:** Now, I want to speak a  
27 little bit about the impacts that living through the protests of  
28 January and February had on both of you. Ms. De La Ronde, can

1 you describe for the Commissioner what was the impact, if any,  
2 on your physical well-being?

3 **MS. VICTORIA De La RONDE:** The impact on my  
4 physical well-being was -- is quite extensive. I certainly  
5 during the experience had difficulty sleeping. I had an effect  
6 on my lungs and my throat because of the fumes and other smells,  
7 and I also have long-term effects.

8 **MS. NATALIA RODRIGUEZ:** Can you describe those  
9 for us?

10 **MS. VICTORIA De La RONDE:** The long-term effects  
11 are loss of hearing, loss of balance, some vertigo triggered by  
12 the sound of any horn now, triggered by certain music as the  
13 music was very loud, and a physical trigger when I get a smell  
14 of gas. Both my throat and lungs start to feel infected. I had  
15 also a phantom horn blowing as an experience for a number of  
16 weeks after.

17 **MS. NATALIA RODRIGUEZ:** And to what do you  
18 attribute these physical impacts that you experienced?

19 **MS. VICTORIA De La RONDE:** Certainly, I attribute  
20 it to the very, very loud and constant noise from the horns,  
21 from the music, from the idling trucks. Even when the horns  
22 abated for a minute or two, the trucks idled. The trucks idled  
23 all night. And so it just was an assault on my hearing. And I  
24 can certainly tell now that there is a diminished function. I  
25 was able before to listen to media, for example, at a normal  
26 level of, say, four. Now I have to turn it to six.

27 **MS. NATALIA RODRIGUEZ:** And so can you confirm  
28 that you lived in the Centretown area or the downtown area?

1 Maybe just give us a general sense of your location.

2 **MS. VICTORIA De La RONDE:** Yes. I am near to  
3 Laurier.

4 **MS. NATALIA RODRIGUEZ:** Okay. And what was the  
5 impact, if any, on your mental wellbeing?

6 **MS. VICTORIA De La RONDE:** Well, certainly as I  
7 mentioned, it was such an experience of helplessness, especially  
8 during the event, where the horn blowing was so loud, and  
9 continuous. There was absolutely no place for me to go in my  
10 own unit, there was no place that had any less sound. I checked  
11 different rooms to see, well, maybe I can sleep on the floor  
12 here. There was no place that had a diminished sound. And if  
13 there was, it wasn't a space, like, a closet that was big enough  
14 to sleep in. There was just no escape to that. So I felt  
15 trapped and helpless during that.

16 During the fireworks when the debris from the  
17 fireworks sprayed against my windows, I was just terrified that  
18 they would break any minute because I thought how could I do  
19 something, and what could I do at midnight, and who could come  
20 at midnight? And this is February. A broken window would have  
21 been pretty disastrous. So there was a lot of anxiety and  
22 discomfort.

23 **MS. NATALIA RODRIGUEZ:** And do these impacts on  
24 your mental wellbeing continue to this day or have they abated?

25 **MS. VICTORIA De La RONDE:** Certainly, they have -  
26 - some have abated, yes, and I worked very hard for that in  
27 terms of -- on the mental wellbeing. It still -- I jump a lot  
28 when I hear a loud horn, and also when I get this smell of gas,

1 definitely, I have a physical to that -- reaction, which is  
2 quite distressing.

3 **MS. NATALIA RODRIGUEZ:** And, Ms. Li, I will ask  
4 you the same thing. What was the impact, if any, on your  
5 physical wellbeing of living through the protest of January and  
6 February of this year?

7 **MS. ZEXI LI:** During the time of the occupation -  
8 - I struggle to call it a protest because I know what a protest  
9 is, but it was incredibly difficult to get anything done because  
10 of the noise. There was a significant impact on things like  
11 focus and, you know, just even living day to day. Sleep  
12 deprivation was one of the first things that affected me  
13 personally and it also affected the animals that I live with as  
14 well. They seemed quite distressed. But for me personally, it  
15 was almost impossible to get a good night's sleep or a full  
16 night's sleep, if any, and if anything, it would be low quality  
17 and often interrupted by a sudden loud horn. And when it was  
18 quiet -- because there were brief periods where it was quiet, I  
19 was riddled with the anxiety that the horns were going to start  
20 again, and when the horns started again, it was left -- we were  
21 left wondering, you know, when they would stop, if they would  
22 ever stop again. And, yeah, it was just day-to-day living  
23 within my own home, living in fear of the sound and the  
24 intrusion really that they posed just being outside on our  
25 streets.

26 Yeah, and further to that, it was unpleasant, to  
27 say the least, to exit my home, but it was something I did  
28 anyways as I didn't feel like it was -- the whole situation was

1 wrong, and I felt almost a little bit of defiance, wanting to go  
2 outside and continue to live my life as best I could. And when  
3 I did, oftentimes, I was harassed for wearing a mask or being --  
4 I was told to smile more under my mask, or, you know, just these  
5 kinds of comments that wouldn't have otherwise occurred and on a  
6 quiet, normal walk day-by-day. And I think what was one of the  
7 worst things was whenever you chose -- well, whenever I chose  
8 not to engage with the individuals that were occupying my  
9 neighbourhood, they would blast their horns at me with a smile  
10 on their faces, and then they would cheer in unison and almost  
11 take joy in the -- in my flinching, at my recoiling from the  
12 noise that I had been essentially experiencing non-stop for the  
13 entire duration of the events that occurred.

14 **MS. NATALIA RODRIGUEZ:** And so can you confirm as  
15 well that you live in the downtown area south of Wellington?

16 **MS. ZEXI LI:** Yes, I live near Laurier Street and  
17 Centretown.

18 **MS. NATALIA RODRIGUEZ:** Thank you.

19 Ms. De La Ronde, can you describe for us the  
20 impact, if any, of living through the protests in Ottawa on your  
21 ability to go about your daily life?

22 **MS. VICTORIA De La RONDE:** Yes. I work very hard  
23 to be independent and safe as a person with a disability. That  
24 objective is very important to me and every success in reaching  
25 that objective is coveted. So that was gone. I was trained to  
26 walk with the traffic, to walk with the flow, to negotiate and  
27 keep myself safe on the street. Of course, there was no traffic  
28 or no flow, no indicator, or if it's idling, I wasn't sure if

1 these big vehicles overhanging a small sidewalk, if they decided  
2 to suddenly shift or change, if they could see me, so it was  
3 terrifying.

4           The sound was so high that I could not hear any  
5 chimes or signals that we use at the ends of the street to tell  
6 us that it's safe to cross. That was just not available, so it  
7 was -- it just was not safe in my world.

8           Also, in terms of independence, I do everything  
9 myself. I order my groceries. I order prescriptions. And but  
10 -- and I take public transportation or private transportation to  
11 go to meetings, to go to appointments, to do my daily business.  
12 So I had everything set up for myself as an independent person,  
13 living alone in downtown Ottawa, which provided such good  
14 services. But immediately, immediately, there was no taxi, no  
15 Uber, no Para Transpo, no grocery delivery, which I depended on,  
16 no taxi even to go and get some, no prescription delivery. Some  
17 way had to be figured out how to obtain all the necessities of  
18 life. The restrictions on my ability to get food was gone -- or  
19 was there, I -- so that was the impact in terms of my mobility,  
20 so I found myself trapped.

21           **MS. NATALIA RODRIGUEZ:** And can I confirm, Ms. De  
22 La Ronde, I noticed you walk with a white cane. Can you  
23 confirm, do you have a visual impairment?

24           **MS. VICTORIA De La RONDE:** Yes.

25           **MS. NATALIA RODRIGUEZ:** Okay. And does that  
26 visual impairment then cause you to rely on sounds and hearing  
27 in order to get around outside?

28           **MS. VICTORIA De La RONDE:** That is a huge, huge



1 assist for me to have safe mobility outside and for me to remain  
2 independent. Yes. Very critical are the sounds.

3 **MS. NATALIA RODRIGUEZ:** And so how did the sounds  
4 change then from kind of normal day to day to when the protest  
5 was happening in January and February?

6 **MS. VICTORIA De La RONDE:** There was absolutely  
7 no ability to negotiate my environment by using sound. The  
8 sounds of the horns, the sounds of the very, very loud music,  
9 the sounds of the people, with lots of voices coming from all  
10 different places, all was disconcerting and just completely  
11 eliminated my ability to negotiate my environment independently.

12 **MS. NATALIA RODRIGUEZ:** Ms. Li, can you describe  
13 for us what you saw, what you heard, what you experienced when  
14 you did go outside and walk the streets during the protest?

15 **MS. ZEXI LI:** Well it was the middle of winter,  
16 so really the first thing you noticed when you stepped outside  
17 was all of the snow, because services were unable to be rendered  
18 due to the occupation that was going on. And further to that,  
19 the snow was often coloured yellow or brown due to the public  
20 urination and defecation that took place gratuitously, often  
21 alongside of my building and just, quite literally, anywhere you  
22 walked, on every corner.

23 And on these intersections, often times there  
24 were illegal bonfires and yeah, just trash burning right next  
25 to, you know, cans of fuel or near the same areas where these  
26 individuals would later set off fireworks.

27 And I just remember feeling like it was such a  
28 surreal sight. It almost felt like you were in something like

1 the purge because it -- although I didn't often see direct acts  
2 of violence, it was -- there was a certain chaos on the streets  
3 and that feeling of chaos and rule breaking and law breaking  
4 gradually increased as things progressed. Yeah. Just I need a  
5 moment.

6                   Just sort of on my daily walks, you know, going  
7 to the gym, getting groceries, running errands, we often -- I  
8 often encountered individuals that were associated with the  
9 occupation and being -- you know, I'm a small Asian woman. I  
10 wore a mask most of the time due to the situation that was going  
11 on. It was -- like I said, it made you a target because it  
12 signaled to the people on our streets that we were not  
13 supportive of their cause and that we were not one of them.

14                   And in turn, as I mentioned before, they would  
15 increase their honking, and target their honking, and shout at  
16 us, shout at me, about how they were doing things for us and  
17 that they were fighting for our freedoms when, at the same time,  
18 I was unable to walk the streets feeling safe, really, because  
19 it wasn't -- I didn't feel safe. You know, my guard was up all  
20 the time and you had to watch every detail so carefully because  
21 these people would just approach me out of nowhere. And you  
22 didn't -- you really didn't know what they were going to do to  
23 you, and especially after I took action as an individual, it  
24 became different being a person walking on the streets.

25                   But I was never deterred from going outside.  
26 There was one -- only one moment where I was very, very afraid  
27 after my identity and name had been made public. And I had  
28 really covered myself up completely so that I was completely

1 unrecognizable, to the point where my neighbours saw this and  
2 were very confused when I said hello to them.

3           But after that, I think I realized there was  
4 almost a protection in the notoriety that I'd gained, and I  
5 don't know, I felt like it was almost safer for me to walk the  
6 streets than the people that I lived around because of my  
7 position in the whole situation.

8           With that being said, like, when it comes to my  
9 day-to-day life, I'm a really friendly person. I know all of my  
10 neighbours. Well, I can't say all of them, you know, but I know  
11 a good few of them. And one of -- like, really, one of the --  
12 my, like, daily joys is chit chatting with them in the elevator  
13 and seeing them on the street and saying hello.

14           And what was truly, truly terrible about this  
15 time was seeing how people I knew were being affected, and  
16 knowing that for every one person that I knew that was going  
17 through a difficult time because of what was going on, there  
18 were 20 other people that I didn't know that were going through  
19 the same thing. I knew people that were being pushed out of  
20 their homes because they were literally having mental breakdowns  
21 because of the stress and the noise and just the terror they  
22 felt from the situation. And I don't think anyone or anything  
23 can discount those real feelings that people experienced and  
24 people had.

25           And because of the action I took, I had  
26 encouraged a lot of my friends and neighbours to reach out to me  
27 and tell me their stories because it was so important for people  
28 to know that this was a serious thing that was going on, that

1 people were being really terribly affected by it.

2           One of my neighbours, she had just had a new born  
3 baby. Her name is Hazel. She was maybe six months old at this  
4 time, but I remember -- like, I've watched Hazel. She's a  
5 really sweet baby. But my friend, she had told me that the  
6 noise was so terrible that sometimes just to get her to sleep,  
7 she had to take the baby out into the hallway, as far from the  
8 windows as possible, and bounce her in the hallways to try and  
9 get her to sleep before bringing her back into the apartment,  
10 where there was just the unrelenting horns.

11           And other neighbours who told me for just, you  
12 know, a good two/three hours of nap, whatever they could get,  
13 they would go down to the parking lot and sleep in their car  
14 because it was the only place that they could escape to.

15           And for me, second to the hallway, my bathroom  
16 was a little quieter, so I got some peace there as well.

17           **MS. NATALIA RODRIGUEZ:** So would you say that you  
18 felt unsafe walking the streets?

19           **MS. ZEXI LI:** I didn't feel safe, but it's hard  
20 to describe it as unsafe at the same time, because I was  
21 actively being so cognizant of my surroundings. I'm fast. I  
22 can move very fast. So, you know, I'm -- I was always ready to,  
23 you know, take myself out of a situation where something might  
24 happen. And, you know, a lot of the times, when they're  
25 bouncing their trucks and their cars and -- I don't know how to  
26 describe it other than, like, roaring at us, like, roaring at me  
27 with, like, these large giant vehicles. You know, it's -- the  
28 idea was to move quick and get where we needed to go.

1           And, you know, that was the intention, and that's  
2 what you really had to do, I think, to stay safe, because when  
3 you didn't take your time, they would always get to you. Like,  
4 not -- maybe not in the sense that you're thinking, but they  
5 would try and come up to you and convince you that they were  
6 doing the right thing. And they would say to me -- like they --  
7 I -- like, on more than one occasion, I would try and plead with  
8 them because, you know, there's a certain desperation in being  
9 left in that kind of situation where the people that are  
10 supposed to help you weren't helping you, and it was just  
11 ongoing for really -- it was going to be an unknown period of  
12 time, because really, every day I woke up and I hoped that it  
13 was over, and it never was.

14           Sorry, I lost my train of thought a little there.

15           **MS. NATALIA RODRIGUEZ:** That's okay.

16           Ms. De La Ronde, would you say that you felt  
17 unsafe walking the streets?

18           **MS. VICTORIA De La RONDE:** Yes. For two reasons.  
19 One, of course, the inability to negotiate those streets safely,  
20 because of lack of assisted -- well, lack of sound was the big  
21 thing. Also, being very concerned about what was underfoot,  
22 because there was debris on the streets, and it was winter, and  
23 icy, and slippery. And then always vigilant that someone was  
24 going to approach.

25           On an occasion, there was a person who kept  
26 jumping in front of me. I was with someone else. I could only  
27 go out if someone came with me. And this person kept jumping in  
28 front and didn't allow me to pass. So when he was confronted,

1 finally it stopped, but then sent messages, "Well, I love you  
2 anyway", he said. So that was a bit intimidating.

3 And so in that way I didn't feel safe for those  
4 two reasons. I didn't have all the faculties I normally use;  
5 and secondly, that someone was going to approach me and either I  
6 was going to be accidentally hurt or I would -- or my big  
7 worries that I would bump into and hurt them too. So always  
8 vigilant and concerned.

9 Does that mean I was feeling safe? No. No, I  
10 wasn't. I just thought if I didn't have to be out I would not  
11 go out.

12 **MS. NATALIA RODRIGUEZ:** And Ms. De La Ronde, was  
13 there anything else that you experienced that you would consider  
14 to be a threat to health or safety?

15 **MS. VICTORIA De La RONDE:** The Sunday after the -  
16 - that the vehicles came in and occupied so close to where I  
17 lived, the relentless noise was just so unbearable and I was so  
18 exhausted from it. And I called and begged a friend, "Could you  
19 just please -- I know you have to walk in and get me out, can  
20 you just please come and get me out?" And she did, and two days  
21 later, I had -- we both had COVID.

22 There was so many people on the street, walking  
23 toward us, saying we don't have to wear those masks. There was  
24 just people around. Did I get it from them? I don't know, you  
25 know, but it meant that I was completely, completely stuck. I  
26 couldn't leave my home. I couldn't ask anybody to come and  
27 help. I couldn't go and stay with somebody else. I couldn't do  
28 anything. I had to be there to isolate for at least those

1 10 days. So once again, there was no place to go, no place to  
2 hide, it just went on and on.

3 **MS. NATALIA RODRIGUEZ:** And Ms. Li, what actions,  
4 if any, did you take because of your disruptions to your daily  
5 life?

6 **MS. ZEXI LI:** Well, the first action I took was  
7 really what I consider to be -- it was really important to me, I  
8 think. Because of the nature of the occupation and what was  
9 going around the media and the news, I thought it was really  
10 important for me to walk the streets and experience things  
11 firsthand. So I did. I did that almost every day, and I took  
12 pictures, and I took videos, and I remembered what I saw. And I  
13 spoke with people. I spoke with the people that were living on  
14 our streets legally, I spoke with the people that were stationed  
15 on intersections to protect us.

16 And ---

17 **MS. NATALIA RODRIGUEZ:** Sorry, do you mean the  
18 police?

19 **MS. ZEXI LI:** Yes, the police. And I just --  
20 that was really the first action I took, just having my own  
21 account of things and really living through it myself.

22 And like I said before, I really genuinely, like,  
23 love Ottawa, I love my neighbours, and they mean a lot to me,  
24 even if they are somewhat strangers in a sense. And because of  
25 this closeness I had, I heard a lot of their stories, and more  
26 so, I heard a lot of their frustrations.

27 And as egg-throwing began to occur from my  
28 building, I felt that, you know, we really needed a medium to at

1 least express what was happening to us so that we could feel, at  
2 the very least, heard and maybe diffuse some of the tensions.

3 **MS. NATALIA RODRIGUEZ:** Can you describe --  
4 sorry, can you describe what you mean by the egg-throwing?

5 **MS. ZEXI LI:** Well, you know, there were very  
6 large trucks parked everywhere, and in some of these instances  
7 they were parked right next to some high-rise condo buildings.  
8 And as a result, someone -- some people may have gotten some  
9 cartons of eggs, and you know, had their little retaliation in  
10 frustration because, really, what else could they do.

11 And when that incident occurred, I remember the  
12 police actually came to my building to enquire about the  
13 egg-throwing, as a complaint had been made by the truckers. And  
14 I remember that I felt it as an affront, and that a lot of my  
15 neighbours felt it as an affront as well when they were  
16 investigating something like this in the light of everything  
17 that was happening to us, and what they were really ignoring in  
18 a lot of their statements and releases to the public.

19 And as a result, I decided to organise a meeting  
20 with a number of residents in my building with some Ottawa  
21 Police community liaison officers, just so we could have a  
22 recorded account of what our experiences were, and really to,  
23 again, diffuse the tension, and really concretely say, "You know  
24 what's happening here. We are telling you this. This is our  
25 experience, and we really desperately need help because things  
26 are -- things have gone on too long." And the residents,  
27 honestly, they had wanted to fight back because they felt that  
28 nobody else was doing anything for them.



1                   **MS. NATALIA RODRIGUEZ:** And what was the result  
2 of that meeting?

3                   **MS. ZEXI LI:** Following that meeting, maybe  
4 twenty of my neighbours showed up, and more had sent their  
5 stories through messages or otherwise through me. And we had  
6 communicated everything to the officers so that, you know,  
7 again, it was recorded. And you know, all of us were there to  
8 attest to the fact that this happened, and they know what's  
9 going on, because we felt really and truly abandoned at that  
10 point in time.

11                   And after that, I ended up becoming the lead  
12 plaintiff in the class action, which brought my name and person  
13 to more public attention.

14                   **MS. NATALIA RODRIGUEZ:** Okay, so we'll get to  
15 that in a little bit.

16                   I just wanted to get a sense, for the honking,  
17 you both mentioned the sound of the honking. Do you have a  
18 sense for when it was -- was it -- was it all the time, was it  
19 louder during the day, was it just as loud at night? Can you  
20 give us a sense of that, Ms. Li, and then Ms. De La Ronde?

21                   **MS. ZEXI LI:** It was -- it's -- sometimes it's  
22 hard because that whole month, essentially, feels like a bit of  
23 a blur sometimes, but I do remember when it started on Friday  
24 night, it felt like in my memory that it never stopped, really.

25                   **MS. NATALIA RODRIGUEZ:** So would that be Friday,  
26 the 27th of January?

27                   **MS. ZEXI LI:** Yes. That's when they began to  
28 roll in. And I remember when that happened that was -- my

1 feeling was that this is going to be a doozy, you know, bad  
2 things are coming. But yeah, it was constant. It was like,  
3 from day to night, even if it wasn't for every second, it was at  
4 least every other minute.

5 **MS. NATALIA RODRIGUEZ:** Okay, thank you.

6 Ms. De La Ronde, do you have a sense for when the  
7 honking was louder? Was it constant 24 hours a day, was it less  
8 at night, was it the same?

9 **MS. VICTORIA De La RONDE:** When the trucks and  
10 other vehicles came into my area on the Friday evening, it was  
11 very loud. And on Friday, Saturday, and Sunday, I could sense,  
12 I could sense the excitement and the electricity in the air.

13 And at the beginning, I thought I am so happy to  
14 be in a country where there is freedom of expression, freedom of  
15 speech, freedom to assemble, but then that sentiment started to  
16 crumble as the loudness was all night and all that weekend.  
17 That's why I begged my friend, "Can you just come and take me  
18 out for a short time even so I don't have to hear this?"

19 And the sounds continued constantly, until --  
20 well, at night. And they may have been somewhat diminished  
21 because there was -- were crescendos all during the day, and  
22 toward the evening in particular, and then all night.

23 When the injunction was put in place, then it  
24 abated a bit between 11 o'clock at night, and then 7 o'clock, I  
25 could hear activity out on the street. I could hear a huge  
26 megaphone starting to advise, it seemed to me, a rolling thunder  
27 of horn-blowing starting at 7:30 in the morning, and then the  
28 loud, loud music would, which you could hear every word of the

1 music they were -- the songs that were being sung.

2                   So your question in terms of how loud it was, how  
3 continuous it was. It was continuous. There was an abatement  
4 of horn blowing in such a crescendo between those hours, 11:00  
5 at night and 7:00 in the morning. But the idling continued  
6 under my window, just with these huge vehicles, the sound of the  
7 idling echoing down in the canyon of our buildings all night.  
8 So there was no respite from an assault on hearing. I tried to  
9 wear earplugs, but they kept falling out, and then I worried if  
10 I wore an earplug I wouldn't be able to hear the smoke alarm, I  
11 wouldn't be able to hear if somebody was pounding on my door to  
12 evacuate because there was something -- a fire or an explosion  
13 outside our door. So I was caught in between. And of course, I  
14 slept with a mask on because of the -- because trying to abate  
15 the smell of the diesel and the other smells that were coming up  
16 and in through the vents.

17                   **MS. NATALIA RODRIGUEZ:** So I want to show a map  
18 now that's been produced at Exhibit D of the Affidavit sworn by  
19 Aaron Bernard, and he's the Managing Director of Spatial Media.  
20 And for the parties' benefit it's at document COM50736 if you  
21 want to look at that.

22                   So this was based on -- this map was created  
23 based on -- yeah, you can click on that -- based on data that  
24 was collected through the two weeks, the first two weeks of the  
25 convoy. And what we see here is just a standard traffic noise  
26 in Ottawa during the day, and this is just based on known  
27 decibel readings throughout the area, and the decibel readings  
28 were collected at different points in downtown Ottawa, and this

1 is a visualization of that data that was collected. So if we go  
2 to week daytime -- week one daytime? Thank you.

3 So this is what it shows on this map, based on  
4 the decimal ratings collected on the ground in different  
5 locations through the first week of the convoy. And if we just  
6 zoom in to -- it's a bit of a heat map, so the darker the colour  
7 the louder the decibels. And if you can zoom in a little bit  
8 more? Okay, that's good. And so, you had said. Ms. De La  
9 Ronde, that you live on Laurier, can you tell us approximately a  
10 close intersection that you would be by, just so we can locate  
11 that on the map?

12 **MS. VICTORIA De La RONDE:** Yes. Close would be  
13 Laurier and Kent.

14 **MS. NATALIA RODRIGUEZ:** Laurier and Kent?

15 **MS. VICTORIA De La RONDE:** Yes.

16 **MS. NATALIA RODRIGUEZ:** Okay. So if we can just  
17 zoom in on Laurier and Kent? You just have to zoom in a bit  
18 there. Yeah, just move over to the left. Yeah. We've got  
19 Lion, we've got Kent, and that's Laurier -- where's Laurier?  
20 Right there, okay. Yeah. So Laurier and Kent we see between 90  
21 decibels and if you go up, about, so between 90 and 100. Okay.  
22 And it says, similar to a lawn mower. Does that accord with  
23 your recollection of the sound? It says as loud as -- similar  
24 to a lawn mower.

25 **MS. VICTORIA De La RONDE:** For myself --

26 **MS. NATALIA RODRIGUEZ:** Yes.

27 **MS. VICTORIA De La RONDE:** -- it was beyond a  
28 lawnmower.

1                   **MS. NATALIA RODRIGUEZ:** Okay. So you would say  
2 it was louder in your experience?

3                   **MS. VICTORIA De La RONDE:** Yes.

4                   **MS. NATALIA RODRIGUEZ:** Okay. And Ms. Li, an  
5 intersection that you are near so we can kind of locate you on  
6 the map?

7                   **MS. ZEXI LI:** The Intersection I live near would  
8 be Laurier Avenue West and Bank Street.

9                   **MS. NATALIA RODRIGUEZ:** Laurier and Bank. Okay,  
10 so just over to the right a little bit on the mouse. Yeah,  
11 right there, that's the corner. Okay. So again, similar, 100  
12 to 110 decibels, similar to a lawnmower. does that accord with  
13 your kind of recollection of what it was like?

14                   **MS. ZEXI LI:** Yes, however, I would like to note  
15 that there were points in time where, like Ms. De La Ronde said,  
16 there were crescendos, and during those crescendos in  
17 particular, there was a roving train horn attached to a truck  
18 and when that truck was in our area, I would express that it was  
19 much louder and much more disruptive than the lawn mower.

20                   **MS. NATALIA RODRIGUEZ:** Okay. And we're going to  
21 hear one of the recordings. If you go down to the blue there,  
22 you can see some of the recordings that were taken, so that one  
23 is at 100 as well in that zone, so it's similar to the area that  
24 you were in in terms of the decibel readings. And we're just  
25 going to play it so that everyone here can experience a little  
26 bit of what you experienced.

27                   **(Audio recording played)**

28                   **MS. NATALIA RODRIGUEZ:** Does that accord with

1 your recollection of the sounds when you were either in your  
2 building or walking outside, Ms. De La Ronde?

3 **MS. VICTORIA De La RONDE:** Yes, that does accord  
4 this sounds over always present in my building, in my unit.  
5 Except, there's some sounds there -- not there, that were even  
6 louder and more unnerving. When you hear this, and it's 24  
7 hours it is just -- it's damaging. It's damaging to the nerves,  
8 it's damaging to my health and well-being, so it's -- it's  
9 shocking. So it does accord, but there was more. There were  
10 times when it was more than this.

11 **MS. NATALIA RODRIGUEZ:** Do you agree with that,  
12 Ms. Li?

13 **MS. ZEXI LI:** I would agree with that. I would  
14 note that many of the trucks in my vicinity had what we would  
15 describe as aftermarket horns, where the horns attached to the  
16 vehicle were much, much, louder than a standard vehicle would  
17 have, and several of these trucks were idled very close to where  
18 I lived and resulted in a much more deafening sound.

19 **MS. NATALIA RODRIGUEZ:** Okay. And Ms. Li, you  
20 had indicated that you took videos and photos when you walked  
21 around. I just want to take you to some of those photos if we  
22 can.

23 **MS. ZEXI LI:** Yeah.

24 **MS. NATALIA RODRIGUEZ:** It's COM00000713, and  
25 maybe you can just -- when it comes up -- describe to us what  
26 we're seeing here, and when it was taken, and why you took the  
27 photo? It's ending in 713. Okay, yeah. Let's see the full --  
28 yeah, there we go.

1           **MS. ZEXI LI:** So this photo was taken on the  
2 corner of Kent and Laurier. I took the photo because I thought  
3 that the removing of the tires was a very clear message from the  
4 occupiers that they were here to stay. Now, this vehicle in  
5 particular was removed sometime later, but I believe this was  
6 near the beginning of the occupation, perhaps around February  
7 3<sup>rd</sup>.

8           **MS. NATALIA RODRIGUEZ:** Okay. Thank you. And  
9 then the next photo is ending in 728, so COM00000728. Okay.  
10 And do you recall when this photo was taken and what we're  
11 seeing here?

12           **MS. ZEXI LI:** I don't remember the exact date, it  
13 was either February 17<sup>th</sup> or 18<sup>th</sup>, if I'm not mistaken. This  
14 morning, this was after the injunction date, the occupiers on  
15 Kent Street, it was a very strong encampment, I would describe  
16 it as, and they were very much rooted in their position. During  
17 the injunction period there was a -- I believe this was like a  
18 Friday or Saturday morning, but they had collectively blown  
19 their horns at about 6:59 a.m. and obviously it awoke myself and  
20 many other residents in the area. At this point we had been,  
21 what, 20 days into the occupation, and I for one, was desperate  
22 -- not quite defeated -- but also very angry. And I think at  
23 that point the desperation was enough where I stood on the  
24 corner of Laurier and Kent, I left my home at about 7:30 and I  
25 stayed there for about 30 minutes to an hour just them to blow  
26 their horns, because I was frustrated and I wanted there to be  
27 evidence, first hand evidence, of them define the injection  
28 order, them breaking the laws they were breaking, and I wanted

1 to know for myself who exactly was there, so that nobody could  
2 say otherwise. And I decided to take photos of the vehicles  
3 that were there, collect their information, and that was  
4 something that made them very upset as, really, it was in open,  
5 active defiance.

6 **MS. NATALIA RODRIGUEZ:** And is this truck parked  
7 on the sidewalk; is that right?

8 **MS. ZEXI LI:** Yes, it is.

9 **MS. NATALIA RODRIGUEZ:** Okay. And was that  
10 common for trucks to be up parked on the sidewalks?

11 **MS. ZEXI LI:** At this time, it was. I also on  
12 numerous occasions witnessed trucks driving along the sidewalks  
13 as well.

14 **MS. NATALIA RODRIGUEZ:** Okay. And I see we are  
15 running out of time, so perhaps I will then invite parties to  
16 ask you additional questions. Thank you very much.

17 Oh, before we go, is there anything else that you  
18 would like to tell the Commission? I do want to give you an  
19 opportunity if there's anything else we haven't discussed that  
20 you would like to discuss?

21 **MS. ZEXI LI:** I would like to quickly note that  
22 in this image, the vehicle next to the white truck, the red  
23 truck, on this same day, due to my taking pictures, the man in  
24 the red truck was inside of his vehicle and he actually had  
25 backed his vehicle into me. I moved out of the way, but I  
26 presume it was for taking pictures of his license plate and what  
27 was in his vehicle. I also captured video of -- as I approached  
28 the vehicle after he had sort of backed into me. I didn't want



1 him to be able to claim that it wasn't him in the vehicle, so I  
2 captured the driver in the video as well, and while I did so, he  
3 aggressively opened his door at me in the car. And at that  
4 point, all of the trucks in the area began blaring their horns  
5 at me. And there was another individual who had exited his  
6 vehicle and decided to start shouting at me, giving me the  
7 finger, and say that the man in the truck hadn't done anything,  
8 after I had called the police. He was yelling in the streets  
9 that the truck hadn't moved in over an hour, which I had direct  
10 video evidence proving that it was not true. So it just really  
11 showed to me personally that these people were willing to do  
12 anything and say anything to help each other get away with  
13 anything.

14 **MS. NATALIA RODRIGUEZ:** And, Ms. De La Ronde, is  
15 there anything we haven't covered that you would like to say?

16 **MS. VICTORIA De La RONDE:** You know, I think  
17 you've done a very good job. Thank you very much.

18 **MS. NATALIA RODRIGUEZ:** Okay. Thank you. And  
19 now I invite the parties to ask you some questions.

20 **COMMISIONER ROULEAU:** Okay. Now for cross-  
21 examination, have the parties agreed on an order for the cross-  
22 examination?

23 Seeing no response, I will simply call on parties  
24 to cross-examine in accordance with the time that has been  
25 allocated. So I think the first cross-examination is to be  
26 carried out by the convoy organizers, so who's going to be doing  
27 this?

28 Okay. So, Mr. Miller, you're on. You have 20

1 minutes if you need it and given that Commission Counsel has  
2 gone a bit over time, I -- we can give you a little bit of  
3 leeway, but not very much.

4 **--- CROSS-EXAMINATION BY MR. BRENDAN MILLER:**

5 **MR. BRENDAN MILLER:** So good morning. Ms. Li,  
6 I'd like to start with you if that's okay.

7 So, Ms. Li, I understand you're 21 years of age;  
8 is that correct?

9 **MS. ZEXI LI:** I'm now 22.

10 **MR. BRENDAN MILLER:** Now 22. But at the time of  
11 the events in question in January and February of this year you  
12 were 21?

13 **MS. ZEXI LI:** Correct.

14 **MR. BRENDAN MILLER:** All right. And you said  
15 already you're a public servant. You work for the Government of  
16 Canada?

17 **MS. ZEXI LI:** Yes, that's correct.

18 **MR. BRENDAN MILLER:** And you worked for the  
19 Government of Canada during the protest period; is that fair?

20 **MS. ZEXI LI:** Yes, that's correct.

21 **MR. BRENDAN MILLER:** Okay. And what do you do  
22 for your employment for the Government of Canada?

23 **MS. ZEXI LI:** I'm a data analyst.

24 **MR. BRENDAN MILLER:** And with which Ministry or  
25 department are you with?

26 **MR. JEFFREY LEON:** Objection. What's the  
27 relevance of this line of questioning, Commissioner?

28 **COMMISSIONER ROULEAU:** I'm not sure it's relevant

1 or not, but is it -- it seems to me that it's not unreasonable.

2 **MS. ZEXI LI:** Well, I personally don't feel  
3 there's -- I -- the actions I took was in my capacity as an  
4 individual citizen of Ottawa and not related to my work or any  
5 other activities.

6 **MR. BRENDAN MILLER:** Right, I understand that,  
7 but what department were you with and what were you doing for  
8 work for the Government of Canada at the time?

9 **MS. ZEXI LI:** I was a data analyst with Shared  
10 Services Canada.

11 **MR. BRENDAN MILLER:** Shared Services Canada?

12 **MS. ZEXI LI:** Correct.

13 **MR. BRENDAN MILLER:** Okay. And what Ministry  
14 does that come under?

15 **MS. ZEXI LI:** I'm not sure.

16 **MR. BRENDAN MILLER:** Okay. I understand that you  
17 know Ottawa City Councillor Catherine McKenney; is that correct?

18 **MS. ZEXI LI:** Correct.

19 **MR. BRENDAN MILLER:** All right. And I also  
20 understand that you know NDP member of provincial parliament for  
21 Ottawa Centre Joel Harden; is that correct?

22 **MS. ZEXI LI:** Correct.

23 **MR. BRENDAN MILLER:** And from some public  
24 articles, I also understand that you were introduced to lawyer  
25 Mr. Paul Champ sometime between January 28<sup>th</sup>, 2022, and February  
26 4<sup>th</sup>, 2022; is that correct?

27 **MS. ZEXI LI:** Could you repeat the dates, please?

28 **MR. BRENDAN MILLER:** January 28<sup>th</sup>, 2022, and

1 February 4<sup>th</sup>, 2022.

2 **MS. ZEXI LI:** Correct.

3 **MR. BRENDAN MILLER:** Okay. And what date were  
4 you introduced to Mr. Champ?

5 **MS. ZEXI LI:** I believe it was a Friday, so  
6 whichever date that Friday fell on.

7 **MR. BRENDAN MILLER:** Okay. And so someone  
8 introduced you to Mr. Champ; correct?

9 **MS. ZEXI LI:** Mr. Champ had reached out to me.

10 **MR. BRENDAN MILLER:** Okay. And is it not true  
11 that it was Ottawa City Councillor Catherine McKenney who put  
12 you in touch with Mr. Champ?

13 **MS. ZEXI LI:** That is untrue.

14 **MR. BRENDAN MILLER:** Okay. And I understand that  
15 you are the recent co-chair of the 2002 [sic] Leader Summit for  
16 Action Chinese Canadians Together; is that correct?

17 **MS. ZEXI LI:** That's correct.

18 **MR. BRENDAN MILLER:** And as part of that summit,  
19 I understand you gave a video statement of how you became who  
20 you are today; do you remember that?

21 **MS. ZEXI LI:** Yes.

22 **MR. BRENDAN MILLER:** Okay. And it focussed on  
23 the protest in Ottawa and became -- and becoming the lead  
24 plaintiff in the class action that you filed; is that right?

25 **MS. ZEXI LI:** Correct.

26 **MR. BRENDAN MILLER:** And there you described  
27 becoming the lead plaintiff in a class action as a fateful and  
28 surreal story; is that right?

1                   **MS. ZEXI LI:** Correct.

2                   **MR. BRENDAN MILLER:** And you said there you had  
3 the opportunity to make a difference; right?

4                   **MS. ZEXI LI:** Correct.

5                   **MR. BRENDAN MILLER:** And you said that the  
6 lawyers needed a plaintiff.

7                   **MS. ZEXI LI:** Correct.

8                   **MR. BRENDAN MILLER:** Right. And so you were  
9 asked to be the lead plaintiff; is that fair?

10                  **MS. ZEXI LI:** Correct.

11                  **MR. BRENDAN MILLER:** Right. And was there anyone  
12 else other than Mr. Champ who was asking you to be the lead  
13 plaintiff?

14                  **MS. ZEXI LI:** Emilie Taman who works with Paul  
15 Champ.

16                  **MR. BRENDAN MILLER:** All right. And so Mr. Champ  
17 reached out to you randomly? How did Mr. Champ get in touch  
18 with you?

19                  **MS. ZEXI LI:** It was as a result of the meeting I  
20 had organized with the Ottawa Police. One of my fellow  
21 residents and neighbour was a lawyer who was aware of the action  
22 being taken.

23                  **MR. BRENDAN MILLER:** Okay. And so I just want to  
24 take you back as well to that speech you gave with the Leaders'  
25 Summit for Action for Chinese Canadians Together. Just let me  
26 know if this is correct what you said. This is how you  
27 described the protest. "It was insane. It was the strangest  
28 Twilight Zone purge scenario where people weren't quite purging,

1 but the opportunity was there because there was just no laws  
2 being enforced. So it was this crazy, crazy thing, with hot  
3 tubs, with right-wing extremists and then right-wing moderates  
4 as well. And then you just -- your confused average grandmother  
5 saying, "Oh, isn't this really a great time. I wonder what the  
6 air raid sirens are for." Those are your statements; is that  
7 right?

8 **MS. ZEXI LI:** Yes, that is correct.

9 **MR. BRENDAN MILLER:** Okay. And when you say  
10 purge scenario, for the folks at home as well as anybody here, I  
11 take it you're referring to the film series The Purge; right?

12 **MS. ZEXI LI:** Yes, just in reference to the lack  
13 of laws that were in place.

14 **MR. BRENDAN MILLER:** Right. And it was your  
15 belief the protest provided a purge opportunity; is that fair?

16 **MS. ZEXI LI:** I would not say that the protest or  
17 occupation provided a purge opportunity, but the -- what I  
18 witnessed on the streets day-to-day was very reminiscent of that  
19 kind of lawless world where open fires were being held, laws  
20 were being broken in front of police officers who were not doing  
21 anything to combat them, and just a general sense and lack of  
22 disregard for public areas and, really, the people that live  
23 there.

24 **MR. BRENDAN MILLER:** Okay. But again, you said  
25 earlier, and you admitted that you stated it was the strangest  
26 Twilight Zone purge scenario where people weren't quite purging,  
27 but the opportunity was there; correct?

28 **MS. ZEXI LI:** Yes.

1                   **MR. BRENDAN MILLER:** Right. So you believe that  
2 the opportunity was there for a purge-type scenario; is that  
3 right?

4                   **MS. ZEXI LI:** I believe the opportunity was there  
5 and it was an environment where these people who have been  
6 illegally occupying our streets felt that they had the -- I  
7 don't know if this is the right word, they had the ability to do  
8 anything they wanted as they were not privy to the regulations  
9 that the rest of us members of society were. And I came to this  
10 conclusion in -- through my witnessing of these crimes being  
11 committed, because really, they were crimes, and even speaking  
12 with these individuals directly who had informed me that they  
13 were not going to face any consequences because they were  
14 protected.

15                   **MR. BRENDAN MILLER:** Okay. So in the movie *The*  
16 *Purge*, you agree that it's about that for one day in the United  
17 States called the purge, that there are no laws enforced and the  
18 population can commit murder, which is the purge. Is that  
19 right?

20                   **MS. ZEXI LI:** That is correct, but I was not  
21 referencing the entirety of the purge. It was a purge-like  
22 scenario where laws were not enforced specifically.

23                   **MR. BRENDAN MILLER:** And a purge opportunity was  
24 available?

25                   **MS. ZEXI LI:** Yes, because laws were not being  
26 enforced.

27                   **MR. BRENDAN MILLER:** Right. So people could  
28 potentially commit murder? That was your concern?

1           **MS. ZEXI LI:** I did not make that statement.

2           **MR. BRENDAN MILLER:** All right. And you then, I  
3 understand, from your evidence that you provided to the  
4 Commission prior in your statement, I understand that you  
5 started to hear honking on Friday, January 28<sup>th</sup>; right? Or  
6 January 28<sup>th</sup>, 2022?

7           **MS. ZEXI LI:** Correct.

8           **MR. BRENDAN MILLER:** All right. And when you  
9 provided the statement to the Commission, did you provide it  
10 yourself?

11          **MS. ZEXI LI:** Yes.

12          **MR. BRENDAN MILLER:** They interviewed you?

13          **MS. ZEXI LI:** Yes.

14          **MR. BRENDAN MILLER:** Okay. Thank you. And I  
15 understand that you obtained the injunction on February 5<sup>th</sup>,  
16 2022?

17          **COMMISSIONER ROULEAU:** I think it's February 4<sup>th</sup>.

18          **MR. BRENDAN MILLER:** February 4<sup>th</sup>, 2022, you  
19 obtained the injunction to stop the honking? Is that right?

20          **COMMISSIONER ROULEAU:** Pardon me, the 7<sup>th</sup>.  
21 February 7<sup>th</sup>.

22          **MR. BRENDAN MILLER:** Well there was ---

23          **MS. ZEXI LI:** The injunction was obtained on --  
24 approved by the Court on the 7<sup>th</sup>.

25          **MR. BRENDAN MILLER:** Well I understand there was  
26 an interim injunction approved the first two days, and then on  
27 the 7<sup>th</sup> it was approved? Is that the correct facts? Or would --

28 -



1           **MS. ZEXI LI:** No, that is not correct. Two days  
2 prior to the injunction being put in place, there was a deferral  
3 of the trial to that date where the injunction was eventually  
4 approved.

5           **MR. BRENDAN MILLER:** Trial. You said trial. I  
6 just want to clarify for the record. There was no trial. It  
7 was an application; correct?

8           **MS. ZEXI LI:** Application. Sorry, I'm not well  
9 versed in law. I'm not a law student.

10          **MR. BRENDAN MILLER:** I understand. And then  
11 after you obtained the injunction, I understand that things got  
12 a little bit better; right?

13          **MS. ZEXI LI:** For a brief period shortly after  
14 the injunction, there was a clear silence from the noise that  
15 was previously constant. Shortly thereafter, there was a  
16 gradual ramp up in the honking again, but, however, it was more  
17 strategic and intermittent than it was previously, whereas it  
18 was constant.

19          **MR. BRENDAN MILLER:** Okay. And so you said you  
20 gave your statement to the Commission before you testified here  
21 today; right?

22          **MS. ZEXI LI:** Yes.

23          **MR. BRENDAN MILLER:** And when you gave your  
24 statement, you knew you had to be truthful?

25          **MS. ZEXI LI:** Yes.

26          **MR. BRENDAN MILLER:** And when you gave that  
27 statement, of course you wanted to include all important  
28 observations and interactions that you had with the protestors?

1 Is that right?

2 **MS. ZEXI LI:** I just want to clarify the  
3 statement in reference, is that ---

4 **MS. NATALIA RODRIGUEZ:** She gave an anticipated  
5 statement, so it's a statement of anticipated evidence, not a  
6 witness statement. So it's not attributable to her, it's  
7 attributable to the Commission, and that is different from a  
8 witness statement, which is attributable to the witness.

9 **MR. BRENDAN MILLER:** Right.

10 **MS. NATALIA RODRIGUEZ:** So I just want to clarify  
11 that.

12 **MR. BRENDAN MILLER:** Sure. And so when you  
13 provided the Commission your statement, I take it that you would  
14 have told them all the important information that you wanted  
15 them to know?

16 **MS. ZEXI LI:** As far as I was aware, yes. To the  
17 best of my ability.

18 **MR. BRENDAN MILLER:** Right. And ---

19 **MR. JOHN MATHER:** I'm sorry, Mr. Commissioner. I  
20 do want to interject here. Our rules provide that there can be  
21 no examination on a statement of anticipated evidence without  
22 leave, and I think leave needs to be sought if there's going to  
23 be questions about that.

24 **MR. BRENDAN MILLER:** Okay. I won't put the  
25 statement to her. I'll move on.

26 I understand that you noticed the honking  
27 generally stop after the injunction was granted, though some  
28 trucks still honked intermittently for short periods of time?

1 Is that right?

2 **MS. ZEXI LI:** Correct.

3 **MR. BRENDAN MILLER:** All right. And so that's  
4 what happened after the injunction? Is that correct?

5 **MS. ZEXI LI:** To the best of my recollection,  
6 correct. That was the immediate aftermath.

7 **MR. BRENDAN MILLER:** All right. Now between  
8 January 28<sup>th</sup> and February 5<sup>th</sup>, 2022, did you attend your  
9 employment at the Government of Canada?

10 **MS. ZEXI LI:** I was working from home, though I  
11 struggled to maintain productivity due to the disturbances that  
12 were taking place.

13 **MR. BRENDAN MILLER:** Right. And at the  
14 Government of Canada, I take it that you are on salary? Is that  
15 fair?

16 **MS. ZEXI LI:** That is correct.

17 **MR. BRENDAN MILLER:** So between January 28<sup>th</sup>, 2022  
18 and February 5<sup>th</sup>, 2022, you did not lose any income? Is that  
19 fair?

20 **MS. ZEXI LI:** That would be correct. There was a  
21 leave code that was applied for government employees that were  
22 affected by the situation.

23 **MR. BRENDAN MILLER:** Okay. But prior to the  
24 situation as well, you were working from home, wasn't that also  
25 under the general covid policy for Government of Canada  
26 employees?

27 **MS. ZEXI LI:** Could you clarify to the question,  
28 please?

1                   **MR. BRENDAN MILLER:** So prior -- weren't you  
2 working from home prior to January 28<sup>th</sup>, 2022 anyway?

3                   **MS. ZEXI LI:** Yes.

4                   **MR. BRENDAN MILLER:** Okay. And how long were you  
5 working from home for?

6                   **MS. ZEXI LI:** I had started a new position on  
7 January 10<sup>th</sup> with Shared Services Canada. Prior to that, I was  
8 employed working from home with another agency.

9                   **MR. BRENDAN MILLER:** Okay. And what agency were  
10 you employed with before?

11                   **MS. ZEXI LI:** I was employed with the Canada  
12 Revenue Agency.

13                   **MR. BRENDAN MILLER:** Okay. Canada Revenue  
14 Agency. And so from January 28<sup>th</sup>, 2022, and before, you were  
15 already working at home?

16                   **MS. ZEXI LI:** Correct.

17                   **MR. BRENDAN MILLER:** Okay. Thank you. And  
18 moving on from sort of your background with working from home, I  
19 understand that you had the interactions with the protestors and  
20 you confronted them on Kent Street. Is that correct?

21                   **MS. ZEXI LI:** Correct.

22                   **MR. BRENDAN MILLER:** Right. And when you  
23 confronted those protestors, do you remember saying to them,  
24 which was recorded, "Go back to where the fuck you are from?"

25                   **MS. ZEXI LI:** I may have said that.

26                   **MR. BRENDAN MILLER:** Yeah. And I take it that  
27 you never saw any of the -- or never said to the Commission, or  
28 saw any protestors or truckers physically harm anyone? Is that

1 right?

2 **MS. ZEXI LI:** There was only the, I would  
3 describe it as intimidation with a truck.

4 **MR. BRENDAN MILLER:** Okay. And you never said to  
5 the Commission, and nothing in that regard, with respect to  
6 seeing protestors or truckers threatening to physically harm  
7 anyone either; did you?

8 **MS. ZEXI LI:** I did not make that statement.

9 **MR. BRENDAN MILLER:** All right. And you didn't  
10 say to the Commission or see anything in your observations that  
11 could be classified as espionage or sabotage?

12 **MS. ZEXI LI:** I'm sorry?

13 **MR. BRENDAN MILLER:** You didn't see anything that  
14 could be classified as espionage or sabotage?

15 **MS. ZEXI LI:** No.

16 **MR. BRENDAN MILLER:** Thank you. And you didn't  
17 say to the Commissioner you observed any of the protestors or  
18 truckers destroy or light a fire to any buildings or anything  
19 like that?

20 **MS. ZEXI LI:** Not inside of any buildings, no.  
21 Just outside.

22 **MR. BRENDAN MILLER:** Outside. So you're saying  
23 that they were destroying the outside of buildings? Is that  
24 right?

25 **MS. ZEXI LI:** I did not say that. I said they  
26 were lighting fires outside of buildings, as in the bonfires  
27 that were all over the city.

28 **MR. BRENDAN MILLER:** Right. But they weren't

1 trying to knock down any form of buildings, or property, or  
2 anything like that?

3 **MS. ZEXI LI:** I can't comment to their  
4 intentions.

5 **MR. BRENDAN MILLER:** Well I understand their  
6 intentions, but I submit you didn't see them do anything like  
7 that?

8 **MS. ZEXI LI:** No, I just saw the fires. Open  
9 fires.

10 **MR. BRENDAN MILLER:** Right. And you didn't see  
11 them try to destroy any other trucks or vehicles or light them  
12 on fire or anything?

13 **MS. ZEXI LI:** I did not.

14 **MR. BRENDAN MILLER:** Thank you. And so I just  
15 want to talk to you a little bit about that class action as  
16 well. So you became the lead plaintiff on February 4<sup>th</sup> when it  
17 was filed; correct?

18 **MS. ZEXI LI:** Correct.

19 **MR. BRENDAN MILLER:** All right. And as of today,  
20 I understand there were only three other additional plaintiffs  
21 to that action? Is that right?

22 **MS. ZEXI LI:** Correct.

23 **MR. BRENDAN MILLER:** And the first one is Happy  
24 Goat Coffee Company? Is that correct?

25 **MS. ZEXI LI:** Correct.

26 **MR. BRENDAN MILLER:** And Happy Goat Coffee  
27 Company is a chain of coffee shops that has three coffee shops  
28 in the downtown area? Is that fair?

1                   **MS. ZEXI LI:** As far as I know, correct.

2                   **MR. BRENDAN MILLER:** Thank you. And the second  
3 plaintiff is, they got added, it's a numbered company, but it  
4 operates as Union Local 631. And I understand that's a  
5 restaurant and bar on Somerset Street? Is that right?

6                   **MS. ZEXI LI:** Correct.

7                   **MR. BRENDAN MILLER:** All right. And the third  
8 plaintiff is a fellow by the name of Geoffrey Devaney? Is that  
9 right?

10                   **MS. ZEXI LI:** Correct.

11                   **MR. BRENDAN MILLER:** And he was a bartender and  
12 server at a restaurant in ByWard Market?

13                   **MS. ZEXI LI:** My understanding is that he was  
14 employed in the ByWard Market.

15                   **MR. BRENDAN MILLER:** Okay. And that he doesn't  
16 live in downtown Ottawa?

17                   **MS. ZEXI LI:** Yes.

18                   **MR. BRENDAN MILLER:** Okay. And so after you got  
19 the injunction on February 5<sup>th</sup>, I understand that both yourself  
20 and Mr. Champ began to offer the protestors and truckers an  
21 agreement that they could sign to be released from your class  
22 action if they agreed to leave. Do you remember that?

23                   **MS. ZEXI LI:** I would like to clarify that the  
24 injunction was granted on the 7<sup>th</sup>.

25                   **MR. BRENDAN MILLER:** Okay. But after the -- on  
26 the -- beginning the 5<sup>th</sup> as well, as I understand, you began to  
27 offer this release to the protestors and truckers? Is that  
28 right?

1           **MS. ZEXI LI:** Correct.

2           **MR. BRENDAN MILLER:** All right. And so who was  
3 it that you had going out handing out copies of this release to  
4 the truckers? Do you remember?

5           **MS. ZEXI LI:** I am not aware of that information.

6           **MR. BRENDAN MILLER:** Okay. Did you know that  
7 Councillor McKenney was handing them out for you?

8           **MS. ZEXI LI:** Now I do.

9           **MR. BRENDAN MILLER:** Okay. And now you do from  
10 me telling you, or did you know before this?

11           **MS. ZEXI LI:** Well it was a lot of events and I  
12 think it was mentioned that McKenney was out doing this.  
13 However, I was not directly involved, other than agreeing to  
14 offer this agreement.

15           **MR. BRENDAN MILLER:** Okay. And I understand also  
16 that you know the NDP Member of Provincial Parliament for  
17 Ottawa, Senator Joel Harden. Do you know him?

18           **MS. ZEXI LI:** Yes.

19           **MR. BRENDAN MILLER:** Right. And he was  
20 contacting people and organizing events to raise money for your  
21 lawsuit? Do you remember that?

22           **MS. ZEXI LI:** Yes, correct.

23           **MR. BRENDAN MILLER:** Okay. And was it not the  
24 Ottawa City Councillor Catherine McKenney and NDP Member of  
25 Provincial Parliament for Ottawa, Joel Harden, who supported you  
26 and put you forward for that claim? Is that not correct?

27           **MS. ZEXI LI:** That is not correct. I'm -- I've  
28 stated that that was not true previously as well.



1                   **MR. BRENDAN MILLER:** Right. And so I just want  
2 to bring you to sort of another statement that you had said when  
3 you were at the Leaders Summit for Action for Chinese Canadians.

4                   **MS. ZEXI LI:** I would also like to clarify that  
5 the Leaders Summit has not occurred.

6                   **MR. BRENDAN MILLER:** Right. But you gave a  
7 video?

8                   **MS. ZEXI LI:** Yes, correct.

9                   **MR. BRENDAN MILLER:** Right. So can you agree  
10 with me that you stated the following:

11                                    "It came about that the lawyers needed  
12                                    a lead plaintiff to stand up and speak  
13                                    about what was going on and really try  
14                                    to make a difference, because we  
15                                    weren't seeing any change in our  
16                                    community, which was not acceptable for  
17                                    anybody, but being a Chinese Canadian,  
18                                    it is a bit of an odd role to play,  
19                                    because it's not something that is  
20                                    really necessarily supported or common  
21                                    within our culture, but I really saw  
22                                    the need for somebody, anybody to stand  
23                                    up and speak for the people and help us  
24                                    out of the situation we were in, and  
25                                    the stars really aligned and here I  
26                                    am." (As read)

27                   **MS. ZEXI LI:** Yes, that's true.

28                   **MR. BRENDAN MILLER:** Thank you. Those are my

1 questions for you, Ms. Li, and then I just have a few for Ms. La  
2 Ronde.

3 **MS. ZEXI LI:** Before you continue, would it be  
4 all right to clarify my relationship with Joel Harden and  
5 Catherine McKenney? No? Okay.

6 **MR. BRENDAN MILLER:** If His Honour would like,  
7 that's fine.

8 **COMMISSIONER ROULEAU:** There'll be a brief  
9 opportunity to re-examine ---

10 **MR. BRENDAN MILLER:** Yeah.

11 **COMMISSIONER ROULEAU:** --- at the end so.

12 **MR. BRENDAN MILLER:** So Ms. La Ronde, good  
13 morning.

14 **MS. VICTORIA De La RONDE:** Good morning.

15 **MR. BRENDAN MILLER:** So, Ms. Ronde, I understand  
16 just from your background, and I'm not trying to poke or  
17 anything like that, but I understand you were born around 1947  
18 in Meadow Lake, Saskatchewan; is that correct?

19 **MS. VICTORIA De La RONDE:** I was born in  
20 Saskatoon, Saskatchewan, but grew up in Meadow Lake,  
21 Saskatchewan, and you ask women their ages so ---

22 **MR. BRENDAN MILLER:** I won't -- I'm not going to.  
23 I promise not to do that.

24 **MS. VICTORIA De La RONDE:** They can do the math.

25 **MR. BRENDAN MILLER:** Yes, all right. And I don't  
26 want to get into too much with your disability and I'm very  
27 sorry ---

28 **MS. VICTORIA De La RONDE:** No, no.

1                   **MR. BRENDAN MILLER:** --- for the struggles that  
2 you've had particularly during the convoy and protest but I  
3 understand that about in 1961 is when you began to lose your  
4 sight; is that fair?

5                   **MS. VICTORIA De La RONDE:** Yes.

6                   **MR. BRENDAN MILLER:** Okay. And despite that, you  
7 thrived. You obtained a bachelor degree in psychology from the  
8 University of Saskatchewan in 1974?

9                   **MS. VICTORIA De La RONDE:** That's right, yes.

10                  **MR. BRENDAN MILLER:** Right. And you completed  
11 your law degree at the University of Saskatchewan in 1984?

12                  **MS. VICTORIA De La RONDE:** 1983.

13                  **MR. BRENDAN MILLER:** '83.

14                  **MS. VICTORIA De La RONDE:** M'hm.

15                  **MR. BRENDAN MILLER:** And thereafter you completed  
16 your masters of law at the London School of Economics; is that  
17 correct?

18                  **MS. VICTORIA De La RONDE:** Yes.

19                  **MR. BRENDAN MILLER:** Right. And how many  
20 jurisdictions are you a member of the bar in or a member of the  
21 solicitor's group?

22                  **MS. VICTORIA De La RONDE:** I was a member of good  
23 standing with the Ontario bar and the New York bar of -- but  
24 recently, I resigned my membership from the Ontario bar.

25                  **MR. BRENDAN MILLER:** Okay.

26                  **MS. VICTORIA De La RONDE:** I'm still active as  
27 the non -- a retired member of the New York bar, but I'm still  
28 licensed.

1                   **MR. BRENDAN MILLER:** Right. And I understand  
2 that after becoming a member of the bar you began to work for  
3 the Government of Canada; is that correct?

4                   **MS. VICTORIA De La RONDE:** Yes.

5                   **MR. BRENDAN MILLER:** Right. And you spent 10  
6 years with the Department of Indian and Northern Affairs Canada;  
7 is that correct?

8                   **MS. VICTORIA De La RONDE:** It was more, like, 25  
9 years. I'm just -- just let me recorrect that. It was from  
10 1990, September 1990 to April 2011.

11                   **MR. BRENDAN MILLER:** Okay. And then you were  
12 also with the Department of Veteran Affairs Canada; is that  
13 right?

14                   **MS. VICTORIA De La RONDE:** Yes.

15                   **MR. BRENDAN MILLER:** Okay. And around that -- in  
16 the '80s, you also incorporated a company called De La Ronde  
17 International Inc.; is that right?

18                   **MS. VICTORIA De La RONDE:** That's correct.

19                   **MR. BRENDAN MILLER:** And that company is still in  
20 operation?

21                   **MS. VICTORIA De La RONDE:** Yes.

22                   **MR. BRENDAN MILLER:** And is that company not a  
23 federal government contractor?

24                   **MS. VICTORIA De La RONDE:** No.

25                   **MR. BRENDAN MILLER:** No. But it does do  
26 government contracts and assists with I believe a lot of First  
27 Nations work; is that right?

28                   **MS. VICTORIA De La RONDE:** It could, yes.

1                   **MR. BRENDAN MILLER:** Right. And you worked as a  
2 lawyer for the Government of Canada; is that right?

3                   **MS. VICTORIA De La RONDE:** No, I was working on  
4 the policy side of the picture. I was not a just lawyer with  
5 the Government of Canada. I was an executive.

6                   **MR. BRENDAN MILLER:** Okay. And I don't know the  
7 answer to this and I'm going to ask that of you, do you mind  
8 telling the folks what brought about your participation in this  
9 Commission?

10                   **MS. VICTORIA De La RONDE:** I had a phone call  
11 from the Commission, Commission solicitor asking my permission  
12 to, first of all, have a conversation about my experience and  
13 then asking my permission if my name could be put forward as a  
14 potential witness in this.

15                   **MR. BRENDAN MILLER:** Okay. Thank you very much.  
16 Those are all my questions for the both of you, and have a good  
17 morning.

18                   **MS. VICTORIA De La RONDE:** Thank you. You too.

19                   **COMMISSIONER ROULEAU:** Thank you. So the next I  
20 will call on the Government of Canada to briefly cross-examine.

21 **--- CROSS-EXAMINATION BY MR. BRENDAN van NIEJENHUIS:**

22                   **MR. BRENDAN van NIEJENHUIS:** I just have three  
23 questions, Your Honour, on Ms. Li.

24                   You described a lawless environment during the  
25 period of the convoy occupation, I believe, in reference to my  
26 friend's questions there, yes?

27                   **MS. ZEXI LI:** Yes.

28                   **MR. BRENDAN van NIEJENHUIS:** Okay. Did that

1 change after you obtained the anti-honking injunction on  
2 February the 7<sup>th</sup>?

3 **MS. ZEXI LI:** No.

4 **MR. BRENDAN van NIEJENHUIS:** Did it change by  
5 February the 14<sup>th</sup>, the lawless environment that you described?

6 **MS. ZEXI LI:** I don't recall exactly, but I would  
7 say perhaps some of it had subsided, but it was still present.  
8 If anything, it was more underlying and more desperate, in a  
9 sense.

10 **MR. BRENDAN van NIEJENHUIS:** You obtained an  
11 extension of the injunction on February the 16<sup>th</sup>; is that right?

12 **MS. ZEXI LI:** Correct.

13 **MR. BRENDAN van NIEJENHUIS:** And you showed us  
14 photographs on February 17<sup>th</sup> and 18<sup>th</sup>, though you couldn't recall  
15 which of those 2 dates it was; right?

16 **MS. ZEXI LI:** I believe it was the 17<sup>th</sup>, yes.

17 **MR. BRENDAN van NIEJENHUIS:** Okay. And was there  
18 still a lawless environment as you perceived it at that time?

19 **MS. ZEXI LI:** Given my experience personally, I  
20 felt that was the case.

21 **MR. BRENDAN van NIEJENHUIS:** Thank you. Those  
22 are my questions.

23 **COMMISSIONER ROULEAU:** Thank you.

24 Next, I will call on the Ottawa Police.

25 **--- CROSS-EXAMINATION BY MS. JESSICA BARROW:**

26 **MS. JESSICA BARROW:** Good morning to you both. I  
27 just have a couple of questions for you, Ms. Li. You spoke  
28 earlier this morning about the injunction. Did circumstances

1 change after the injunction in terms of the level of threats  
2 that you were receiving from the community?

3 **MS. ZEXI LI:** Following the injunction, I would  
4 say the level of threats increased due to the public attention  
5 that had been placed on myself and the situation. Yes.

6 **MS. JESSICA BARROW:** And once that occurred, once  
7 you were receiving a higher level of threat, would you agree  
8 that you had multiple interactions with the Ottawa Police  
9 Service as a result of that?

10 **MS. ZEXI LI:** Yes, that is correct.

11 **MS. JESSICA BARROW:** You had made them aware of  
12 the threats that you were receiving?

13 **MS. ZEXI LI:** The majority of the threats were  
14 through the internet, and on certain things; however, I was  
15 receiving calls and messages to my personal devices. However,  
16 the nature of these messages, voicemails and calls did not seem  
17 serious enough for me to make a official report. There was only  
18 one instance where there was a serious threat received by the  
19 RCMP that had been forwarded to the Ottawa Police that was  
20 investigated.

21 **MS. JESSICA BARROW:** And the Ottawa Police  
22 actually attended your residence a couple of occasions as well;  
23 correct?

24 **MS. ZEXI LI:** That is correct.

25 **MS. JESSICA BARROW:** I just want to bring up one  
26 document if you don't mind. It's OPS-3014460.

27 Can you see at the top of the page that this is a  
28 document dated February 9<sup>th</sup>?

1                   **MS. ZEXI LI:** Yes.

2                   **MS. JESSICA BARROW:** And can you see about  
3 halfway down the page there's a subheading Constable Islam and  
4 Constable Lemieux?

5                   **MS. ZEXI LI:** Yes.

6                   **MS. JESSICA BARROW:** It appears as though there's  
7 notes under that heading in relation to the activities of those  
8 officers?

9                   **MS. ZEXI LI:** Yes.

10                  **MS. JESSICA BARROW:** If we could go to the next  
11 page, bullet number three, it says,

12                                   "Mo and I spoke with..." (As read)

13                                   And then, of course, there's obviously a  
14 redaction.

15                                   "...regarding the threats she has  
16 received from her involvement with the  
17 injunction related to the convoy  
18 protest and the warrants." (As read)

19                                   Obviously, we can see that there's a redaction  
20 here, but would you agree that on February 9<sup>th</sup> you did, in fact,  
21 speak with these two officers from Ottawa Police Service?

22                   **MS. ZEXI LI:** Yes.

23                   **MS. JESSICA BARROW:** Okay. Thank you. And if  
24 you could look at that second sentence, it indicates, "She feels  
25 very supported by the OPS with this." Would you agree at this  
26 time that you had received the attention in relation to the  
27 threats from Ottawa Police Service that made you feel  
28 comfortable that they were managing that situation?



1                   **MS. ZEXI LI:** Yes.

2                   **MS. JESSICA BARROW:** Thank you. Those are my  
3 questions.

4                   **MS. ZEXI LI:** Thank you.

5                   **COMMISSIONER ROULEAU:** Thank you. The next I'll  
6 call on the Democracy Fund, Citizens for Freedom and JCCF.

7 **--- CROSS-EXAMINATION BY MR. ROB KITTREDGE:**

8                   **MR. ROB KITTREDGE:** Hi to both of you. I'll just  
9 have a couple of quick questions for you today and first I'll  
10 tilt them so they're facing the right direction.

11                   You discussed decibel levels with Commission  
12 Counsel during the protests. Were decibel levels ever measured  
13 inside of your apartment, Ms. Li?

14                   **MS. ZEXI LI:** Yes, they were.

15                   **MR. ROB KITTREDGE:** They were?

16                   **MS. ZEXI LI:** Yes.

17                   **MR. ROB KITTREDGE:** By who?

18                   **MS. ZEXI LI:** Me, myself.

19                   **MR. ROB KITTREDGE:** How did you do that?

20                   **MS. ZEXI LI:** Through decibel measuring devices  
21 downloaded onto my phone. These devices -- these applications  
22 had been proved -- they had been researched to be comparable to  
23 actual physical decibel testing devices.

24                   **MR. ROB KITTREDGE:** Can you give me the names of  
25 those applications that you used?

26                   **MS. ZEXI LI:** Off the top of my head, I believe  
27 one was called decibel X or something along those lines.

28                   **MR. ROB KITTREDGE:** Can I get an undertaking? Is

1 that possible in this context? I hadn't checked.

2 **UNIDENTIFIED MALE SPEAKER:** Our rules do not  
3 provide for ---

4 **MR. ROB KITTREDGE:** Yeah, okay.

5 **UNIDENTIFIED MALE SPEAKER:** --- party request  
6 undertakings during examination.

7 **MR. ROB KITTREDGE:** All right.

8 So you say you used multiple decibel apps?

9 **MS. ZEXI LI:** There was two, you know, I believe  
10 it was called Decibel X; however, it's been some time.

11 **MR. ROB KITTREDGE:** Okay. And do you remember  
12 what exactly the decibel reading was?

13 **MS. ZEXI LI:** The decibel readings, from my  
14 memory, ranged from approximately 75 decibels to at times 85 or  
15 90.

16 **MR. ROB KITTREDGE:** Okay. When speaking with  
17 Commission Counsel earlier, you began to describe how you had  
18 been pleading with the protestors, and said, "There is a certain  
19 frustration when the people that are supposed to help you aren't  
20 helping you." Do you recall making that statement?

21 **MS. ZEXI LI:** Yes, I do.

22 **MR. ROB KITTREDGE:** Who were the people who were  
23 supposed to help you?

24 **MS. ZEXI LI:** Those people were the Ottawa Police  
25 and Bylaw Services.

26 **MR. ROB KITTREDGE:** And what were they supposed  
27 to be doing?

28 **MS. ZEXI LI:** They were, from my understanding as

1 a resident, citizen, and taxpayer, they were supposed to be  
2 supporting us and making sure us, as the public and community,  
3 feel safe and that the laws are upheld.

4 **MR. ROB KITTREDGE:** What what laws did you feel  
5 weren't being upheld?

6 **MS. ZEXI LI:** There were issues with noise,  
7 idling, parking, et cetera. Illegal fireworks, illegal fires,  
8 public urination, public defecation, harassment on the streets,  
9 soup kitchens.

10 **MR. ROB KITTREDGE:** And there just wasn't any  
11 enforcement in your mind of those laws prohibiting those  
12 behaviours?

13 **MS. ZEXI LI:** A lot of the time, I had -- I  
14 hadn't spoken to officers directly. I had made calls to Bylaw  
15 specifically detailing the incidences that were occurring, and  
16 on one such occasion I described fireworks in the vicinity of  
17 gasoline and other open fires, as well as things like alcohol  
18 and drugs. So that to me presented a safety issue, and  
19 therefore I reported it. However, as a result of my report  
20 nothing came to -- nothing came to it, and I was informed that  
21 the officers on the ground were to keep things safe despite the  
22 reality of the situation.

23 **MR. ROB KITTREDGE:** So in essence, the complaints  
24 that you made didn't result in enforcement?

25 **MS. ZEXI LI:** No.

26 **MR. ROB KITTREDGE:** And you mentioned that you  
27 obtained an injunction in the context of your class action  
28 lawsuit that prohibited honking, and that for a time after the

1 injunction was granted the honking diminished but it returned  
2 after a time.

3 **MS. ZEXI LI:** Yes.

4 **MR. ROB KITTREDGE:** Is that correct?

5 **MS. ZEXI LI:** That is correct.

6 **MR. ROB KITTREDGE:** And would it be fair to say  
7 that it returned after a time because your injunction wasn't  
8 being enforced?

9 **MS. ZEXI LI:** I would say that I can't speak to  
10 exactly why it occurred, but I am -- I would feel that  
11 enforcement would be a contributing factor.

12 **MR. ROB KITTREDGE:** Did you see any enforcement  
13 of your injunction?

14 **MS. ZEXI LI:** No.

15 **MR. ROB KITTREDGE:** All right, those are my  
16 questions. Thank you.

17 **COMMISSIONER ROULEAU:** Okay. Thank you very  
18 much.

19 And the next is the Ottawa Coalition. Any  
20 examination there?

21 **MR. PAUL CHAMP:** Thank you very much,  
22 Commissioner.

23 **--- CROSS-EXAMINATION BY MR. PAUL CHAMP:**

24 **MR. PAUL CHAMP:** I just have a few questions for  
25 both of you.

26 Ms. De La Ronde, can you just confirm  
27 approximately how long have you been living in Downtown Ottawa?

28 **MS. VICTORIA De La RONDE:** Thirty years.

1                   **MR. PAUL CHAMP:** And have you experienced or  
2 observed other protests or demonstrations in Downtown Ottawa?

3                   **MS. VICTORIA De La RONDE:** I've observed other  
4 protests in Downtown Ottawa, but closer to Parliament Hill.  
5 They did not come to where I was living. Never.

6                   **MR. PAUL CHAMP:** Thank you. You told us, Ms. De  
7 La Ronde, about being concerned about wearing headphones or  
8 earplugs, about knocks on your door, about smoke, or maybe not  
9 hearing alarms. Why did you have that particular concern?

10                  **MS. VICTORIA De La RONDE:** I was concerned  
11 because there was the smell, and I was informed as well about  
12 gas spills on the street, that there was open bonfires, that  
13 they were roasting food out a few metres from my building, so  
14 there was such a potential for a fire, a huge fire, and an  
15 explosion. So I was concerned that if I could actually get  
16 those earplugs to work then I wouldn't hear if my smoke alarm  
17 went off or if people were pounding on my door to say "evacuate,  
18 evacuate".

19                  **MR. PAUL CHAMP:** And Ms. De La Ronde, you told us  
20 a bit about the diesel fumes. Was that diesel fumes that you  
21 would just smell outside on the street, or did you smell them in  
22 your apartment?

23                  **MS. VICTORIA De La RONDE:** It was very strong in  
24 my apartment. It permeated drapes, blinds, bedding, carpet. It  
25 had a -- the whole unit had a dull, gaseous odour about it.

26                  **MR. PAUL CHAMP:** Did you do anything about that  
27 after the protests were over?

28                  **MS. VICTORIA De La RONDE:** Yes, yes. I got --

1 eventually worked toward getting them cleaned, all of them.

2           **MR. PAUL CHAMP:** Ms. De La Ronde, you told us a  
3 bit about the honking and how you experienced that. After the  
4 protests were over, what was your experiences with honking  
5 sounds?

6           **MS. VICTORIA De La RONDE:** Anytime I heard a honk  
7 of a horn, and particularly of a large vehicle horn, I could  
8 feel it sort of ripple through my body, and I would feel that my  
9 nerves were still frayed.

10           **MR. PAUL CHAMP:** In the immediate days and weeks  
11 after the end of the demonstrations, what was your experiences  
12 with horns?

13           **MS. VICTORIA De La RONDE:** Very much like that.  
14 That -- I kept hearing them, like phantom horns, I kept hearing  
15 them in my head. I also had phantom smells too.

16           **MR. PAUL CHAMP:** And by phantom smells or horns,  
17 meaning they're not there, but that's what you ---

18           **MS. VICTORIA De La RONDE:** They're not, they're  
19 not there.

20           **MR. PAUL CHAMP:** Thank you, Ms. De La Ronde.

21           Ms. Li, I just have a few questions for you.  
22 There were some questions put to you about Councillor McKenney  
23 and a Member of Provincial Parliament, Mr. Harden. Had you ever  
24 had any interactions with them or met them prior to the class  
25 action being commenced?

26           **MS. ZEXI LI:** No, I had not. Perhaps in passing  
27 on the street, but nothing -- not -- they didn't know who I was.

28           **MR. PAUL CHAMP:** And there were some questions

1 put to you about the injunction and what impact it had on the  
2 horns. On the day of the injunction argument of Monday,  
3 February the 7th, were you observing that hearing?

4 **MS. ZEXI LI:** Yes, I was.

5 **MR. PAUL CHAMP:** And were you observing or  
6 listening to anything else before or after that injunction  
7 hearing?

8 **MS. ZEXI LI:** After, I did observe a Facebook  
9 Live video from one of the organisers who had ordered the  
10 truckers in general to stop the horns due to the injunction  
11 being put in place.

12 **MR. PAUL CHAMP:** So what --- you were watching  
13 something online? What was it?

14 **MS. ZEXI LI:** Yes. It was a Facebook Live video  
15 I believe from Chris Barber, if I'm not mistaken, though I can't  
16 be sure as to which organiser specifically it was, but they had  
17 been laughing about our lack of sleep and something about giving  
18 us a break from all the noise.

19 **MR. PAUL CHAMP:** The -- what did that livestream  
20 person, what did they say about the injunction; do you recall?

21 **MS. ZEXI LI:** They had said that they -- I  
22 remember they were saying, like, "stop the horns, stop the  
23 noise."

24 **MR. PAUL CHAMP:** And did you hear any -- did you  
25 notice or observe any connection with that statement on the  
26 livestream video and what was going on outside?

27 **MS. ZEXI LI:** Yes. Shortly after the video the  
28 horns had subsided. And for -- it was like -- like just sort of

1 thinking back to it, like it's hard to not be a little dramatic,  
2 but it really was like -- it was like this respite that had  
3 came, and it was significant the silence that was present for  
4 some time.

5 **MR. PAUL CHAMP:** You were following or observing  
6 some of the social media of some of the protest organisers?

7 **MS. ZEXI LI:** Yes.

8 **MR. PAUL CHAMP:** After the injunction was  
9 obtained, you told us about listening to a social media stream  
10 on that date. Did you hear or observe any other social media  
11 streams by convoy organisers speaking about the injunction after  
12 February the 7th?

13 **MS. ZEXI LI:** Yes. I do recall after the first  
14 video, I don't recall exactly when this occurred, but the first  
15 video I believe that the organiser had believed that -- it's  
16 hard to say because it's -- there was a just words being  
17 spilled, but there was something about that we, not necessarily  
18 myself or the lawyers involved, or -- it was a general reference  
19 I think to, like, the City or the Government or just the  
20 opposition, really, that they were going to give into some  
21 demands, but after some time had passed, they had realised that  
22 no demands were being given, and to, like -- I don't remember  
23 the exact words, but there was a call to action to, like, just  
24 let 'er rip.

25 **MR. PAUL CHAMP:** And let what rip?

26 **MS. ZEXI LI:** The horns.

27 **MR. PAUL CHAMP:** And after observing that, did  
28 you notice any difference in the horns out in the street?



1           **MS. ZEXI LI:** Yes, I did notice that there were  
2 some -- I remember very distinctly there were some confused  
3 horns, because really it sounds sort of crazy to attribute these  
4 kinds of descriptions to horns. But whereas before they were  
5 sure I think, and like resounding, these were confused, almost  
6 as if, do I do it, do I not do it, do I do it, do I not do it?  
7 There was a little bit more hesitation in the honking.

8           **MR. PAUL CHAMP:** And Ms. Li, just a couple --  
9 final couple of questions. When we -- when you talked about  
10 measuring the decibel levels, where were you measuring that, was  
11 that on the street, or was it in your home?

12           **MS. ZEXI LI:** I had measured the -- in reference  
13 to the decibel levels I had described, it was inside of my home,  
14 though I had taken some on the streets where it was much louder,  
15 closer to 100 or more.

16           **MR. PAUL CHAMP:** And your apartment, don't tell  
17 us which floor, but is it above or below a 10th floor?

18           **MS. ZEXI LI:** It is above a 10th floor.

19           **MR. PAUL CHAMP:** Thank you. You told us a bit  
20 about bonfires, seeing bonfires. We're unsure if we'll get any  
21 evidence about this from the Ottawa Police, but just from what  
22 your observations were, what were the bonfires like?

23           **MS. ZEXI LI:** They definitely varied depending on  
24 the location that you went. There were quite a few of them,  
25 some were small and just for warmth, others were larger for -- I  
26 think there was a pig, like a whole pig being roasted, and I  
27 think it was under a fire, but I can't be certain about that.  
28 But there was that and there were several bonfires down

1 Wellington Street, often times on corners in intersections where  
2 there were people huddled around it, often accompanied by signs  
3 and flags,

4 **MR. PAUL CHAMP:** Thank you. And then finally,  
5 you responded to a question from Ottawa Police Council about  
6 that, you had expressed or were thankful that the police were  
7 managing this situation. What situation did you feel that they  
8 were managing?

9 **MS. ZEXI LI:** I felt that they were managing my  
10 personal safety correctly.

11 **MR. PAUL CHAMP:** And what about it on the  
12 streets, did you think they were managing it from your  
13 observation?

14 **MS. ZEXI LI:** No, I did not.

15 **MR. PAUL CHAMP:** Thank you, those are all the  
16 questions I have.

17 **COMMISSIONER ROULEAU:** Okay. Thank you. Does  
18 Commission counsel have any brief follow up?

19 **MS. NATALIA RODRIGUEZ:** No re-exam, thank you.

20 **COMMISSIONER ROULEAU:** Okay. Well, I want to  
21 thank both witnesses for their coming forward to the Commission  
22 and for their evidence. The Commission appreciates you coming  
23 forward. I also want to thank counsel for the parties, it was  
24 very disciplined cross-examination, a very good start, and so we  
25 thank you both and you're now relieved of your obligations and  
26 someone can come forward and assist Mme. De La Ronde to --

27 **MS. VICTORIA De La RONDE:** Thank you,  
28 Commissioner.

1                   **COMMISSIONER ROULEAU:** Okay, thank you.

2                   While the witnesses leave, this may be a good  
3 moment to take the break and we'll come back after the break.  
4 We'll take 15 minutes, and when we come back we'll proceed with  
5 the second panel.

6                   **THE REGISTRAR:** The Commission is in recess for  
7 15 minutes. La Commission est levée pour 15 minutes.

8 --- Upon recessing at 11:02 a.m.

9 --- Upon resuming at 11:17 a.m.

10                  **THE REGISTRAR:** The Commission is reconvened. La  
11 Commission reprend.

12                  **COMMISSIONER ROULEAU:** Okay. I think we're ready  
13 for the next panel. On est prêt pour le prochain panel.

14                  **MR. JEAN-SIMON SCHOENHOLZ:** Mr. Commissioner, my  
15 name is Jean-Simon Schoenholz, I'm Commission counsel. I'd like  
16 to call Kevin McHale and Nathalie Carrier as the next witnesses.

17                  **COMMISSIONER ROULEAU:** Bonjour.

18                  **MR. KEVIN McHALE:** Good morning.

19                  **THE REGISTRAR:** Mr. McHale, will you swear on a  
20 religious document, or do you wish to affirm?

21                  **MR. KEVIN McHALE:** Affirm.

22                  **THE REGISTRAR:** For the record, please state your  
23 full name and spell it out.

24                  **MR. KEVIN McHALE:** Kevin McHale, K-e-v-i-n M-c-h-  
25 a-l-e.

26 --- MR. KEVIN McHALE, Affirmed:

27                  **THE REGISTRAR:** Ms. Carrier, will you swear on a  
28 religious document or do you wish to affirm?

1                   **MS. NATHALIE CARRIER:** I wish to affirm.

2                   **THE REGISTRAR:** For the record please state you  
3 full name and spell it out.

4                   **MS. NATHALIE CARRIER:** Nathalie Carrier, N-a-t-h-  
5 a-l-i-e C-a-r-r-i-e-r.

6 --- MS. NATHALIE CARRIER, Affirmed:

7                   **MS. NATHALIE CARRIER:** I just want to clarify, I  
8 will testify in English though. Sorry, sometimes I switch  
9 without knowing.

10                   **COMMISSIONER ROULEAU:** We can accommodate that.

11                   **MS. NATHALIE CARRIER:** Oui, merci.

12                   **COMMISSIONER ROULEAU:** Allez-y. Go ahead.

13                   **MR. JEAN-SIMON SCHOENHOLZ:** Merci.

14 --- EXAMINATION IN-CHIEF BY MR. JEAN-SIMON SCHOENHOLZ:

15                   **MR. JEAN-SIMON SCHOENHOLZ:** Mr. McHale, Ms.  
16 Carrier, could you please start by telling me your title at  
17 work?

18                   **MS. NATHALIE CARRIER:** I'm Nathalie Carrier,  
19 Executive Director of the Vanier BIA, which is the Business  
20 Improvement Area.

21                   **MR. KEVIN McHALE:** Kevin McHale, I'm Executive  
22 Director of the Spark Street BIA and Mall Authority.

23                   **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.

24                   I'd like to pull up a map, just to help orient  
25 ourselves. If we could zoom in there? Okay. And let's go  
26 close to where Parliament Hill is, if we can zoom in? So Mr.  
27 McHale, you see at the top right there of your screen is  
28 Parliament Hill; correct?

1                   **MR. KEVIN McHALE:** Correct.

2                   **MR. JEAN-SIMON SCHOENHOLZ:** And is Spark Street  
3 kind of the highlighted line there?

4                   **MR. KEVIN McHALE:** Correct, that's the five  
5 blocks of the pedestrian promenade.

6                   **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. And if we  
7 could zoom out? Ms. Carrier, where does the Vanier BIA cover?

8                   **MS. NATHALIE CARRIER:** It covers three main  
9 streets, Beechwood, Montreal Road, and MacArthur from roughly  
10 the river to Saint-Laurent, with the exception of Beechwood that  
11 ends when Havelock begins.

12                   **MR. JEAN-SIMON SCHOENHOLZ:** And those are  
13 indicated here on the map?

14                   **MS. NATHALIE CARRIER:** Correct.

15                   **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. And did  
16 you have any engagement with businesses outside of those three  
17 streets during the relevant period?

18                   **MS. NATHALIE CARRIER:** Both Kevin and I sat on  
19 daily meetings, and we also sit on the board of COBIA which is  
20 the Coalition of BIAs, so we do sometimes get communications  
21 from others. I have family and friends that own businesses on  
22 Bank Street for example, and some of my businesses on Montreal  
23 Road or Beechwood, would own other franchises in others.

24                   **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And you're  
25 generally aware of the parking lot at Coventry Road that was  
26 used by some of the protestors?

27                   **MS. NATHALIE CARRIER:** Generally aware. I would  
28 say intimately aware since January.

1                   **MR. JEAN-SIMON SCHOENHOLZ:** Can we just identify  
2 that on the screen, please?

3                   **MS. NATHALIE CARRIER:** That's right.

4                   **MR. JEAN-SIMON SCHOENHOLZ:** And that location  
5 that's been pinned aligns with -- sorry, the one on the left,  
6 please -- that aligns with the parking lot we're referring to?

7                   **MS. NATHALIE CARRIER:** In essence, both parking  
8 lots were being used at one point, so both the Hampton Inn one  
9 and the one that belongs to the city. They are joined together,  
10 but there are two separate parking lots.

11                   **MR. JEAN-SIMON SCHOENHOLZ:** And Ms. Carrier, the  
12 -- your BIA, as well as the Coventry Road location, would you  
13 describe that as being outside of the downtown core?

14                   **MS. NATHALIE CARRIER:** It depends who you ask and  
15 what's being done. Sometimes we're considered downtown because  
16 we have more urban issues that are, you know, homelessness, or  
17 you know, drug related issues, things of that sort. But for the  
18 case of an event that happens downtown, we would be considered  
19 slightly on the outskirts, yes.

20                   **MR. JEAN-SIMON SCHOENHOLZ:** And were you liaising  
21 at all with any of the businesses on Coventry Road?

22                   **MS. NATHALIE CARRIER:** I was, just by nature of  
23 being the closest BIA to them, at one point because things were  
24 escalating and there was a lot of complaints being made, I did  
25 begin to liaise with a few businesses there.

26                   **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. We'll  
27 talk more about that later. Can you just quickly tell us, what  
28 was your previous experience before joining the Vanier BIA?

1                   **MS. NATHALIE CARRIER:** I was the Production  
2 Manager for Ottawa 2017, so I did large scale public events like  
3 La Machine, Crashed Ice, Kontinuum Underground, and you know pre  
4 to LRT being created, Picnic on the Bridge, those kinds of  
5 things. I have 20 years experience in events.

6                   **MR. JEAN-SIMON SCHOENHOLZ:** And did you have  
7 experience in that role liaising with the City and Ottawa  
8 Police?

9                   **MS. NATHALIE CARRIER:** I would say that be more  
10 unofficially and anecdotally, because of the knowledge that I  
11 carry with me, there are things that were brought to this table  
12 that were flagrant to me based on the knowledge that I have as -  
13 - previously, as a large-scale event planner.

14                   **MR. JEAN-SIMON SCHOENHOLZ:** And in referring to  
15 things that were Flagrant, you're referring to events during the  
16 January and February ---

17                   **MS. NATHALIE CARRIER:** Correct. So things that  
18 we saw that would be event-like during the occupation or  
19 protests referred to my previous roles.

20                   **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.

21                   **MS. NATHALIE CARRIER:** And my current roles. We  
22 do events at the BIA as well.

23                   **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. So for  
24 both of you, could you just start by telling me what kind of  
25 information, if any, did you receive from the City and OPS in  
26 anticipation of the arrival of the convoy?

27                   **MS. NATHALIE CARRIER:** I would say that we  
28 received very little information prior to. In fact, it was

1 mostly the BIA in ByWard that started requesting from our  
2 councillor.

3 So to be clear, Councillor Fleury has three BIAs  
4 within his ward, ByWard, Rideau, and Vanier.

5 And so ByWard and Rideau had started getting  
6 increasingly aware of what was happening. We had been speaking  
7 with Bank Street and Spark Street as OCOBIA, and they requested  
8 from Councillor Fleury to amass stakeholders so that we could  
9 better prepare for the weekend ahead. This was the week leading  
10 in, obviously, the week of the 27<sup>th</sup>/28<sup>th</sup>.

11 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. Mr.  
12 McHale?

13 **MR. KEVIN McHALE:** Yeah, I would say it was very  
14 minimal. Spark Street experiences a number of activations and  
15 protests and marches and such throughout the years because of  
16 our proximity to the hill.

17 So communication was quite minimal. I think it  
18 was only really -- we started to receive some because some other  
19 BIAs and OCOBIA, which is the Ottawa Coalition of BIAs, starting  
20 making direct requests, as we were seeing this event starting to  
21 unfold, being bigger than what we typically experience in  
22 downtown Ottawa.

23 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. I'd like  
24 to pull up Coalition document, sorry, COA00000060. If we could  
25 just scroll down? So, sorry, scroll back up. So this is a  
26 document dated January 27<sup>th</sup>. And if we scroll down, is this one  
27 of the emails that would have been provided to the local BIAs?

28 **MR. KEVIN McHALE:** Yes.



1                   **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And was this  
2 kind of representative of the information the BIAs were  
3 receiving in anticipation of the arrival of the convoys?

4                   **MR. KEVIN McHALE:** Yes. The fact that we  
5 actually received it was kind of -- I mean, to receive  
6 something, again, because I think we were demanding some more  
7 input and support as to what we'd -- what we needed to inform  
8 our members of. And this is again -- the information provided  
9 isn't really any different than what we would receive for any  
10 other activation or any other event in the downtown core space.  
11 So it really didn't meet what we kind of expected from a level  
12 of robustness.

13                   **MR. JEAN-SIMON SCHOENHOLZ:** And what did you  
14 expect?

15                   **MR. KEVIN McHALE:** We expected to see a bit of a  
16 game plan as to what the actions were going to be to deal with  
17 the mass of vehicles that were expecting in the downtown core,  
18 perhaps similar to what we see during -- when road closures and  
19 such are put into place for an event like Canada Day, where  
20 vehicles aren't allowed in the core for the day, and barriers or  
21 city vehicles are used to limit access to certain parts of the  
22 downtown core.

23                   So really what we wanted to see was an action  
24 plan of how police and officials were going to manage the  
25 situation.

26                   **MR. JEAN-SIMON SCHOENHOLZ:** And would you agree  
27 with that testimony, Ms. Carrier?

28                   **MS. NATHALIE CARRIER:** I agree. I think we were

1 looking for the plans that we normally get and receive or are  
2 shared with us leading into Canada Day weekend, or Winterlude,  
3 or those kinds of things. So in this particular case, we were  
4 expecting Canada Day type closures. And in the case of Vanier,  
5 that would only pertain to us as it pertains to any overflow  
6 traffic that often or sometimes gets directed to Coventry or  
7 would end up on Montreal Road or Rideau.

8 **MR. JEAN-SIMON SCHOENHOLZ:** Did you request that  
9 type of information? Did you or anyone else in the business  
10 association community?

11 **MS. NATHALIE CARRIER:** We requested from the  
12 councillor to have a briefing with Services, which we got. And  
13 when that briefing happened, we were surprised to see that that  
14 was not this posture that OPS and City were taking, meaning the  
15 -- you know, the closing down of the streets in the downtown  
16 core to accommodate the level of what we were -- I was seeing on  
17 social media was heading our way.

18 **MR. JEAN-SIMON SCHOENHOLZ:** What kind of  
19 information was provided during those briefings?

20 **MS. NATHALIE CARRIER:** To me, ---

21 **MR. JEAN-SIMON SCHOENHOLZ:** Again, ---

22 **MS. NATHALIE CARRIER:** --- specifically, so ---

23 **MR. JEAN-SIMON SCHOENHOLZ:** Sorry, to clarify,  
24 ahead of the convoy's arrival.

25 **MS. NATHALIE CARRIER:** Ahead of the convoy, it  
26 was a protest that was slightly unusual because of the nature of  
27 the trucks; right? Normally when we have protests, it's --  
28 there's busses that arrive and drop off people and then an event

1 happens and they get back on busses and leave. In this case,  
2 the trucks were the protestors in many ways. So there was some  
3 level that it was going to be complex because of the trucks.  
4 But for the most part, we were told, you know, by the end of the  
5 weekend, everything should be good and everyone will likely be  
6 gone.

7 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And would you  
8 agree with that, Mr. McHale?

9 **MR. KEVIN McHALE:** Yeah, I would agree.

10 **MR. JEAN-SIMON SCHOENHOLZ:** And was that similar  
11 to the -- were you receiving information that was similar to  
12 what you'd received in other large-scale events, Ms. Carrier?

13 **MS. NATHALIE CARRIER:** No.

14 **MR. JEAN-SIMON SCHOENHOLZ:** No. How did it  
15 differ?

16 **MS. NATHALIE CARRIER:** There was a lack of  
17 information for something that we deemed and I deemed having  
18 done large scale events on that very particular space. You  
19 know, La Machine ran from ByWard all the way to the museum and  
20 back. There was actually a Saturday night event that was here.  
21 We spent two years planning that because of the sheer level of  
22 people and the machines themselves were big. This was -- and so  
23 there was really no information, in our opinion, or it didn't  
24 seem to be -- it didn't seem to be taken as seriously as other  
25 events.

26 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. Now if we  
27 can -- if you can take a look at paragraph 4 here on the screen,  
28 it says:

1 "All open-source information in our  
2 interactions with Freedom Rally organizers  
3 indicate this will be a significant and  
4 extremely fluid event that could go on for  
5 a prolonged period." (As read)

6 Did anyone during those briefings provide any  
7 explanation for what was meant by "significant and extremely  
8 fluid event that could go on for a prolonged period"?

9 **MS. NATHALIE CARRIER:** I think that there was an  
10 unpredictability about this event. There was reference to there  
11 being multiple organizers. But I don't think we were given much  
12 more. Not to my knowledge, ---

13 **MR. JEAN-SIMON SCHOENHOLZ:** Mr. McHale?

14 **MS. NATHALIE CARRIER:** --- or my recollection.

15 **MR. KEVIN McHALE:** No, I would -- the feeling I  
16 have when I read a line like this, probably pre-convoy protest,  
17 would be that this is just kind of an open-ended protect  
18 yourself, saying that, you know, if some of the organizers  
19 decide to stay, we don't know exactly. I mean, it's not  
20 uncommon to see this kind of language, I think, in kind of an  
21 announcement like this. But again, our typical experience with  
22 other protests in the area are that people come, they protest,  
23 and they leave in a reasonable manner and where, at the time,  
24 when they say they will.

25 **MR. JEAN-SIMON SCHOENHOLZ:** And what was the  
26 impression you got from the communications from Ottawa Police  
27 Services?

28 **MR. KEVIN McHALE:** That's the feeling I had going

1 into that weekend, yes, with the communication that we had  
2 received. Again, it seemed fairly low key from what we were  
3 receiving.

4 My personal feeling was it was a little bit  
5 similar to the farmer's protests that we had a number of years  
6 ago in the Ottawa core where a group of farmers came through and  
7 brought in tractors and other heavy equipment and were here for  
8 a day or so and then left.

9 So it was kind of my feeling of it, was, again,  
10 having been on Spark Street for nine years and working in the  
11 core for 20, that this would be a loud boisterous weekend event  
12 and that by Monday morning I'd be trying to figure out how to  
13 clean up my street, which wasn't the case.

14 **MR. JEAN-SIMON SCHOENHOLZ:** To clarify, was that  
15 your own assessment of the incoming convoy?

16 **MR. KEVIN McHALE:** Correct. Yes. It's my own  
17 assessment.

18 Again, that's taking that assessment based upon  
19 the information we were provided.

20 **MR. JEAN-SIMON SCHOENHOLZ:** Right. Thank you.

21 Did anyone during these meetings with city and  
22 police officials ask why access to the downtown core was not  
23 being blocked, Ms. Carrier?

24 **MS. NATHALIE CARRIER:** I feel like at some point  
25 all the BIAs there, there were five of us, did. I remember my  
26 colleague Kalin from ByWard certainly, you know, making mention  
27 to why this wasn't happening or why couldn't we block streets  
28 like we do often for protestor events, why couldn't we prevent

1 access to our core. There was no real answer to that.

2 **MR. JEAN-SIMON SCHOENHOLZ:** You don't remember  
3 any specific response to those questions?

4 **MS. NATHALIE CARRIER:** I remember Chief Sloly  
5 saying publicly, and not specifically to our daily briefings,  
6 but publicly saying things to the order of "I can't stop trucks  
7 from driving in the City of Ottawa. I can't stop vehicles from  
8 driving in the City of Ottawa," which was baffling to me  
9 personally as an events person, because we had and we do often  
10 for events.

11 **MR. JEAN-SIMON SCHOENHOLZ:** Mr. McHale, do you  
12 recall any specific response to that question?

13 **MR. KEVIN McHALE:** No, I -- the response would be  
14 what Nathalie alluded to, which is that basically they didn't  
15 have the rights to stop the vehicles from coming in.

16 **MR. JEAN-SIMON SCHOENHOLZ:** Did they provide  
17 information on why that was?

18 **MR. KEVIN McHALE:** No, nothing written.

19 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.

20 Who from the City of Ottawa was participating at  
21 these meetings, Ms. Carrier?

22 **MS. NATHALIE CARRIER:** It evolved. So in the  
23 beginning, it was basically the three BIAs we added in, the  
24 three BIAs being Rideau, Byward and Vanier. We added in Bank  
25 Street and Sparks. And there was bylaw, traffic, so a series of  
26 city services, bylaw, traffic, police, OPS, our NRTs, which is  
27 our neighbourhood resource team members, which is a police term  
28 for police that are dedicated to specific problematic areas, for

1 lack of a better term, like Byward and Vanier and other areas.  
2 And, you know, there was -- I recall -- it was evolving. So  
3 depending on the day, depending on what was happening and as the  
4 situation was evolving, people would come in and out of these  
5 meetings daily based on availability or -- I mean, there's  
6 certainly city management services. ACOBIA was there, so  
7 Michelle, the executive director of ACOBIA.

8 **MR. JEAN-SIMON SCHOENHOLZ:** Did the Mayor of  
9 Ottawa or the City Manager of Ottawa ever participate?

10 **MS. NATHALIE CARRIER:** I -- yeah, I don't know.

11 **MR. KEVIN McHALE:** I can't recall. I don't  
12 believe the mayor participated on one of these calls. I believe  
13 someone from the staff was on the call a couple times. Really,  
14 on the political side, the call was driven by Matt Fleury,  
15 councillor for Vanier. And he and his staff hosted the call  
16 every day and there'd be mixing in. Councillor McKenney was on  
17 the call a couple of times. Who else?

18 **MS. NATHALIE CARRIER:** I remember this ---

19 **MR. KEVIN McHALE:** Mona Fortier, yes.

20 **MS. NATHALIE CARRIER:** Sorry.

21 **MR. KEVIN McHALE:** Yeah.

22 **MS. NATHALIE CARRIER:** I'm so sorry, go ahead.

23 **MR. KEVIN McHALE:** No, no. The MP for Vanier,  
24 Mona Fortier, was on the call as well, yeah. Joel Harden was on  
25 the call as well.

26 **MS. NATHALIE CARRIER:** Later in -- when the  
27 occupation became the occupation and not a protest, the call of  
28 roughly 20 people was 70 people at times daily. So there were

1 MPPs, MPs that would join in on those calls. But for the most  
2 part, the senior city person in -- to my recollection was Kim  
3 Ayotte, who was Emergency Services, so he was the person sort of  
4 speaking on behalf of fire, paramedics and obviously police,  
5 when police wasn't on the call.

6 **MR. JEAN-SIMON SCHOENHOLZ:** And did ---

7 **MS. NATHALIE CARRIER:** Sorry.

8 **MR. JEAN-SIMON SCHOENHOLZ:** No, finish your  
9 thought, please.

10 **MS. NATHALIE CARRIER:** I was going to say,  
11 oftentimes, the police representatives we had on the call are  
12 not people that I would consider senior OPS that I would have  
13 seen in other events.

14 **MR. JEAN-SIMON SCHOENHOLZ:** So did any of the  
15 senior OPS officials, former Chief Sloly, Deputies Bell and  
16 Ferguson, did they attend?

17 **MS. NATHALIE CARRIER:** I have a recollection of  
18 Chief Sloly joining the first week, so between the first and  
19 second weekends, there -- I don't recall what day exactly, but  
20 there was one call that he was on with us.

21 **MR. KEVIN McHALE:** Yeah, he was on one or two  
22 calls at the very beginning, and then as the situation  
23 continued, he was no longer on the call.

24 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And the  
25 deputies, did they attend?

26 **MR. KEVIN McHALE:** No, generally, police  
27 representation was Constable Lemay, who was the community  
28 officer ---



1                   **MR. JEAN-SIMON SCHOENHOLZ:** Okay.

2                   **MR. KEVIN McHALE:** --- was the primary police  
3 contact on the phone call.

4                   **MS. NATHALIE CARRIER:** And there was -- and I  
5 apologize. I do not remember her name, but I believe she was  
6 the deputy who came once or twice on the call as well.

7                   **MR. JEAN-SIMON SCHOENHOLZ:** Ferguson?

8                   **MR. KEVIN McHALE:** Yes.

9                   **MS. NATHALIE CARRIER:** Yes.

10                  **MR. KEVIN McHALE:** Chris Ferguson.

11                  **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.

12                  **MS. NATHALIE CARRIER:** Sorry.

13                  **MR. JEAN-SIMON SCHOENHOLZ:** And do you recall --  
14 so you say Chief Sloly attended once at that first week, so  
15 after the first weekend. Do you recall, you know, anything  
16 specific that he said during his attendance?

17                  **MS. NATHALIE CARRIER:** This is difficult because  
18 these are people we work with. These are people that we rely  
19 on. I remember being scared personally. I was -- because I  
20 remember the Chief saying at one point, "You guys are scared. I  
21 get it. I'm scared too." And I thought if the Chief of Police  
22 is scared, something much bigger is happening here than a  
23 protest, and that personally scared me, and I think a lot of us  
24 on that call were shaken. There was also a sense that week that  
25 things were starting to get shaken up. You know, there was  
26 instability. We -- I sensed a sense of defensiveness, you know.  
27 Everyone was caught off guard, I think, everyone. I don't think  
28 any of us could have dreamed that this event, that we -- in our

1 biggest thinking would equate to Canada Day, sort of, you know,  
2 the infractions that happen, the closures that happen, the  
3 people that come in, the disturbances it creates, the loud  
4 noise, the fireworks. None of us I think could have understood  
5 that that would actually get so much bigger.

6 **MR. JEAN-SIMON SCHOENHOLZ:** So did you each feel  
7 that the business community, the BIAs that you represent, that  
8 they got the information they needed to prepare for these  
9 events?

10 **MR. KEVIN McHALE:** No. No.

11 **MR. JEAN-SIMON SCHOENHOLZ:** Ms. Carrier?

12 **MS. NATHALIE CARRIER:** No, no. Despite us asking  
13 vehemently daily. There was no ---

14 **MR. JEAN-SIMON SCHOENHOLZ:** What specific  
15 information were you seeking that you did not receive?

16 **MS. NATHALIE CARRIER:** So there -- things that  
17 pertain to businesses that are very specific in events like  
18 this, or -- and I'm sorry, I keep calling it an event. That's  
19 my knowledge. So things like will they have access to loading  
20 zones, how can deliveries happen, can staff get in, you know,  
21 where will the bus routes be, what -- and because there was so  
22 much fluidity to what was happening, there was no sense that the  
23 plan today was going to be the next -- the plan the next day.  
24 There was -- you know, there was some fluidity to it, but  
25 mostly, those are the things we needed to know. Can staff take  
26 OC Transpo and get from Vanier to their job at the Rideau  
27 Centre? Will the Rideau Centre be safe? You know, those are  
28 the things that pertain to businesses. Like, can we have -- can

1 they have deliveries picked up? And can they still do click and  
2 collect? And can Uber Eats and Skip the Dishes get through?  
3 And to give context to it, though we're five kilometres away in  
4 Vanier from the downtown core, Uber Eats was not servicing.  
5 They were not servicing. So unlike what could be said to have  
6 happened to businesses during COVID, businesses were completely  
7 crippled, and that has to be understood by this Commission,  
8 because there were no deliveries. There was no loading zone.  
9 There was no Uber Eats. There was no clients in the stores. A  
10 lot of the protesters that arrived did support businesses and  
11 I'm not going to say that they didn't. They supported some  
12 businesses, but there was a lot of chaos. There was a lot of  
13 businesses that were deeply affected by protesters. And then  
14 there was this sense -- there was a lawlessness, if I can speak  
15 specifically to restaurants, which are often the most flexible  
16 of all of our businesses; right? They adapt very quickly. They  
17 can figure out things very quickly. But restaurants often had  
18 catering tables organized by protesters right outside their  
19 doors offering free hotdogs, free chocolates, free, you know, to  
20 everyone. Meanwhile, the business that was trying to stay open  
21 and survive was not getting any business.

22 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. I'd like  
23 to pull up document COA-00000063.

24 So the document we'll see here, Mr. McHale, is an  
25 exchange between you and Councillor McKenney.

26 **MR. KEVIN McHALE:** M'hm.

27 **MR. JEAN-SIMON SCHOENHOLZ:** If you can scroll to  
28 the bottom, please? Yeah. Okay. So I'll just let you refresh

1 your memory and read that exchange.

2 So Councillor McKenney is asking if you need any  
3 additional information.

4 **MR. KEVIN McHALE:** M'hm.

5 **MR. JEAN-SIMON SCHOENHOLZ:** And your response is  
6 -- and if we can go up just a tiny bit? So on January 28, so  
7 before the arrival of the convoy you say, "I think we are good."  
8 And then continue. Can you just help maybe explain to us what  
9 that meant in the context of what you were just communicating to  
10 me?

11 **MR. KEVIN McHALE:** Yeah, I think, again, it comes  
12 down to having been on Sparks Street for over nine years now and  
13 having a very veteran merchant mix. There wasn't initially  
14 going into it necessarily a lot of concern. So I, you know,  
15 again, having a bit more -- you know, dealing with protests and  
16 activation through the core all the time, again, I was -- as I  
17 said earlier, I felt that this was going to be large and  
18 boisterous, but not necessarily -- not obviously the three-week  
19 event that it was. So we -- and again, Sparks Street, we tend  
20 to be a little self-sufficient. So we were very active on  
21 social media, making sure we were getting information from OPS  
22 and bylaw, as we were directed to through Coms, and which was  
23 said the fastest way to get our information oftentimes was  
24 Twitter. And so Catherine did reach out to make sure that we  
25 had gotten what we had. And so again, yeah, it was very much I  
26 think we're good. The members are aware. Again, my members go  
27 into an event like this any other protest, not thinking about  
28 closing their doors, not really worried about -- concerned about

1 staff. At events, as we always say -- I always say on Sparks  
2 Street, people march up to Parliament Hill determined to get  
3 their message out, to tell people about what they need -- what  
4 they think that needs to be told and say their piece and they  
5 leave satisfied and happy that they've accomplished what they  
6 set out to do, and then they end up visiting our coffeeshops and  
7 our restaurants, et cetera.

8           It was only kind of into Saturday night, Sunday  
9 where we realised this was a different -- there was a different  
10 energy in the crowd, if I can use that term, and that's when I  
11 get a lot of my businesses, who on the Saturday were open or  
12 trying to open. Regulations in Ontario were starting to be  
13 lifted and they're being ready to be lifted on the Monday, on  
14 the 31st, and so our businesses were kind of actually getting  
15 ready for the provinces to reopened and to welcome customers  
16 back inside their businesses after a very long January, or yeah,  
17 January/December.

18           So again, I wasn't overly concerned. There was a  
19 very casual nature to the conversation, and that's kind of how I  
20 speak and how I flow.

21           **MR. JEAN-SIMON SCHOENHOLZ:** In hindsight, were  
22 you prepared at that time?

23           **MR. KEVIN McHALE:** In hindsight, yeah. I mean,  
24 as I say, I was -- here, I -- you know, I talked with staff.  
25 Along Sparks Street, we have bollards that can be installed. We  
26 use them in the spring, summer, fall to control traffic.  
27 They're out right now on the street if you're out there today.  
28 Wintertime we have to remove them for snow operations. So we

1 had actually taken them out back in November and so the street  
2 was open.

3                   And again, it was at that point where at the same  
4 time we were just sitting there say, "Okay, do you think we  
5 should put them in?" You know, we started seeing vehicles  
6 coming in, we didn't want them on the street for what we thought  
7 was just the weekend.

8                   So my event supervisor and I made the decision,  
9 you know, we -- you know, we had to dig out the holes, and  
10 they're all full of snow and ice, and dig them out and vacuum  
11 them out and we put the posts in for the weekend. And I think  
12 it was kind of a fortunate decision for us to do that because I  
13 feel like the street would have ended up as kind of a secondary  
14 holding spot for vehicles and other activities.

15                   **MR. JEAN-SIMON SCHOENHOLZ:** Did you consult OPS?

16                   **MR. KEVIN McHALE:** Yes. We had reached out to  
17 Constable Sean Kay, who we had a conversation with a couple of  
18 months ago for another activation. The constable's job is to  
19 liaise with marches and activations like that. So we had  
20 reached out to Sean to say "Do you think we should do that? Is  
21 it going to interfere with Operations?"

22                   Again, having a knowledge of the street, in the  
23 past when there have been activations or incidents, Sparks  
24 Street can sometimes become a holding spot for, or just a cut  
25 through for police services or other entities, Operations and  
26 such. So we just did a reach out saying, "Is this going to  
27 interfere in any of your planning or any Operations?" And he  
28 said, "No, nothing, so just keep -- just let us know when it's

1 done." So we did that.

2 Later, at the beginning of the week, I want to  
3 say about February 3rd or so, we had to -- we reached -- or 2nd,  
4 2nd or 3rd, we reached back out to let him we were taking them  
5 out. They had done their job, they kept the vehicles off the  
6 street. The feeling was there was two things happening then. I  
7 felt that the vehicles couldn't move anymore, they were kind of  
8 jammed into the spaces, and we had snow falling, and so we had  
9 to pull them out so that snow clearing could happen. What ended  
10 up happening was there was no snow operations for the next three  
11 weeks, so you had a nice layer of snow and ice on Sparks Street  
12 that -- for the remaining of the convoy.

13 **MR. JEAN-SIMON SCHOENHOLZ:** So did you keep the  
14 bollards in for the whole period?

15 **MR. KEVIN McHALE:** We ended up removing them.  
16 And what we realised from observing the crowd, the vehicles and  
17 everyone around us, and the way the groups were operating is we  
18 felt Sparks Street was okay without them in at that point  
19 because we didn't think anything large could get in anymore.  
20 There was a lane for fire and such, but that was about it, and  
21 that was being respected by everyone. So -- and it would have  
22 been -- again, these were mechanical, all -- they're not all  
23 automated, it's not a heat system, it's a pretty simple system,  
24 but by that time to get -- to put them back in was going to be  
25 very difficult after a snow event.

26 **MR. JEAN-SIMON SCHOENHOLZ:** Had you ever put  
27 these up for another protest before?

28 **MR. KEVIN McHALE:** We had not.

1                   **MR. JEAN-SIMON SCHOENHOLZ:** Ms. Carrier, I  
2 understand again, as you previously said, that you had some --  
3 you liaised to a certain extent with the businesses on Coventry  
4 Road and visited that location.

5                   **MS. NATHALIE CARRIER:** M'hm.

6                   **MR. JEAN-SIMON SCHOENHOLZ:** Is that correct?

7                   **MS. NATHALIE CARRIER:** Correct.

8                   **MR. JEAN-SIMON SCHOENHOLZ:** And why was Coventry  
9 kind of a significant location in these events?

10                   **MS. NATHALIE CARRIER:** Because the businesses  
11 were right next door to the encampment. So to put it in  
12 context, there is a hotel, a parking lot for the hotel, a  
13 parking lot for the stadium, the stadium, and then there is a  
14 Canadian Tire, Best Buy, and a Starbucks that are right there.  
15 There is also, just at the corner of Lola, there is a  
16 veterinarian and emergency hospital for animals, and also, one  
17 of our organisations that we liaise with a lot, the Minwaashin  
18 Lodge, was there as well. So there is organisations that are  
19 racialized that are in and around that area, so in my expertise  
20 as being a business relations person, I started just checking in  
21 on them to see if they were okay.

22                   **MR. JEAN-SIMON SCHOENHOLZ:** How frequently did  
23 you go visit that location physically?

24                   **MS. NATHALIE CARRIER:** Usually once a weekend.  
25 The weekends were definitely the worst. But Canadian Tire, we -  
26 - I must've spoken to them five or six times, different people  
27 at each time. Sometimes it was the person, the customer service  
28 person; sometimes it a manager on duty or another. The



1 Starbucks, I would be going in to get a coffee, because I spent  
2 a lot of time at Coventry, and anecdotally I would ask questions  
3 and spoke to the manager once, I think.

4 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. So what did  
5 the manager or other personnel from Canadian Tire report to you  
6 throughout this period? And maybe try and identify which time.

7 **MS. NATHALIE CARRIER:** Right. So in the  
8 beginning, it was, you know, they were selling a lot of stuff.  
9 They were selling gas tanks, and they were selling rope, and you  
10 know, all the type of things that I think you would buy if you  
11 were camping out.

12 And they also reported that large groups of  
13 protestors, you know, by large I probably mean 3 to 10, would  
14 come in at once and then do the sort of thing that was, you  
15 know, that is now sort of cliché, but would go up to the workers  
16 with masks on and say, "Why are you wearing a mask? Why are you  
17 doing this?" They would disrupt the sort of general, you know,  
18 the store, they would disrupt the store. And there was also  
19 evidence or not evidence, sorry, there was things that were  
20 relayed to me that they -- the protestors had been putting up  
21 posters throughout the store that looked like public health  
22 posters, but saying things like, "masks are stupid, or masks  
23 aren't needed", or you know, so counterintuitive sort of things  
24 that staff... Nothing, you know, violent, but definitely  
25 disruptive.

26 The most terrifying call I had was on the last --  
27 the third weekend, where the manager was talking to me, and he  
28 said, "You know, Nathalie, I don't know if this is something but

1 I feel like I should tell you. We've sold out of knives and  
2 bear spray this weekend." And that is something that I reported  
3 immediately to OPS.

4 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. Did you -  
5 - were -- did the Starbucks location, and their manager, report  
6 anything to you?

7 **MS. NATHALIE CARRIER:** Just disruptions. You  
8 know, there's a lot of LGBT people that work in OPS and, sorry,  
9 in Starbucks, and OPS as well, I'm sure, and that -- sorry. But  
10 you know, there was a general feeling of annoyance, you know, it  
11 was an annoying thing. It was, you know, it was fine, but it  
12 wasn't, you know, the pleasant sort of... You know, there was  
13 some -- some protestors were perfectly pleasant and lovely, you  
14 know, that should be said. They're not all homogenous; right?  
15 But there were definitely the ones that would make comments  
16 about why they'd be wearing a mask in a window, and the door  
17 would be -- you know, "the window's open, you don't need a  
18 mask", those types of things.

19 And again, I think we have to put this back into  
20 context of the first weekend being our stores were still closed.  
21 You couldn't go into a restaurant that first weekend; that was  
22 reopening on the 31st. So the -- you know, the feeling that we  
23 have about masks today, really has to be brought back to how  
24 weird that felt then.

25 **MR. JEAN-SIMON SCHOENHOLZ:** I understand that you  
26 also visited the Coventry Road parking lot where the -- that the  
27 protestors were using during this period; correct?

28 **MS. NATHALIE CARRIER:** Several times, yes.

1                   **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And you took  
2 some videos?

3                   **MS. NATHALIE CARRIER:** I sure did.

4                   **MR. JEAN-SIMON SCHOENHOLZ:** I'll show a few to  
5 you.

6                   So if we can pull up COM, five zeroes, 744.  
7                   If you could tell me when this was taken and  
8 where?

9                                   **[VIDEO PLAYBACK]**

10                   **MS. NATHALIE CARRIER:** I believe -- I'm going to  
11 say it's Sunday night of the first weekend. Sorry, this is very  
12 embarrassing. It has to be said.

13                                   **[END VIDEO PLAYBACK]**

14                   **MR. JEAN-SIMON SCHOENHOLZ:** So this was the first  
15 weekend you were telling me?

16                   **MS. NATHALIE CARRIER:** Correct, on the Sunday  
17 night. And again, it has to be put in context. The reason I  
18 took this video was to share with my colleague at OPS because  
19 that day we had been told that, you know, now we're going to  
20 move towards egress, but I was trying to demonstrate there is no  
21 sign of egress at Coventry.

22                   **MR. JEAN-SIMON SCHOENHOLZ:** And when you say,  
23 sorry, you said your colleague at OPS. You mean a kind of a  
24 police liaison in that area?

25                   **MS. NATHALIE CARRIER:** The person that was on our  
26 calls with us during -- at those daily meetings, yes.

27                   **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. And can  
28 you describe ---

1                   **MS. NATHALIE CARRIER:** Yes.

2                   **MR. JEAN-SIMON SCHOENHOLZ:** --- what was on that  
3 video? Anything significant stand out to you?

4                   **MS. NATHALIE CARRIER:** Well, two things. So this  
5 video, to put it in context, is next to the stadium, so on, you  
6 know, depending on what map you're looking at, not on the hotel  
7 side but on the other side. What I had observed during that  
8 weekend, and it increased during the week, and certainly on the  
9 second weekend, was the sense of directing their own traffic, of  
10 allowing certain trucks in, or, you know, people in or not. So  
11 there was a sense of security that was -- security system of  
12 some sort that was building up.

13                   I observed large scale tents that, again, from an  
14 event planner perspective, signified to me, you know,  
15 organization, and places to work, and places to make food. I  
16 saw food being brought in. I saw deliveries being made. This  
17 is over the course of the four weeks. And I saw that encampment  
18 grow from an overflow parking to an encampment, a very solid,  
19 very organized, Blues Fest large scale event style, "We're here  
20 for a long time and we have the infrastructure to stay."

21                   **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. Let's  
22 just play COM00000743, please?

23                   **[VIDEO PLAYBACK]**

24                   **MS. NATHALIE CARRIER:** That's the same night.  
25 The other side of the parking lot.

26                   **[VIDEO PLAYBACK]**

27                   Again, terribly embarrassing. Sorry.

28                   **MR. JEAN-SIMON SCHOENHOLZ:** So your understanding

1 ---

2 **MS. NATHALIE CARRIER:** Everybody hates their own  
3 voice; right? Sorry. I just had to say that out loud. I'm  
4 nervous.

5 **MR. JEAN-SIMON SCHOENHOLZ:** So based on your  
6 observations that day, it sounds in the video, did you conclude  
7 that people were there to stay longer term?

8 **MS. NATHALIE CARRIER:** I am somebody that is very  
9 savvy with social media. To me personally, it was clear that  
10 the 70-kilometre train of trucks that crossed the country was  
11 not coming in for a small protest in a day. And to me, that  
12 Sunday night was the proof that, you know, somebody somewhere  
13 had underestimated or not listened to the anger, frustration,  
14 that a large, at that point, you know, large number of people  
15 felt. They were coming to the City of Ottawa as the  
16 representatives of what they thought and they were going to stay  
17 there. They were going to stay there until they were heard.

18 **MR. JEAN-SIMON SCHOENHOLZ:** I want to just show  
19 one last video. COM0000749.

20 **[VIDEO PLAYBACK]**

21 So when was this video taken?

22 **MS. NATHALIE CARRIER:** I believe that's the  
23 second weekend.

24 **MR. JEAN-SIMON SCHOENHOLZ:** Okay.

25 **MS. NATHALIE CARRIER:** And what you see in that  
26 video are things that, again, as an event planner, I took  
27 because it drove me crazy, because there was a propane tank next  
28 to diesel with, like, wooden pallets packed right next to it,

1 which no -- I mean, an event would be, A, not even allowed to  
2 operate, second, would be shut down and police trucks would be  
3 there, bylaw would be there, and as an event planner, I would be  
4 fined. And there was no fining.

5 I saw tents that normally, again, as an event  
6 planner, both in my BIA role, but also previously, you need  
7 permits to put up tents like that in the City of Ottawa. You  
8 pay a permit, an inspector has to come, there has to be an  
9 engineer evaluation. To my knowledge, none of that had been  
10 done at Coventry.

11 So I essentially had a festival happening in my  
12 community that was neither sanctioned, or was it protected by  
13 the normal standards that the City of Ottawa would adhere to.  
14 And in the city, there's a thing called the SEAT Program, which  
15 is Special Events Activation Team, and any event that goes  
16 through the City of Ottawa must go through the very, very  
17 stringent process of being evaluated by that, and none of it had  
18 been done.

19 I witnessed downtown stages on, you know, the  
20 back of a truck, you know, wooden things made, wooden things  
21 with diesel being poured on to them. Like, just things that  
22 were, in my 30-years experience, absolutely baffling, and quite  
23 frankly, you know, dangerous.

24 **MR. JEAN-SIMON SCHOENHOLZ:** There's a few other  
25 videos ---

26 **MS. NATHALIE CARRIER:** Sorry.

27 **MR. JEAN-SIMON SCHOENHOLZ:** --- I won't take you  
28 to because of time, but Ms. Li this morning testified that she

1 saw urine in some of the streets.

2 **MS. NATHALIE CARRIER:** Yeah.

3 **MR. JEAN-SIMON SCHOENHOLZ:** Did you ever witness  
4 anyone ---

5 **MS. NATHALIE CARRIER:** I ---

6 **MR. JEAN-SIMON SCHOENHOLZ:** --- dumping urine  
7 somewhere?

8 **MS. NATHALIE CARRIER:** Yeah, I have a video that  
9 I submitted when I was driving to see one of my staff, and I was  
10 coming back towards -- on Nicholas between DND and University of  
11 Ottawa, and I was taking the video to demonstrate that there was  
12 lawlessness. Like, there were trucks parked on sides of roads  
13 and in the middle. This is an onramp to a major highway. And  
14 as I was driving past, I saw somebody, out of their thing, dump  
15 a chemical toilet. And I caught it by accident on to ---

16 **MR. JEAN-SIMON SCHOENHOLZ:** From what you --  
17 sorry, from what you ---

18 **MS. NATHALIE CARRIER:** Right outside DND.

19 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. From what  
20 you observed, were the participants in the convoy respecting the  
21 rules of the road at all times?

22 **MS. NATHALIE CARRIER:** I think some were, and I  
23 think a lot weren't.

24 **MR. JEAN-SIMON SCHOENHOLZ:** And what did you  
25 observe that led you to that conclusion?

26 **MS. NATHALIE CARRIER:** There's another video that  
27 I submitted where, at Coventry, there -- I don't know this for a  
28 fact, but I deduced that there was sort of a shift change that

1 would happen. There would be a series of trucks that would  
2 leave in the morning, and some would come back. And they would  
3 sort of do this convoy style, obviously. They're a convoy.

4 So but on several occasions, I would be trying to  
5 sort of leave that parking lot, and there would be 50, 60, 100  
6 trucks all in a row not respecting traffic, not respecting  
7 traffic lights, and sort of operating as a parade. But again,  
8 in the City of Ottawa, when you do a parade, you have to have a  
9 police escort, there are certain laws, it's announced ahead of  
10 time what you're -- you know, your trajet, sorry, I don't know  
11 what that word in English is.

12 **MR. KEVIN McHALE:** Route.

13 **MS. NATHALIE CARRIER:** Route. Merci. And, you  
14 know, so again, these were things that would happen. I saw  
15 convoys of trucks -- sorry, like farm tractors driving down  
16 Vanier Parkway, which is not even a trucking route. You're not  
17 even allowed a truck on Vanier Parkway normally. Like, none of  
18 our businesses could get a truck to drive down Vanier Parkway to  
19 come give them a delivery, and yet, you know, we're seeing these  
20 types of things. So I saw a lot of that.

21 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.

22 Mr. McHale, can you describe, generally, the  
23 impact on the businesses in your BIA?

24 **MR. KEVIN McHALE:** Yeah, generally for Spark  
25 Street businesses, the -- for the most part, especially after  
26 that Saturday, the first Saturday, I would say about 85 percent  
27 of them just stayed closed for the remainder of the protest and  
28 for the week afterwards. It was difficult for them. I mean,



1 businesses that were open would suddenly end up with five, 10,  
2 15 people in the store unmasked wanting to use the bathroom, or  
3 just to warm up, not actually getting any services, especially  
4 if it was a retail business.

5 Food businesses initially in that first weekend,  
6 you know, reported me to -- staff would report to me that they  
7 had difficulty managing the customers coming in.

8 Businesses were, of course, were under the  
9 regulations for the closure and such, so if they were allowing  
10 customers in, those customers had to be masked, there was limits  
11 on what they could do. It was impossible for them to enforce  
12 it.

13 And that was something I think we did bring up on  
14 one of the calls eventually, which was -- and then, again,  
15 initially we were told, "No, it's up to the business to enforce  
16 that. The business has to make the decision whether they're  
17 going to stay open or closed. It's up on the business."

18 And then it was brought to their attention it's  
19 quite impossible for a single shop owner to police five or six  
20 people who are in -- determined not to follow the local health  
21 ordinances. So we did get some clarity on that, that eventually  
22 the -- it would be in the best judgement of the bylaw officer  
23 whether or not they would impose a fine on the business or a  
24 warning.

25 **MR. JEAN-SIMON SCHOENHOLZ:** Are you aware of any  
26 businesses that received fines for ---

27 **MR. KEVIN McHALE:** No. None of my members  
28 reported anything.

1           **MS. NATHALIE CARRIER:** It was said though --  
2 sorry, I have to say, it was said that if fines were given out,  
3 they would be given out to the business, ---

4           **MR. KEVIN McHALE:** M'hm.

5           **MS. NATHALIE CARRIER:** --- not to the people. So  
6 that's, again, another deterrent to keeping your business open,  
7 because if you can't control or have security there at your own  
8 expense, which ---

9           **MR. KEVIN McHALE:** Yeah.

10          **MS. NATHALIE CARRIER:** --- most of these stores  
11 didn't have at that point. Again, we're coming off of a two-  
12 year, you know, covid, and then we all got caught off guard  
13 right before Christmas that we were shut down again. So a lot  
14 of these businesses had no money for security or anything. So  
15 they thought, "Well, if I can't police it, I'm going to get a  
16 fine. It's not worth it." So they would close.

17          **MR. JEAN-SIMON SCHOENHOLZ:** Mr. McHale, do  
18 businesses on Spark Street typically close during protests?

19          **MR. KEVIN McHALE:** No. When this started getting  
20 bigger than it was, I was talking to my Chair specifically about  
21 this, he's been downtown as a business operator for over 50  
22 years and has never closed his business. That would include  
23 during the G20 Summit when it was here a number of years ago,  
24 and other activations. It's never occurred to them to close  
25 during any event before. This was the first time where he felt  
26 concern for his safety and any staff he were to bring in during  
27 that time, which led to him closing his business.

28          **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. What

1 other impacts, Mr. McHale, on Ottawa businesses generally are  
2 you aware of as a result of the convoy?

3 **MR. KEVING McHALE:** Yeah, a business of mine who  
4 was publicly against the convoy as it was interfering with their  
5 business had their Google Review attacked. So they suddenly  
6 randomly started getting one-star reviews on their business, and  
7 that's something that's very difficult for a business to -- it's  
8 an easy thing for someone to do if they're ticked off, somebody  
9 to give someone a one-star review, but in this day and age of  
10 internet reviews and such, those things are so important to a  
11 business, and suddenly a business that had a four and a half  
12 star rating was suddenly trending at, I believe at like two, two  
13 and a half, which is -- there's no -- it's difficult to recover  
14 from anything like that and it's very difficult to go to the  
15 providers, the Yelps and that and say, these are all fraudulent  
16 reviews. This is a bike shop owner and so his business at that  
17 time of the year is very quiet anyways, but he does have some  
18 customers coming in doing maintenance during the wintertime and  
19 such and the intention was to be open for his mechanics to do  
20 work through the winter, and during this period it was just  
21 impossible.

22 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. Those are  
23 all -- oh, go ahead.

24 **MS. NATHALIE CARRIER:** I was just going to say it  
25 should also be noted that the Rideau Centre in its history and  
26 in the history of Cadillac Fairview had never closed for a day,  
27 and even when the stores are closed the Rideau Centre is the  
28 walkthrough for transit, so it's always open 24/7, you can go to

1 the washroom there, you can go warm up in there. It closed and  
2 that cost them \$2 million a day and they were closed for three -  
3 - three weekends, the worst of which would be Valentines Day and  
4 Canada -- and Family Day. And I think for businesses, we have  
5 to state how important that is.

6 I have a business, *Quelque Chose Patisserie*, they  
7 have their bakery and -- sorry, I'm going quickly -- their  
8 bakery in Vanier they also have two other franchises, now three,  
9 but because -- and they had trouble at the Byward one so they  
10 closed down, but that affected the bakery and it affected also  
11 Westboro, because their Westboro location people were told to  
12 stay home, so they didn't have it. So again, that is -- that  
13 losing -- for that bakery to lose Valentines Day and Family Day  
14 weekend carries them through the first quarter. Those two days  
15 it was said to me yesterday by that business owner, that carries  
16 them through January, February, and March. And again, that's a  
17 normal January, February, March, not one where you were shut  
18 down at Christmas, not one where you've been shut down for two  
19 years. So it was devastating.

20 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you very much.  
21 Those are all my questions, we're out of time. But I do want to  
22 allow you if there's anything that I haven't covered that you  
23 think we need to share with the Commission briefly.

24 **MR. KEVIN McHALE:** Go.

25 **MS. NATHALIE CARRIER:** No, you can go. I've been  
26 going first, so you go.

27 **MR. KEVIN McHALE:** I just think it's difficult to  
28 explain because -- it's been very difficult sometimes for us to

1 explain how devastating it's been for our business community and  
2 the downtown core. You know, I prime example I think was an  
3 example that was about halfway through the event I'm in line  
4 that night, after spending 12 hours on the street, in the line  
5 at a coffee shop in Kanata, just to pick up some coffee for the  
6 next morning for my family, and I'm looking inside this coffee  
7 shop and I'm seeing customers inside. And immediately my brain  
8 said, "Oh my God, they're in violation of the health orders",  
9 da, da, da, and then I realized, no, the rest of the province  
10 has been allowed to open, it's just downtown Ottawa.

11                   And I think that's the effect that this had, was  
12 because this activation happened for as long as it did, police  
13 directed the residents and visitors to not come downtown. It's  
14 something we still deal with today with the Wellington closure  
15 and such, and the reputation of the city and the downtown.  
16 We've already seen in tourism numbers this summer, they are  
17 down. We're continuing to see that the reputation of the city  
18 has been -- as a place to visit, has been greatly tarnished and  
19 it's going to take us years to truly recover from that in the  
20 downtown core, if we ever do.

21                   **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.

22                   **MS. NATHALIE CARRIER:** I have two things I would  
23 add. One, just to say to that, I have friends who, you know,  
24 decided that they would have this beautiful Ottawa staycation  
25 David summer, and they go, and they bike, you know, and they go  
26 to the market, and then there sitting out in the market at the  
27 end of this really amazing day, and then all of a sudden this  
28 protest comes up and people start yelling and screaming, and so

1 this was months afterwards. So to Kevin's point, it's still  
2 happening now, there's still disruption to businesses.

3           The second point I'd like to make in closing is  
4 that, and I don't know this has been tackled, but Vanier is the  
5 most diverse BIA of all the BIAs in Ottawa and we have the  
6 highest level of racialized people within -- or racialized  
7 business owners. So MacArthur specifically is the street which  
8 is the closest street to the convoy, a street that is very  
9 multicultural and has a lot of, you know, a lot of specific  
10 cultural groceterias, restaurants, those types of things.  
11 Anecdotally, there was a lot of -- it was very difficult for  
12 some of those business owners, and though they may or may not  
13 have closed, the sense -- and I think, you know, the speakers  
14 this morning sort of talked to that, there was a sense of like,  
15 foreboding in the city.

16           There was this intense feeling, and specifically,  
17 one of our organizations that we worked quickly with was  
18 targeted, or not targeted, was intimidated to a certain extent  
19 by having men standing outside their windows looking in, again,  
20 comments being made, and this is a shelter for Indigenous women  
21 and children. So you know, it has to be said that the damage  
22 done, I think was somewhat disproportionate to those in our city  
23 that are equity seeking and equity deserving, especially our  
24 small businesses.

25           **MR. JEAN-SIMON SCHOENHOLZ:** Thank you very much.  
26 Those are all my questions.

27           **COMMISSIONER ROULEAU:** Okay. Thank you. Again,  
28 I'd ask, has there been any agreement on the order of cross-

1 examination? Seeing no indication, I will call on again on --  
2 in terms of the length of time that's been allocated, starting  
3 with the convoy organizers.

4 **MR. BRENDAN MILLER:** Good morning.

5 **COMMISSIONER ROULEAU:** Good morning.

6 **--- CROSS-EXAMINATION BY MR. BRENDAN MILLER:**

7 **MR. BRENDAN MILLER:** My name is Brendan Miller,  
8 I'm counsel for Freedom Corp. I've been asked to make sure that  
9 we introduce ourselves before we start. I just have a few  
10 questions for you, and just seeing how, most of these are what  
11 you call Brown and Dunn questions. I just need to give them to  
12 you so that there's some other evidence down the road. I need  
13 to be fair to you, so I need to put a lot of this to you, okay?

14 **COMMISSIONER ROULEAU:** Just to be clear, Brown  
15 and Dunn is simply, they put a statement to you that it may be  
16 contradicted later. So you should have a chance to comment.

17 **MR. BRENDON MILLER:** Thank you.

18 **MS. NATHALIE CARRIER:** Thank you for that  
19 clarification.

20 **MR. BRENDAN MILLER:** So yes, sorry, I'm too  
21 lawyer.

22 **MS. NATHALIE CARRIER:** I Was trying to fake it  
23 till I made it on that one.

24 **MR. BRENDAN MILLER:** That's good, it's good. You  
25 did a very good job, you sold me. So -- okay. So I understand  
26 that after protests there was two funds set up, one being \$20  
27 million was set aside by the federal government to compensate  
28 Ottawa businesses affected by the protest, and another one for

1 10 million from the provincial government. Is that correct?

2 **MR. KEVIN McHALE:** Correct.

3 **MS. NATHALIE CARRIER:** Correct.

4 **MR. BRENDAN MILLER:** And to date, or at least as  
5 of June, I understand that of the federal government funds, only  
6 8.6 million have been used. Is that fair?

7 **MS. NATHALIE CARRIER:** I don't have that  
8 knowledge. I know a lot of my businesses took advantage of it.

9 **MR. KEVIN McHALE:** I can't comment on the total,  
10 but I could state that the majority of my Main Street businesses  
11 -- my storefront businesses did apply to the fund.

12 **MR. BRENDAN MILLER:** Okay. And of the \$10  
13 million provided by the province, I can't find if much of that  
14 was used. Can you tell us, do you know any amounts with respect  
15 to the amount of money that was used from the provincial funds?

16 **MR. KEVIN McHALE:** No.

17 **MR. BRENDAN MILLER:** Okay. Thank you. You had  
18 said in your evidence, Ma'am, that Uber Eats wasn't available  
19 during the protests. I'm going to put it to you that it was.

20 **MS. NATHALIE CARRIER:** Okay. I ---

21 **MR. BRENDAN MILLER:** Can you -- I'm giving you an  
22 opportunity --

23 **MS. NATHALIE CARRIER:** I'm not sure ---

24 **MR. BRENDAN MILLER:** That's the purpose of this,  
25 so ---

26 **MS. NATHALIE CARRIER:** Right.

27 **MR. BRENDAN MILLER:** --- I want to be fair to  
28 you. I'm going to put it to you that Uber Eats in fact was



1 operating during the protest, and was in fact even delivering  
2 food to the protesters.

3 **MS. NATHALIE CARRIER:** Then I would say there are  
4 likely times Uber eats was operating and other times on the  
5 weekends which I think our businesses would deem to be the most  
6 busy times, where a lot of them weren't. There was a lack of  
7 drivers. I know that was a major issue, and then because of the  
8 closures, you know, there is zero access for it. So whether the  
9 app was open or not, I'm not aware, but I can tell you that many  
10 of our restaurants in Vanier and others could not use that  
11 service ---

12 **MR. BRENDAN MILLER:** Okay.

13 **MS. NATHALIE CARRIER:** --- as a method to sell  
14 their food.

15 **MR. BRENDAN MILLER:** Okay.

16 **MS. NATHALIE CARRIER:** And for -- sorry --  
17 further to that, some would make the orders and they wouldn't be  
18 picked up, so there was an additional loss.

19 **MR. BRENDAN MILLER:** Okay. And did you yourself  
20 experience any inability to use Uber Eats?

21 **MS. NATHALIE CARRIER:** I did not use Uber Eats in  
22 that time, no.

23 **MR. BRENDAN MILLER:** Right. Did either of you  
24 have contact with the Member of Parliament, Mona Fortier during  
25 this time? I believe she was the President of the Treasury.

26 **MS. NATHALIE CARRIER:** Yes, she is the MP that  
27 represents Vanier, so I do, yeah.

28 **MR. KEVIN McHALE:** Yeah.

1                   **MR. BRENDAN MILLER:** Okay. And I take it that  
2 when you contacted her, at one juncture you asked her to help  
3 you with respect to removing police blockades that were  
4 affecting the market in your area. Is that fair?

5                   **MS. NATHALIE CARRIER:** I did not, no. That was  
6 not my request. That may have been my colleague in the market,  
7 but it was not me.

8                   **MR. BRENDAN MILLER:** And in the videos my friends  
9 from the Commission played for you, those videos taken by you,  
10 you would agree that there was no honking or noise in the  
11 background in those videos, was there?

12                   **MS. NATHALIE CARRIER:** In some there were, not in  
13 those particular videos, but at times there was honking. There  
14 wasn't as much honking at Coventry, no.

15                   **MR. BRENDAN MILLER:** Yeah. And what time -- I  
16 saw all the videos it was ---

17                   **MS. NATHALIE CARRIER:** Roughly 6:00 p.m.

18                   **MR. BRENDAN MILLER:** Roughly 6:00 p.m. So ---

19                   **MS. NATHALIE CARRIER:** Well, the first weekend  
20 that was roughly 6:00 p.m., on the second weekend it was 9:00  
21 a.m. in the morning.

22                   **MR. BRENDAN MILLER:** Okay.

23                   **MS. NATHALIE CARRIER:** So it depends. I was  
24 there different times.

25                   **MR. BRENDAN MILLER:** Right. But you agree in  
26 both those videos there's no loud noises, there's no honking  
27 while you're driving and taking those videos?

28                   **MS. NATHALIE CARRIER:** There was honking, yes.

1 There was definitely honking. There was some loud noises.

2 Whether they were as loud as downtown, no they were not.

3 **MR. BRENDAN MILLER:** Right.

4 **MS. NATHALIE CARRIER:** But there was definitely  
5 honking and depending at times too. Also, yeah. No, there was  
6 not.

7 **MR. BRENDAN MILLER:** Right. And were you aware  
8 that on January 25<sup>th</sup>, 2022, the City of Ottawa received an email  
9 from the Hotel Association here in town stating that the  
10 truckers and protesters had booked stays for over 30 days?

11 **MS. NATHALIE CARRIER:** I was not aware of the  
12 email, but I do know that Steve Ball from the Hotel Association  
13 was on many of our calls, especially in the third and fourth  
14 weekend, near the tail end of them, and he did make that aware  
15 to us. He also pointed out to the fact that there was a lot of  
16 hotels that couldn't be accounted for because they would be  
17 booked through third party.

18 **MR. BRENDAN MILLER:** Right.

19 **MS. NATHALIE CARRIER:** So the hotels.coms or  
20 things like that.

21 **MR. BRENDAN MILLER:** So can -- is it fair to say  
22 that, to your knowledge, that the Municipality of -- or the City  
23 of Ottawa knew on January 25<sup>th</sup>, 2022, that these protesters and  
24 truckers were intending to stay a lot longer than the weekend?

25 **MS. NATHALIE CARRIER:** It appears to me that they  
26 should have known that, yes.

27 **MR. BRENDAN MILLER:** Right. And you had  
28 mentioned that you saw some folks pouring out urine and other

1 fecal matter or what have you.

2 **MS. NATHALIE CARRIER:** It was urine.

3 **MR. BRENDAN MILLER:** Yes, okay. And what date  
4 was that; do you recall?

5 **MS. NATHALIE CARRIER:** The date is on the video.  
6 I believe it was the second weekend, possibly the third weekend.  
7 I'm sorry, it's on the video, but ---

8 **MR. BRENDAN MILLER:** But it wasn't at the  
9 beginning?

10 **MS. NATHALIE CARRIER:** It wasn't on at the  
11 beginning, no.

12 **MR. BRENDAN MILLER:** Okay. Were you aware that  
13 the protesters -- I know truckers had applied for and had been  
14 given permits for porta potties originally, but those permits  
15 were then pulled?

16 **MS. NATHALIE CARRIER:** I am not aware of that,  
17 no. But I'm happy to hear that at some point something was  
18 permitted, yes.

19 **MR. BRENDAN MILLER:** Well, that was the beginning  
20 -- at the beginning. And I just -- I'm trying to prepare you.

21 **MS. NATHALIE CARRIER:** Thank you.

22 **MR. BRENDAN MILLER:** And you had mentioned that  
23 you had seen or heard from some store owner that they had sold  
24 out of knives and bear spray; is that right?

25 **MS. NATHALIE CARRIER:** The Canadian Tire, yes.  
26 That's what ---

27 **MR. BRENDAN MILLER:** Okay.

28 **MS. NATHALIE CARRIER:** --- it was told to me.

1                   **MR. BRENDAN MILLER:** Is it fair to say though  
2 that you never saw any protesters or truckers running around  
3 waving knives?

4                   **MS. NATHALIE CARRIER:** Most of the people I know  
5 that hunt with knives don't wave them around.

6                   **MR. BRENDAN MILLER:** Right. Good. I ---

7                   **MS. NATHALIE CARRIER:** So they would be concealed  
8 perhaps, but I don't -- I guess what I'm trying to say is I  
9 don't think waving around a knife states whether or not the  
10 knife exists.

11                   **MR. BRENDAN MILLER:** All right.

12                   **MS. NATHALIE CARRIER:** Did I see the knives being  
13 waved around? No, I did not.

14                   **MR. BRENDAN MILLER:** All right. And you never --  
15 -

16                   **MS. NATHALIE CARRIER:** Do I trust that the  
17 Canadian Tire was telling me the truth? Yes.

18                   **MR. BRENDAN MILLER:** Right. So and you never saw  
19 protesters with bear spray?

20                   **MS. NATHALIE CARRIER:** I was not in the heat of  
21 it on the last weekend, if that's what you're implying, no.

22                   **MR. BRENDAN MILLER:** And despite that Canadian  
23 Tire had sold out of these items, you had no knowledge of who  
24 they sold all of these items to; is that fair?

25                   **MS. NATHALIE CARRIER:** I had none, no.

26                   **MR. BRENDAN MILLER:** So you don't know if you  
27 sold them to protesters or if they sold them to local residents;  
28 would that be fair?

1                   **MS. NATHALIE CARRIER:** I suppose that would be  
2 fair, yes. I mean, I suppose we could probably cross-reference  
3 credit cards at some point and figure that out, but I don't  
4 think that that is the case.

5                   **MR. BRENDAN MILLER:** Credit cards. Well ---

6                   **MS. NATHALIE CARRIER:** Well, I don't know.

7                   **MR. BRENDAN MILLER:** I think the feds will need  
8 to get another order for production for all that.

9                   **MS. NATHALIE CARRIER:** Likely. Way above my pay  
10 grade, sir.

11                   **MR. BRENDAN MILLER:** Way above mine too.

12                   **MS. NATHALIE CARRIER:** Thank you.

13                   **MR. BRENDAN MILLER:** So I believe those are all  
14 my questions for you. Thank you very much.

15                   **MS. NATHALIE CARRIER:** Thank you.

16                   **COMMISSIONER ROULEAU:** Thank you.

17                   Next I'd like to call on the Ottawa Police  
18 Service.

19 **--- CROSS-EXAMINATION BY MS. JESSICA BARROW:**

20                   **MS. JESSICA BARROW:** Good afternoon to you both.  
21 My name is Jessica Barrow and I represent the Ottawa Police  
22 Service.

23                   I want to start -- we had a bit of a discussion  
24 earlier, we heard a bit of a discussion earlier about what  
25 information BIAs would typically receive as we're preparing --  
26 or as the City was preparing for a protest, or an activation as  
27 you called it, Mr. McHale. And so I want to unpackage that a  
28 little bit and I'll start with you, Mr. McHale, if that's all

1 right.

2 So in terms of the types of information you would  
3 expect to receive, would that typically include the nature and  
4 location of any traffic disruptions?

5 **MR. KEVIN McHALE:** Yes.

6 **MS. JESSICA BARROW:** As well as any plans the  
7 police may have to mitigate any such traffic disruptions?

8 **MR. KEVIN McHALE:** Yes.

9 **MS. JESSICA BARROW:** You would also presumably  
10 expect to hear about any information the police have available  
11 to them about the expected behaviour of the protesters?

12 **MR. KEVIN McHALE:** Within reason, yes.

13 **MS. JESSICA BARROW:** As well as the expected  
14 number of the protesters?

15 **MR. KEVIN McHALE:** Yes.

16 **MS. JESSICA BARROW:** And perhaps how disruptive  
17 the protest is likely to be to your local businesses?

18 **MR. KEVIN McHALE:** Yes, on occasion we've been  
19 told about how the levels of cooperation between the organizers  
20 and City officials, so, yes.

21 **MS. JESSICA BARROW:** Right. And you would expect  
22 to be advised where businesses could direct any concerns they  
23 may have, should those arise throughout the course of events;  
24 correct?

25 **MR. KEVIN McHALE:** Correct.

26 **MS. JESSICA BARROW:** I take it though that you  
27 would agree with me that there may be circumstances under which  
28 there are impediments to police disclosing certain information

1 to local businesses; is that fair?

2 **MR. KEVIN McHALE:** It's fair.

3 **MS. JESSICA BARROW:** Or that may impede the  
4 police's ability to consult with the public or community members  
5 or business members and jointly agree on strategies?

6 **MR. KEVIN McHALE:** I agree with that.

7 **MS. JESSICA BARROW:** For example, there may be  
8 sensitivity or confidentiality around certain operational  
9 planning techniques that may be going on at OPS?

10 **MR. KEVIN McHALE:** I'd agree with that.

11 **MS. JESSICA BARROW:** As well as in relation to  
12 any intelligence information in the possession of the Ottawa  
13 Police?

14 **MR. KEVIN McHALE:** Yes.

15 **MS. JESSICA BARROW:** And I take it you would  
16 obviously agree with me that you could not expect the police to  
17 provide information to the public which is not yet known to  
18 them?

19 **MR. KEVIN McHALE:** I would agree with that.

20 **MS. JESSICA BARROW:** And you would agree that the  
21 police may need to quickly or unilaterally adopt or change  
22 strategies to address the changing circumstances of an event?

23 **MR. KEVIN McHALE:** Yes.

24 **MS. JESSICA BARROW:** We spoke earlier, we heard  
25 earlier about the experience that local BIAs and in particular  
26 the downtown core have with events and demonstrations and  
27 protests in the City of Ottawa; correct?

28 **MR. KEVIN McHALE:** Correct.



1                   **MS. JESSICA BARROW:** And you've indicated that  
2 they're a fairly regular occurrence?

3                   **MR. KEVIN McHALE:** Yes.

4                   **MS. JESSICA BARROW:** Would you agree with me that  
5 the convoy was unlike any of the previous demonstrations or  
6 protests the City has seen?

7                   **MR. KEVIN McHALE:** I would.

8                   **MS. JESSICA BARROW:** More specifically, the size  
9 of the convoy was unlike any previous protests local businesses  
10 have seen?

11                   **MR. KEVIN McHALE:** Yes.

12                   **MS. JESSICA BARROW:** And the volatility of the  
13 convoy was unlike previous protests?

14                   **MR. KEVIN McHALE:** Yes.

15                   **MS. JESSICA BARROW:** And in fact, you indicated  
16 that previously businesses have never been required to close?

17                   **MR. KEVIN McHALE:** That's correct.

18                   **MS. JESSICA BARROW:** And that this time they did  
19 because this protest was very different from all previous ones?

20                   **MR. KEVIN McHALE:** Many chose to close based upon  
21 what information or lack of information was provided to them,  
22 yes.

23                   **MS. JESSICA BARROW:** So I want to talk now -- we  
24 talked sort of a generalities, now I want to focus on the  
25 specific communications that were provided to BIAs in the leadup  
26 as well as during the convoy.

27                   I want to start with a document. It's an OPS-  
28 403228. And if we could go specifically to page 6? Just maybe

1 scroll down a little bit. Thank you. That's perfect.

2 Can you see here that there's an email exchange  
3 between the Ottawa Police and the City of Ottawa?

4 **MR. KEVIN McHALE:** Yes.

5 **MS. JESSICA BARROW:** Perhaps just scroll back up  
6 a little bit, so we can see the date. It's on January 26 at  
7 12:09 p.m.?

8 **MR. KEVIN McHALE:** M'hm.

9 **MS. JESSICA BARROW:** And would you agree with me  
10 that it says that,

11 "The community police officers are in  
12 touch with downtown BIAs and are  
13 providing them with updates to expect  
14 large crowds and traffic disruptions.  
15 We cannot tell them to stay open or to  
16 close, but some businesses may elect to  
17 close, so as not to get tied up in an  
18 anti-vax demonstration." (As read)

19 **MR. KEVIN McHALE:** I see that, yes.

20 **MS. JESSICA BARROW:** Do you recall that as of  
21 this time, which is January 26<sup>th</sup>, OPS community police officers  
22 were in fact reaching out to local BIAs to share information in  
23 advance of the convoy's arrival?

24 **MR. KEVIN McHALE:** Yeah, information was being  
25 sent to us and other organizations, yeah.

26 **MS. JESSICA BARROW:** And this is 2 days prior to  
27 the beginning of the convoy starting to arrive on the 28<sup>th</sup>?

28 **MR. KEVIN McHALE:** Dates are correct, yeah.

1                   **MS. JESSICA BARROW:** And businesses are being  
2 told that there will be large crowds as well as traffic  
3 disruptions?

4                   **MR. KEVIN McHALE:** Yes.

5                   **MS. JESSICA BARROW:** And that there is a  
6 possibility of anti-vax demonstrations in downtown  
7 establishments by convoy participants?

8                   **MR. KEVIN McHALE:** Yes.

9                   **MS. JESSICA BARROW:** But that ultimately, the  
10 decision has to remain with the businesses as to whether or not  
11 to close?

12                   **MR. KEVIN McHALE:** Correct.

13                   **MS. JESSICA BARROW:** I want to take you now to  
14 OTT-00000166.

15                   There's also a .0001 on the end if that's  
16 required.

17                   And if we could just scroll down a little bit,  
18 you'll see an email to the January 25<sup>th</sup> email below. That's  
19 perfect.

20                   So you can see here it's an email from Sébastien  
21 Lemay on January 25<sup>th</sup> at 11:38 a.m. And you would agree with me  
22 that Sébastien Lemay is one of the Community Police Officers, I  
23 believe, that was testified to earlier?

24                   **MR. KEVIN McHALE:** Yes, he's not mine.

25                   **MS. JESSICA BARROW:** No, but he's -- yes.

26                   **MR. KEVIN McHALE:** Yeah.

27                   **MS. JESSICA BARROW:** And you would agree that it  
28 tells us a few details about the upcoming convoy, and this is as

1 early as January 25<sup>th</sup>; correct?

2 **MR. KEVIN McHALE:** Yes.

3 **MS. JESSICA BARROW:**

4 "The Ottawa Police are in the process of  
5 continually monitoring the progression of  
6 the convoy." (As read)

7 Correct?

8 **MR. KEVIN McHALE:** Yes, sorry.

9 **MS. JESSICA BARROW:** That:

10 "They can expect significant traffic  
11 disruptions." (As read)

12 **MR. KEVIN McHALE:** Yes.

13 **MS. JESSICA BARROW:** That:

14 "Police resources will be deployed to  
15 mitigate safety risks." (As read)

16 **MR. KEVIN McHALE:** Yes.

17 **MS. JESSICA BARROW:** And it points you to where  
18 you can go to receive regular updates?

19 **MR. KEVIN McHALE:** Yeah, as we always check  
20 regardless.

21 **MS. JESSICA BARROW:** Right. And then, of course,  
22 it promises to disseminate any new information as it's being  
23 received? And would you agree that further information  
24 subsequent to this was disseminated in a similar fashion from  
25 either this Community Police Officer or others that were local  
26 to your area?

27 **MR. KEVIN McHALE:** Yes. We'd get other emails  
28 similar in nature and broadness.

1                   **MS. JESSICA BARROW:** Great.

2                   Ms. Carrier, I want to turn to you, if you  
3 wouldn't mind, for a minute. I'm going to take you to  
4 OPB0001257.

5                   Thank you.

6                   So this is the minutes of the Ottawa Police  
7 Services Board's special meeting that took place at 1:00 p.m. on  
8 January 26<sup>th</sup>.

9                   If we could turn to page 2 of that document, we  
10 see an agenda item that reads: "Operational Briefing on Weekend  
11 Demonstrations" and it's the Chief's report.

12                   Did you watch this meeting?

13                   **MS. NATHALIE CARRIER:** I did.

14                   **MS. JESSICA BARROW:** You did.

15                   **MS. NATHALIE CARRIER:** M'hm.

16                   **MS. JESSICA BARROW:** So we may not need to go  
17 through all this since you obviously watched the meeting, but  
18 would you agree that the meeting informed community members on  
19 the fact that this was a fluid event that could go on for a  
20 prolonged period? And we of course saw this same sentence in  
21 another communication as well? Is that correct?

22                   **MS. NATHALIE CARRIER:** I would agree that that's  
23 the information that was made to all public, yeah.

24                   **MS. JESSICA BARROW:** And that the event was  
25 unpredictable?

26                   **MS. NATHALIE CARRIER:** Yes.

27                   **MS. JESSICA BARROW:** And that existing  
28 intelligence was that protestors were peaceful, but that they

1 would update if that were to change?

2 **MS. NATHALIE CARRIER:** Yes.

3 **MS. JESSICA BARROW:** And if we turn to page 4 of  
4 this document, the second last bullet, we can see here that  
5 there's questions being asked by Councillor Fleury, and we see  
6 here in response some advise to business owners. Is that fair?

7 **MS. NATHALIE CARRIER:** Sorry, the second last  
8 bullet? Or the ---

9 **MS. JESSICA BARROW:** Sorry, it starts, I guess,  
10 the last bullet.

11 **MS. NATHALIE CARRIER:** Okay.

12 **MS. JESSICA BARROW:** If you keep scrolling.  
13 Yeah, okay. So sorry, the second bullet on page 5. There's a  
14 question raised in relation to the BIAs in particular.

15 **MS. NATHALIE CARRIER:** Yes, I do remember that.

16 **MS. JESSICA BARROW:** Okay. And do you recall  
17 that there was also information at this point that the police  
18 were anticipating numbers in the one to 2,000 range, but that  
19 even within the hour, they expected that that was information  
20 that was continuing to change?

21 **MS. NATHALIE CARRIER:** Yes, I remember that, but  
22 that's not a lot of people normally. So again, that doesn't --  
23 I just want to state, because I think it's important to state  
24 the context. Three thousand (3,000) people on Parliament Hill  
25 is not a lot of people. Like, when you look at what the numbers  
26 are on Canada Day. So again, it doesn't point to something that  
27 I would look at that and go, "Oh, wow. Three thousand (3,000)  
28 people. We're going to be, you know, in this ---

1 MS. JESSICA BARROW: Right.

2 MS. NATHALIE CARRIER: --- for the long run." So  
3 3,000 people is not a ton of protestors, no.

4 MS. JESSICA BARROW: But they were indicating  
5 that they were giving you the information they had at the time,  
6 and that as that changed, they were going to update the  
7 information; correct?

8 MS. NATHALIE CARRIER: Correct. And again, this  
9 wasn't to BIAs. This was to the public.

10 MS. JESSICA BARROW: Right. But you were  
11 permitted to attend and did in fact attend; correct?

12 COMMISSIONER ROULEAU: I just want to point out  
13 you're out of time.

14 MS. JESSICA BARROW: Okay.

15 COMMISSIONER ROULEAU: So if you want to wrap up  
16 or get to a point?

17 MS. JESSICA BARROW: Sure.

18 COMMISSIONER ROULEAU: A lot of this, I think,  
19 has been a bit repetitious.

20 MS. JESSICA BARROW: Sure. I'm happy to wrap it  
21 up. I just want to ask a couple more questions to you, Ms.  
22 McHale.

23 Is it true that you were a fairly frequent ---

24 MS. NATHALIE CARRIER: Ms. ---

25 MS. JESSICA BARROW: Sorry, Mr. McHale, Ms.  
26 Carrier. You were in frequent communication with your Community  
27 Police Officer throughout that time?

28 MS. NATHALIE CARRIER: So that's actually a very

1 good question, because our NRTs in Vanier were pulled from us  
2 and taken downtown. So I was not in communication with my own  
3 normal OPS people with who I transige. I don't know what that  
4 word is in English, but that I work with every single day. I  
5 was in liaison with the community officer for the ByWard, who  
6 was now doing five BIAs.

7 **MS. JESSICA BARROW:** So you were speaking with, I  
8 believe, Cst. Lemay; correct?

9 **MS. NATHALIE CARRIER:** Yes.

10 **MS. JESSICA BARROW:** Right. Okay. And you would  
11 frequently ---

12 **MS. NATHALIE CARRIER:** But that -- just so we're  
13 clear, that's not the constable I would normally deal with.

14 **MS. JESSICA BARROW:** Right. But you were in  
15 communication with ---

16 **MS. NATHALIE CARRIER:** Mine were taken away.

17 **MS. JESSICA BARROW:** --- someone from Ottawa  
18 Police; correct?

19 **MS. NATHALIE CARRIER:** Correct.

20 **MS. JESSICA BARROW:** Yeah. And he was  
21 responsive?

22 **MS. NATHALIE CARRIER:** Yes.

23 **MS. JESSICA BARROW:** Yes. And you had raised  
24 complaints or concerns ---

25 **MS. NATHALIE CARRIER:** Yes.

26 **MS. JESSICA BARROW:** --- or information you had  
27 found on social media, for example?

28 **MS. NATHALIE CARRIER:** Yes. So there was a sense



1 that it -- he didn't necessarily have the -- I don't know how to  
2 explain it, but he's not a senior level executive of the Ottawa  
3 Police Force.

4 **MS. JESSICA BARROW:** Would he indicate though, in  
5 response to those emails, that he was passing the information  
6 along ---

7 **MS. NATHALIE CARRIER:** Yes.

8 **MS. JESSICA BARROW:** --- to whomever maybe would  
9 be that senior individual?

10 **MS. NATHALIE CARRIER:** Yes.

11 **MS. JESSICA BARROW:** Okay. Those are my  
12 questions. Thank you ---

13 **MS. NATHALIE CARRIER:** Thank you.

14 **MS. JESSICA BARROW:** --- both for your time.

15 **COMMISSIONER ROULEAU:** Thank you. Now -- okay.  
16 Former Chief Sloly's counsel, please.

17 **--- CROSS-EXAMINATION BY MR. TOM CURRY:**

18 **MR. TOM CURRY:** Can I ask you to start with --  
19 both of you, separately, would you agree that the event that you  
20 described, this protest was, in your experience, unprecedented?

21 **MR. KEVIN McHALE:** Yes.

22 **MS. NATHALIE CARRIER:** Yes.

23 **MR. TOM CURRY:** As to its scale?

24 **MR. KEVIN McHALE:** Yes.

25 **MS. NATHALIE CARRIER:** Yes.

26 **MR. TOM CURRY:** As to the demeanour of the  
27 protestors?

28 **MS. NATHALIE CARRIER:** Yes.

1                   **MR. KEVIN McHALE:** Yes.

2                   **MR. TOM CURRY:** And equally, as to the police  
3 response? There was a larger police response to this protest or  
4 occupation than you had seen ever before?

5                   **MR. KEVIN McHALE:** I would say at the end of the  
6 occupation there was a larger police presence than before. I  
7 would say that from my vantage point, where my office was and  
8 where I'm located, that the police presence throughout didn't  
9 appear to be much larger to me, visually, compared to other  
10 events.

11                   **MR. TOM CURRY:** Right. Over a longer duration  
12 obviously?

13                   **MR. KEVIN McHALE:** Yes.

14                   **MR. TOM CURRY:** You would agree, Ms. Carrier?

15                   **MS. NATHALIE CARRIER:** I would agree with what  
16 Kevin said, yes.

17                   **MR. TOM CURRY:** Okay.

18                   **MS. NATHALIE CARRIER:** In the beginning, not so  
19 much, but near the end, definitely more.

20                   **MR. TOM CURRY:** Understood. Now, in respect of  
21 the things -- and my colleague in the Police Service just asked  
22 you this, but I just want to understand it, and for the  
23 Commissioner's purposes, neither of you is suggesting that you  
24 have better insight into the community of security intelligence  
25 or police intelligence than have police agencies; correct?

26                   **MS. NATHALIE CARRIER:** No. Correct.

27                   **MR. TOM CURRY:** Okay. And you would -- I want to  
28 come to the meetings, if I can, that you had with police. And

1 you've had police liaison officers in the community with whom  
2 you've spoken, both of you; correct?

3 **MR. KEVIN McHALE:** Correct.

4 **MS. NATHALIE CARRIER:** M'hm.

5 **MR. TOM CURRY:** And in that respect, you had the  
6 same, or perhaps better access to police than you have had in  
7 other protests? Would that be true?

8 **MR. KEVIN McHALE:** I would say that the call  
9 initiated by Mat Fleury's, and his office, allowed us to have a  
10 daily conversation with a community officer, or occasionally  
11 somebody slightly higher in rank. I would say that throughout  
12 that, we didn't receive any additional insight or information  
13 more than what was being released in press releases during that  
14 time.

15 **MR. TOM CURRY:** Daily -- just stopping there, you  
16 had daily contact with police?

17 **MR. KEVIN McHALE:** Almost daily, as long as they  
18 weren't being pulled into some other action or meeting.

19 **MR. TOM CURRY:** And which if they were, you would  
20 understand why?

21 **MR. KEVIN McHALE:** Clearly.

22 **MR. TOM CURRY:** Ms. Carrier, you agree with that?

23 **MS. NATHALIE CARRIER:** I would agree with that.

24 **MR. TOM CURRY:** And Mr. McHale, a couple of  
25 things. You had -- you told us, I think, that you had met with  
26 Chief Sloly, or he attended these calls, on one or you thought  
27 two occasions; correct?

28 **MR. KEVIN McHALE:** Yeah, again, we held about 30

1 some of these calls, so I can't remember all, but I can -- would  
2 absolutely state that he was on at least one call.

3 **MR. TOM CURRY:** Yes.

4 **MR. KEVIN McHALE:** Sure. Yes.

5 **MR. TOM CURRY:** And you thought perhaps two?  
6 Probably two?

7 **MR. KEVIN McHALE:** Possibly two. And again, I  
8 apologize ---

9 **MR. TOM CURRY:** Okay.

10 **MR. KEVIN McHALE:** --- that -- we had a lot of  
11 them.

12 **MR. TOM CURRY:** Ms. Carrier?

13 **MS. NATHALIE CARRIER:** I only recall one.

14 **MR. TOM CURRY:** Okay. And you both gave  
15 statements to the -- of your anticipated evidence. You were  
16 interviewed by our friends for the Commission; correct?

17 **MR. KEVIN McHALE:** Correct.

18 **MS. NATHALIE CARRIER:** Yes.

19 **MR. TOM CURRY:** And did you read those statements  
20 before you came here today?

21 **MR. JOHN MATHER:** I'm sorry, Mr. Commissioner.  
22 Again, ----

23 **MR. TOM CURRY:** I'm coming to that.

24 **MR. JOHN MATHER:** Okay.

25 **MR. TOM CURRY:** I understand the issue.  
26 Did you read them before you came here today?

27 **MS. NATHALIE CARRIER:** I have not.

28 **MR. KEVIN McHALE:** No.

1           **MR. TOM CURRY:** Okay. At the time you gave the  
2 information to the Commission, you did your best to provide  
3 information that was accurate and complete; correct?

4           **MR. KEVIN McHALE:** Correct.

5           **MS. NATHALIE CARRIER:** To my knowledge, yes.

6           **MR. TOM CURRY:** And you knew it was important?

7           **MS. NATHALIE CARRIER:** Yes.

8           **MR. KEVIN McHALE:** Yes.

9           **MR. TOM CURRY:** You knew, for example, that it  
10 was going to be disclosed to, among other people, the lawyers  
11 and parties who are here today; correct?

12           **MR. KEVIN McHALE:** Correct.

13           **MS. NATHALIE CARRIER:** Yeah.

14           **MR. TOM CURRY:** Mr. Commissioner, there's one  
15 issue I wish to raise that concerns the rule about the use of  
16 these statements. And it specifically concerns the suggestion  
17 that Chief Sloly made a statement that one of the witnesses Ms.  
18 Carrier referred to. May I simply ask the witness to confirm  
19 that the statement that she provided to you was not found  
20 anywhere in her statement?

21           **COMMISSIONER ROULEAU:** I think you can go ahead  
22 and ask whether or not that's -- she's made that statement  
23 before, but ---

24           **MR. TOM CURRY:** Thank you.

25           **COMMISSIONER ROULEAU:** --- I don't think you can  
26 cross-examine on that statement, unfortunately.

27           **MR. TOM CURRY:** That's fine.

28           **COMMISSIONER ROULEAU:** It was not put into

1 evidence, and we don't know the circumstances in which that was  
2 done, et cetera, but I ---

3 **MR. TOM CURRY:** That's fair.

4 **COMMISSIONER ROULEAU:** --- I'll give you some  
5 latitude.

6 **MR. TOM CURRY:** Thank you very much.

7 Ms. Carrier, prior to your saying that Chief  
8 Sloly told you on a call that he was scared, am I correct that  
9 you didn't say that before to anyone?

10 **MS. NATHALIE CARRIER:** To the Commission?

11 **MR. TOM CURRY:** Yes.

12 **MS. NATHALIE CARRIER:** Like I've said it several  
13 times, yes, but not to -- perhaps I didn't say it the day of the  
14 Commission interview.

15 **MR. TOM CURRY:** Well, do you accept from me that  
16 the statement of your anticipated evidence doesn't refer  
17 anywhere to the ---

18 **COMMISSIONER ROULEAU:** Wait a minute. I don't  
19 think that's ---

20 **MR. TOM CURRY:** Okay. All right.

21 **COMMISSIONER ROULEAU:** This is not a statement of  
22 anticipated evidence. I think that's been made clear.

23 **MR. TOM CURRY:** Okay.

24 **COMMISSIONER ROULEAU:** And I think that's going  
25 beyond what I allow.

26 **MR. TOM CURRY:** All right. Thank you. So then  
27 may I, Mr. Commissioner, because it's important, I'll simply say  
28 this, Ms. Carrier. Isn't it true that what Chief Sloly said on

1 the call was that he understood why people in the community get  
2 -- including, presumably, from the BIA, were frightened in  
3 respect of what they were observing and experiencing, but at no  
4 time did Chief Sloly say that he was scared or frightened  
5 personally? Would that be fair to him?

6 **MS. NATHALIE CARRIER:** No.

7 **MR. TOM CURRY:** All right.

8 **MS. NATHALIE CARRIER:** I think he said -- I think  
9 it was definitely in the intention that you were saying. I  
10 don't think that he was, like, I'm terrified and I don't know  
11 what I'm doing. That's not what I'm implying. What I'm  
12 implying is that he was very candid with us. You know, we had  
13 gone through a very difficult weekend. He was very candid with  
14 us. And he, I think, was relating that he too was scared.  
15 There are things that were happening that -- you know, there was  
16 a lot going on.

17 **MR. TOM CURRY:** But that was not something that  
18 you have said previously?

19 **MS. NATHALIE CARRIER:** I have said that several  
20 times previously, but not to the Commission.

21 **MR. TOM CURRY:** Okay. And ---

22 **MS. NATHALIE CARRIER:** And ---

23 **MR. TOM CURRY:** --- can you tell me, please, Ms.  
24 Carrier, on what date did that meeting take place?

25 **MS. NATHALIE CARRIER:** To my recollection, I  
26 don't recall. I believe it was the Tuesday after the 1<sup>st</sup>.

27 **MR. TOM CURRY:** But you don't recall?

28 **MS. NATHALIE CARRIER:** So the 1<sup>st</sup> or 2<sup>nd</sup> of

1 February, I would assume.

2 **MR. TOM CURRY:** Right. You would assume. Can  
3 you tell us what else the Chief described? Any specifics that  
4 he described?

5 **MS. NATHALIE CARRIER:** He described a very fluid  
6 moving protest, an occupation. He described what he had said a  
7 lot in the press conference, that there were lack of resources,  
8 that this was something that was evolving by the minute, that  
9 this was unprecedented. I want to say I have tremendous respect  
10 at that time for Chief Sloly, and I believe -- you know, I don't  
11 know what his intentions were, but I believe in that moment, it  
12 was fluid.

13 **MR. TOM CURRY:** Right. Can I just leave it on  
14 this basis? Because, of course, you can imagine that your  
15 statement that he said that ---

16 **MS. NATHALIE CARRIER:** Right.

17 **MR. TOM CURRY:** --- he was personally scared,  
18 he's going to -- I just have to tell you, he's going to say ---

19 **MS. NATHALIE CARRIER:** Okay.

20 **MR. TOM CURRY:** --- he didn't say that.

21 **MS. NATHALIE CARRIER:** Right.

22 **MR. TOM CURRY:** But instead, he was expressing  
23 why he understood people were frightened.

24 **MS. NATHALIE CARRIER:** I would concede too that  
25 that was the intention, yes.

26 **MR. TOM CURRY:** What I said.

27 **MS. NATHALIE CARRIER:** Correct.

28 **MR. TOM CURRY:** The expression of empathy.



1                   **MS. NATHALIE CARRIER:** Yes.

2                   **MR. TOM CURRY:** Thank you, Mr. Commissioner, and  
3 thank you to the witnesses.

4                   **COMMISSIONER ROULEAU:** Okay. That's -- the next  
5 is the Democracy Fund, Citizens for Freedom, JCCF.

6 **--- CROSS-EXAMINATION BY ROB KITTREDGE:**

7                   **MR. ROB KITTREDGE:** Good morning. My name is Rob  
8 Kittredge and I just have a couple of questions for you. For  
9 the sake of time, I will just address them to Ms. Carrier.

10                   Ms. Carrier, when speaking with Commission  
11 Counsel, you said that businesses were completely crippled and  
12 noted that access to loading zones, access by delivery services,  
13 et cetera, was an issue for some businesses.

14                   **MR. JOHN MATHER:** Excuse me, Mr. Commissioner,  
15 there has been a couple references during this examination to  
16 these statements of anticipated evidence, and I think it's  
17 important that the nature of those statements get clarified  
18 before any questioning continues. Those are statements that are  
19 provided to Commission Counsel. They are not attributable to  
20 the witness. They are statements of what Commission Counsel  
21 anticipate a witness may or may not say. They should -- it is  
22 Commission Counsel's view that they should only be questioned  
23 upon in extraordinary circumstances, and they shouldn't be  
24 serving as the basis for these examinations.

25                   **MR. ROB KITTREDGE:** I'm basing that on a  
26 statement that was made to Commission Counsel that businesses  
27 were completely crippled.

28                   **COMMISSIONER ROULEAU:** Are you referring to the

1 statements during the hearing, sir?

2 **MR. ROB KITTREDGE:** Statements during the  
3 hearing.

4 **COMMISSION ROULEAU:** Okay. Then that's fine.

5 **MR. ROB KITTREDGE:** And all of these items came  
6 from the statement. I'm aware of the issue.

7 So would it be fair to say that from your  
8 perspective, the primary cause of these issues was congestion  
9 resulting from illegal parking in downtown streets?

10 **MS. NATHALIE CARRIER:** I think that was one of  
11 the issues.

12 **MR. ROB KITTREDGE:** But specifically, the -- I'm  
13 talking about specifically the issues with regard to access to  
14 loading zones, access by delivery services, and those sort of  
15 things, with regard to those issues, would you say the primary  
16 cause was congestion?

17 **MS. NATHALIE CARRIER:** Sorry, when I consider  
18 congestion, I consider that a fluid moving traffic of  
19 congestion. This was not a fluid moving traffic of congestion.  
20 This was blockaded.

21 **MR. ROB KITTREDGE:** Okay.

22 **MS. NATHALIE CARRIER:** This was -- these were  
23 cars that were parked that weren't moving. These were loading  
24 zones. These were handicapped parking that were being blocked  
25 for hours and days on end, well beyond the normal ---

26 **MR. ROB KITTREDGE:** I think we may be in violent  
27 agreement here.

28 **MS. NATHALIE CARRIER:** Okay.

1                   **MR. ROB KITTREDGE:** The -- I'm ---

2                   **MS. NATHALIE CARRIER:** Sorry.

3                   **MR. ROB KITTREDGE:** You'd say that illegal  
4 parking was the ---

5                   **MS. NATHALIE CARRIER:** Definitely.

6                   **MR. ROB KITTREDGE:** --- proximate cause of those  
7 issues?

8                   **MS. NATHALIE CARRIER:** Correct.

9                   **MR. ROB KITTREDGE:** And does the City of Ottawa  
10 typically enforce parking laws and bylaws?

11                   **MS. NATHALIE CARRIER:** Typically, yes, very well.

12                   **MR. ROB KITTREDGE:** And in the context of the  
13 convoy protest, there wasn't any real enforcement of parking  
14 laws and bylaws; was there?

15                   **MS. NATHALIE CARRIER:** There wasn't the usual  
16 level that we would be accustomed to in the circumstance like  
17 this.

18                   **MR. ROB KITTREDGE:** And you were not satisfied  
19 with the level of enforcement?

20                   **MS. NATHALIE CARRIER:** I will be honest and tell  
21 you that this was not a problem that was specific to Vanier, but  
22 on behalf of my colleagues and BIAs that are central, we were  
23 not satisfied with the level to which ---

24                   **MR. ROB KITTREDGE:** Okay.

25                   **MS. NATHALIE CARRIER:** --- those types of things  
26 were being dealt with.

27                   **MR. ROB KITTREDGE:** Thank you. You mentioned  
28 that unlicensed free food services were being operated on the

1 sidewalks immediately outside Ottawa restaurants and that this  
2 negatively impacted restaurant revenues. Do you remember making  
3 that statement today?

4 **MS. NATHALIE CARRIER:** I do.

5 **MR. ROB KITTREDGE:** Does the City of Ottawa  
6 typically allow unlicensed food services to operate on city  
7 sidewalks?

8 **MS. NATHALIE CARRIER:** Absolutely not.

9 **MR. ROB KITTREDGE:** In the context of the convoy  
10 protest, there was no real enforcement of food licensing  
11 requirements; was there?

12 **MS. NATHALIE CARRIER:** No.

13 **MR. ROB KITTREDGE:** All right.

14 **MS. NATHALIE CARRIER:** And I can tell you, I just  
15 ran an event where there was two people serving food, local  
16 businesses, and they were more enforced ---

17 **MR. ROB KITTREDGE:** Right.

18 **MS. NATHALIE CARRIER:** --- than anything I saw  
19 then.

20 **MR. ROB KITTREDGE:** Right. You also stated that  
21 you saw tents set up -- I believe this was -- oh, and I'll --  
22 you indicated that -- or it was indicated that many businesses  
23 chose to close during the convoy protests and that this was a  
24 choice and not a requirement. Do you remember that statement  
25 being made by your colleague?

26 **MS. NATHALIE CARRIER:** I do remember that  
27 statement being made by my colleague.

28 **MR. ROB KITTREDGE:** And but some businesses chose

1 to remain open and did quite well revenue wise due to the  
2 increased foot traffic resulting from the protest; is that  
3 correct?

4 **MS. NATHALIE CARRIER:** Some I think did well,  
5 yes.

6 **MR. ROB KITTREDGE:** All right. Well, those are  
7 my questions. Thank you very much.

8 **MS. NATHALIE CARRIER:** No, they did not? I don't  
9 know. I -- I'm not the best person to answer that question, but  
10 sorry.

11 **COMMISSIONER ROULEAU:** Okay. Next is the counsel  
12 for the Government of Canada.

13 **--- CROSS-EXAMINATION BY MR. BRENDAN van NIEJENHUIS:**

14 **MR. BRENDAN van NIEJENHUIS:** Thank you,  
15 Commissioner.

16 And sorry to single you out, Ms. Carrier, but I  
17 wanted to ask you just a few questions about your emails. My  
18 name is Brendan van Niejenhuis and I'm one of the counsel for  
19 the Government of Canada.

20 **MS. NATHALIE CARRIER:** Thank you.

21 **MR. BRENDAN van NIEJENHUIS:** Could we call up  
22 COA-00000073?

23 While that's coming up, Ms. Carrier, you provided  
24 some of your own content that we watched earlier to the Ottawa  
25 Police Services, but you also provided some open-source social  
26 media content from what you found online; right?

27 **MS. NATHALIE CARRIER:** I did.

28 **MR. BRENDAN van NIEJENHUIS:** And that was usually

1 to a Sébastien Lemay there?

2 **MS. NATHALIE CARRIER:** Correct.

3 **MR. BRENDAN van NIEJENHUIS:** Was that your usual  
4 contact?

5 **MS. NATHALIE CARRIER:** During the occupation,  
6 yes.

7 **MR. BRENDAN van NIEJENHUIS:** Okay. And so this  
8 item here, if we can just go down to the bottom, you're  
9 providing Sébastien Lemay with a link to a TikTok Live; is that  
10 right?

11 **MS. NATHALIE CARRIER:** Correct.

12 **MR. BRENDAN van NIEJENHUIS:** And you say it's  
13 Ottawa jam the airport?

14 **MS. NATHALIE CARRIER:** Correct.

15 **MR. BRENDAN van NIEJENHUIS:** What do you recall  
16 or what was your interpretation of what you saw and sent to him?

17 **MS. NATHALIE CARRIER:** I believe that specific  
18 TikTok Live was Pat King TikToking Live, so broadcasting live  
19 from his car, stating that he and other vehicles were leaving  
20 Coventry and on our way to the airport to disrupt the airport as  
21 well.

22 **MR. BRENDAN van NIEJENHUIS:** Okay. If we can go  
23 to another example, it's COA-00000118.

24 And again, if we just go to the bottom here, this  
25 is on February the 8<sup>th</sup>; is it?

26 **MS. NATHALIE CARRIER:** It looks like, yes.

27 **MR. BRENDAN van NIEJENHUIS:** Yes, and you sent  
28 again another TikTok Live to Sébastien Lemay at the Ottawa

1 Police Service?

2 **MS. NATHALIE CARRIER:** Correct, yes, I did.

3 **MR. BRENDAN van NIEJENHUIS:** Yes. You say,  
4 "On this TikTok Live, they are openly  
5 discussing tactics for breaking laws."  
6 (As read)

7 Right?

8 **MS. NATHALIE CARRIER:** Correct.

9 **MR. BRENDAN van NIEJENHUIS:** Do you recall  
10 anything about the specific content of this TikTok Live that you  
11 are reporting to him?

12 **MS. NATHALIE CARRIER:** There was a lot that I  
13 sent, but I believe in this particular one was references to  
14 diesel cans being filled with water and not diesel to confuse  
15 police officers. And there -- and I don't recall the rest.

16 **MR. BRENDAN van NIEJENHUIS:** Okay.

17 **MS. NATHALIE CARRIER:** I apologise. I did not  
18 review this particular slide.

19 **MR. BRENDAN van NIEJENHUIS:** No, that's fine.  
20 That's part of the nature of the TikTok live is that it ---

21 **MS. NATHALIE CARRIER:** Right.

22 **MR. BRENDAN van NIEJENHUIS:** --- is it ephemeral  
23 or it goes away after the stream is done generally?

24 **MS. NATHALIE CARRIER:** Yes, although you can save  
25 copies of -- you can record your screen on your phone. So ---

26 **MR. BRENDAN van NIEJENHUIS:** Am I correct ---

27 **MS. NATHALIE CARRIER:** So often TikTok lives will  
28 be rebroadcast as non-live events.

1                   **MR. BRENDAN van NIEJENHUIS:** And in fact, if you  
2 go up to the top of this document, you see Sebastien LeMay's  
3 reply to you addresses that precise question; right?

4                   "Do you know if there is a way to view  
5 TikTok lives after the fact?" (As  
6 read)

7                   Right?

8                   **MS. NATHALIE CARRIER:** That's correct.

9                   **MR. BRENDAN van NIEJENHUIS:** And you've just told  
10 us that you can do that if -- am I correct, that that's only if  
11 the streamer actively chooses the -- chooses to make their  
12 TikTok Live available as a live replay?

13                   **MS. NATHALIE CARRIER:** To be clear, I am not a  
14 TikTok expert, I'm just a hockey mom that watches way too much  
15 TikTok. But my knowledge is -- and certainly during this  
16 period. To my knowledge, the person can take their video and  
17 rebroadcast it, but also if I am watching your TikTok, I can  
18 record my screen and then share a version of that. So there are  
19 times after this where there were TikTok's that I recorded parts  
20 of the screen for my own posterity to remember.

21                   **MR. BRENDAN van NIEJENHUIS:** But there's a large  
22 volume, as you say, out there that you were looking at in large  
23 volume that from time to time you would send on to the police;  
24 right?

25                   **MS. NATHALIE CARRIER:** I wouldn't say a large  
26 volume that I sent on to them, but I would certainly report back  
27 to them, and Sebastien, and in the daily meetings there were  
28 things that I would report from what I had seen the night



1 before.

2 **MR. BRENDAN van NIEJENHUIS:** Okay. And you  
3 weren't in a position to be able to record large volumes of it  
4 for ---

5 **MS. NATHALIE CARRIER:** I was not in that  
6 situation.

7 **MR. BRENDAN van NIEJENHUIS:** Okay. Can we go  
8 lastly to COA 6068?

9 But you were asked earlier about complaints that  
10 you had received from members of your BIA and their contacts,  
11 and some of those questions were about being informed that the  
12 Canadian Tire Store near Coventry had sold out of bear spray;  
13 right?

14 **MS. NATHALIE CARRIER:** This particular one, I  
15 believe is the -- oh, yes. This particular email is not the  
16 bear spray email.

17 **MR. BRENDAN van NIEJENHUIS:** This is not, that's  
18 correct.

19 **MS. NATHALIE CARRIER:** Right.

20 **MR. BRENDAN van NIEJENHUIS:** But I'm just  
21 reminding you that you were asked about that earlier.

22 **MS. NATHALIE CARRIER:** Oh, yes. Yes, I was asked  
23 about this earlier. So I would report back on some of the  
24 things that I would hear from the manager.

25 **MR. BRENDAN van NIEJENHUIS:** Sure. And here  
26 again, this is -- this is, you know, the top is Sebastien LeMay  
27 thanking -- it's Sebastien LeMay thanking you for sending this  
28 along; right?

1                   **MS. NATHALIE CARRIER:** Correct.

2                   **MR. BRENDAN van NIEJENHUIS:** And if you go to the  
3 very bottom of this what you're forwarding here, the -- if you  
4 keep going to the very bottom email from February the 10th, do  
5 you see that?

6                   **MS. NATHALIE CARRIER:** I do.

7                   **MR. BRENDAN van NIEJENHUIS:** This is what you're  
8 relying on, that the Canadian Tire, at least according to what  
9 you have been told, has also sold out of gas cans, Canadian  
10 flags ---

11                   **MS. NATHALIE CARRIER:** Correct.

12                   **MR. BRENDAN van NIEJENHUIS:** --- and the powerful  
13 hand held horns and smaller marine horns?

14                   **MS. NATHALIE CARRIER:** This was on the first  
15 weekend or, like, around the first and second weekend, yes.

16                   **MR. BRENDAN van NIEJENHUIS:** Okay.

17                   **MS. NATHALIE CARRIER:** And this was from my  
18 community association with who we work very closely.

19                   **MR. BRENDAN van NIEJENHUIS:** Okay. And you  
20 reported that on to the police?

21                   **MS. NATHALIE CARRIER:** I reported it to the  
22 police, correct. There was a sense at times that BIAs were sort  
23 of in a position to have the ear of people, so there --  
24 oftentimes our community associations will rely on us for those  
25 types of things.

26                   **MR. BRENDAN van NIEJENHUIS:** Thank you, those are  
27 my questions.

28                   **MS. NATHALIE CARRIER:** Thank you.

1                   **COMMISSIONER ROULEAU:** Okay. And finally, the,  
2 or next is the Ottawa Coalition.

3 **--- CROSS-EXAMINATION BY MR. PAUL CHAMP:**

4                   **MR. PAUL CHAMP:** Good afternoon, Kevin and  
5 Nathalie.

6                   **MR. KEVIN McHALE:** Good afternoon.

7                   **MS. NATHALIE CARRIER:** Good afternoon.

8                   **MR. PAUL CHAMP:** I think you're going to be a  
9 TikTok star after your performance today.

10                  **MS. NATHALIE CARRIER:** Oh, my god. My husband  
11 told me this was going to happen, and I said no. Sorry.

12                  **MR. PAUL CHAMP:** Kevin, to start with, a couple  
13 of questions for you. WE heard that some businesses did stay  
14 open, you know, not which -- you know, notwithstanding the  
15 different people coming in with masks and so forth. Did you  
16 hear from your members or have any information about how those  
17 businesses felt they did revenue-wise as compared to they might  
18 at other times?

19                  **MR. KEVIN McHALE:** A couple of businesses, we  
20 have -- you know, we have a number of tourist shops on Sparks  
21 Street, so the owner reported, you know, he sold a lot of  
22 Canadian flags. They were moving out of the store very quickly.  
23 It's a product he sells regularly. But -- and then we had some  
24 eateries that would try to open and try to close, in particular  
25 in that first weekend. Again, they were just trying to serve  
26 customers.

27                               And some actually even saw it as a potential  
28 opportunity because again we had been under this unexpected

1 lockdown over the Christmas season and through January. My  
2 members, we were all set to host Winterlude, which is a massive  
3 event here in the City of Ottawa, and my members, we had just  
4 found out a couple of weeks before that it had been cancelled  
5 because of the COVID surge. So a lot of my businesses were like  
6 seeing that, oh, maybe there's an opportunity again on a weekend  
7 to make some money. But the ones that did stay -- did open,  
8 most -- the vast majority just found it just impossible to  
9 manage the crowd and keep their staff safe and to avoid  
10 confrontation in their stores.

11 **MR. PAUL CHAMP:** Right. And just to confirm, I'm  
12 not sure if it's been clarified precisely in the evidence so  
13 far, at the time of the first weekend of the convoy there had  
14 been a complete lockdown; stores and restaurants weren't allowed  
15 to be open; is that right?

16 **MR. KEVIN McHALE:** Correct.

17 **MR. PAUL CHAMP:** And then after, when they were  
18 allowed to open, public health regulations around the mandatory  
19 of wearing a mask was still in place; is that correct?

20 **MR. KEVIN McHALE:** Correct.

21 **MR. PAUL CHAMP:** Okay.

22 **MR. KEVIN McHALE:** Very much so.

23 **MR. PAUL CHAMP:** And you told us that -- about  
24 some businesses concerned about being open because of having to  
25 enforce the mask public health guideline?

26 **MR. KEVIN McHALE:** Correct.

27 **MR. PAUL CHAMP:** Did some of them encounter other  
28 issues making it difficult for them to open? For example, staff

1 being able to make it to their location?

2 **MR. KEVIN McHALE:** I didn't specifically hear  
3 that. A lot of the businesses, again, many of our businesses  
4 because of COVID didn't have staff. Where they'd have two and  
5 three staff working a sandwich shop, for example, it was down to  
6 just the owner of the business. So that owner would try to make  
7 a go of it on their own, but that would be the unmanageableness  
8 of -- I mean, there's still limitations on the number of people  
9 in your business, and then again, you -- getting a large group  
10 of people in your place and trying to manage that crowd, it was  
11 quite difficult for them.

12 **MR. PAUL CHAMP:** The -- you told us that some of  
13 the information that you were told to get from the Ottawa Police  
14 was by following social media and so forth ---

15 **MR. KEVIN McHALE:** Right.

16 **MR. PAUL CHAMP:** --- of the police. Can you  
17 recall, were the Ottawa Police putting out any guidelines or  
18 advisories with respect to the population generally in Ottawa  
19 about going downtown?

20 **MR. KEVIN McHALE:** Yeah, advisory to citizens was  
21 to avoid the downtown area if possible, which a vast majority of  
22 people just take as stay away. And we've seen that twice now  
23 with the motorcycle event a few months later and some other  
24 activations now. But businesses never get that instruction.  
25 The instruction to business has always been business owner must  
26 make that decision on -- with their best judgement. And so that  
27 can be very difficult for a business.

28 Again, they feel the pressure to, if they do have

1 staff, keep their staff. They don't want to cut their hours,  
2 but business has been so hard and so how do you -- you know, if  
3 you do have staff now you're paying them, it's coming out of  
4 your pocket, it's been -- economically it's been a very  
5 difficult two years for small business, and -- so it's hard to  
6 make those decisions. So even when they would try to just open  
7 themselves, again, you would just -- no one was coming into the  
8 businesses to buy per se, certainly on the retail and service  
9 side, they were just coming in to warm up and see if they could  
10 use the bathroom more often than not.

11 **MR. PAUL CHAMP:** Thanks. I'm going to ask you a  
12 question about a document, and I'll just the registrar if they  
13 can put it up.

14 It was the OPS document ending in 3228. It's  
15 OPS 3228. And when you get it up, I want to go to page 6.

16 While we're waiting for that to get up, Kevin,  
17 you had mentioned about Google reviews.

18 **MR. KEVIN McHALE:** M'hm.

19 **MR. PAUL CHAMP:** I've heard about a local law  
20 firm that has suddenly seen their ratings plummet from these one  
21 star reviews. Have any of your members heard of any way to  
22 correct that?

23 **MR. KEVIN McHALE:** You can contact the Google or  
24 Yelp and look to provide evidence as to why that could happen.

25 **MR. PAUL CHAMP:** And just to follow on. If you  
26 followed up with Google several times about that, any other tips  
27 or guide?

28 **MR. KEVIN McHALE:** They're a bit of a beast to

1 deal with, yes.

2 **MR. PAUL CHAMP:** Thanks. Okay, great. So this  
3 is OPS 3228.

4 Can you roll to the -- just the end of this page?  
5 Okay, just stop there, actually:

6 "So our community police officers are  
7 in touch with Downtown BIAs in  
8 providing with updates to expect large  
9 crowds and traffic obstruction." (As  
10 read)

11 So that was the information that was put to you  
12 by the Ottawa Police Council.

13 Can you just go down, keep going down? Keep  
14 going. Okay, here.

15 Here, this is internal Ottawa Police. They're  
16 talking about what information should be provided to BIAs:

17 "Hi Julie. Do you know if OPS is or  
18 will be in discussion with some of the  
19 BIAs that could be see big impacts?"  
20 (As read)

21 And I think this is about January 25th.

22 **MR. KEVIN McHALE:** M'hm.

23 **MR. PAUL CHAMP:**

24 "I recall OPS having these types of  
25 discussions for previous events, is  
26 that the case for this event? (As  
27 read)

28 So just on that, when there's other big events

1 that are happening, or big demonstrations, or protests, does OPS  
2 share information with the BIAs typically about road shutdowns  
3 or interruption in service or bus routes and stuff like that?

4 **MR. KEVIN McHALE:** Yeah, the -- I would just -- I  
5 go back to the Canada Day as a prime example or Remembrance Day  
6 as an example where road closures are in place to allow the  
7 celebration of Canada Day or support our veterans and our past  
8 veterans, where there's a memo come out with road closures and  
9 et cetera, et cetera. It's pretty standard, in the corp. It's  
10 very rare that I would get something, per se, from OPS, which is  
11 very detailed. I mean, we saw that note come out that said call  
12 9-1-1 or call 3-1-1. That's pretty standard in Ottawa for years  
13 that that's what you -- that's how you triage everything here.  
14 So but in terms of actually having a Zoom call or a specific  
15 communication going just to BIAs in our area specifically around  
16 Parliament Hill, which would be myself, Bank Street and Byward,  
17 no. I don't often get much.

18 **MR. PAUL CHAMP:** Thanks, Kevin.  
19 Nathalie, I just have a couple questions for you.  
20 Just to assist some of the people and some of the counsel who  
21 may not be from Ottawa, I think there might be some  
22 misconceptions about where Coventry Road and the location, the  
23 parking lot where all those trucks were set up, where that is in  
24 relation to downtown Ottawa.

25 **MS. NATHALIE CARRIER:** So it's slightly northeast  
26 five kilometres from downtown Ottawa.

27 **MR. PAUL CHAMP:** So it's -- okay. So it's ---

28 **MS. NATHALIE CARRIER:** But it is joined -- so you



1 can loop from -- normally, you can loop from Beechwood to St.  
2 Patrick's to King Edward or Dalhousie and then back from Rideau,  
3 that turns into Montreal Road and so forth so.

4 **MR. PAUL CHAMP:** Okay. And we've heard some  
5 reference at -- or we will hear reference about a red zone, that  
6 the Ottawa Police was calling the red zone. Where was the red  
7 zone?

8 **MS. NATHALIE CARRIER:** I believe -- in the  
9 beginning ---

10 **MR. PAUL CHAMP:** Roughly.

11 **MS. NATHALIE CARRIER:** --- there was no red zone  
12 in Vanier. I think it ended at the river.

13 **MR. PAUL CHAMP:** Yeah.

14 **MS. NATHALIE CARRIER:** There was no red zone in  
15 Vanier, despite me stating that there was more happening at  
16 Coventry.

17 **MR. PAUL CHAMP:** Right.

18 **MS. NATHALIE CARRIER:** But the red zone was not -  
19 - Vanier was not in the red zone.

20 **MR. PAUL CHAMP:** Right.

21 **MS. NATHALIE CARRIER:** It was, to my knowledge, I  
22 think, SJAM, so Sir John A Macdonald Parkway to I think it was  
23 Bank, Catherine, and then down towards the market.

24 **MR. PAUL CHAMP:** So Coventry Road was about five  
25 kilometres from the red zone?

26 **MS. NATHALIE CARRIER:** Correct. Well, it would  
27 have been at that point, like, at the edge of the red zone,  
28 maybe two or three kilometres ---

1           **MR. PAUL CHAMP:** And the continuous honking, was  
2 that going on at Coventry in the same way as it was in the red  
3 zone?

4           **MS. NATHALIE CARRIER:** There were moments that it  
5 was very loud there and other times that it wasn't. There was a  
6 sense that that was their recovery area as well. There -- you  
7 know, that's where the hot tubs got delivered on the second  
8 weekend. There was, you know, food and there was a very jovial  
9 sort of atmosphere at times and other times a very tense  
10 atmosphere there. So there was, you know, daytime you'd see a  
11 lot of families, they were heading downtown, and then in the  
12 evenings, things would seem a bit more ---

13           **MR. PAUL CHAMP:** So ---

14           **MS. NATHALIE CARRIER:** Depends on the -- there  
15 tension days; right? There were days that were -- it's a long  
16 period. Some days were different.

17           **MR. PAUL CHAMP:** So, like, it appeared that some  
18 people would go to the red zone and then go back ---

19           **MS. NATHALIE CARRIER:** Correct.

20           **MR. PAUL CHAMP:** --- to come back for a respite  
21 from ---

22           **MS. NATHALIE CARRIER:** As I said earlier, there -  
23 - it felt like there was, like, almost shifts that were running.  
24 You know, people that would either bring stuff downtown, and  
25 then come back. There was a sense of, like, you know, almost,  
26 like, a base camp where sandwiches were being made and then  
27 shipped to downtown, and then, you know, there was -- I saw  
28 myself lots of jerry cans being filled with gas in very unsecure

1 -- certainly not legal by normal standards ways, you know, off  
2 the back of a pickup truck in a big oil barrel, in -- or, you  
3 know, cisterns or things like that on the ground in Coventry  
4 parking lot.

5 **MR. PAUL CHAMP:** Yeah, and you told us a bit  
6 about permits and so forth, you know, permits for tents, for  
7 example. You were mentioning about, like, engineering that to  
8 be checked for -- why would they be checked for engineering  
9 because of ---

10 **MS. NATHALIE CARRIER:** One, most tents used in  
11 events have to be fire retardant. So if you're going to cook  
12 within a tent, it has to have a fire retardant fabric, so that  
13 if anything happens, it won't -- you know, it won't cause a huge  
14 fire. There's also levels of pressure, so often big tents need  
15 to be anchored either into -- with spikes into ground or they  
16 have to be held back by big concrete slabs. And often, an  
17 engineer has to determine, you know, how much concrete needs to  
18 hold it if the wind takes it or -- so there's lots of different  
19 regulations around building and to build it is high, so you  
20 would need fall safety to put some of those tents up, depending  
21 on, you know, how high your pole is. Anything over six feet  
22 that you climb on a ladder you need a fall safety training, for  
23 example.

24 So there's lots of just little things like that,  
25 I mean, that people likely do in their farms or anywhere most  
26 times, but not usually as part of a big public event in the  
27 middle of the nation's capital.

28 **MR. PAUL CHAMP:** Right. And these permits, what

1 is your understanding of the purpose of these permits? Is it  
2 just a way for the city to generate revenue, or do they serve --  
3 -

4 **MS. NATHALIE CARRIER:** No, I think it's all about  
5 public safety; right? It's about public safety and standards of  
6 operation that are based on years and years of the city, you  
7 know -- Ottawa's often called the festival city. We host -- you  
8 know, I think there's 120 festivals in the summer here in  
9 Ottawa, so there's a lot of -- you know, it's really about  
10 public safety.

11 **COMMISSIONER ROULEAU:** You're ---

12 **MR. PAUL CHAMP:** Oh, my last ---

13 **COMMISSIONER ROULEAU:** --- out of time.

14 **MR. PAUL CHAMP:** Can I ask one last question or  
15 am I ---

16 **COMMISSIONER ROULEAU:** Okay. Go ahead.

17 **MR. PAUL CHAMP:** Okay. You had told us,  
18 Nathalie, about the interaction with Chief Sloly and your  
19 recollection of what he said. Is there some reason why that  
20 resonated so much to you? Or actually, I should put it another  
21 way.

22 **MS. NATHALIE CARRIER:** I mean, I think because at  
23 -- you know, because at times like this, in what was considered,  
24 for us at least, a crisis, for a lot of people in Ottawa a  
25 crisis, you turn to your leaders to have a plan and to be  
26 stable. And I remember very specifically feeling, and I will  
27 say feeling for the sake of, you know, this audience, feeling  
28 like there was a sense that maybe our leaders were a little

1 shaken. And that's scary.

2 **MR. PAUL CHAMP:** Thank you very much, and thank  
3 you, Commissioner, for the indulgence.

4 **COMMISSIONER ROULEAU:** Okay. Any brief  
5 additional question?

6 **--- RE-EXAMINATION BY MR. JEAN-SIMON SCHOENHOLZ:**

7 **MR. JEAN-SIMON SCHOENHOLZ:** I have one question  
8 in re-exam. Mr. McHale, it was put to you some questions about  
9 federal assistance. Were there any costs that that federal  
10 assistance did not cover -- or federal or provincial ---

11 **MR. KEVIN McHALE:** Well, there were limitations  
12 on how much coverage there was, so each business was 15,000  
13 total. So -- which depending on the size of business, so while,  
14 you know, you may not have hit the full use of the fund, an  
15 individual business may have only incurred 2 or \$3,000 of  
16 expenses during that time, it didn't cover potential lost sales,  
17 as an example. So that's obviously a big thing, so you weren't  
18 able to factor in your gross revenues lost that you could  
19 compare to a couple years ago or year before. Your rent may not  
20 have been the full coverage amount.

21 The other side would be is that a larger  
22 operator, a large independent restaurant would potentially --  
23 the rent would be \$10,000. So the 10,000 or \$15,000 was really  
24 insignificant to their operating costs. So it was -- I would  
25 say that the majority of my members did -- absolutely benefitted  
26 from that funding. It was very much appreciated, especially in  
27 the way -- how quickly it flowed into the downtown businesses  
28 that were affected -- I'll use the word unprecedented positively

1 in the sense of how quickly it came in. Unfortunately, for a  
2 lot of businesses, it didn't quite meet what they needed in  
3 order to make the recovery from the three, four weeks of  
4 business loss. I would also say that because businesses  
5 specifically on Sparks Street were actually fenced in after the  
6 protesters, an activation was moved because the security  
7 perimeter was kept up for an additional week. So there was a  
8 lot of limited -- a number of businesses in the downtown core  
9 were affected for a week after the occupation was done.

10 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.

11 **COMMISSIONER ROULEAU:** Okay. Well, we're at the  
12 time for lunch. It's -- if we could come back at two o'clock,  
13 that would be much appreciated because we have a big afternoon,  
14 which will probably take us past six o'clock and maybe even past  
15 seven o'clock. So again, I want to thank counsel for respecting  
16 the timelines. That's much appreciated, particularly on a day  
17 like today where we have a lot of evidence. So we're going to  
18 reprise until two o'clock.

19 And thank you to the witnesses. I forgot.

20 **MS. NATHALIE CARRIER:** That's fine.

21 **COMMISSIONER ROULEAU:** Thank you both.

22 **MR. KEVIN McHALE:** Thank you.

23 **COMMISSIONER ROULEAU:** Much appreciated. Un  
24 grand merci.

25 **MS. NATHALIE CARRIER:** Merci beaucoup.

26 **COMMISSIONER ROULEAU:** Retournez à ma ville  
27 natale de Vanier.

28 **MS. NATHALIE CARRIER:** Oui. Ah oui? C'est bien.

1 Moi aussi, ma famille ---

2 **THE REGISTRAR:** The Commission is in recess for  
3 one hour.

4 --- Upon breaking at 1:03 p.m.

5 --- Upon resuming at 2:00 a.m.

6 **THE REGISTRAR:** The Commission has reconvened. La  
7 Commission reprend.

8 **COMMISSIONER ROULEAU:** Okay. Thank you. Merci.

9 Vous remarquerez que j'essaye d'être ponctuel, je  
10 ne garantis pas que ça va toujours être le cas, mais c'est une  
11 déformation de vingt ans comme juge, alors je m'en excuse à  
12 l'avance, mais ça va être la façon qu'on travaille.

13 Okay. So we have, I believe, another panel  
14 that's ready to go, Ms. Rodriguez?

15 **MS. NATALIA RODRIGUEZ:** Thank you, Commissioner.  
16 I'd like to call Councillor Catherine McKenney and Councillor  
17 Mathieu Fleury to the stand, please.

18 **CONSEILLER MATHIEU FLEURY:** C'est correct si je  
19 reste assis?

20 **COMMISSIONER ROULEAU:** Oui, oui. Oui, oui. Prenez  
21 votre temps. Take your time. Get settled down.

22 **THE REGISTRAR:** Councillor McKenney, will you  
23 swear on a religious document or do you wish to affirm?

24 **COUNCILLOR CATHERINE MCKENNEY:** I'll affirm,  
25 please.

26 **THE REGISTRAR:** For the record, please state your  
27 full name and spell it out.

28 **COUNCILLOR CATHERINE MCKENNEY:** Catherine Ann

1 McKenney. C-A-T-H-E-R-I-N-E A-N-N M-C-K-E-N-N-E-Y.

2 --- COUNCILLOR CATHERINE McKENNEY, Affirmed:

3 **THE REGISTRAR:** Do you solemnly affirm that the  
4 evidence to be given by you to this Commission shall be the  
5 truth, the whole truth, and nothing but the truth?

6 **COUNCILLOR CATHERINE McKENNEY:** I do.

7 --- COUNCILLOR MATHIEU FLEURY, Sworn:

8 **LA GREFFIÈRE:** Monsieur Fleury, voulez-vous prêter  
9 serment ou faire une affirmation solennelle?

10 **CONSEILLER MATHIEU FLEURY:** Sur la bible.

11 **LA GREFFIÈRE:** Pour les fins du procès-verbal,  
12 s'il vous plait, veuillez indiquer et ensuite épeler votre nom  
13 en entier.

14 **CONSEILLER MATHIEU FLEURY:** Alors, mon nom est  
15 Mathieu Fleury - M-A-T-H-I-E-U -, dernier nom, Fleury - F-L-E-U-  
16 R-Y.

17 **LA GREFFIÈRE:** Jurez-vous que le témoignage que  
18 vous allez rendre devant la Commission sera la vérité, toute la  
19 vérité, et rien que la vérité? Que Dieu vous vienne en aide.

20 **CONSEILLER MATHIEU FLEURY:** Oui.

21 **LA GREFFIÈRE:** Merci.

22 --- EXAMINATION IN-CHIEF BY MS. NATALIA RODRIGUEZ:

23 **MS. NATALIA RODRIGUEZ:** Good afternoon to both of  
24 you.

25 Can I confirm, you both had an interview with  
26 Commission Counsel on September 8 of this year? Is that  
27 correct?

28 **COUNCILLOR MATHIEU FLEURY:** Yes.



1                   **COUNCILLOR CATHERINE McKENNEY:** Correct.

2                   **MS. NATALIA RODRIGUEZ:** And you've had a chance  
3 to review the interview summary that was prepared as a result of  
4 that interview; correct?

5                   **COUNCILLOR MATHIEU FLEURY:** Correct.

6                   **COUNCILLOR CATHERINE McKENNEY:** Correct, yes.

7                   **MS. NATALIA RODRIGUEZ:** And we have that witness  
8 interview summary at WTS.00000025. And I'm just going to pull  
9 it up here for you to see.

10                   And while we're doing that, Councillor McKenney,  
11 do you have any corrections you would like to make to your  
12 witness summary?

13                   **COUNCILLOR CATHERINE McKENNEY:** I do not.

14                   **MS. NATALIA RODRIGUEZ:** Okay. And Councillor  
15 Fleury, are there any corrections you would like to make to the  
16 witness summary?

17                   **COUNCILLOR MATHIEU FLEURY:** There are.

18                   **MS. NATALIA RODRIGUEZ:** Okay. Yes. Please, as  
19 we're waiting for that to be pulled up? Yes. Thank you.

20                   And do you know approximately ---

21                   **COUNCILLOR MATHIEU FLEURY:** I can pull it up. I  
22 have it in here.

23                   **MS. NATALIA RODRIGUEZ:** Oh, okay. Well maybe  
24 we'll scroll down a bit. Maybe just tell us what areas ---

25                   **COUNCILLOR MATHIEU FLEURY:** It's the area about -  
26 - keep going down. Keep going down. Going down. I thought  
27 maybe it was above that.

28                   **MS. NATALIA RODRIGUEZ:** I think it might be up a

1 little bit.

2 **COUNCILLOR MATHIEU FLEURY:** Yeah.

3 **MS. NATALIA RODRIGUEZ:** Let's keep going up. I  
4 believe it's on this page here above the harassment section.  
5 Let's see there.

6 **COUNCILLOR MATHIEU FLEURY:** Yeah.

7 **MS. NATALIA RODRIGUEZ:** "Physical violence ---

8 **COUNCILLOR MATHIEU FLEURY:** That's right.

9 **MS. NATALIA RODRIGUEZ:** --- or threats." Okay.  
10 So maybe I'll give you an opportunity then to indicate what  
11 needs to be corrected.

12 **COUNCILLOR MATHIEU FLEURY:** So the paragraph that  
13 begins with:

14 "Councillor Fleury's home address was  
15 posted online without his consent. As a  
16 result, a group of protestors drove in a  
17 pick-up truck to Councillor Fleury's home  
18 and attempted to intimidate him. He and  
19 his family had to relocate until the  
20 protest subsided. Councillor Fleury  
21 reported the situation to OPS, but he  
22 never heard back from them. Councillor  
23 Fleury's wife is Chinese-Canadian and was  
24 subject to online threats and abuse." (As  
25 read)

26 **MS. NATALIA RODRIGUEZ:** Okay. So how would you  
27 like to change that witness statement? What aspects would you -  
28 --

1           **COUNCILLOR MATHIEU FLEURY:** They're really three  
2 separate components. I would define them as -- the first one is  
3 any public office holder, our information can unfortunately be  
4 found online in some instances, and I believe that that's how  
5 protesters were able to find my home address and show up.

6           The second section, as a result, all the way to  
7 "back from them" is accurate.

8           **MS. NATALIA RODRIGUEZ:** Okay.

9           **COUNCILLOR MATHIEU FLEURY:** And then the final  
10 piece relating to my wife is about the abuse that we received as  
11 elected officials through email, phone calls, online.

12           **MS. NATALIA RODRIGUEZ:** Okay. So we will make  
13 those changes, and subject to those changes, the witness summary  
14 will be entered into evidence.

15           **COUNCILLOR MATHIEU FLEURY:** Thank you.

16           **MS. NATALIA RODRIGUEZ:** Now, I understand that  
17 both of you are councillors to the City of Ottawa. Is that  
18 correct?

19           **COUNCILLOR CATHERINE McKENNEY:** Correct.

20           **COUNCILLOR MATHIEU FLEURY:** And proud.

21           **MS. NATALIA RODRIGUEZ:** Can you tell me a little  
22 bit about the wards you represent? Catherine McKenney, we'll  
23 start with you.

24           **COUNCILLOR CATHERINE McKENNEY:** The ward I  
25 represent is Somerset Ward. We're located in it. The boundary  
26 is the Canal to the Trillium Line, just west of Preston, and  
27 then north to the Ottawa River, south to the Queensway, except  
28 that Preston, it goes down to Carling for about three blocks and

1 then back up LeBreton.

2 **MS. NATALIA RODRIGUEZ:** Thank you.

3 Councillor Fleury?

4 **COUNCILLOR MATHIEU FLEURY:** So my area is called  
5 Rideau-Vanier. It is the communities of Lower Town, some would  
6 say the ByWard Market, Sandy Hill, which includes the University  
7 of Ottawa, and the former City of Vanier. My western, or where  
8 Councillor McKenney and I share a boundary is the Rideau Canal.  
9 So the first property in my ward is the Château Laurier.

10 **MS. NATALIA RODRIGUEZ:** Okay. Perfect. So I'm  
11 going to pull up a Google Map that we've created. It's been  
12 shared with the parties. And the orange section on the left  
13 there, Councillor McKenney, can you confirm whether that  
14 accurately represents the boundaries of your ward?

15 **COUNCILLOR CATHERINE McKENNEY:** Yes, it does.

16 **MS. NATALIA RODRIGUEZ:** And the area, the orange  
17 area on the right there, Councillor Fleury, maybe we can just go  
18 over where the boundary is, especially in the middle of the two.  
19 It's a little bit hard to distinguish. Yeah. Right there.

20 **COUNCILLOR MATHIEU FLEURY:** Yeah, the Rideau  
21 Canal.

22 **MS. NATALIA RODRIGUEZ:** Yeah, that's the Rideau  
23 Canal there. Okay.

24 So Councillor Fleury, can you confirm that that  
25 area represents the boundaries of your ward?

26 **COUNCILLOR MATHIEU FLEURY:** Correct.

27 **MS. NATALIA RODRIGUEZ:** And now I just want to  
28 take a moment to look at the geography of Ottawa as it relates

1 to the events in question a little bit more closely, because as  
2 we know, there are people from outside of Ottawa that are  
3 watching and may not have a sense of Ottawa geography. We've  
4 touched on a few things this morning, but generally, we can see  
5 Parliament Hill, if we can just zoom in on Parliament Hill.  
6 There we go. And there's a grey line that's directly in front  
7 of Parliament Hill there. And that represents Wellington  
8 Street, where a lot of the protest activity was happening.

9                   And if we zoom out from here and we look at the  
10 areas that are south of Parliament Hill that are captured in  
11 your wards, Councillor McKenney, can you give us a sense for  
12 where the residential areas on this map and whether they're  
13 confined to a specific area, or they're kind of sprinkled  
14 throughout, or whether there's a larger concentration in some  
15 areas?

16                   **COUNCILLOR CATHERINE McKENNEY:** Yes, of course.  
17 So the largest concentration is -- occurs from Laurier going --  
18 you know, going south.

19                   **MS. NATALIA RODRIGUEZ:** Okay. So Laurier, if we  
20 can just ---

21                   **COUNCILLOR CATHERINE McKENNEY:** Yeah.

22                   **MS. NATALIA RODRIGUEZ:** --- zoom in a little bit?  
23 That's Laurier there?

24                   **COUNCILLOR CATHERINE McKENNEY:** Yes.

25                   **MS. NATALIA RODRIGUEZ:** Is that correct?

26                   **COUNCILLOR CATHERINE McKENNEY:** Yes. And ---

27                   **MS. NATALIA RODRIGUEZ:** And it goes south from  
28 there?

1                   **COUNCILLOR CATHERINE McKENNEY:** And it goes south  
2 from there. And of course, Laurier from Kent going west.

3                   **MS. NATALIA RODRIGUEZ:** Yeah.

4                   **COUNCILLOR CATHERINE McKENNEY:** On Laurier, there  
5 are several high rises as well.

6                   **MS. NATALIA RODRIGUEZ:** Yes. And so we see Kent.  
7 We have the cursor right now at Kent and Laurier. So that's the  
8 intersection there?

9                   **COUNCILLOR CATHERINE McKENNEY:** Correct.

10                  **MS. NATALIA RODRIGUEZ:** And then on the east  
11 side, how far on the east and west sides do the residential  
12 areas expand?

13                  **COUNCILLOR CATHERINE McKENNEY:** The densest parts  
14 are to Metcalfe to the east, although there are some residential  
15 -- some residences on Elgin, but Elgin is a traditional  
16 mainstreet. So Metcalfe, ---

17                  **MS. NATALIA RODRIGUEZ:** Yeah.

18                  **COUNCILLOR CATHERINE McKENNEY:** --- certainly.  
19 And then going west, Bronson, however, Bronson going -- you  
20 know, past Bronson going down Wellington towards Sir John A.  
21 MacDonald Parkway also has some multi-residential buildings  
22 there as well. But Bronson, certainly in the Centretown area,  
23 is the border.

24                  **MS. NATALIA RODRIGUEZ:** And Councillor Fleury,  
25 where would the residential areas in your ward that were  
26 affected in this case by the convoy -- where would those be  
27 located on this map?

28                  **COUNCILLOR MATHIEU FLEURY:** I think the close --

1 the first location would be right beside the new Senate, former  
2 Union, which is 700 Sussex, at the corner of Sussex and Rideau.

3 **MS. NATALIA RODRIGUEZ:** Okay, so yeah, that's  
4 right ---

5 **COUNCILLOR MATHIEU FLEURY:** Across -- right  
6 beside the Chateau Laurier.

7 **MS. NATALIA RODRIGUEZ:** Yeah, so we're right  
8 there.

9 **COUNCILLOR MATHIEU FLEURY:** Yeah, across the  
10 street. So everything behind it is mixed use. There's a lot of  
11 ground-floor commercial but a lot of low-rise residences in the  
12 Byward Market. And then along Rideau Street, you have these  
13 high -- very high-density buildings that are 20-storey and above  
14 right -- starting at the Rideau Centre with 90 George, you have  
15 the Four Claridge Towers; you have the East Market Condos which  
16 are on Cumberland; and you have a lot of density along Rideau.  
17 One street up -- one street south, which would be on Besserer,  
18 and you have a lot of density along Cumberland as well.

19 **MS. NATALIA RODRIGUEZ:** And, Councillor McKenney,  
20 can you -- if we can go back to the residential centretown kind  
21 of area. Okay, yeah, there we are. Can you maybe give us a  
22 sense for -- and we'll get to the basis of your knowledge on  
23 this in a second, but can you maybe give us a sense for how  
24 widespread the trucks were when the convoy was in Ottawa? Where  
25 did they go to in terms of blocking the roads and kind of  
26 establishing themselves?

27 **COUNCILLOR CATHERINE McKENNEY:** So primarily on  
28 Kent going south, as far down as Kent and Somerset is as far the

1 occupation ever really extended, so Kent to Somerset, Bank  
2 Street.

3 **MS. NATALIA RODRIGUEZ:** So just one second.

4 **COUNCILLOR CATHERINE McKENNEY:** All right.

5 **MS. NATALIA RODRIGUEZ:** So let's just get to Kent  
6 and Somerset for a second and maybe we'll just -- we'll put a  
7 pin in there just so that we can visualize it. So I believe  
8 Somerset is ---

9 **COUNCILLOR CATHERINE McKENNEY:** Yeah, just up  
10 from ---

11 **MS. NATALIA RODRIGUEZ:** Just up -- yeah, just in  
12 that corner there, right?

13 **COUNCILLOR CATHERINE McKENNEY:** Yes.

14 **MS. NATALIA RODRIGUEZ:** Yeah, right there. Yeah,  
15 so that's Kent and Somerset. Are we able to drop a pin? Okay,  
16 well, we'll have to, then, just visually visualize it ourselves,  
17 okay. So let's zoom out from there. Okay. And then -- so that  
18 would be kind of the southeast -- the southwest corner?

19 **COUNCILLOR CATHERINE McKENNEY:** Correct.

20 **MS. NATALIA RODRIGUEZ:** And where else from  
21 there?

22 **COUNCILLOR CATHERINE McKENNEY:** Bank Street had  
23 truck parked on it down Bank as far as, I would say, Lisgar. So  
24 Lisgar is just north of Somerset ---

25 **MS. NATALIA RODRIGUEZ:** Okay, yeah.

26 **COUNCILLOR CATHERINE McKENNEY:** --- one block  
27 north.

28 **MS. NATALIA RODRIGUEZ:** Yeah, one block north of



1 there, okay.

2 **COUNCILLOR CATHERINE McKENNEY:** And then Metcalfe  
3 and O'Connor but it would expand during the weekends when more  
4 vehicles came into the city on the weekends. So Metcalfe and  
5 O'Connor, at times, mostly on the weekends, could have a lot of  
6 vehicles parked ---

7 **MS. NATALIA RODRIGUEZ:** Yeah.

8 **COUNCILLOR CATHERINE McKENNEY:** --- but it did  
9 expand and contract depending on the time of the week.

10 **MS. NATALIA RODRIGUEZ:** So several blocks south  
11 from Parliament down to Somerset is about -- it was six or seven  
12 blocks south and then expanding maybe five blocks east to west?

13 **COUNCILLOR CATHERINE McKENNEY:** Correct.

14 **MS. NATALIA RODRIGUEZ:** Okay, thank you.

15 And, Councillor Fleury, then, in terms of where  
16 the convoy expanded into in your area, can you give us a sense  
17 based on the map?

18 **COUNCILLOR MATHIEU FLEURY:** Yes, it started in  
19 front of Chateau Laurier ---

20 **MS. NATALIA RODRIGUEZ:** Yes, okay.

21 **COUNCILLOR MATHIEU FLEURY:** --- so what would be  
22 One Rideau.

23 **MS. NATALIA RODRIGUEZ:** Right, right there.

24 **COUNCILLOR MATHIEU FLEURY:** Yeah. Went through  
25 the intersection of Sussex. There were a number of -- you know,  
26 further down towards the Shaw Centre, further up towards George  
27 Street, all the way down Rideau Street, up to Waller.

28 **MS. NATALIA RODRIGUEZ:** Yeah, so we just got to

1 go up on the map a little bit here.

2 COUNCILLOR MATHIEU FLEURY: Yeah, they're ---

3 MS. NATALIA RODRIGUEZ: Oh, other way.

4 COUNCILLOR MATHIEU FLEURY: It's going east.

5 MS. NATALIA RODRIGUEZ: There we go.

6 COUNCILLOR MATHIEU FLEURY: That's right.

7 MS. NATALIA RODRIGUEZ: Yeah, that's right. So  
8 we're going that way now, okay.

9 COUNCILLOR MATHIEU FLEURY: So towards King  
10 Edward ---

11 MS. NATALIA RODRIGUEZ: Yeah.

12 COUNCILLOR MATHIEU FLEURY: --- there were rigs  
13 along King Edward and there were rigs all the way to the Loblaws  
14 on Rideau, which is at Nelson and Rideau. So that was the  
15 furthest eastern segment. And then were sections of rigs beside  
16 the University of Ottawa, Desmarais Building on Nicholas.

17 MS. NATALIA RODRIGUEZ: Right, and we see a pin  
18 there just on the bottom there. Now, there's a pin at the top  
19 there where it says "Shepherds of Good Hope" and I understand  
20 there was incident there.

21 COUNCILLOR MATHIEU FLEURY: Correct.

22 MS. NATALIA RODRIGUEZ: Did the trucks expand up  
23 to that area?

24 COUNCILLOR MATHIEU FLEURY: Correct.

25 MS. NATALIA RODRIGUEZ: Okay. So if we can  
26 expand -- if we can zoom out, rather. So we can -- it seems  
27 pretty expansive, then, if we're looking all the way up there  
28 and then down to the residential areas in Centretown. Okay, so

1 that's very helpful to get a sense for the scope and breadth  
2 that we're talking about when we're discussing some of these  
3 issues. Okay, I think we can take the map down for now.

4 Just a high level -- and we're going to get into  
5 more details but I just wanted to ask at a high level how the  
6 residents in your ward were impacted by the protests of January  
7 and February of this year. Councillor McKenney, I'll start with  
8 you.

9 **COUNCILLOR CATHERINE McKENNEY:** Well, on the  
10 first weekend, people were braced for, you know, what they  
11 anticipated would be serious disruption. They were surprised  
12 when -- and frustrated and angry when the city and/or police  
13 allowed trucks to actually enter non-truck routes. So trucks --  
14 very large trucks parked along Queen Elizabeth Driveway, for  
15 example, which is not a truck route, and stayed there for the  
16 weekend, and then coming down Kent, Metcalfe, O'Connor. So  
17 there was, you know, that first weekend, more of a bracing just  
18 to kind of get through the weekend.

19 Started to see almost immediately -- and I  
20 started to receive emails and it was on social media -- symbols  
21 of hatred, you know, swastikas and Confederate flags, you know,  
22 Pride flags being, you know, targeted, so there was fear.  
23 Certainly, people that first weekend who were reporting back to  
24 me, and calling me, and emailing were fearful but they were  
25 braced for it and, you know, had been told that would it end on  
26 Monday and waited for that.

27 So after Monday, when it didn't end, it just  
28 became -- you know, in the words of people who were, you know,

1 calling me and talking to me, they felt that they were under a  
2 great deal of threat, seniors reporting that they, you know, had  
3 trouble going out, they felt threatened when they went into a  
4 grocery store, you know, residents not being able to leave their  
5 apartments.

6 I had to help on couple leave the downtown with a  
7 police escort on the first weekend. There was a Pride flag in  
8 their window. They're apartment was targeted. Somebody had  
9 defecated on the back step. And then later that night, you  
10 know, a pickup truck with angry people in it came back and were  
11 harassing and yelling at them so, at that point, they felt very  
12 unsafe and we had a police escort them out.

13 So it was, you know, a general sense of fear,  
14 terror, and, you know, dismay that they felt abandoned by their  
15 city and by their police.

16 **MS. NATALIA RODRIGUEZ:** Councillor Fleury, how  
17 about you?

18 **COUNCILLOR MATHIEU FLEURY:** I'd like to add ---

19 **MS. NATALIA RODRIGUEZ:** Sure.

20 **COUNCILLOR MATHIEU FLEURY:** So just to recognize  
21 that everything my colleague said is very similar to the  
22 realities I face -- that our communities face. I would add that  
23 the number of closures -- we have, in my community, one of the  
24 largest commercial properties, which is the Rideau Centre  
25 located at the corner of Rideau and Colonel By. There's 300  
26 business in the Rideau Centre. I'm told by the general manager,  
27 close to 3000 employees, and they were forced to close on the  
28 first Saturday and it took them about four hours, with help from

1 police, to properly close the facility.

2           Many of the businesses in the Byward Market --  
3 there's around -- it's hard to give you an official because  
4 there's businesses along Rideau Street; there's businesses in  
5 the Byward Market. Many of them closed for the weekend and  
6 never reopened. Those who stayed open, many closed after that  
7 first weekend because of incidents with staff. And many  
8 incidents were reported relating -- there were a number of  
9 restrictions in place at the time? Mask wearing -- restaurants  
10 were not open. There's a number of elements like that which  
11 created many incidents with part-time restaurant staff in the  
12 Byward Market and on Rideau Street.

13           And then the non-stop noise of that first  
14 weekend, we have, as you've seen this morning and as we've  
15 encountered through the realities of walking through the site  
16 and communication with businesses and residents, just a non-  
17 liveable area for folks who lived in the Byward Market, lived on  
18 Rideau Street, lived on the northern part of Sandy Hill. Non-  
19 stop noise, the intimidation when they went out, specifically if  
20 they followed regulations and wore masks.

21           There were a number of incidents where bus  
22 detours had to be conducted and we have communications with  
23 residents who, for example, waited for a Para-Transpo -- Para-  
24 Transpo is the accessible bus of Ottawa -- and couldn't get to  
25 their cancer treatment because the bus couldn't get there and  
26 they were not mobile.

27           There were a number of incidents, as you know,  
28 and both Councillor McKenney and I, we have the LRT, the tunnel

1 section. So if you want to access transit you have to walk --  
2 go through long escalators to the platform. And there were a  
3 lot of movements between St. Laurent Shopping Centre and the  
4 downtown core. And many incidents on those trains that went  
5 unreported. And you know, fortunately OC Transpo did adapt but  
6 those first few days to weekends it was quite challenging. And  
7 so much so that many of the transit routes downtown just didn't  
8 operate.

9 **MS. NATALIA RODRIGUEZ:** And Councillor McKenney,  
10 were the businesses in your ward similarly affected?

11 **COUNCILLOR CATHERINE McKENNEY:** Yes, they were,  
12 Sparks Street in particular and also Bank Street. Bank Street  
13 ended up being closed down with trucks parked on it, all the way  
14 south to just north of Somerset. So I would say Lisgar. Again,  
15 on the weekends is when it really -- things would escalate. The  
16 transit stations were taken over. There were makeshift  
17 kitchens. There were barrels with fires burning on the street.  
18 And yeah, it was impossible for anyone to move about without  
19 encountering the people in the city who were occupying the city  
20 at the time.

21 **MS. NATALIA RODRIGUEZ:** Thank you. And I  
22 understand that during the second and third weeks particularly,  
23 both of you visited the site, walked around, walked the streets.  
24 Can you maybe describe a little bit of what you saw during those  
25 walks?

26 I'll start with Councillor Fleury.

27 **COUNCILLOR MATHIEU FLEURY:** Very different from  
28 weekends to week days. On week days it was more, let's call

1 them, permanent occupiers with the larger rigs. As the weekend  
2 approached, it was pickup trucks that would be parking anywhere  
3 and everywhere and kind of add to the existing weapons that were  
4 on the street and that tension that was existing.

5 **MS. NATALIA RODRIGUEZ:** Sorry, by "weapons" what  
6 do you mean by "weapons"?

7 **COUNCILLOR MATHIEU FLEURY:** Well, for us, you  
8 know, having the physical truck on the street created a big  
9 weapon in the spirit of the noise, the pollution of the fumes,  
10 the ability for folks to operate their businesses, to open, for  
11 us to offer services. There were a lot of rigs at the corner of  
12 Sussex and Rideau, and Rideau Centre is kind of that connection  
13 point on transit and for many of the access in and out of the  
14 market and on transit for routes that are coming from the  
15 western part of downtown and the eastern part of downtown.

16 So not having access to that Rideau Sussex  
17 intersection created that congestion in that space. So I mean,  
18 I could go on and on but I think you get the picture that there  
19 were really really -- you couldn't. You couldn't live in that  
20 space. It was non-stop noise, non-stop pollution. You couldn't  
21 get out because you'd hear yells. You'd get yelled at. There  
22 were a number of micro aggressions on the periphery of the red  
23 zone, particularly in residential communities which both  
24 Catherine and I lived firsthand and heard directly from  
25 residents.

26 And then through the weekend it was this influx  
27 of pickup trucks who would not follow rules. Like, for example,  
28 in the market, you know, the Byward Market -- and just to locate

1 you a little bit, at the corner of Byward and George Street  
2 there's The Bay on one side. So there's this big kind of  
3 sidewalk, if you will, that leads to Sussex.

4           The road is pretty defined. It's a one lane in  
5 each direction with parking bays on each side. Well, pickup  
6 trucks were just parked anywhere and everywhere in any  
7 direction, on the sidewalk, in vehicular lanes, so even if  
8 residents or businesses, for example like The Bay, Chapters, and  
9 so on -- their loading zone is right there. They couldn't  
10 physically get garbage in and out or their equipment if they  
11 wanted to open. So you kind of -- I'm giving you an example.  
12 It was the same issues along Rideau. It was the same issues  
13 along Nicholas, and in different parts of the Byward Market.

14           **MS. NATALIA RODRIGUEZ:** Thank you.

15           Councillor McKenney, what kind of issues did you  
16 observe on your walks?

17           **COUNCILLOR CATHERINE MCKENNEY:** So I started to  
18 go out after the first weekend, Monday, when we knew that, you  
19 know, about 80 percent of the large trucks left. But the 20  
20 percent that were left were remaining and had -- you could see  
21 no intention of leaving anytime soon. And as Councillor Fleury  
22 said, we would get this surge of people coming into the city who  
23 were sympathetic to the, you know, original convoy that had  
24 entered.

25           I started to go out at that week, walk around. I  
26 would go through the convoy and observe. I would meet with  
27 residents who were feeling threatened. I delivered food to some  
28 people. I delivered pet food to some people, in particular, who



1 were living in some of our community housing buildings who felt  
2 very threatened and not able to go out.

3 I organized one -- what we called the safety walk  
4 so that we could come out together as a community. And that  
5 happened the second week. But you know, we stayed within the  
6 residential area away from, you know, where the convoy had taken  
7 root. We had organized a second one and we called it off  
8 because the environment just felt more threatening and I didn't  
9 -- my fear through all of this and my key concern through all of  
10 this was the safety of residents that I represent.

11 You know, there was nothing more on my mind than  
12 the safety of the people that live in the city and that I  
13 represent. So you know, again it would get the surge on the  
14 weekends and you know, I have stated before and I will again,  
15 you know, I was always careful when I went down, walked through  
16 the convoy. I was accosted on a few occasions but not, you know  
17 -- never felt that I was in any real danger.

18 But walking home through the residential streets  
19 was always when I felt the most threatened. It's often when I  
20 was threatened. You know, homophobic slurs, transphobic slurs,  
21 just you know, people recognizing me from media or other means.  
22 So it was more, you know, on the streets going home it was more  
23 those isolated incidents that were the greatest threat  
24 throughout the -- and that's what I heard from residents as  
25 well.

26 You know, it was uncomfortable. They had to stay  
27 safe walking through the convoy especially if they wore a mask,  
28 racialized. But it was outside of that where it was more so the

1 people who were sympathetic to the convoy who were coming into  
2 the city and causing that type of fear.

3 **MS. NATALIA RODRIGUEZ:** And I'm going to take you  
4 then, Councillor McKenney, to a document that you received.  
5 It's a video that was sent to you by a resident and you have  
6 mentioned that residents were communicating with you and sending  
7 you correspondence. It's at OT00012814.

8 Now, first of all, do you recall receiving this  
9 video from a constituent?

10 **COUNCILLOR CATHERINE McKENNEY:** I do.

11 **MS. NATALIA RODRIGUEZ:** And the email indicates  
12 that it was on February 1<sup>st</sup>. Do you have a sense for where the  
13 video was taken just based on what you could see there? And we  
14 could just show it up again just to --maybe just a still shot of  
15 the video.

16 Just on pause here.

17 But does that give you a sense for where the  
18 video was taken?

19 **COUNCILLOR CATHERINE McKENNEY:** Yes. It would  
20 indicate that it's on Metcalf Street, either Metcalfe, Nepean.  
21 It's just behind the Shopify building, which is on Elgin.

22 **MS. NATALIA RODRIGUEZ:** And that's the one we're  
23 -- that blue kind of beige one that we're seeing there, that's  
24 the Shopify building?

25 **COUNCILLOR CATHERINE McKENNEY:** Correct.

26 **MS. NATALIA RODRIGUEZ:** Okay. And so this is a  
27 residential area?

28 **COUNCILLOR CATHERINE McKENNEY:** Yes, it is.

1 **MS. NATALIA RODRIGUEZ:** And it's in your ward?

2 **COUNCILLOR CATHERINE McKENNEY:** Yes, it is.

3 **MS. NATALIA RODRIGUEZ:** And is this consistent  
4 with the kind of sound level that you experienced in that area?

5 **COUNCILLOR CATHERINE McKENNEY:** Yes, it is.

6 **MS. NATALIA RODRIGUEZ:** And this is, you know,  
7 one video that was sent to you, but were there others in similar  
8 kind of nature, or how would you this relative to the other  
9 emails and communications that you received?

10 **COUNCILLOR CATHERINE McKENNEY:** Certainly, it was  
11 very consistent with other messages I received, but also social  
12 media that I was being sent. And also, just being in the area  
13 for days and having that type of horn noise going on almost  
14 24/7, it was very -- it almost never stopped. It might for a  
15 half-an-hour now and then, and it would start up again, and it  
16 just traumatized residents. So it was very difficult to absorb  
17 that terror that residents were living under. It's why I just  
18 went down every day just so that I would be able to give voice  
19 to it.

20 **MS. NATALIA RODRIGUEZ:** And I'm going to take you  
21 now to another email you received, and it's at OTT, three  
22 zeroes, 14415. And so we can see that it's dated February 2nd,  
23 and the subject line is Centre Town Convoy Disruptions and  
24 Noise, and the sender starts by saying:

25 "Good afternoon. I hope you're all  
26 having a peaceful afternoon. I'm not.  
27 I live on the intersection of Metcalfe  
28 and Cooper Streets in Downtown Ottawa.

1                   Since Friday, I have had a non-stop  
2                   barrage of truck horns, a very illegal  
3                   train horn, drunken revellers and plain  
4                   old guys screaming in my neighbourhood.  
5                   This is oftentimes directly outside of  
6                   my window, and I am just above street  
7                   level. See attached video to  
8                   experience how loud it was this past  
9                   Sunday. This started as early as  
10                  7:00 a.m., and over the weekend I heard  
11                  honking and screaming until well past  
12                  1:00 a.m." (As read)

13                 Do you recall this email?

14                 **COUNCILLOR CATHERINE McKENNEY:** I do.

15                 **MS. NATALIA RODRIGUEZ:** And this person indicates  
16                 that they're at Metcalfe and Cooper. And can you confirm that's  
17                 a residential area within your ward?

18                 **COUNCILLOR CATHERINE McKENNEY:** Yes, it is.

19                 **MS. NATALIA RODRIGUEZ:** And this person describes  
20                 horns as early as 7:00 a.m. and at times going past 1:00 a.m.  
21                 Does that accord with your experience as well?

22                 **COUNCILLOR CATHERINE McKENNEY:** Yes, it does.

23                 **MS. NATALIA RODRIGUEZ:** And if we look at the  
24                 fourth paragraph, this person says:

25                                 "Besides all of this, I have anxiety,  
26                                 constantly being on edge, not knowing  
27                                 how long I will have just a little  
28                                 peace and quiet, or if I will be able

1 to safely get groceries. It's taking  
2 its toll on me. My jaw hurts from  
3 clenching non-stop, my heart constantly  
4 races, I have been sleeping on average  
5 of three to four hours a night, I can't  
6 stop shaking, I'm barely eating and my  
7 stomach ache is constantly upset. My  
8 anxiety is well-controlled in normal  
9 times, but prescribed medication and  
10 coping mechanisms can only do so much  
11 when the threat is real and constant."

12 (As read)

13 How would you say this resident's description of  
14 the impacts compares to the overall tone of communications that  
15 you were having with residents?

16 **COUNCILLOR CATHERINE McKENNEY:** This is one of  
17 hundreds of emails that I received with this very, very similar  
18 description of what was happening for people who lived in the  
19 residential area, in Centre Town. By this time, anybody who  
20 could leave was leaving. I had parents calling me from out of  
21 town trying to get their adult children out of that area. So  
22 this was the beginning when people in Centre Town, if they could  
23 leave they were, and people being -- people who were left  
24 behind, for the most part, relayed this type of experience to me  
25 for three-and-a-half weeks, and they had nowhere else to go.

26 **MS. NATALIA RODRIGUEZ:** And we're just going to  
27 look at the video that the constituents sent to you. It's at  
28 OTT, three zeroes, 14416.

1 [VIDEO PLAYBACK]

2 [END VIDEO PLAYBACK]

3 MS. NATALIA RODRIGUEZ: And Councillor Fleury,  
4 did you receive similar emails regarding impacts from your  
5 constituents?

6 COUNCILLOR MATHIEU FLEURY: Very similar, daily.  
7 Everything that Councillor McKenney is describing is what we  
8 were both hearing from any resident that was within the red zone  
9 or on the periphery of the red zone, plus a number of  
10 microaggressions that are described. People were scared to  
11 leave, even if they weren't in the red zone, and when they left  
12 there was a number of incidents near the red zone which created  
13 additional anxiety. The noise, the smells, the fumes non-stop.

14 I mean, I think this email is actually pretty  
15 light compared to some of the emails we received, frankly.  
16 People were losing it and losing it on all -- you know, locally  
17 on us, as their councillor. We were trying to do our very best,  
18 on the City, on authorities, yeah, I think this email is  
19 actually pretty tame compared to some of the stuff we received.

20 MS. NATALIA RODRIGUEZ: Thank you. And so for  
21 your ward, did the -- you showed us on the map how far east the  
22 convoy was kind of established. Would you say that the noise  
23 issues were spread in a similar fashion to where you indicated  
24 the trucks were located in your ward?

25 COUNCILLOR MATHIEU FLEURY: Yes. As you know,  
26 Rideau Street has very high buildings, so the noise did bounce  
27 off some of those buildings creating larger zones. Because it  
28 is the, kind of the winter period, so the noise travels much

1 further into the -- this is mixed use zones along Rideau and the  
2 ByWard Market, but into the pure residential zones of Lower Town  
3 area, and in the northern part of Sandy Hill, particularly.

4 **MS. NATALIA RODRIGUEZ:** Thank you. And we're  
5 going to go to a video provided to us by the affidavit of Sean  
6 Flynn that's been submitted by the Coalition of Businesses and  
7 Residents, and this is at COA, five zeroes, 132. Yes, five  
8 zeroes.

9 **[VIDEO PLAYBACK]**

10 **[END VIDEO PLAYBACK]**

11 **MS. NATALIA RODRIGUEZ:** And Councillor Fleury,  
12 can you -- are you able to tell us the location where that video  
13 was taken just based on the surroundings there?

14 **COUNCILLOR MATHIEU FLEURY:** Yeah, that's on  
15 Rideau Street, on the north side of Rideau Street, right before  
16 you get to Sussex Avenue.

17 **MS. NATALIA RODRIGUEZ:** And you walked through  
18 that area during ---

19 **COUNCILLOR MATHIEU FLEURY:** Many times.

20 **MS. NATALIA RODRIGUEZ:** Okay. And does that  
21 accord with your recollection of what it was like walking  
22 through that area?

23 **COUNCILLOR MATHIEU FLEURY:** Yes.

24 **MS. NATALIA RODRIGUEZ:** And we know from this  
25 morning that February 7th, one of the residents, Zexi Li, who  
26 testified earlier today, obtained an injunction to stop airhorns  
27 and train horns in the downtown area. Would you say that the  
28 noise level improved after February 7th, and if so, did it stay

1 like that, you know, throughout or did it come back? How would  
2 you describe the noise level after February 7th? I'll start  
3 with Catherine McKenney.

4 **COUNCILLOR CATHERINE McKENNEY:** Yes, it did  
5 subside. The horns certainly subsided. There were still some  
6 instances, you know, in the following days, where, you know,  
7 horns would start up again, but overall we were not getting, you  
8 know, that constant airhorn from 7:00 a.m. until 11:00 or 1:00  
9 even. It did have a -- it did make a dramatic improvement in  
10 terms of the horns.

11 **MS. NATALIA RODRIGUEZ:** Councillor Fleury?

12 **COUNCILLOR MATHIEU FLEURY:** Agree.

13 **MS. NATALIA RODRIGUEZ:** And I want to just take  
14 you to another video, also in the affidavit of Sean Flynn. It's  
15 at Exhibit F, and the document ID is COA, five zeroes, 136. And  
16 before we play it, I just want to preface it that based on the  
17 affidavit it indicates that it's on February 12th, that's what  
18 the affidavit states, which would be after the injunction, and  
19 the affidavit states that it was on Albert and O'Connor. So  
20 with that context we can watch.

21 **[VIDEO PLAYBACK]**

22 **MS. NATALIA RODRIGUEZ:** So based on that, would  
23 you say that that accords with your recollection of what it  
24 would have been like around the 12<sup>th</sup> of February in the downtown  
25 area?

26 **COUNCILLOR CATHERINE McKENNEY:** So I'm not  
27 certain if February 12<sup>th</sup> was the weekend. What I can tell you is  
28 that on the weekends when we would get a surge of people who



1 were sympathetic to the occupation coming into the city, it  
2 would become much, much more disruptive, much louder, but also  
3 even though after the injunction things were quieter, it would  
4 pick up at times, absolutely.

5 **MS. NATALIA RODRIGUEZ:** And February 12<sup>th</sup> would  
6 have been a Saturday. So ---

7 **COUNCILLOR CATHERINE McKENNEY:** That makes sense.  
8 It looked like a Saturday, judging from the video.

9 **MS. NATALIA RODRIGUEZ:** And Councillor Fleury?

10 **COUNCILLOR MATHIEU FLEURY:** Yeah, agree.

11 **MS. NATALIA RODRIGUEZ:** And in terms of any kind  
12 of threats to safety, unruly behaviour, was any of that type of  
13 personal safety issues reported to you and/or did you witness  
14 any of that yourself, Councillor McKenney?

15 **COUNCILLOR CATHERINE McKENNEY:** I didn't  
16 personally witness any acts of violence. I was -- you know, I  
17 was told about them. I had -- actually, it was a friend. It  
18 was reported in the media. She's 70, or was 70 at the time, and  
19 she was at the corner of Somerset and Bronson, and this was on a  
20 weekend. And a man who had come into the city, you know, who  
21 had flags on him and was part of the surge, the weekend surge,  
22 punched her in the face. So that's a friend of mine. That's  
23 somebody I know. I didn't know it was her at the time when it  
24 was reported. I found out later that it was her.

25 And someone reported to me that a friend of  
26 theirs was wearing a mask on our light rail train, was accosted  
27 for wearing the mask, and ended up having his nose broken. But  
28 that was -- that's not something that I witnessed first hand.

1           Also, we had instances, you know, where people  
2 reported back that, you know, they would try to go out, they  
3 were circled by people, you know, intimidating them, asking for  
4 police help, it just wasn't there. People just felt very  
5 abandoned while there was, you know, the -- while this was  
6 happening in their residential area, in their neighbourhood.  
7 They also had no security. Everything was focused on Wellington  
8 Street and north of Laurier. And police just weren't responding  
9 to the threats that people felt that they were under.

10           So that was reported to me in hundreds of phone  
11 calls, as I was downtown with people, and just, you know,  
12 general lawlessness without any security available for people.

13           **MS. NATALIA RODRIGUEZ:** How about you, Councillor  
14 Fleury?

15           **COUNCILLOR MATHIEU FLEURY:** Yes, I would concur  
16 with the description and give additional additions to the  
17 matter. There were detour bus routes that were in effect that  
18 were on the periphery, if you will, of King Edward and Rideau  
19 and there was an elderly couple waiting for the bus with their  
20 mask, they were stripped off the mask waiting for the bus, just  
21 while they were waiting for the bus.

22           In the ByWard Market, on the edge of the ByWard  
23 Market, we have an Andrew Fleck Childcare Centre, where there  
24 were a number of incidents, and I believe they had to -- I was  
25 communicated by the Executive Director that they had to close.  
26 They had reported a few days earlier, incidents that were  
27 happening. And ultimately, I believe on February 6<sup>th</sup>, they  
28 decided to close for kid's and their own staff's safety.

1           There was media reports, and I had discussions  
2 with the Executive Director at Shepherds of Good Hope of the  
3 incident around one of the homeless residents who was assaulted  
4 and beaten up and where food was stolen at Shepherds of Good  
5 Hope.

6           There were a number of incidents, too many to  
7 give you a full description, but there were a number of coffee  
8 shops that were remaining open, because coffee is sort of an  
9 easy pick up and go environment, and there were a number of  
10 incidents where crowds would come into these coffee shops and  
11 take over the space and threaten staff. And a number of  
12 encounters on Rideau Street and in the ByWard Market  
13 specifically.

14           **MS. NATALIA RODRIGUEZ:** So these were all  
15 incidences that were reported to you by constituents or business  
16 owners?

17           **COUNCILLOR MATHIEU FLEURY:** Business owners, the  
18 staff, and we would take that information and ensure that it was  
19 appropriately reported to the authorities, and we'd ask for  
20 clarification. At some point through the process, we had a  
21 liaison officer who we hoped, you know, we were conveying that,  
22 and we hoped that was following up on these incidents, but they  
23 kept happening. They kept happening.

24           I describe them as microaggression, because they  
25 -- you know, it wasn't the punching in the face, but it was all  
26 these microaggressions in transit, walking to businesses,  
27 childcare, homeless shelters. A number of these incidents that  
28 created an unsafe environment for residents and business

1 operators in the area.

2 **MS. NATALIA RODRIGUEZ:** And when you say you were  
3 forwarding these to the authorities, who in particular were you  
4 forwarding these incidences to?

5 **COUNCILLOR MATHIEU FLEURY:** It depends. It  
6 depends, but usually it was an official at the City of Ottawa,  
7 either someone in Emergency Services, or the City Manager. And  
8 the Ottawa Police. And that depends as well. Early days, they  
9 weren't as coordinated, so a lot of information directly to the  
10 Chief, and then after that, they created an environment where we  
11 were -- all councillors, but obviously Catherine and I more so,  
12 because we were flooded with communication by residents, we were  
13 providing that to the police authorities.

14 **MS. NATALIA RODRIGUEZ:** And Councillor McKenney,  
15 did you forward, also, reports that you were receiving from your  
16 constituents to authorities? And if so, to whom?

17 **COUNCILLOR CATHERINE MCKENNEY:** Yes. So early  
18 on, I was. You know, not every email. I would, you know,  
19 answer emails, respond to emails, try to get as much information  
20 out to residents as possible. Every day I would consider what  
21 residents -- what information they needed. So I would respond  
22 in that way. It was just -- it was hundreds of emails. Four  
23 staff who did nothing but respond all day long.

24 You know, certainly when it was, you know, if it  
25 was something that was, you know, was being relayed to me that,  
26 you know, criminal, you know, I would forward that to police.

27 But by, you know, a week in, when I just didn't  
28 feel anyone was taking the complaints very seriously and they

1 were just getting more and more -- what I was hearing was just  
2 getting more and more serious and worrisome, I -- every day I  
3 would bundle up emails and send it to who was then the Chief of  
4 Police, the Police Services Board, our City Manager, Mayor, and  
5 I would just send it all and tell them, you know, it was for --  
6 if I knew I would be hear one day, it was for the inevitable  
7 inquiry into what is going -- you know, what will be an inquiry  
8 into this.

9 I just didn't know what else to do by that point.  
10 I just didn't feel that there was any support available for us.

11 **MS. NATALIA RODRIGUEZ:** Now I want to show a  
12 video that was part of the City of Ottawa's productions. And  
13 it's at OTT00010436.

14 **[VIDEO PLAYBACK]**

15 **MS. NATALIA RODRIGUEZ:** Now, first of all, have  
16 either of you seen this video before?

17 **COUNCILLOR CATHERINE McKENNEY:** I have.

18 **COUNCILLOR MATHIEU FLEURY:** Yeah.

19 **MS. NATALIA RODRIGUEZ:** Okay. Yes. And do you  
20 know the context in which it came to us in our production? Do  
21 you know who it belonged to or how it came to us, by any chance?

22 **COUNCILLOR MATHIEU FLEURY:** I do not.

23 **COUNCILLOR CATHERINE McKENNEY:** No, I don't.

24 **MS. NATALIA RODRIGUEZ:** What I want to ask about  
25 it is, Councillor Fleury, you had used the term "weapons" when  
26 describing the trucks, and here in this video we see some unsafe  
27 behaviour. It appears to show a truck driving in the wrong lane  
28 against traffic on the sidewalk. Did you observe any kind of

1 unsafe use of the trucks? Or what did -- can you expand on this  
2 notion of weaponizing that you mentioned earlier?

3 **COUNCILLOR MATHIEU FLEURY:** Sure. I was  
4 describing earlier the ByWard Market, where on weekends there  
5 were be the surge of folks. And obviously we have -- we're used  
6 to protests in Ottawa, we're used to events, we're used to  
7 Canada Day, where 100,000 people come to downtown core and  
8 celebrate our country. There's enough parking. There's parking  
9 underground, there's parking in the ByWard Market, paid parking.  
10 The rules of parking were not followed. People would park in  
11 any direction, would park on sidewalks. In a very pedestrian  
12 area, if you know the ByWard Market, it's small businesses,  
13 storefronts. It's really clear where you're supposed to park  
14 and where is the pedestrian route. So the surge of vehicles,  
15 pickups, is one of the aspects, and we saw that in different  
16 areas of my community. The Biker's Church in Vanier was one  
17 area. De La Salle High School was another one. Along Rideau  
18 Street and the ByWard Market were other areas. Nicholas were  
19 others. So there's that -- those incidents of people not  
20 following the rules of the road in pickup trucks, which is a  
21 different vehicle, which is a weapon in itself. But the  
22 weaponized description to me is really the rigs who take space  
23 on the street and make noise through the horns that you've shown  
24 in video. The fumes -- and I know reading through the evidence  
25 preparing for this, we weren't informed of Ottawa Public Health  
26 and the risk to the health, but we were getting a lot of  
27 complaints from business operators and residents in the area of  
28 the smells, the intoxication of those smells. So the

1 compounding effect of noise, smells, the physical presence, the  
2 inability for folks to in some areas walk on the sidewalk, walk  
3 safely at a crosswalk. We have, like any community, folks with  
4 mobility needs, and getting on and off a curb anywhere and  
5 everywhere doesn't work safely. So that's the description of  
6 the weapon is that that truck took space on the road. The truck  
7 itself created an environment that was unsafe for the immediate  
8 neighbours and made it impossible for the -- what is our  
9 responsibility in terms of safety and wellbeing of residents and  
10 businesses in our community to safely live and be in the zone.

11 **MS. NATALIA RODRIGUEZ:** Thank you. Councillor  
12 McKenney, I want to take you to an email that you received.  
13 It's at ORR-00017349.

14 And if we go down to -- further down. Okay. So  
15 let me see. Go down a little bit more. Let's go down to the  
16 bottom. Okay. There we go.

17 So this is an email from -- redacted, it's a  
18 constituent, so it's been redacted. It was sent on February 4<sup>th</sup>,  
19 and the -- yeah, there we go. And the subject line is complete  
20 absence of police on Metcalf Ottawa occupation. And so this  
21 email describes the -- says the occupation is growing on these  
22 streets. And then at the second paragraph it says,

23 "OPS at 9:30 a.m. today said 150  
24 officers would be deployed but there  
25 isn't one in sight 6 hours later, and  
26 they are only digging in to their  
27 Metcalf stronghold." (As read)

28 Do you recall receiving this email?

1                   **COUNCILLOR CATHERINE McKENNEY:** I recall  
2 receiving emails. I can't say that I recall this one in  
3 particular, but I recall receiving emails that indicated that  
4 the residents did not feel that there was an OPS presence in  
5 Centretown.

6                   **MS. NATALIA RODRIGUEZ:** Okay. And if we go a  
7 little bit up from here, we'll see that you forward that on, on  
8 the same day to city council, Peter Sloly, some OPSB members.  
9 You copy a member of Parliament Yasir Naqvi, Minister Mendicino  
10 and Steve Kanellakos, the City Manager. And you talk about an  
11 absence of police presence in our downtown neighbourhoods and  
12 the ever-expanding red zone.

13                   Do you recall sending that email?

14                   **COUNCILLOR CATHERINE McKENNEY:** Yes, I do.

15                   **MS. NATALIA RODRIGUEZ:** And why did you forward  
16 this complaint? Was this part of just a general practice of  
17 forwarding complaints on to this group of people?

18                   **COUNCILLOR CATHERINE McKENNEY:** It was the  
19 beginning. You know, we -- this was, you know, the first week  
20 in, Monday. We expected the convoy to leave. It didn't.  
21 Tuesday, Wednesday, Thursday things were just getting more and  
22 more chaotic, more dangerous for residents. We were, you know,  
23 we were told that there would be a heightened police presence in  
24 the residential areas, and it just didn't happen. You could  
25 walk around the residential areas and, well, the chaos was  
26 happening. People were being harassed. Sometimes they were  
27 being followed. They -- you know, certainly reporting back to  
28 me, you know, people who had been, you know, assaulted. And



1 there was no police presence in their residential area. It was  
2 just all up at -- on the hill, on Wellington and the  
3 Parliamentary precinct area.

4 **MS. NATALIA RODRIGUEZ:** And if we go up a little  
5 bit from here, you say -- if you go up a little bit more just to  
6 look at the top, yeah, so just the bottom part of that page, the  
7 next day it looks like to the same group of people and you say,  
8 "This is the message I received back  
9 from OPS, which says today we had 20 to  
10 25 officers patrolling Centretown as  
11 well as NRT members." (As read)

12 And then you say,  
13 "20 to 25. A friend went out last  
14 night at midnight into the heart of  
15 Centretown and reported not one  
16 physical police presence. We continue  
17 to be abandoned in Centretown." (As  
18 read)

19 Do you recall that?

20 **COUNCILLOR CATHERINE McKENNEY:** Yes, I do.

21 **MS. NATALIA RODRIGUEZ:** And if we go up a little  
22 bit more, you get a response from Carol Anne Meehan, and I  
23 understand she was a member of the Ottawa Police Services Board  
24 at that time; is that right?

25 **COUNCILLOR CATHERINE McKENNEY:** That's correct.

26 **MS. NATALIA RODRIGUEZ:** And she says,  
27 "So very sorry, Catherine. Wish we had  
28 the power to do something besides

1 watch." (As read)

2 Now when she said that, what did -- what do you  
3 understand that she's saying there seeing as how she's a member  
4 of the Ottawa Police Services Board?

5 **COUNCILLOR CATHERINE McKENNEY:** I took it as an  
6 indication from the councillor, who was also a member of the  
7 Police Services Board, that she was also frustrated with the  
8 police response into the occupation.

9 **MS. NATALIA RODRIGUEZ:** So when she says "wish we  
10 had the power to do something besides watch", did you understand  
11 her to be speaking about you and her essentially, the two of  
12 you?

13 **COUNCILLOR CATHERINE McKENNEY:** No, I took it to  
14 mean -- the "we", I took it to mean we as my council colleagues,  
15 we as Police Services Board.

16 **MS. NATALIA RODRIGUEZ:** And Councillor Fleury,  
17 if we go up, you say -- you respond to this exchange now and you  
18 say, "No police in ByWard Market, Rideau either." Do you recall  
19 that?

20 **COUNCILLOR MATHIEU FLEURY:** I do.

21 **MS. NATALIA RODRIGUEZ:** And what does this --  
22 does this email thread capture the sentiment from constituents  
23 about lack of police presence, or some people have talked about  
24 this morning feeling abandoned by authorities. What can you say  
25 to that?

26 **COUNCILLOR MATHIEU FLEURY:** Yeah, absolutely. If  
27 you look at the date of this, I believe the red zone was  
28 smaller, and only encompassed sections west of the canal. And

1 police were, at the time, describing their presence in the red  
2 zone. So they -- although we were sharing community concerns on  
3 the periphery of the red zone, the reports we were getting back  
4 from the Ottawa Police was few incidents in the red zone and  
5 presence in the red zone, which our focus was where we were  
6 hearing concerns, on the periphery.

7                   It's not a new issue in Ottawa. I want to be  
8 clear. Like, we have about 99 demonstrations a year. Every  
9 time there's a demonstration in Ottawa, local taxpayers of  
10 Ottawa lose their local police force to those demonstrations.  
11 That means neighbourhood officers that are in Centretown, in the  
12 ByWard Market, in Vanier are then focused on whatever is the  
13 demonstration.

14                   In this instance, that was the initial, but it  
15 grew into something much more significant because of no actions.  
16 There were incidents, vehicles driving on the sidewalk, police  
17 nearby not taking action. So it grew into a lot of questions  
18 from all of us, including residents and businesses on what --  
19 are we in a state of chaos? Who's going to respond to elements  
20 that are happening that we wouldn't tolerate from just living in  
21 society or living in our city. And the -- not to lower the  
22 issues of the red zone, but the -- where we were pushing for  
23 more presence and support from community members was on the  
24 periphery of the red zone where folks were either living in the  
25 red zone, going to shop or getting out of the zone, and the  
26 number of incidents, or the opposite, coming into work, and  
27 there were incidents.

28                   I shared with you in one of our conversations the

1 situation in the Rideau LRT. Rideau LRT is our biggest LRT  
2 station, largest volume in the city. Ottawa Police refused to  
3 go into the LRT Station. I had to get the head of OC Transpo to  
4 come and meet with us. She recognized the incidents; they see  
5 it on camera. There's a bunch of CCTV cameras through our LRT  
6 network.

7 They brought special constables in. She had to  
8 go herself and her leadership team in red vests to give a sense  
9 that there was safety in these stations because the Ottawa  
10 Police refused to go in.

11 **MS. NATALIA RODRIGUEZ:** And when you talk of the  
12 red zone, what is your understanding of the boundaries of that  
13 zone? What do you mean when you say "the red zone"?

14 **COUNCILLOR MATHIEU FLEURY:** If you go back into  
15 official submission by the Ottawa Police, their Twitter accounts  
16 or their official communication in the City of Ottawa, they  
17 define the red zone. They basically took a map of both of our  
18 wards and would mark the red zone. It started off as being west  
19 of the canal and Albert -- north of Albert Slater towards  
20 Parliament. And it grew all the way to, I believe, Somerset in  
21 your area, and all the way to King Edward eastern part in mine.

22 **MS. NATALIA RODRIGUEZ:** So that would encompass  
23 residential zones? I just want to make sure that we're not  
24 separating red zone from residential zones because it sounds  
25 like there were residential areas within the red zone as well.

26 **COUNCILLOR CATHERINE McKENNEY:** Yeah.

27 **COUNCILLOR MATHIEU FLEURY:** There is.

28 **COUNCILLOR CATHERINE McKENNEY:** If I could, at

1 least from my perspective, it was Laurier and south of Laurier  
2 where we had no police presence, so I'm not entirely certain if  
3 at that point it was being referred to as a red zone. But it  
4 was north of Laurier where police resources were almost  
5 exclusively focused.

6 And if I could just give one example, and you  
7 know, I work very well with our community police officer. She's  
8 the head of our NRT, our Neighbourhood Response Team. She was  
9 my direct contact and one day I asked her if she would come with  
10 me to a building that had an attempted arson with doors taped.  
11 Residents were very frightened and she just reported back and  
12 said, "I'm sorry, but I'm being re-appointed to the convoy." So  
13 I knew then that police felt their response to the convoy did  
14 not include residential areas.

15 **MS. NATALIA RODRIGUEZ:** Thank you.

16 I want to take you to another email, OTT00005554.  
17 And its subject line is "Forward update re: trucks back on  
18 Metcalfe blocking two lanes as of this morning." It's dated  
19 February 8.

20 And then if we go down to the original email --  
21 yeah, there we go. The sender says:

22 "They are quickly multiplying in  
23 numbers with cars now being added since  
24 I first saw them at 9:00 a.m.. Here  
25 are videos and footage from another  
26 neighbour."

27 And if we go down we see this photo. Are you  
28 able to, Councillor McKenney, based on the photo, give an

1 indication of whereabouts it was taken?

2 **COUNCILLOR CATHERINE McKENNEY:** Yes. This is at  
3 Metcalfe, just south of Laurier.

4 **MS. NATALIA RODRIGUEZ:** And if we go up to your  
5 Foreword, it says:

6 "Trucks and vehicles taking over  
7 Metcalfe as I write a message to you."

8 And if we go up, I just want to see who you were  
9 sending this to. So you sent this to former Chief Sloly and  
10 copied Mayor Jim Watson, Member of Parliament Yasir Naqvi,  
11 Minister Mendocino, Councillor Fleury, and it looks like some  
12 other ---

13 **COUNCILLOR MATHIEU FLEURY:** Colleagues.

14 **MS. NATALIA RODRIGUEZ:** --- councillors, other  
15 councillors, yeah.

16 **COUNCILLOR CATHERINE McKENNEY:** M'hm.

17 **MS. NATALIA RODRIGUEZ:** Did you get a response  
18 from Former Chief Sloly on this email, do you recall?

19 **COUNCILLOR CATHERINE McKENNEY:** I don't recall  
20 getting a response, no.

21 **MS. NATALIA RODRIGUEZ:** And can you confirm then  
22 that the footprint of the convoy in the residential areas, as  
23 this email seems to indicate, was expanding over time?

24 **COUNCILLOR CATHERINE McKENNEY:** Yes, certainly it  
25 was moving east, Metcalfe, O'Connor, and then south down  
26 Metcalfe O'Connor to -- you know, Lisgar probably was as far  
27 south on Metcalfe and O'Connor that it expanded to. But yes, it  
28 was starting to grow at that point. Again, more so on the

1 weekends but people were very nervous when they -- seeing that,  
2 you know, this occupation was expanding onto the streets where  
3 they lived.

4 **MS. NATALIA RODRIGUEZ:** And you observed this  
5 kind of expansion yourself? It wasn't just through people  
6 reporting this to you?

7 **COUNCILLOR CATHERINE McKENNEY:** Oh no, I went  
8 down pretty much every day.

9 **MS. NATALIA RODRIGUEZ:** Thank you. And  
10 Councillor Fleury, in your ward did the area of the convoy grow  
11 over time or did it -- was it static over the course of the  
12 convoy?

13 **COUNCILLOR MATHIEU FLEURY:** It was certainly  
14 static in the Rideau Sussex node and along Rideau Street. I'd  
15 say east of King Edward towards the Loblaws, if you -- the  
16 Nelson and Rideau, it did change, I believe, on the third week.  
17 And the same thing along King Edward near the shelter when the  
18 incident happened. We saw that over time it was -- the parked  
19 rigs were getting closer to Rideau Street. So they had kind of  
20 doubled up on King Edward, instead of being on a long stretch  
21 along King Edward.

22 **MS. NATALIA RODRIGUEZ:** Okay. So they were  
23 concentrated more on ---

24 **COUNCILLOR MATHIEU FLEURY:** Rideau.

25 **MS. NATALIA RODRIGUEZ:** --- on Rideau. Okay.

26 So Councillor McKenney, I want to take you to  
27 some videos that you took while walking through the  
28 neighbourhoods. If we can go to OTT00030053.

1                   And if you can just describe to us what we're  
2 seeing in this video.

3                   **COUNCILLOR CATHERINE McKENNEY:** Yes. This is  
4 Kent Street. It's late at night. There are trucks idling,  
5 constant idling. And the reason for the video was to  
6 demonstrate the effect on people's homes. They're parked in the  
7 front steps of people's homes essentially with, you know,  
8 emissions pouring directly into people's bedroom windows.

9                   **MS. NATALIA RODRIGUEZ:** And was this a kind of a  
10 one-off? You saw this and took a video? Or is this something  
11 that you were seeing constantly through your walks?

12                   **COUNCILLOR CATHERINE McKENNEY:** I saw this every  
13 night for the entire occupation at this area, in this area.

14                   **MS. NATALIA RODRIGUEZ:** Thank you.  
15                   Councillor Fleury, did you notice idling as well  
16 in ---

17                   **COUNCILLOR MATHIEU FLEURY:** Yes.

18                   **MS. NATALIA RODRIGUEZ:** I'm going to take you to  
19 a video that's attached to an affidavit provided to us by the  
20 Coalition of Businesses and Residences. And it's a COA00000112.

21                   **(VIDEO PLAYBACK)**

22                   **MS. NATALIA RODRIGUEZ:** Okay. And Councillor  
23 McKenney, it looks like that's you that is depicted in the  
24 video. Can you confirm that?

25                   **COUNCILLOR CATHERINE McKENNEY:** Yes, it is.

26                   **MS. NATALIA RODRIGUEZ:** And do you know who  
27 recorded you?

28                   **COUNCILLOR CATHERINE McKENNEY:** Yes, Kiavash



1 Najafi.

2 **MS. NATALIA RODRIGUEZ:** Okay. And it's Mr.  
3 Najafi's affidavit that this is attached to so that makes sense.

4 And in the video it looks like you are taking a  
5 recording of a toilet, an outdoor toilet. Can you explain why  
6 you took that video? What was your concern there?

7 **COUNCILLOR CATHERINE McKENNEY:** So this was the  
8 Wednesday of the final -- the council meeting just before the  
9 occupation ended when I went down to Kent Street to record what  
10 I was seeing. I called into Council from Kent Street and what I  
11 was doing, just in order to demonstrate to my colleagues what  
12 was happening, and you know to show others what people were  
13 living under.

14 And at this point this was at the beginning of  
15 the council meeting. We were still on Zoom so at the beginning  
16 of the council meeting it was only the people who were allowed  
17 in as panelists, so council, the clerk's office, et cetera,  
18 staff, senior staff who could see what I was video taping. So  
19 normally the camera would be turned back at me and I would be  
20 sitting in my dining room. But I was down on Kent Street,  
21 turned the camera around. And while council was being  
22 introduced, rather than just sit there, I had the camera turned  
23 so that it would be evident to people in the council meeting  
24 what was happening on Kent St. that day.

25 **MS. NATALIA RODRIGUEZ:** And would that be the  
26 February 16 council meeting?

27 **COUNCILLOR CATHERINE McKENNEY:** Yes, it was.

28 **MS. NATALIA RODRIGUEZ:** Okay. And I want to take

1 you to an image that was also provided in the Najafi affidavit  
2 and it's at COA00000129. Are you able to locate this area or  
3 indicate whereabouts this is?

4 **COUNCILLOR CATHERINE McKENNEY:** Yes, this is also  
5 on Kent, Kent at Nepean.

6 **MS. NATALIA RODRIGUEZ:** Kent and Nepean, thank  
7 you. And did you observe, personally, what's being depicted in  
8 this image?

9 **COUNCILLOR CATHERINE McKENNEY:** Yes, I think I  
10 spoke to at least one of them on one occasion, one of the  
11 gentlemen here.

12 **MS. NATALIA RODRIGUEZ:** And can you describe what  
13 we're seeing here?

14 **COUNCILLOR CATHERINE McKENNEY:** Yeah, so this is  
15 Kent Street where the occupation took very strong root. And  
16 each block -- I learned this because I spoke to people as I  
17 travelled up and down Kent through the three weeks. Each block  
18 had a block captain. And, you know, there would be supplies  
19 brought in. There were often fires burning in barrels, trucks  
20 running. It was just an occupied street, I guess, is the best  
21 way to describe it. Yeah.

22 **MS. NATALIA RODRIGUEZ:** And what concerns did  
23 this raise in terms of health and safety or any other concerns  
24 aside from, obviously, they're -- they don't intend on leaving?

25 **COUNCILLOR CATHERINE McKENNEY:** M'hm. Well,  
26 certainly, as you can see, there are fires burning in the middle  
27 of our downtown street outside a residential area. There are --  
28 you can't see it in this photo but, you know, some of the video

1 that I took shows, you know, jerry cans around with oil -- with  
2 gasoline. Often, in the middle of the night, there were  
3 fireworks. So everything combined just made for an  
4 exceptionally dangerous environment people feet away from their  
5 bedrooms, their kitchens, their children's living area, schools  
6 in the downtown.

7 **MS. NATALIA RODRIGUEZ:** And Councillor Fleury, in  
8 your ward, were there similar types of encampments or, I guess,  
9 similar to what we're seeing here where there's stockpiling of  
10 food, and wood, and fires?

11 **COUNCILLOR MATHIEU FLEURY:** Along Nicholas, right  
12 beside the University of Ottawa; Sussex and Rideau; and, at  
13 times, on George Street.

14 **MS. NATALIA RODRIGUEZ:** Thank you.

15 Now, Councillor McKenney, I understand that on  
16 February 15 you attended a counter-demonstration, as it's  
17 called, in the Billings Bridge area; do you recall that?

18 **COUNCILLOR CATHERINE McKENNEY:** Yes, I do.

19 **MS. NATALIA RODRIGUEZ:** And what do you know  
20 about how this counter-demonstration came about or what the  
21 purpose of it was?

22 **COUNCILLOR CATHERINE McKENNEY:** I started to hear  
23 from residents early that morning and one of -- a colleague,  
24 Jean Menard, who is the councillor for that area, that -- again,  
25 it was a weekend -- that vehicles were expected to enter, you  
26 know, into the city to join -- to join the occupation. There  
27 were two locations where they were expected, one was a more  
28 residential area in the Glebe, Fifth Avenue, and the other --

1 the other route was along Riverside at Billings Bridge.

2 Through, you know, some communication, it was  
3 decided that people would go down and try to stop these vehicles  
4 from coming in and joining the occupation. It was decided that  
5 the residential area would be the location for this counter-  
6 demonstration. There was always a fear of violence affecting  
7 residents in their homes so it was decided it would occur on  
8 Riverside where there were no residents living.

9 **MS. NATALIA RODRIGUEZ:** And can you -- you were  
10 there at some point in the afternoon.

11 **COUNCILLOR CATHERINE McKENNEY:** Yes.

12 **MS. NATALIA RODRIGUEZ:** Is that right?

13 **COUNCILLOR CATHERINE McKENNEY:** Yes.

14 **MS. NATALIA RODRIGUEZ:** And what did you observe?  
15 What was happening while you were there?

16 **COUNCILLOR CATHERINE McKENNEY:** Yeah, so by the  
17 time I arrived, there were hundreds of people there. There was  
18 a line of mostly trucks, pickup trucks, you know, with the flags  
19 that indicated they were sympathetic to the convoy lined up,  
20 stopped. And it was -- you know, certainly there was no threats  
21 of violence there. It was relatively peaceful. The general  
22 mood of the people in their vehicles is -- you know, I went up  
23 and down the street -- was one of, I think, a bit of surprise  
24 that residents, at least who were there, weren't welcoming them  
25 into the city. But it just continued until about 4:30 when it  
26 started to get dark -- it was February -- and the decision was  
27 made just to allow each vehicle to leave one at a time if they,  
28 you know -- you know, if they would ensure that they would just

1 leave and not go into the downtown, which they did. And they  
2 were asked to remove the flags from their vehicles.

3 **MS. NATALIA RODRIGUEZ:** And so how were these  
4 trucks being prevented from going into the downtown? Were  
5 people physically standing in the road? Was it cars ---

6 **COUNCILLOR CATHERINE McKENNEY:** Yes.

7 **MS. NATALIA RODRIGUEZ:** --- that were being  
8 parked? Maybe you can explain that.

9 **COUNCILLOR CATHERINE McKENNEY:** No, sorry, it was  
10 people physically standing in front of each of the vehicles and  
11 not allowing them to move any further. And as it -- by the time  
12 I got there, there were enough people that, you know, it was  
13 just blocked. The street was completely filled with people  
14 surrounding each of the vehicles.

15 **MS. NATALIA RODRIGUEZ:** And I'm going to take you  
16 to a video that I'm hoping you can confirm whether it shows some  
17 of the events of that day, COM00000741.

18 **[VIDEO PLAYBACK]**

19 **MS. NATALIA RODRIGUEZ:** These are just some  
20 images. So Councillor McKenney, can you confirm whether these  
21 images are of that counter-demonstration that you attended on  
22 the 15<sup>th</sup> of February?

23 **COUNCILLOR CATHERINE McKENNEY:** Yes, they are.

24 **MS. NATALIA RODRIGUEZ:** And we saw some police  
25 liaison team members there. What can you tell me about the  
26 police presence in that counter-demonstration?

27 **COUNCILLOR CATHERINE McKENNEY:** Yeah, again, it  
28 was, as you can see, almost celebratory. It was peaceful.

1 Police interacted mostly with residents. And, you know, it was  
2 a watershed moment, certainly, in terms of the overall  
3 occupation where it became very evident that residents were no  
4 longer going to just sit idly by, that they were going to take,  
5 you know, action where they felt that they could, and this is  
6 what you are seeing.

7 **MS. NATALIA RODRIGUEZ:** And what impact did this  
8 event have on the residents based on your interactions with  
9 them?

10 **COUNCILLOR CATHERINE McKENNEY:** Well, that day it  
11 was very celebratory. I went down in the afternoon. I had been  
12 -- in the morning, I had gone down onto Kent and onto  
13 Wellington, walked around, visited residents who were feeling  
14 threatened down on McLeod at Bank. There had been an incident  
15 where doors of a multi-residential building had been handcuffed  
16 shut. So I'd been down into that area so I went later to  
17 Billings Bridge, so it was probably about 1:30 before I got  
18 there, two o'clock. By the time I got there, it was a  
19 celebratory mood, really.

20 **MS. NATALIA RODRIGUEZ:** Now, the Commission may  
21 receive some evidence that the counter-demonstration forced OPS  
22 to deploy resources away from the downtown to engage de-  
23 escalation at the counter-protest and that this did not assist  
24 OPS's efforts to resolve the issue of the convoy. What would be  
25 your response to that?

26 **COUNCILLOR CATHERINE McKENNEY:** We needed OPS  
27 protect residents. This was residents' only way to ensure that,  
28 you know, what was happening to our city was going to be

1 recognized and responded to by OPS. You know, there were -- it  
2 was not a large of police, you know, present, so out of the  
3 hundreds of police officers up on Wellington, this would have  
4 been a small number.

5 **MS. NATALIA RODRIGUEZ:** Okay. Thank you.

6 So I want to speak a little bit now about the  
7 effects on the businesses, Councillor Fleury. If we can go to  
8 OPS document, OPS-00003441? If we go down to the January 26<sup>th</sup>  
9 original email. We'll go down a bit more to the first email in  
10 the chain. Yeah, let's just go down and make sure we got it.  
11 Yes. Okay. If we can keep going to the bottom? Okay. So that  
12 is the bottom, so now we'll go to the top of the email.

13 So this is from -- if we can just see the from,  
14 ByWard Market BIA executive director, and it is directed at you  
15 on January 26<sup>th</sup>. So this is now before the convoy arrives. The  
16 subject matter is ByWard Market BIA concerns ahead of January  
17 29, 2022 demonstration.

18 And if we go down to the actual body of the email  
19 -- I'll just leave that there for a second to give you a chance  
20 to review it. It appears that the ByWard Market BIA executive  
21 director is raising a number of concerns. I'll just give you a  
22 second to read some of that.

23 **COUNCILLOR MATHIEU FLEURY:** Yes.

24 **MS. NATALIA RODRIGUEZ:** So this email outlines  
25 several concerns regarding safety and security, regarding, you  
26 know, having more information about what to expect, suggesting  
27 that people may not be following public health restrictions.  
28 Was this one of the first emails that you received ahead of the

1 convoy alerting you to the business's concerns with respect to  
2 the convoy?

3 **COUNCILLOR MATHIEU FLEURY:** I believe so. We had  
4 just received a city briefing. There was starting to be city  
5 communication and local media coverage of the risks. And as you  
6 can see, the BIA is both connected on what's happening at the  
7 city, but also with its own members and describing very early  
8 some of the incidents and concerns.

9 **MS. NATALIA RODRIGUEZ:** And so in the third  
10 paragraph, the last sentence says,

11 "This, of course, in the context of  
12 coverage, detailing that there are some  
13 protesters suggesting and hoping that  
14 this weekend will be a Canadian  
15 equivalent of the American riots of  
16 January 6<sup>th</sup>, 2021." (As read)

17 Were either of you aware of news coverage, these  
18 intentions by some of the protesters, or was this the first time  
19 that you had seen this suggestion? I'll ask Councillor Fleury  
20 first.

21 **COUNCILLOR MATHIEU FLEURY:** Until the convoy  
22 coverage started to come to our attention and until the city  
23 called a briefing, we received very little communication. But  
24 residents starting -- started to inform us. As you know, Ottawa  
25 does have the universities. We have active residents. We have  
26 informed businesses who were following it and were asking  
27 questions early.

28 And if you -- I believe if you go back to the



1 first briefing from the city and OPS, councillors and I, and  
2 Catherine certainly were asking very, you know, concerned  
3 questions around what will Ottawa Police, what will the City of  
4 Ottawa do to prevent risks for us residents and businesses in  
5 our area with few answers.

6 **MS. NATALIA RODRIGUEZ:** And, Councillor McKenney,  
7 had you heard any suggestion that some of the protestor's  
8 intentions ahead of the convoy was something similar to what's  
9 being described here?

10 **COUNCILLOR CATHERINE McKENNEY:** Yes, mostly  
11 through social media. You know, I -- as Councillor Fleury did,  
12 started to ask those questions. You know, we saw the messages  
13 coming out of, you know, the more western provinces leading up  
14 to January 28<sup>th</sup>, that week leading up, but, you know, every day  
15 just became a bit clearer as to the intentions. You know, at  
16 that point, we called them disruptions.

17 **MS. NATALIA RODRIGUEZ:** And if we go up a little  
18 bit, we're going to see that the email you then -- yeah, let's  
19 keep going. You forward that -- if we can go up? So you  
20 forwarded that on the same day, the 26<sup>th</sup>. It looks like to  
21 former Chief Sloly, Roger Chapman, who I believe is the By-law -  
22 - the head of the By-law and ---

23 **COUNCILLOR MATHIEU FLEURY:** That's right.

24 **MS. NATALIA RODRIGUEZ:** --- Regulatory Services,  
25 Kim Ayotte, who is the head of the Emergency Management, and a  
26 few other people there in the City of Ottawa. And you say thank  
27 you to the constituents, and then you say,

28 "Chief Sloly, Chapman and Ayotte, could

1                   you review the ByWard BIA concerns and  
2                   connect with the BIA ED ahead of the  
3                   weekend? I have cced Rideau BIA as  
4                   well as GM of Rideau Centre who have  
5                   similar concerns. How are we  
6                   supporting local businesses through  
7                   this demonstration from risk of  
8                   ignorance to public health measures and  
9                   pressures on a business they fear?  
10                  Thanks for the prompt consideration,  
11                  support and response." (As read)

12                  And if we go up, we can see that former Chief  
13 Sloly then forwards this to Deputy Chief Ferguson and says,  
14                  "Trish, I got a message from Councillor  
15 Fleury wanting to follow up with you on  
16                  this email and other related matters.  
17                  He will contact you directly." (As  
18                  read)

19                  And if we go to the very top -- oh, yeah, sorry  
20 about that. Yeah, Deputy Chief Ferguson says,  
21                  "As a means of follow-up, this has been  
22                  looked after." (As read)

23                  So did -- were you able to speak with Deputy  
24 Chief Ferguson about this matter?

25                  **COUNCILLOR MATHIEU FLEURY:** I don't recall. I  
26 don't recall, to be honest. The information I received from  
27 police at the time was certainly very limited.

28                  **MS. NATALIA RODRIGUEZ:** Okay. So ---

1                   **COUNCILLOR MATHIEU FLEURY:** It was often, you  
2 know, they would receive the information we were providing,  
3 saying we have this information, we're onto it, but we wouldn't  
4 get -- I wasn't able from there to say open or close, or here  
5 are measures that Ottawa Police will put in place so that your  
6 businesses can operate. Here's a liaison that's being put in  
7 place, so that we can structure that. So you're going to see a  
8 lot of these communications where police says, oh, it's a short  
9 call, as if it's a resolution. Like, the feeling -- if you're  
10 an outsider, if you're just reading this, the feeling is, like,  
11 oh, there's a resolved matter. The resolved matter is  
12 ultimately the BIA or the executive director, they report back  
13 in to 600 members. So they need something in writing from the  
14 City of Ottawa or OPS at that point to share what should members  
15 know about, and how can they prevent, and what are their  
16 contacts if there are concerns. You can see by this  
17 communication that there was nothing in writing provided to  
18 myself or to the executive director of the ByWard BIA to bring  
19 response, to bring closure.

20                   **MS. NATALIA RODRIGUEZ:** Okay. So then is it fair  
21 to say that the concerns that were raised by the BIA were not  
22 satisfactorily addressed in your interactions with Deputy Chief  
23 Ferguson?

24                   **COUNCILLOR MATHIEU FLEURY:** Well, that's the  
25 Thursday. I believe that following Saturday, the Rideau Centre,  
26 Ottawa's largest commercial property, was closed at noon because  
27 it got out of control, and individual businesses were worried,  
28 and the mall security couldn't maintain safety of the operation.

1 So they -- it took them four hours to close the Rideau Centre.  
2 That is a epicentre of a very large commercial property but a  
3 reflection of hundreds of businesses along Elgin, Bank Street,  
4 ByWard Market, Rideau Street and information that we were being  
5 asked by local business operators and their staff.

6 **MS. NATALIA RODRIGUEZ:** And on the subject of the  
7 Rideau Centre, I understand they were closed approximately 25  
8 days straight. Is that your understanding as well?

9 **COUNCILLOR MATHIEU FLEURY:** Twenty-four (24)  
10 days.

11 **MS. NATALIA RODRIGUEZ:** Twenty-four (24) days.  
12 Thank you. And is that unusual?

13 **COUNCILLOR MATHIEU FLEURY:** If you've been in  
14 Ottawa, or if you live in Ottawa, the Rideau Centre is closed  
15 one day a year and that's barely, because they're connected to  
16 the LRT station. They play an important function in the transit  
17 routes, the connection between the residents, the commercial  
18 district, the University of Ottawa, some of the nearby  
19 amenities, like, City Hall, for example. So the Rideau Centre  
20 being closed is an anomaly. Being closed for one day a year is  
21 kind of their standard. So you could see the pressure.

22 And, you know, the general manager of the Rideau  
23 Centre was in daily contact with myself. The owner of the  
24 Rideau Centre, Cadillac Fairview, did meet with us, did meet  
25 with authorities at the City, including the mayor's office, to  
26 share concerns and try to find solutions in that first week.

27 **MS. NATALIA RODRIGUEZ:** And do you have a sense  
28 for why it had to close on that first day? Was it because of

1 safety concerns? Was it because there were too many people?  
2 Was it -- what was the concern there?

3 **COUNCILLOR MATHIEU FLEURY:** Microaggressions. I  
4 don't know that I'm describing the term appropriately, but, you  
5 know, people walking in stores with -- and stripping masks.  
6 People questioning why people were wearing masks, large  
7 gatherings in the food court. At the time, you could pick up  
8 food. You couldn't stay in the food court. The food court  
9 wasn't able to be cleared. The security had requested that  
10 those who were there to leave, and they weren't leaving. Kind  
11 of the closest, warmest spot with public washrooms and, you  
12 know, a great commercial offering, I can understand the  
13 attraction, but that was kind of the -- all of the  
14 microaggressions in one instance was that on that Saturday at  
15 noon.

16 **MS. NATALIA RODRIGUEZ:** Thank you. Now,  
17 Councillor Fleury, I understand that you organized daily  
18 meetings with affected Business Improvement Areas, hotel  
19 associations, affected stakeholders. Do you know when these  
20 meetings -- when did you start having these meetings?

21 **COUNCILLOR MATHIEU FLEURY:** The first week. So  
22 Ottawa has unfortunately -- I've been on the council table for  
23 the last 12 years. We've had a lot of crises. I've had to live  
24 the Rideau sinkhole, which would have impacted a very similar  
25 range of businesses in my area. We've had to live, obviously,  
26 the covid impacts and how we were informing businesses.

27 So we struck a business leader group, which  
28 included the Business Improvement Associations for Vanier,

1 ByWard, Rideau, Ottawa Markets. Based on strong collaboration  
2 with my colleague, we included Spark Street, Bank Street, some  
3 of the association members, so the hotel association, you know  
4 there's a number of large hotels in both of our wards, and the  
5 tourism partners.

6 I might be forgetting a stakeholder or two, but  
7 that's -- from the external point of view, that was that. And  
8 then we had, at those meetings, invited all elected members that  
9 were in I'll call it the Federal Riding of Ottawa Center and  
10 Ottawa Vanier. So you have the local councillor invited, you  
11 had the provincial MP and MPP and their respective  
12 representatives. And at different times, we had provincial  
13 minister staff, from Minister MacLeod at the time and other  
14 Minister offices, as well as same thing federally for different  
15 -- I don't recall the specifics. I'd have to go back to my  
16 note, but they were also attendees. And at the City, we had a  
17 broad range of representation from Traffic Operations, Emergency  
18 Services, Bylaw Services, we had OC Transpo, as I described  
19 earlier in the session, Ottawa Police, and at times,  
20 Communications and Economic Development.

21 **MS. NATALIA RODRIGUEZ:** Now, in your interview  
22 summary, you stated that the Mayor, the City Manager, and the  
23 Chief of Police did not personally attend the meetings with the  
24 BIA. Were they invited to attend?

25 **COUNCILLOR MATHIEU FLEURY:** I believe they were.  
26 They organized two early meetings and then I started to organize  
27 a daily meeting, which they were invited to and were not  
28 attending.

1                   **MS. NATALIA RODRIGUEZ:** Do you have an  
2 explanation from them as to why they didn't attend? They never  
3 gave one to you?

4                   **COUNCILLOR MATHIEU FLEURY:** You'll have to ask  
5 them. I think they're ---

6                   **MS. NATALIA RODRIGUEZ:** Okay.

7                   **COUNCILLOR MATHIEU FLEURY:** --- coming in to  
8 these.

9                   **MS. NATALIA RODRIGUEZ:** But they didn't give you  
10 an explanation?

11                   **COUNCILLOR MATHIEU FLEURY:** No.

12                   **MS. NATALIA RODRIGUEZ:** Okay. And did local  
13 businesses and BIAs express that they were content with the  
14 information they were receiving from the City?

15                   **COUNCILLOR MATHIEU FLEURY:** No. We were often  
16 repeated the same public information that was available earlier  
17 in the day. There were some very specific questions, "How can I  
18 make sure that food can enter the zone so that my deliveries can  
19 continue?" "Can I -- how can I accommodate that --" for  
20 example, we know during the covid period, the Uber pick ups and  
21 the food distributions were very important. They couldn't --  
22 those vehicles couldn't access the zone.

23                   So there's a number of business issues that came  
24 to that table, and ultimately it's, "Hey, City AOPS, what's the  
25 plan? Should we be worried? Are you, you know --" and then,  
26 "Oh, these amounts of businesses are closed. What can we do  
27 about them?"

28                   It became complex, right, because you had

1 employees of those businesses, you had to pay rent, then  
2 couldn't pay rent, so then another set of conversation was  
3 there, like the group that represents the BIA were at the table  
4 as well. Then we hit a period between, obviously, January and  
5 February, where you have to -- those landlords need their pay,  
6 so those commercial businesses had to negotiate with their  
7 landlords. So that was another set of conversations.

8           So there wasn't one conversation theme. It was  
9 all about how do we get back to operating? How can we get back  
10 to operate safely in the area?

11           It is an important time for us at the city. I  
12 think that's the other measure that's maybe not understood, is  
13 those weekends, late January, early February, are the  
14 Winterlude, is when we celebrate the winter activities, and  
15 there's thousands of residents who come to the downtown, and  
16 visitors who come to skate on the Canal, to enjoy what we have  
17 to offer as a winter capital city. And those businesses were at  
18 -- there was restriction loosening at that point. So they were  
19 also hoping -- they had prepared -- they had purchased food,  
20 they had prepared their staff for larger gatherings. None  
21 related to the convoy, just preparing to the period. And yet  
22 often had to return them home.

23           So there's a number of -- Rideau Centre shared  
24 with us, and that was covered in the news, there are 3,000  
25 employees at the Rideau Centre. Most of them are part time  
26 staff. And, you know, like the Apple Store, it's 200 staff at  
27 the Apple Store. You have food, food court, and chefs, and you  
28 have cleaners, you have security. So that -- you know, it's not



1 just closing a commercial property. It's all the family  
2 ramification of can that employee who is not working, not making  
3 -- not able to pay rent, can they negotiate? And what's the  
4 pressure on that?

5 So its impact is not geographic -- not simply a  
6 geographic one. It's all the ripple of having a massive impact  
7 on the local economy in the city's core.

8 **MS. NATALIA RODRIGUEZ:** And you mention that at  
9 these meetings, that businesses were getting the public  
10 information that general public was receiving. Is that unusual?

11 **COUNCILLOR MATHIEU FLEURY:** Yeah. I've gone  
12 through a lot of crises, unfortunately, as I've described  
13 earlier. Usually very important information is provided at a  
14 white table from the City and other media authorities for what  
15 all residents need to know in terms of what would impact them,  
16 and then there are stakeholder information. "Can I get -- is  
17 transit going to operate? Can I get my distributors in? Is it  
18 safe to walk on the streets?" Those are the types of basic  
19 information that our business members were trying to get from  
20 the City. And we were creating that area, that daily space,  
21 with few interactions. And we kind of saw a number of  
22 situations where the City is there, the City is adapting, it's  
23 closing streets, it's removing, you know, some of the parking  
24 areas. It's adapted.

25 Do you remember in part of it, like, there's a  
26 closure of bridges.

27 So the City, from an operation point of view, is  
28 adapting. Bylaw, not so much so. Not because of their own

1 doing, but because they fit into this command centre, you know,  
2 police operations, who call the shots on what can be enforced  
3 and not. And through that, there's a number of concerns. How  
4 are we communicating to the members? How are we communicating  
5 the public? What's the risk to residents?

6 I know that one of the documents you have is  
7 around a pick-up truck with gas in the Rideau Centre parking  
8 lot.

9 I can assure you today, if a pick-up truck showed  
10 up with gas, they would evacuate -- police would evacuate,  
11 police and fire, and all the authorities would show up, they'd  
12 evacuate the mall. In that situation, they'd remove the vehicle  
13 extremely quickly. They'd protect the public safety, and after  
14 that, they would remove the situation. No response to that. I  
15 mean, you have a pretty extensive thread by the General Manager  
16 at the Rideau Centre and what I'll call confusion amongst  
17 authorities, and ultimately very fortunate that the Rideau  
18 Centre was able to support the -- find the operator and get them  
19 out of the situation. I mean, that's the type of uncoordinated  
20 approach at a very microlevel that we weren't able to get  
21 clarity to local businesses. And hence, I mean, you'd think  
22 about all of the residential properties and what it takes for  
23 people to go in and out of their properties, to access transit,  
24 to get their vehicles out.

25 So it was chaos for both Catherine and I, not  
26 just on the business and the operations of that, but on the  
27 residents' concerns. And we had little information or little  
28 hope of a plan that was going to be enacted to bring back safety

1 and well being for residents in our city's core.

2 **MS. NATALIA RODRIGUEZ:** So the City officials and  
3 police representatives that were at these meetings, were they  
4 able to give the type of specific information that businesses  
5 were looking for, such as what you described? Or generally no?

6 **COUNCILLOR MATHIEU FLEURY:** No. And if you see  
7 there are a number of times following those meetings where I  
8 provide -- I respond to the authorities and ask for clear,  
9 "Please follow up on this. Please follow up on that." And at  
10 times, there's also the business membership who is writing in to  
11 get clarification or get action.

12 I believe there's one, for example, at the  
13 Château Laurier, where there was a sprinkler issue and Fire  
14 couldn't get -- apparently Fire tried to go down Rideau Street,  
15 as if it didn't know that there was rigs on Rideau Street.  
16 Like, that's the -- you know, we're very fortunate that no more  
17 serious kind of life incident in those particular situations  
18 happened, because having the manager of the Château Laurier  
19 share that with their member association and for the member  
20 association to say, "What's going on in City operations? How  
21 come you can't respond effectively to -- you know, if there's a  
22 paramedic call, how does the paramedic get to some of those  
23 residential buildings or some of the commercial --" I -- you  
24 know, we were all very frightened on our ability to respond at  
25 the level that residents would expect.

26 **MS. NATALIA RODRIGUEZ:** And to your knowledge,  
27 did the City ever ask local bias to restrict material and  
28 financial support to the demonstrators, would not sell them

1 certain items or anything like that?

2                   **COUNCILLOR MATHIEU FLEURY:** I haven't thought  
3 about that.

4                   **MS. NATALIA RODRIGUEZ:** Okay.

5                   **COUNCILLOR MATHIEU FLEURY:** I'd have to think  
6 about it.

7                   **MS. NATALIA RODRIGUEZ:** Okay, maybe you can think  
8 about that and ---

9                   **COUNCILLOR MATHIEU FLEURY:** Yeah.

10                   **MS. NATALIA RODRIGUEZ:** --- then get back to me  
11 at the end.

12                   Okay, so for -- in the interests of time, because  
13 I know -- I'm sure a lot of the parties have questions as well -  
14 - I'm going to -- we're going to just move on to the City's  
15 response and your experiences as councillors.

16                   **COUNCILLOR MATHIEU FLEURY:** Une repose de cinq  
17 minutes, aller au toilette?

18                   **COMMISSIONER ROULEAU:** Okay, I think the  
19 witnesses would like a moment so we're going to take five  
20 minutes. I'm going to be a bit of a dictator so they're going  
21 to be short. This is five minutes, not 15, so five-minute  
22 break. Merci.

23 --- Upon recessing at 3:41 p.m.

24 --- Upon resuming at 3:46 p.m.

25 --- COUNCILLOR CATHERINE MCKENNEY, Resumed:

26 --- COUNCILLOR MATHIEU FLEURY, Resumed:

27 --- EXAMINATION IN-CHIEF BY MS. NATALIA RODRIGUEZ (cont'd):

28                   **MS. NATALIA RODRIGUEZ:** Welcome back,

1 councillors. I just wanted to ask a question with respect to  
2 the emergency lanes. We have heard that the City and OPS  
3 attempted to maintain an emergency lane at all times to allow  
4 for emergency vehicles to go through ambulances and fire.  
5 Councillor Fleury, you also mentioned an incident at the Chateau  
6 Laurier where fire or first responders were not able to get to  
7 the Chateau Laurier.

8                   So I'm just trying to understand, to what extent  
9 were emergency lanes maintained open? Was this on every street?  
10 Was this on some streets? Maybe you can describe a little bit  
11 about what you saw with respect to maintaining an open lane.  
12 And I'll start with Councillor Fleury.

13                   **COUNCILLOR MATHIEU FLEURY:** Thinking about the  
14 Byward Market, the Byward Market has a minimum access points, if  
15 you will, and crossing Rideau at either King Edward or Dalhousie  
16 and entering those corridors through that north to south  
17 movement is vital. I can't speak, you know, particular  
18 situations where that wouldn't have been possible but, based on  
19 the videos, based on what I saw when I was on the ground, you  
20 know, I'm not sure that emergency vehicles were being -- if  
21 other vehicles were moving out of the way for emergency  
22 vehicles.

23                   I did see videos of different emergency vehicles  
24 at times throughout the three weeks trying to get to different  
25 areas of our zones. I'm not familiar with what was -- why was  
26 the call or why was the vehicle in that space but we did see how  
27 -- there was some social media video about how challenging and  
28 delayed the operations were. I can't speak to a particular

1 incident or location, but by -- you could see how clogged the  
2 streets were and how that occupation took hold, how challenging  
3 it could be, but I don't have an eye on -- in terms of, were all  
4 of the paramedics and fire aware of routes and corridors and how  
5 they could get to each property? I don't know the specifics of  
6 that.

7 **MS. NATALIA RODRIGUEZ:** But in terms of streets  
8 in the Byward Market, for example, did all of them have one lane  
9 of traffic open to them or no? Were there streets that were  
10 completely cut-off kind of on either end where any kind of  
11 vehicles couldn't enter?

12 **COUNCILLOR MATHIEU FLEURY:** Properties that were  
13 on Rideau, properties that were on George, properties that were  
14 on Sussex, McKenzie Avenue, the Nicholas/Daly area were  
15 extremely difficult to get into by motor vehicle.

16 **MS. NATALIA RODRIGUEZ:** Okay. And Councillor  
17 McKenney, what can you tell us about the maintenance of an  
18 emergency lane in the kind of downtown core?

19 **COUNCILLOR CATHERINE McKENNEY:** M'hm. Well,  
20 certainly, there was never a lane open on Kent Street. There  
21 was -- Bank Street would have the lane open maybe as far as  
22 Lisgar but on the weekend, certainly, you could not get past  
23 Lisgar going north. And the same with Metcalfe and O'Connor, on  
24 the weekends, often they were completely blocked. But Kent in  
25 particular, you could never get any emergency vehicle down.

26 **MS. NATALIA RODRIGUEZ:** So were there some  
27 streets for which an emergency lane was maintained throughout,  
28 do you know?

1                   **COUNCILLOR CATHERINE McKENNEY:** I don't have that  
2 specific information, no.

3                   **MS. NATALIA RODRIGUEZ:** Okay. Councillor Fleury,  
4 in your interview with the Commission, you spoke about problem  
5 that you perceived with the City's bylaw enforcement and their  
6 response to resident complaints. Can you speak a little bit  
7 more to that issue? What were the issues, specifically, that  
8 you were concerned about?

9                   **COUNCILLOR MATHIEU FLEURY:** I apologize. You  
10 were asking an earlier question and I just want wrap and idea  
11 that maybe ---

12                   **MS. NATALIA RODRIGUEZ:** Yes.

13                   **COUNCILLOR MATHIEU FLEURY:** --- was not raised  
14 which is, in Ottawa, the proximity between Ottawa and Gatineau  
15 and the economic drivers of both sides do have an impact, and we  
16 do -- we were informed of a long-term care -- we were informed  
17 of some of the hospitals who were quite concerned around the  
18 ability for shift staff to get to the facility and provide  
19 operations. I think of Bruyère, for example, in the Byward  
20 Market. I think of some of the long-terms cares that are City  
21 operated or privately operated. I think of Montfort Hospital,  
22 particularly.

23                   So getting in and out of the area -- and  
24 unfortunately, many of our interprovincial bridges were in this  
25 red zone catchment. So, if you look at cameras of that time,  
26 there was massive backlogs because of either street closure or  
27 the rigs on King Edward, specifically. So fluidity and getting  
28 emergency -- it's not just the emergency vehicle, it's actually

1 the workforce into those health contexts was raised by those  
2 institutions.

3 **MS. NATALIA RODRIGUEZ:** And so with respect to  
4 your concerns about the City of Ottawa's Bylaw response  
5 complaints, what can you tell me about that?

6 **COUNCILLOR MATHIEU FLEURY:** Bylaw is an automatic  
7 mechanism in the City and sometimes it kind of slings back at  
8 them. But you call 311 if there's a violation, someone is  
9 parked on the street illegally or -- we have -- in the Byward  
10 Market, Bylaw goes proactively and tickets. If you didn't pay  
11 for parking or if you're not parked properly, they'll tow you.  
12 So, in regular operations, Bylaw is on the ground on parking.  
13 It's respect -- ensuring that some of those rules -- and in more  
14 complex situations where, you know, if there is noise, if there  
15 is a fire, then different authorities in and around Bylaw, like  
16 Fire Services or others, will come and intervene.

17 We, as councillors, don't intervene in that.  
18 It's an automatic process through 311 and when there are  
19 incidents, or if there's lack of follow up, then often the  
20 resident would inform us and then we would convey that or  
21 connect with the police -- with the fire chief -- sorry, the  
22 Bylaw chief and their team and they would follow up accordingly  
23 with the resident without political influence. It's important  
24 for us to inform, connect, but very -- you know, we know where  
25 the authorities are. They're through motions of council, not  
26 influencing operations in that regard.

27 And what was frustrating is the amount of parking  
28 in illegal lots, or even in the Byward Market, and vehicles that



1 were abandoned, or vehicles that were improperly parked, and  
2 we'd convey that through to the authorities and it was this  
3 chain of command. Instead of going through a 311 and Bylaw goes  
4 out and responds, it was the 311 call is referred to police in  
5 the command centre and if the command centre judges that that is  
6 an applicable element, then they would share with Bylaw.

7 But the problem is they didn't. They were so  
8 focused on the red zone or the elements of the red zone that  
9 even basic Bylaw services that we would expect were not  
10 enforced, which compounded a lot of the tension point, and so  
11 much so that we came to realize that there was a trend. If you  
12 call 3-1-1 and there was an illegal parker, the operator would  
13 say, "Okay. Can you describe the vehicle?" Oh, there's a flag.

14 And then it was already Police Command. Even if  
15 we were outside of the red zone, like we're talking, you know,  
16 blocks and blocks away. There wasn't proper enforcement because  
17 of the way the system had shifted to Emergency Operation, and  
18 shifted under Police Command.

19 **MS. NATALIA RODRIGUEZ:** So then when the resident  
20 would call 3-1-1 they would be asked to describe the vehicle in  
21 order -- what was your understanding for why they had to  
22 describe the vehicle?

23 **COUNCILLOR MATHIEU FLEURY:** I never heard that.  
24 Yeah, I never heard that until the occupation.

25 **MS. NATALIA RODRIGUEZ:** And so is your  
26 understanding then that was in order to determine whether it was  
27 a vehicle associated with the convoy? Was that the purpose of  
28 kind of giving the description?

1                   **COUNCILLOR MATHIEU FLEURY:** It's the feeling that  
2 it gives me.

3                   **MS. NATALIA RODRIGUEZ:** Yeah.

4                   **COUNCILLOR MATHIEU FLEURY:** But it doesn't make  
5 the illegal parker legitimate from my perspective, and it  
6 creates this -- we're here representing residents and businesses  
7 in our area. And if rules don't apply -- like, rules don't just  
8 apply. We're often told, you know, by councillors, "There's not  
9 a good business or a bad business. There is a licence, and if  
10 the licence allows them to operate it, they operate."

11                   Well, it's the same thing with our rules. They  
12 should apply to every resident, not because they're -- the  
13 vehicle is a particular size or colour or there's a particular  
14 element. So that compounded a lot of the issues that we were  
15 facing at regular enforcement on the parameter -- Cumberland  
16 Street being one, Wilbrod, in the Lowertown area -- were just  
17 not enforced.

18                   **MS. NATALIA RODRIGUEZ:** And do you have any  
19 knowledge as to whether Bylaw was choosing then not to engage,  
20 or whether this was Ottawa Police telling Bylaw not to engage?  
21 Do you have any knowledge of that?

22                   **COUNCILLOR MATHIEU FLEURY:** You probably refer to  
23 a number of interactions that I would have had with the Manager  
24 of Bylaw, Jen Therkleson, or the Chief Roger, or Kim Ayotte,  
25 where I was trying to get -- "Hey, what's happening? Why aren't  
26 we enforcing these?"

27                   And then eventually it came to be a description  
28 that, "No, this is under Police Command. We require that Police

1 Command Centre to give us authority to go in and do it. "There  
2 are other considerations prior to our enforcement," is the gist  
3 of what I was described.

4 **MS. NATALIA RODRIGUEZ:** And that would have been  
5 those three individuals who told you that, the three people you  
6 named?

7 **COUNCILLOR MATHIEU FLEURY:** Yeah. I mean, they  
8 were pretty aligned and consistent in that this is a police  
9 operation. We rely on their comfort for us to enforce our  
10 bylaws.

11 **MS. NATALIA RODRIGUEZ:** Okay. And that was  
12 regardless of where in the city this was taking place? Like, I  
13 imagine at some point you're far enough away from the main site  
14 that Bylaw is doing its regular work, say, in Kanata, Orleans,  
15 and Barrhaven. How far was this extending? Do you have any  
16 sense of that?

17 **COUNCILLOR MATHIEU FLEURY:** I don't, but  
18 specifically for my ward, we have a Bikers Church which was  
19 sympathetic to the occupation, and there were a lot of illegal  
20 parking situations. We're talking, like, on the other side of  
21 the Rideau River. So if you want to bring back the map, it's  
22 quite -- it's a number of blocks, probably maybe two kilometres  
23 away from the red zone. You're into the old City of Vanier.  
24 And there's no enforcement for parking violations.

25 That's kind of the -- I don't know how far that  
26 went into the city. I can only speak to the information I had  
27 from community associations and residents about this loop; this  
28 loop of I'm calling in, they're asking me to describe the

1 vehicle. Obviously the resident is emotional, saying, "Yeah,  
2 there's 'X Trudeau' or there's a flag or there's a pickup truck  
3 or whatever." And then oh, yeah, they took my complaint but  
4 there's no actions. It's been two days, three days, sometimes a  
5 week.

6                   And that really -- we recognized the -- as  
7 councillors we recognized kind of -- we don't have authority  
8 over police enforcement. But on the City of Ottawa side we're  
9 responsible for the safety and wellbeing of residents and we do  
10 have bylaws and other tools that in this situation I still don't  
11 understand why they got caught in the Police Command outside of  
12 the red zone. I can respect the red zone. You know, there  
13 might be tactical reasons or safety reasons. But I really don't  
14 understand that, and to this day I still don't have a City  
15 explanation that I can convey to a resident about that  
16 situation.

17                   **MS. NATALIA RODRIGUEZ:** Councillor McKenney, do  
18 you have any sense about the bylaw's kind of structure and when  
19 it was being enforced and when it wasn't?

20                   **COUNCILLOR CATHERINE McKENNEY:** Only what I was  
21 able to observe, obviously, within the core of the downtown.  
22 Bylaw was not handing out tickets to, you know, large trucks.  
23 As you went west, you know, by the time you got onto the other  
24 side of the Trillium Line tracks, you know, we were starting to  
25 get complaints that parents parked outside schools were getting  
26 tickets. So they were ticketing in some instances, certainly  
27 outside of the ward that I represent.

28                   But you know, I don't have any examples of

1 calling Bylaw. I didn't call Bylaw to come and ticket large  
2 trucks. I don't think anyone did. But you know, as we moved  
3 west, a certain bylaw was active.

4 **MS. NATALIA RODRIGUEZ:** And I'm going to take you  
5 both to a letter that you co-authored on February 2<sup>nd</sup>, and it's  
6 at OTT00014570. And this is -- Councillor McKenney, you sent  
7 this on February 2<sup>nd</sup> to Mayor Watson, Former Chief Sloly,  
8 Councillors, members of the OPSB. And I just want to go down to  
9 the signature line just to show that it looks like you both  
10 signed off on that. Do you see that there?

11 **COUNCILLOR MATHIEU FLEURY:** Yes.

12 **COUNCILLOR CATHERINE McKENNEY:** Yes.

13 **MS. NATALIA RODRIGUEZ:** Okay. And we're just  
14 going to go back up. So it says:

15 "Mayor Watson and Chief Sloly, Ottawa's  
16 urban core is in crisis, for six days  
17 and nights downtown residents have been  
18 under siege. They have faced  
19 unprecedented noise and pollution.  
20 Wearing a mask in public means being  
21 threatened with violence and sexual  
22 violence, of being spat at and screamed  
23 at."

24 And then you on to describe the horns keeping  
25 people awake, drivers threatening pedestrians, open fires, tanks  
26 of fuel being delivered to vehicles, illegal parking, downtown  
27 gridlock. And you're being told that more trucks may arrive  
28 this weekend to reinforce the convoy's numbers.

1                   And then you say:

2                               "Therefore, we ask you, Chief Sloly,  
3                               have you requested that the RCMP assume  
4                               full operational control of Parliament  
5                               Hill and the Parliamentary Precinct so  
6                               that OPS can be deployed into the  
7                               neighbourhoods to restore peace?

8                               "Mayor Watson, have you spoken to the  
9                               Prime Minister, and what assistance did  
10                              the Prime Minister offer? Have you  
11                              requested that the federal government  
12                              take control of what is happening in  
13                              our city?"

14                   And you finish of with a plea. And do you recall  
15 authoring this letter and sending it to those people?

16                   **COUNCILLOR MATHIEU FLEURY:** Yes.

17                   **COUNCILLOR CATHERINE McKENNEY:** Yes, I do.

18                   **MS. NATALIA RODRIGUEZ:** And did you receive a  
19 formal response to this letter from either the Chief or the  
20 Mayor?

21                   **COUNCILLOR MATHIEU FLEURY:** No.

22                   **COUNCILLOR CATHERINE McKENNEY:** No.

23                   **MS. NATALIA RODRIGUEZ:** And what you describe in  
24 the letter -- if we can go up a little bit; in terms of the open  
25 fires, tanks of fuels, blasting horns every day, drivers  
26 threatening pedestrians, et cetera -- was this based on  
27 circumstances that you yourselves witnessed or that were  
28 reported to you or a combination?

1                   **COUNCILLOR MATHIEU FLEURY:** Combination.

2                   **COUNCILLOR CATHERINE McKENNEY:** Combination.

3                   **COUNCILLOR MATHIEU FLEURY:** We're a married  
4 couple.

5                   **MS. NATALIA RODRIGUEZ:** I'm going to start  
6 calling you "McFleury" from now on.

7                   And do you stand by the contents of this letter  
8 today?

9                   **COUNCILLOR MATHIEU FLEURY:** Yes.

10                  **COUNCILLOR CATHERINE McKENNEY:** Yes.

11                  **MS. NATALIA RODRIGUEZ:** Okay, thank you.

12                  Councillor Fleury, at one point you asked the  
13 City to look into imposing a curfew; is that correct?

14                  **COUNCILLOR MATHIEU FLEURY:** Yes.

15                  **MS. NATALIA RODRIGUEZ:** Can you explain a little  
16 bit where this idea came from and what happened, what came from  
17 it, if anything?

18                  **COUNCILLOR MATHIEU FLEURY:** So there's a number  
19 of information we were -- as you know, I represent the  
20 University of Ottawa. There's a lot of to-be lawyers that are  
21 at the University of Ottawa, very very smart residents who have  
22 ideas who along the way we convey, you happen to pick, to choose  
23 one of them. We were trying to find a way to see a plan, an  
24 enforcement, so that we could get back to the safety and  
25 wellbeing for residents and businesses.

26                  For us there were a number of instances. You  
27 talk about the curfew. We have the Police Chief who tells us,  
28 "Well, there's no more canister movement." And then that

1 continues. And then all of a sudden we get the pressure from  
2 residents in the city saying, "What's happening? Like, why  
3 aren't rules being followed?"

4 So I know you want me to address that particular  
5 point. I guess my point is there was a number of these ideas  
6 that were shared with us that we passed along and either through  
7 formal motions of Council when I moved to asked the Chief  
8 Justice to change the bylaw fines for an increase, or the curfew  
9 examples are there as well. So I don't recall the specific  
10 reason behind the curfew but it does fit the range of criterias  
11 that we were asking for information. And junction was another  
12 one that we asked the City's legal team to look at, and as you  
13 know, came really late and really slow.

14 **MS. NATALIA RODRIGUEZ:** Okay. So you don't  
15 recall what happened to the idea of imposing a curfew  
16 specifically?

17 **COUNCILLOR MATHIEU FLEURY:** No.

18 **MS. NATALIA RODRIGUEZ:** Okay. And, Councillor  
19 McKenney, in this -- in the letter we saw a minute ago and also  
20 in a motion that you -- that was eventually brought, you had  
21 asked to formally petition the Government of Canada to assume  
22 responsibility for public safety and security within the  
23 parliamentary precinct in order to allow for Ottawa police  
24 officers to patrol neighbourhoods and be in charge of the  
25 neighbourhoods. And that was then a motion that was eventually  
26 brought to council. What was the purpose of this motion?

27 **COUNCILLOR CATHERINE McKENNEY:** So it was quite  
28 evident that the local police force was solely focused on



1 Wellington Street and the surrounding parliamentary precinct.  
2 And when I say parliamentary precinct in this case, I'm  
3 including Wellington, although I know it's not formally part of  
4 the precinct. So it was very clear that, you know, our local  
5 police force was focused on what was essentially a federal  
6 protest, federal occupation. So I was doing everything I could  
7 to appeal to our federal government, our federal partners to  
8 assume responsibility for what was happening, and, you know,  
9 about, you know, getting any reaction. I ended up bringing a  
10 motion to Council, asking for the mayor to appeal on behalf of  
11 the City.

12 **MS. NATALIA RODRIGUEZ:** And did that -- that  
13 motion passed?

14 **COUNCILLOR CATHERINE McKENNEY:** I believe so, but  
15 ---

16 **COUNCILLOR MATHIEU FLEURY:** I think it carried,  
17 yeah.

18 **COUNCILLOR CATHERINE McKENNEY:** I think it  
19 carried.

20 **MS. NATALIA RODRIGUEZ:** Yes.

21 **COUNCILLOR CATHERINE McKENNEY:** Yeah.

22 **MS. NATALIA RODRIGUEZ:** And did it have the  
23 intended effect?

24 **COUNCILLOR CATHERINE McKENNEY:** No, it did not.

25 **MS. NATALIA RODRIGUEZ:** And do you know why not?

26 **COUNCILLOR CATHERINE McKENNEY:** You know, I mean,  
27 nobody ever really followed up with me as the local councillor,  
28 so I can't tell you specifically. But nothing ever came of it.

1 The assumption of -- or the addition of police -- extra police  
2 resources didn't happen until much later, of course.

3 **MS. NATALIA RODRIGUEZ:** So I'm going to take you  
4 to a Ottawa document, OTT-00005837. And so this is an email  
5 dated February 8<sup>th</sup>, and it is from former Chief Sloly to Jim  
6 Watson, Mayor Watson, and Councillor Deans and copying Ottawa  
7 Police and City officials. And it says,

8 "Dear Mayor Watson and Chair Deans, I  
9 am writing further to yesterday's  
10 special council meeting wherein the  
11 motion of Councillor McKenney regarding  
12 the parliamentary precinct was passed  
13 by City Council." (As read)

14 So this would be the motion that we were just  
15 discussing?

16 **COUNCILLOR CATHERINE McKENNEY:** Correct.

17 **MS. NATALIA RODRIGUEZ:** And then he goes on to  
18 say,

19 "In Ontario, policing is governed by  
20 the *Police Services Act* in accordance  
21 with Section 5(1)(1) of the *Police*  
22 *Services Act*. The City of Ottawa has  
23 discharged its responsibility to  
24 provide police services by establishing  
25 a police force, the Ottawa Police  
26 Service. As a result, the Ottawa  
27 Police Service is the sole police  
28 service of jurisdiction. It is

1 important to note that the *Police*  
2 *Services Act* defines police force as  
3 either the Ontario Provincial Police or  
4 a municipal police force. The Ottawa  
5 Police Service maintains that  
6 Councillor McKenney's motion is absent  
7 jurisdictional authority where it  
8 intends for the Royal Canadian Mounted  
9 Police to assume command of the  
10 response to the ongoing demonstration  
11 in the City of Ottawa." (As read)

12 And he goes on from there. Were you made aware  
13 of former Chief Sloly's response to this motion the day  
14 following the motion?

15 **COUNCILLOR CATHERINE McKENNEY:** Not that I  
16 recall, no.

17 **MS. NATALIA RODRIGUEZ:** Okay. And then in the  
18 kind of second to last paragraph, he says,

19 "Although any deployment of officers  
20 will be under the direction of the  
21 Chief of Police as an operational  
22 consideration, the Ottawa Police  
23 Service will make every attempt to meet  
24 the spirit of the motion and have Royal  
25 Canadian Mounted Police officers work  
26 in and around the hardened area of the  
27 demonstration." (As read)

28 Did -- to your knowledge, did that attempting to

1 meet the spirit of the motion, did that have the intended affect  
2 that you were hoping the motion would have?

3 **COUNCILLOR CATHERINE McKENNEY:** It did not.

4 **MS. NATALIA RODRIGUEZ:** Okay. Now I'm going to  
5 pose some kind of more general questions to both of you about  
6 generally the response to the events and authority's response.  
7 Specifically, we'll start with City Council. How would you,  
8 Councillor Fleury, describe City Council's response to the  
9 events in Ottawa, the events of the protest?

10 **COUNCILLOR MATHIEU FLEURY:** Too slow. Too slow  
11 and obviously, we're ward based, we're elected ward base, and  
12 only a few -- we're a big territory in Ottawa. You have to  
13 understand we're the size of Montreal, Toronto, Edmonton,  
14 Calgary and Vancouver in one city with one million in  
15 population. So our suburban colleagues or even within the  
16 greenbelt, they weren't directly impacted. And as you know,  
17 outside of this Commission, there's big divides on this current  
18 City Council. So it certainly -- it was -- in a crisis time, it  
19 was hard to bring us all together. I think eventually we got  
20 there, but it took way too long for Council to even get, okay,  
21 this is happening, this is serious. They're not moving.  
22 They're not going to get out. We have to be organized. We have  
23 to be intentional. And you could sort of see it by the  
24 frequency of the meetings, and also, the motions that were  
25 starting to pass.

26 But if you go back to that first council after  
27 the beginning of what was at the time protest which became  
28 operation, our own colleagues refused to delay agenda items that

1 were very significant, non-related to this on planning matters,  
2 on other matters, just to show you that we were living a crisis.  
3 We were getting flooded with the emails, and yet it took, like,  
4 a lot of time for our colleagues to wake up to the seriousness  
5 of the issue and the impact on us as a city, not just the -- a  
6 neighbourhood and not just the capital precinct components of  
7 it.

8 **MS. NATALIA RODRIGUEZ:** Councillor McKenney?

9 **COUNCILLOR CATHERINE McKENNEY:** Well, there  
10 wasn't much in terms of jurisdiction that City Council could do.  
11 Certainly, this was, you know, under the jurisdiction of police.  
12 This was a police matter. It was a public safety issue. You  
13 know, outside of, you know, delaying committee meetings to allow  
14 myself, my colleague Councillor Fleury to focus on what was  
15 happening, calling on, you know, police or even writing to the  
16 federal government, asking the mayor to write to the federal  
17 government to, you know, ask for help, there really wasn't a lot  
18 that a City Council in itself could do to end this or to respond  
19 in any significant way.

20 **COUNCILLOR MATHIEU FLEURY:** Usually we agree, but  
21 I do want to kind of share my piece, which is following all of  
22 this, I've submitted a number of inquiries to Council, to the  
23 Police Services Board. I believe this was shared to this  
24 inquiry as well.

25 **MS. NATALIA RODRIGUEZ:** Yes.

26 **COUNCILLOR MATHIEU FLEURY:** When was this  
27 illegal? And I keep getting a non-answer from different  
28 authorities. When was this declared illegal? When -- we are

1 politicians. We're elected to represent our residents. You  
2 know, when did it go from a protest to an occupation to a siege?  
3 I've asked clearly those questions a number of time, and in a  
4 weird kind of way, it says, oh, well, it's when the mayor  
5 declared a state of emergency. Well, the same day the mayor  
6 declares a state of emergency tells everyone there's no impact  
7 of that. It's symbolic. But then everything unfolded around  
8 the declaration of a state of emergency. Well, if that's the  
9 case, then, yeah, council didn't wake up. He declared a state  
10 of emergency -- I don't have a date, but I think it's February  
11 6<sup>th</sup>.

12 **MS. NATALIA RODRIGUEZ:** That's right.

13 **COUNCILLOR MATHIEU FLEURY:** We were living that  
14 since January. Like, that's many days later. I mean, you wake  
15 up a Monday morning and there's no plan. We're told, oh, by  
16 Wednesday they'll be gone. Wednesday night or Thursday morning  
17 when they're not gone, what happens then? It's a lot of days  
18 later.

19 **MS. NATALIA RODRIGUEZ:** So but Council is not the  
20 one who declares a state of emergency. That's ---

21 **COUNCILLOR MATHIEU FLEURY:** I understand.

22 **MS. NATALIA RODRIGUEZ:** --- the mayor; right?

23 **COUNCILLOR MATHIEU FLEURY:** I understand. But  
24 Council can move a motion to ask the mayor to declare a state of  
25 emergency. There's a number of pressure points that Council can  
26 enact. As you've seen, I described the by-law, for example,  
27 right, the increase in fines. Well, we can't increase fines,  
28 but we can ask the justice to increase fines. And, you know, if

1 Council's behind it and we explain it, there's a number of areas  
2 like that that Council wasn't quick, it wasn't aligned on its  
3 intentions, which I think didn't do -- we didn't have the full  
4 tools to resolve this, but there's tools we could have used  
5 earlier that would have signalized the urgency of the situation.

6 **MS. NATALIA RODRIGUEZ:** And there never was a  
7 motion brought with respect to declaring a state of emergency;  
8 was there?

9 **COUNCILLOR MATHIEU FLEURY:** The mayor declared  
10 it, but he knew that we had a council two days after and I had  
11 drafted that motion.

12 **MS. NATALIA RODRIGUEZ:** Okay. So it was coming, is  
13 what you're saying?

14 **COUNCILLOR MATHIEU FLEURY:** It was coming to the  
15 floor of council and it's a good that he didn't wait for two days,  
16 but it should have come earlier.

17 **MS. NATALIA RODRIGUEZ:** Thank you. And there were  
18 several motions we know that were brought to Council, many of them  
19 which passed, relating to responses to the Convoy petitioning the  
20 federal government, asking the government for assistance for  
21 residents and businesses, for example. How would you describe  
22 generally the various motions that were brought to Council and  
23 that were passed? Like we know there's different types of motions;  
24 some of them are more political in nature and are more symbolic,  
25 other ones actually have an effect where they can make a change.  
26 So what kinds of motions were these? Councillor McKenney?

27 **COUNCILLOR CATHERINE McKENNEY:** Yeah, so the  
28 motions that had started to come forward certainly were, you know,

1 of the nature, if you will -- you know, asking for a more  
2 coordinated response, asking, you know -- but I will say this, and  
3 again, it's not necessarily Council, but you know, where the City  
4 did fail residents was in not -- you know, we have a Legal  
5 Department, we have expertise on staff and, you know, it took a  
6 private resident to, you know, come forward with an injunction to  
7 stop the horns.

8           You know, that's where in my opinion the City failed  
9 in its responsibility to residents. The declaration of an  
10 emergency was just that; it was symbolic. Nothing occurred as a  
11 result of that; horns didn't stop; trucks didn't stop idling, you  
12 know, the harassment didn't stop, nothing stopped, if that's all  
13 that had happened. Yeah, it had no effect essentially.

14           So when the motion started to come forward, you  
15 know, my opinion, and it's just my opinion, like some of it was,  
16 you know, to demonstrate that we're, you know, as a Council or  
17 different councillors trying to do something to move it forward.  
18 It became desperate really. It was, you know, grappling at straws  
19 really to find a way as a city to bring to an end what was a  
20 federal crisis.

21           **MS. NATALIA RODRIGUEZ:** And my understanding too,  
22 is that there was an amendment to the idling by-law which then  
23 made it a breach of the by-law, if you will, to idle below a  
24 certain temperature. And that was because in the winter, if it's  
25 below a certain temperature, you can idle, but of course this was  
26 being used -- or this was not being implemented because the trucks  
27 were out there idling and so they raised the temperature -- or  
28 rather they lowered the temperature such that it would apply even



1 in cold weather. Have I accurately captured the spirit of that  
2 motion to amend the by-law?

3 **COUNCILLOR CATHERINE McKENNEY:** Yes.

4 **MS. NATALIA RODRIGUEZ:** Okay. And did that have an  
5 effect -- did passing that motion and amending that by-law to make  
6 it applicable in cold weather, have any practical effect?

7 **COUNCILLOR CATHERINE McKENNEY:** No.

8 **MS. NATALIA RODRIGUEZ:** Okay. And why is that?

9 **COUNCILLOR CATHERINE McKENNEY:** Well, again, it  
10 wasn't an injunction. There was, you know, I think that -- you  
11 could see from the evidence that trucks continued to idle; people,  
12 you know, who were occupying those streets, it was February, it  
13 was extremely cold and trucks -- large trucks, vehicles, in some  
14 cases cars just continued to idle.

15 **MS. NATALIA RODRIGUEZ:** Councillor Fleury, do you  
16 have any information as to why that didn't do very much?

17 **COUNCILLOR MATHIEU FLEURY:** I go back to the by-  
18 law enforcement. It was by-law authorized to enforce and how many  
19 tickets were issued? We're under the same mindset that we were  
20 not informed that there was a slew of fines and that that -- you  
21 know, that wasn't a tool that was used by enforcement authorities  
22 to start to advance our -- the dismantling of the occupation.

23 **MS. NATALIA RODRIGUEZ:** And at some point I  
24 understand there was a suggestion that there were enough votes in  
25 Council to pass a motion to request military equipment under the  
26 *National Defence Act*. Councillor Fleury, can you explain what  
27 that was all about and what came of that?

28 **COUNCILLOR MATHIEU FLEURY:** I think the context of

1 that is very important. So we have a former military member who  
2 is a member of Council who's fought in Afghanistan and the  
3 conversation relating to that in its period is two-prong. One is,  
4 we have Chief Sloly who is now at that point officially requesting  
5 additional resources from the OPP and the RCMP. And we have our  
6 City and OPS saying that tow trucks are refusing -- that tow trucks  
7 under contract are refusing to offer service and we can't procure  
8 more; we've asked provincial partners, they're not coming with  
9 solutions.

10 So I know it's controversial because of, you know,  
11 the use of the *Emergencies Act* and you going back a generation on  
12 the use of that *Act*, but the spirit of that conversation is  
13 relating to equipment to remove the trucks, so the towing  
14 equipment, not the military. It's the equipment of the military  
15 to enable dismantling of the occupation.

16 **MS. NATALIA RODRIGUEZ:** Okay. So if I understand  
17 it, the City of Ottawa tow truck companies that were under contract  
18 with the City of Ottawa, were refusing to tow and offer towing  
19 services and this was a way to fill that gap; is that right?

20 **COUNCILLOR MATHIEU FLEURY:** Correct.

21 **MS. NATALIA RODRIGUEZ:** Okay. And what happened to  
22 that motion?

23 **COUNCILLOR MATHIEU FLEURY:** I don't believe it was  
24 ever brought because it got entangled into the federal politics of  
25 that and I believe the Prime Minister and others commented that  
26 there would be no use of that *Act*, but it lost sense of why the  
27 conversation was happening at the local level, I'd say.

28 **MS. NATALIA RODRIGUEZ:** I see. So it never made it

1 to the floor?

2 **COUNCILLOR MATHIEU FLEURY:** No.

3 **MS. NATALIA RODRIGUEZ:** Okay. So in your view,  
4 both of you, was there more Council could have done? And I'll  
5 start with Councillor McKenney?

6 **COUNCILLOR CATHERINE McKENNEY:** Well, certainly as  
7 I indicated earlier; to have an engaged Council and staff looking  
8 at all options, which included in the end injunctions, injunctions,  
9 you know, on horns, injunctions on idling, but with strength.  
10 Certainly that would have, at the very least, eased some of the  
11 stressors, the pressures that residents were, you know, under  
12 throughout this -- throughout the siege. You know, in the end I  
13 still pen that it was our local police who, you know, in the  
14 beginning made a -- you know, a serious error in allowing trucks  
15 to come into our City off of routes. Actually I think they put up  
16 signs and actually, you know, pointed to where they could park and  
17 that. And then, you know, our federal government, our provincial  
18 government, not responding in a way that in any way suggested that  
19 they, you know, felt that having their capital under siege, or  
20 losing their capital. Really, we had a residential neighbourhood  
21 that was lost, that was under siege and no other level of  
22 government was taking it seriously. And until that happened, you  
23 know, we weren't going to see an end to the occupation.

24 And it really was about the resources in the end.  
25 It really was about what I called for early in the occupation. We  
26 need to have those extra resources brought in, you know, local  
27 police were not going to be able to respond once the occupation  
28 took route.

1                   **MS. NATALIA RODRIGUEZ:** Councillor Fleury, was  
2 there more that City Council could have done?

3                   **COUNCILLOR MATHIEU FLEURY:** I support the idea of  
4 an earlier injunction. It's pretty obvious now. The state of  
5 emergency, although symbolic, was used by provincial and federal  
6 elected officials to advance dismantling or solutions to dismantle  
7 our by-laws. It took a while for us to raise the fines -- and not  
8 just raising the fines, but actually untangling the command of the  
9 by-laws and make -- you know, start eating away at the red zone  
10 and start limiting the impact in the residential and main streets  
11 of Ottawa.

12                   The way the city communicated with residents, I  
13 think there was also a lot of concerns around, you know, call 311,  
14 but then if 311 is not -- if it doesn't work, then what happens?

15                   So, you know, I think there's a lot of this. And  
16 I want to come back to one of the points, which was on the -- I  
17 believe it was the Wednesday or the Thursday prior to the convoy  
18 arrival -- it was the 26<sup>th</sup> of January; we were briefed by Chief  
19 Sloly at the time Kim Ayotte and a number of councillors, I  
20 believe, including Councillor McKenney, Councillor Brockington and  
21 Councillor Egli, who's a lawyer by profession, we asked "Will our  
22 truck routes be respected?" and we were said -- we were told no  
23 because of a charter I won't recite because I'm not a lawyer. But  
24 then, for us, from an outside perspective, hey, the following  
25 weekend, they're at Queen's Park, they're in Quebec City, and wait  
26 a minute, the trucks are controlled. They're not walking right  
27 into the front doors. And adding to that, we're weeks into that,  
28 days into that, trucks are moving in and out of the zone, moving.

1 It's like, "Whoa." It's like a triple effect of this. Like, we  
2 didn't -- there wasn't a plan in place to limit truck movement.  
3 Then truck movement continued and there was no operational  
4 resolution to that like, "Okay, you can't move in the red zone.  
5 You're out of the red zone. We're not letting you back in." That  
6 took until basically the last days before that was taken seriously.

7 **MS. NATALIA RODRIGUEZ:** So you're saying that  
8 before the days -- that during the first few weeks, anyway,  
9 trucks could leave the red zone and then re-enter?

10 **COUNCILLOR MATHIEU FLEURY:** Yes.

11 **MS. NATALIA RODRIGUEZ:** In your views, I want to  
12 ask you about the mayor's response to this.

13 Councillor McKenney, do you think there was more  
14 the mayor could have done, or how would describe his response to  
15 this event?

16 **COUNCILLOR CATHERINE MCKENNEY:** Well, certainly  
17 his response to me, as the councillor, you know, responsible for  
18 the residents for the downtown, of Somerset ward, I never  
19 received a phone call from the mayor. It wasn't until somebody  
20 mentioned it publicly that a meeting was called, myself, and  
21 several councillors, and the police chief, and the mayor. So,  
22 you know, there was no attempt to work with me to provide  
23 guidance, to provide resources, support for, you know,  
24 residents. It's not about me personally. I didn't need any of  
25 that but the people I represent certainly did.

26 You know, there was no urgency from the mayor to  
27 respond, to provide the information that people needed, to  
28 respond to the concerns that were, you know -- you know, that

1 were being brought to his attention and that of many others. I  
2 forwarded, in the end, many, many emails and instances of, you  
3 know, chaos in the -- you know, in the residential areas.

4 So yeah, it was very difficult. It felt like,  
5 you know, for myself, that I was on my own to respond to what  
6 was happening in Centretown.

7 **MS. NATALIA RODRIGUEZ:** And Councillor Fleury,  
8 with respect to the mayor's response, what would you say to  
9 that?

10

11 **COUNCILLOR MATHIEU FLEURY:** It's easy when you  
12 look back, you can judge. And I know he'll be on so, you know,  
13 you can ask him the specifics. But I think I'm going to bring  
14 it up to kind of the conversation that it needs to have which  
15 is, you know, the mayor represents every resident of Ottawa.  
16 And when there is an area that is impacted, you want to work  
17 with closely with the mayor, and legal team, and so on so that  
18 everyone's on board with the actions, right.

19 So I bring you back to that period. You know,  
20 I'm the only councillor, basically, at City Hall. I can't work  
21 from home; I'm at City Hall; I'm in my office. That entire  
22 building's empty. Like, it's empty. So, you know, there's the  
23 factor of where councillors live, where the mayor lives, where  
24 City staff live. They're seeing it on their screen. They're  
25 seeing it on social media. They're not living it. So I'm not  
26 casting a blame. I'm describing the period, right. There's a  
27 period of time where people are behind their screen at home.  
28 We're living the impacts in real time and it happen extremely

1 quick.

2                   And then, you know, there's the other piece,  
3 which is the period -- like, the crisis. At the City -- again,  
4 I go back -- I mean I'm young but getting old. Twelve years  
5 later, we've had a lot of crises 00 flooding, power outages, a  
6 recent derecho, the sinkhole on Rideau.

7                   It's pretty standard what you see at the City.  
8 There's a table -- a white table with nametags, a water bottle.  
9 You'll have communication. You'll have the service lead; that  
10 would be -- throughout Covid, it was Public Health. Through  
11 other crisis, it might have been Hydro Ottawa. It might have  
12 been a city official, the mayor, and maybe other jurisdiction.  
13 I didn't see that white table during this situation, ever. And  
14 out of all the crises I've seen, it's a bit unique that I didn't  
15 see that and I'd love -- he's never -- I've never asked; he's  
16 never explained it; but that to me is, like -- as someone who's  
17 lived the crisis at the City of Ottawa, it's atypical of not  
18 seeing that confident, "We have a plan," informing residents.

19                   It came through but it came through the police  
20 chief, through police communication, and some City information  
21 which was often criticized because of street closures and the  
22 tone that was used in City communications and police  
23 communications in the first few weeks.

24                   **MS. NATALIA RODRIGUEZ:** Thank you. I want to  
25 take you now, just to close, to OTT00030058, and it's a video,  
26 Councillor McKenney, that you filmed. And I believe we talked a  
27 little bit about this day that it was filmed but I'll ask you to  
28 confirm it. We're just going to stop it at 1:50 because I think

1 there was, maybe, audio issues at the very end of the video. So  
2 we'll stop it at 1:50 but we can go ahead and show it.

3 **[VIDEO PLAYBACK]**

4 **MS. NATALIA RODRIGUEZ:** Thank you. So can you  
5 confirm, Councillor McKenney, that this was filmed on the day of  
6 the council meeting on February 16?

7 **COUNCILLOR CATHERINE McKENNEY:** Yes, it was.

8 **MS. NATALIA RODRIGUEZ:** And you say in the video,  
9 "I don't know who is counting trucks but I can tell that the  
10 street is not cleared." What was that in reference to?

11 **COUNCILLOR CATHERINE McKENNEY:** So this was a  
12 council meeting after the mayor had made some arrangement with  
13 one of the convoy organizers to remove trucks from the  
14 residential area. That did not happen. And this council  
15 meeting was Wednesday. I was very, very concerned -- more than  
16 concerned. I was really quite frightened that another weekend  
17 would bring, you know, just so much more chaos. We just could  
18 not go through another weekend. And I was very concerned -- you  
19 know, that the mayor was relaying to council and to the public  
20 that trucks had been relocated off of residential streets.

21 I decided, you know, probably an hour before  
22 council that I had to do something and I went down to Kent  
23 Street and I -- you know, I called in council from there to  
24 demonstrate that these trucks were still here. I needed people  
25 to see what was happening. It was very difficult because you  
26 would hear from people -- I would get emails. I got an  
27 exceptional amount of hate throughout the whole three and a half  
28 weeks but it was getting worse -- personal threats to myself, my



1 family -- and there was so much -- people were dismissing what  
2 was happening -- not everyone, of course. I got tremendous  
3 support from across the city, people emailing me they saw what  
4 was happening and they supported that, but I just did feel that  
5 police, the City, or -- had a plan for the weekend. It was  
6 Wednesday night -- Wednesday night. We just couldn't. Friday  
7 was the day that it all began again.

8                   So it was really a plea and a demonstration to  
9 everyone watching, what was happening to people who live here on  
10 Kent Street. You can see the residential towers on Kent Street.  
11 That's their front lawn. That's where they live.

12                   **MS. NATALIA RODRIGUEZ:** And Councillor McKenney,  
13 did anyone give you any kind of assurances or comfort about the  
14 plan for that weekend after this video?

15                   **COUNCILLOR CATHERINE McKENNEY:** Yes, after this  
16 video I began to hear more regularly from the interim Police  
17 Chief that there was a plan in place. I got more specific  
18 information, not detailed, and I wasn't looking for detailed  
19 information, but that there was a plan in place to bring in the  
20 resources to end the occupation over the weekend.

21                   **MS. NATALIA RODRIGUEZ:** And this was Interim  
22 Chief Steve Bell?

23                   **COUNCILLOR CATHERINE McKENNEY:** Yes, it was.

24                   **MS. NATALIA RODRIGUEZ:** Okay, thank you.

25                   Councillor Fleury, Councillor McKenney spoke  
26 about receiving threats to herself and to her family. Did you  
27 similarly receive threats? I believe we saw a bit of that in  
28 your witness statement, but maybe you can just explain that.

1                   **COUNCILLOR MATHIEU FLEURY:** Okay. On the --  
2 after the first weekend and when we saw no movement, there -- us  
3 speaking to locals, I was one of the first ones to say, "Stop  
4 the funding. Block the funding." And I went on social media  
5 and said that.

6                   **MS. NATALIA RODRIGUEZ:** So this is funding to the  
7 convoy?

8                   **COUNCILLOR MATHIEU FLEURY:** That's right.

9                   **MS. NATALIA RODRIGUEZ:** Okay.

10                  **COUNCILLOR MATHIEU FLEURY:** And hours after there  
11 were two pickup trucks that -- I have a young family -- came to  
12 my home and just yelled absurdities with you know, typical  
13 pickup truck with the flags on. And at that point I knew, okay,  
14 this is out of control. I had to shut down my own social media  
15 and I had to move my family out for the duration.

16                  **MS. NATALIA RODRIGUEZ:** And was this reported to  
17 the police?

18                  **COUNCILLOR MATHIEU FLEURY:** I did report it to  
19 the council liaison at the time. And we're walking two  
20 responsibilities. I'm responsible for my family's safety and  
21 wellbeing. I'm in a crisis at work. Like, so I've got to  
22 protect the family and I think Catherine did the same with their  
23 child. And for us then it was back on the ground, back in terms  
24 of what could we do. So we had -- we didn't ask for it. We  
25 didn't want police protection. We wanted police on the ground  
26 to clear out the streets and protect our community. But the  
27 stuff we had on social media, the threats, the -- you know, my  
28 wife is Chinese Canadian. I have a mixed kid. What a beautiful

1 country we're in. And here I am being threatened like, you  
2 know, "This virus comes from China. This guy is linked to  
3 China."

4 Are we real? Like, I'm a local City councillor  
5 trying to help my community. I recognize I'm in the capital.  
6 Leave us alone.

7 **MS. NATALIA RODRIGUEZ:** And in closing, is there  
8 anything that either of you would like to add that we haven't  
9 covered about your experiences with impacts on residents and  
10 businesses, the City response, the Police response, or any other  
11 matter relating to the convoy in Ottawa?

12 I'll give you a chance to think about it. Have  
13 we covered it, from your perspective?

14 **COUNCILLOR CATHERINE McKENNEY:** Yes.

15 **COUNCILLOR MATHIEU FLEURY:** Yes.

16 **MS. NATALIA RODRIGUEZ:** Thank you both. Those  
17 are my questions.

18 Thank you, Commissioner.

19 **COMMISSIONER ROULEAU:** Okay, thank you.

20 We're going to have to take a break at some point  
21 because I think, among other things, the interpreters need some  
22 breaks too. I know you all are pretty strong and want to go  
23 through and I love the punishment. But I think they need a  
24 break.

25 Now, the question is we can start briefly with  
26 the Coalition, or break now. I don't know.

27 **CONSEILLER MATHIEU FLEURY:** Je peux parler en  
28 français, si vous voulez, on peut donner une pause aux

1 interprètes.

2 **COMMISSIONER ROULEAU:** Ah, y'a des... y'a des signes  
3 ici, alors...

4 **CONSEILLER MATHIEU FLEURY:** Ah, d'accord,  
5 d'accord. Je m'en excuse.

6 **COMMISSIONER ROULEAU:** So we can take a sort of --  
7 I had thought we'd do it about five o'clock if that's okay, and  
8 you could get started. And unless there's a different order, I  
9 take it. I'm not longer asking whether there's agreed order, so  
10 if there is, let me know. But I'm assuming there isn't.

11 So is it okay to get started with the Ottawa  
12 Coalition and ---

13 **MR. PAUL CHAMP::** The only thing I'd say,  
14 Commissioner, I think we're allotted 30 minutes.

15 **COMMISSIONER ROULEAU:** Yeah.

16 **MR. PAUL CHAMP::** So I'm not sure if we -- just  
17 because of the timing, I'm not sure if you're suggesting for us  
18 to start and then break part way through.

19 My preference would be to do all of ours at once.

20 **COMMISSIONER ROULEAU:** We'd do your 30 minutes at  
21 once. And then it would be at 5:10 the break. Because I think  
22 we're going to go late, so I'm trying to break it at a good  
23 spot. Is that okay? Or do you want a break now?

24 **MR. PAUL CHAMP::** It would be my preference not  
25 to do my full 30 right at this moment.

26 **COMMISSIONER ROULEAU:** Okay. Well, then let's  
27 take a 15 minute break. Let's try and keep it to 15 minutes,  
28 please. Quinze (15) minutes, s'il vous plait.

1                   Merci aux interprètes. Thank you to the  
2 interpreters.

3                   **THE REGISTRAR:** The Commission is in recess for  
4 15 minutes. La Commission est levée pour 15 minutes.

5 --- Upon recessing at 4:40 p.m.

6 --- Upon resuming at 4:59 p.m.

7                   **THE REGISTRAR:** Order.

8                   The Commission has reconvened. La Commission  
9 replend.

10                  **COMMISSIONER ROULEAU:** Okay. We're into the last  
11 stretch.

12                  **MR. PAUL CHAMP:** I'm just going to set my time,  
13 my stopwatch, Commissioner, to make sure I'm on time or under  
14 time.

15                  Thank you, Councillors, so much for joining us  
16 today. I'm just going to go through ---

17                  **COMMISSIONER ROULEAU:** If you could just  
18 introduce yourself for the record ---

19                  **MR. PAUL CHAMP:** I apologize.

20                  **COMMISSIONER ROULEAU:** --- and for the  
21 witnesses.

22                  **MR. PAUL CHAMP:** Thank you, Commissioner.

23                  Paul Champ, legal counsel for the Ottawa  
24 Coalition for Residents and Businesses, representing community  
25 associations and business improvement areas in downtown Ottawa.

26 **--- CROSS-EXAMINATION BY MR. PAUL CHAMP:**

27                  **MR. PAUL CHAMP:** Councillor Fleury, I'm going to  
28 take you through a few emails and I'd ask the hearing clerk to

1 call them up.

2                   The first one is OTT2779. And while that's being  
3 brought up, I just want to ask you, Councillor Fleury, I get the  
4 sense from your testimony, do you feel that the occupation in  
5 downtown Ottawa wasn't getting the attention it deserved from  
6 the Mayor of Ottawa?

7                   **COUNCILLOR MATHIEU FLEURY:** That's a tough  
8 question. Probably not as ---

9                   **MR. PAUL CHAMP:** From your perspective.

10                  **COUNCILLOR MATHIEU FLEURY:** Yeah, probably not as  
11 serious as early as it should have been. But when it was clear,  
12 you know, I didn't feel resistance. I can put it that way.

13                  **MR. PAUL CHAMP:** Did the Mayor reach out to you  
14 personally at any time about to ask you how things were going  
15 with you? We've heard about these awful threats to your family.  
16 At any point did he reach out to you?

17                  **COUNCILLOR MATHIEU FLEURY:** Checking in  
18 throughout the weeks, I would say it took a while. And I was  
19 communicating with different members of his team throughout, so  
20 him maybe less so, but through his office in different instances  
21 for sure.

22                  **MR. PAUL CHAMP:** Well but like is there any of  
23 the personal concern? The human touch? Anything like that  
24 between yourself and the Mayor during that time? That difficult  
25 time?

26                  **COUNCILLOR MATHIEU FLEURY:** Yeah, I mean you have  
27 to go back to the period. A lot of these were either through  
28 text or through Teams or Zoom meetings; right? So you turn on

1 the Zoom, you turn off the Zoom. There's not that sidebar  
2 conversation. There'd be a few texts throughout the last --  
3 during that three weeks, but, you know, nothing that would --  
4 nothing that comes to mind, I'd say.

5 **MR. PAUL CHAMP:** Okay. We've got an email here  
6 that's Ottawa 2779. This is an email from February the 2<sup>nd</sup> from  
7 yourself to the Mayor, and a number of other people, Serge  
8 Arpin, that's his Chief of Staff is my understanding, and Steve  
9 Kanellakos, City Manager, Kim Ayotte, and Councillor McKenney.  
10 This is you that sent that email at that time?

11 **COUNCILLOR MATHIEU FLEURY:** Yes.

12 **MR. PAUL CHAMP:** Expressing the concern for your  
13 constituents?

14 **COUNCILLOR MATHIEU FLEURY:** Correct.

15 **MR. PAUL CHAMP:** And now at the end -- so you  
16 laid out a lot of the issues there. In the end, you ask him,  
17 "Please consider the following," you know, four points that  
18 you're hoping they'd consider.

19 Did you get a response to this email?

20 **COUNCILLOR MATHIEU FLEURY:** I did not.

21 **MR. PAUL CHAMP:** Could I ask to get Document  
22 Ottawa 3893? Great.

23 So this is just a series of emails. If we go to  
24 page 2, near the bottom, we see that you're getting an email  
25 here, Councillor Fleury -- a bit lower, lower, there we go. So  
26 you're getting an email from a Mr. Brian O'Hoski. Who is that?

27 **COUNCILLOR MATHIEU FLEURY:** He's the General  
28 Manager of the Rideau Centre.

1                   **MR. PAUL CHAMP:** Okay. And he's reaching out to  
2 you, "Hi Mathieu." So you interact with him fairly frequently?

3                   **COUNCILLOR MATHIEU FLEURY:** Yes. Yes, he's --  
4 it's an important property. He's also the Chair of the Board of  
5 the Downtown Rideau BIA.

6                   **MR. PAUL CHAMP:** Right. And so he's asking you,  
7                   "Is it safe or unsafe to open and operate  
8                   the Rideau Centre? Is there a way to  
9                   leverage support of OPP or RCMP? Our  
10                  accountability is to our paying tenants.  
11                  For five and a half days we've been unable  
12                  to meet that requirement." (As read)

13                  Then we see an email from you just a bit further  
14 up, rolling up this time, yeah, thank you, to:

15                  "Hi, Steve, Mathieu, Kim, and Chief Sloly,  
16                  please below see two clear questions from  
17                  Rideau Centre. Can City and OPS please  
18                  respond?" (As read)

19                  And why did you send this to -- that's Steve  
20 Kanellakos, City Manager, I gather? Kim Ayotte, that's Head of  
21 Bylaw and Emergency Services, Chief Sloly, -- and who is Mathieu  
22 Gravel?

23                  **COUNCILLOR MATHIEU FLEURY:** In the Mayor's --  
24 he's Mayor's staff.

25                  **MR. PAUL CHAMP:** Mayor's staff. Okay. And then  
26 if you will just keep rolling up, we'll see the response that  
27 you get:

28                  "I forwarded your request to the



1 Councillor Liaison Office." (As read)

2 That's Kim Ayotte. That's the Head of Emergency  
3 Operations? Is that right?

4 **COUNCILLOR MATHIEU FLEURY:** Correct.

5 **MR. PAUL CHAMP:** And he says:

6 "We need to follow a process as we are  
7 getting hammered." (As read)

8 Did you know what Mr. Ayotte meant by that?

9 **COUNCILLOR MATHIEU FLEURY:** No. We -- both our  
10 offices were getting tons of emails, but the way we were -- the  
11 way I was connecting into the City was tactical here. As you  
12 can see, we have the largest commercial property asking very  
13 direct questions which would influence their ability to open or  
14 not.

15 **MR. PAUL CHAMP:** Yeah. And then you respond:

16 "McKenney and I are both most impacted. I  
17 am not flooding your mailbox. Rideau  
18 Centre is not just any business. Thank  
19 you for your attention to this matter."

20 (As read)

21 I interpret that as that the communications with  
22 Mr. Ayotte was starting to get a little tense. Is that how it  
23 was from your perspective, Councillor Fleury?

24 **COUNCILLOR MATHIEU FLEURY:** Yeah. I'm used to  
25 the environment where if you go to the top and you're funneled  
26 through a liaison or someone, it's of lesser importance, or else  
27 the management would take action and respond. I thought the  
28 email from Brian was very clear and deserved a clear response

1 one way or the other. Two simple questions, not long. Pretty  
2 obvious they'd been closed. I mean, he -- Kim would have known  
3 that information.

4 **MR. PAUL CHAMP:** Hearing Clerk, can we get Ottawa  
5 5511? Oh yeah, thank you. And the next page, sorry. Rolling  
6 down. Rolling down a bit further. There we go.

7 So here's an email from Genevieve Dumas from  
8 Fairmont. Who is that?

9 **COUNCILLOR MATHIEU FLEURY:** She's the General  
10 Manager at the Château Laurier.

11 **MR. PAUL CHAMP:** Okay. And to Steve Ball? Who  
12 is Mr. Ball.

13 **COUNCILLOR MATHIEU FLEURY:** Mr. Ball is the  
14 Executive Director of the Hotel Association here in Ottawa.

15 **MR. PAUL CHAMP:** In this email, Ms. Dumas is  
16 talking about a sprinkler failure that started a fire alarm and  
17 flood in her elevators, and then raises the concern that:

18 "The fire truck couldn't make it to the  
19 hotel. This would be the same case for  
20 ambulance. So all hotel in this radius is  
21 most likely in this same situation. It  
22 could be a major issue in case of real  
23 emergencies." (As read)

24 This is the situation you were telling us about  
25 before? Is that right?

26 **COUNCILLOR MATHIEU FLEURY:** Correct.

27 **MR. PAUL CHAMP:** And then at page 1, we see -- so  
28 rolling up. There's a picture there that we're rolling up. And

1 you said:

2 "Hi, Chief. See below. What can we do?  
3 These seem to be extremely dangerous, life  
4 safety, and emergency response challenges.  
5 Not sure why OPS wouldn't have accessed  
6 Château Laurier via Saint Patrick and  
7 Mackenzie Avenue." (As read)

8 Did you ever get a substantive response to that,  
9 sir?

10 **COUNCILLOR MATHIEU FLEURY:** No.

11 **MR. PAUL CHAMP:** Thank you.

12 Hearing Clerk, Ottawa 8282. Thank you very much.  
13 And I'll take you on this one to the third page, if I could,  
14 Hearing Clerk. Keep going. Yeah, there we go. Perfect. There  
15 we go.

16 So this is an email from Mr. Brian O'Hoski again  
17 from the Rideau Centre to yourself and Andrew Peck, that's with  
18 the Downtown Rideau BIA, on February 15<sup>th</sup>.

19 And here, Mr. O'Hoski is setting out that issue,  
20 he's setting out a number of issues, problems with the  
21 Rideau/Sussex intersection. And then he says:

22 "On a side note, Lamoureux Pumping had  
23 parked a red pick-up truck in my  
24 underground parking with a diesel fuel  
25 supply tank in the back and protesters  
26 were going back and forth filling portable  
27 gas cans and carrying them out to the  
28 demonstration." (As read)

1 The last sentence is:

2 "That truck is still in my parking lot and  
3 I was not supported by bylaw. It's been  
4 over 24 hours." (As read)

5 That's the incident you were telling us about  
6 before, Councillor Fleury?

7 **COUNCILLOR MATHIEU FLEURY:** Yeah, correct. This  
8 says a 9-1-1 call that went un-responded to.

9 **MR. PAUL CHAMP:** Then you get an email from the  
10 Council Liaison saying, "Hello, Councillor Fleury," and then a  
11 few other things. And then it says:

12 "The tow was booked for this evening.  
13 However, the vehicle left the parking lot  
14 beforehand. We'll continue to monitor the  
15 situation." (As read)

16 And your response to that is -- if you roll up?  
17 That's great right there. No, down a bit.

18 "Thanks for the support, Mat. Obviously  
19 I'm glad the truck is gone, but this does  
20 raise some major concerns for us. Between  
21 the three groups, OPS, Bylaw, and  
22 Regulatory Services, still couldn't manage  
23 to tow a single pedestrian vehicle that  
24 was engaged in illegal activity from a  
25 private lot in a 36-hour window." (As  
26 read)

27 So that was your understanding? It was there for  
28 36 hours?

1                   **COUNCILLOR MATHIEU FLEURY:** Yes. And not removed  
2 by authorities.

3                   **MR. PAUL CHAMP:** Thank God no one was injured  
4 there.

5                   You then -- or pardon me, that's actually from  
6 Mr. O'Hoski. That's not you. That's Mr. -- that's the Rideau  
7 Centre saying that.

8                   **COUNCILLOR MATHIEU FLEURY:** Correct.

9                   **MR. PAUL CHAMP:** You then forward that on to Mr.  
10 Ayotte:

11                                   "See below from the Rideau Centre. What  
12                                   should I answer him? I think he raises a  
13                                   fair point." (As read)

14                   And Mr. Ayotte then writes this longish sort of  
15 email to you, and you respond -- if you just go up a bit, roll  
16 up, there's the long from Mr. Ayotte, and then just roll up just  
17 a little bit more there. Great.

18                   And you just, in a one word -- sentence in  
19 response, that says:

20                                   "I don't believe this to be satisfactory."  
21                                   (As read)

22                   What was -- why weren't you happy with that email  
23 or why did you find it to be unsatisfactory?

24                   **COUNCILLOR MATHIEU FLEURY:** It's not the type of  
25 relationship I'm accustomed to between an important stakeholder  
26 and the City of Ottawa.

27                   **MR. PAUL CHAMP:** And then Mr. Ayotte responds:

28                                   "This is the answer and I'll leave it up

1 to you to decide if you want to send it."

2 (As read)

3 So was that a little bit of the tone of your  
4 communications with your own Manager of Emergency Operations?

5 **COUNCILLOR MATHIEU FLEURY:** Yes.

6 **MR. PAUL CHAMP:** Ottawa 7352. Great. And just  
7 roll down a little bit. Perfect.

8 So this is an email that you received from Mr.  
9 O'Hoski again on February 15<sup>th</sup> about -- raising concerns about  
10 the Rideau -- sorry, that was the one we just had.

11 **COUNCILLOR MATHIEU FLEURY:** That's the same ---

12 **MR. PAUL CHAMP:** Sorry about that. Apologies.  
13 But just up a bit. "Hi Diane and Deputy Chief Bell."

14 So you decided after those exchanges with Ms.  
15 Ayotte, you wanted to forward it on to Ms. Deans, the Chair of  
16 the ---

17 **COUNCILLOR MATHIEU FLEURY:** Police Services  
18 Board.

19 **MR. PAUL CHAMP:** And Deputy Chief Bell; why did  
20 you send it on to them?

21 **COUNCILLOR MATHIEU FLEURY:** I'm not known to give  
22 up on things that I think are incorrect. I mean I felt that the  
23 response not only was inadequate for the seriousness of the  
24 situation, but also raised a number of other risk factors that  
25 could go unanswered.

26 **MR. PAUL CHAMP:** Just for time, Councillor,  
27 there's a couple of other documents I was going to put to you  
28 but I'm not going to do that, about some concerns about schools,

1 that there was some concerns that schools are raising about the  
2 convoy, or it seems to be convoy associated trucks. Can you  
3 just tell us what you knew about that?

4 **COUNCILLOR MATHIEU FLEURY:** All the -- so I am  
5 francophone and the francophone -- both the francophone boards  
6 did connect with me. There are schools in both of our areas and  
7 they were wondering what was police recommending, if they should  
8 operate or not, they had issues for their staff to get to work,  
9 parents were raising concerns and there were a number of  
10 incidents where their parking lot was used by a pick-up with  
11 flags in the context of the school; and there had been on social  
12 media a number of threats of "go attack the school; go around  
13 the schools" and, you know, that sort of drove a lot of the  
14 concerns from the school boards. And we heard it separately  
15 from parents on those same issues.

16 And the Ottawa Police Liaison Team did connect  
17 with them in this case. They were -- in the two or three  
18 schools that I can think about that were most concerned, the OPS  
19 liaison did meet with the principal and I don't know what ensued  
20 of that, but -- the rare communication I got back and forth with  
21 police on, in that specific instances, they did take it serious.

22 **MR. PAUL CHAMP:** Councillor McKenney, on that  
23 issue, on schools in your ward, were you hearing concerns about  
24 that from those schools or parents with children in those  
25 schools?

26 **COUNCILLOR CATHERINE McKENNEY:** Yes, from  
27 Centennial, which is close to ---

28 **MR. PAUL CHAMP:** About six blocks?

1                   **COUNCILLOR CATHERINE McKENNEY:** It's about six  
2 blocks from here, yes. And also Devonshire, which is not in the  
3 Ward I represent, it's just on the -- just to the west a block  
4 or two. But after Pat King had encouraged, you know, people --  
5 his supporters to go around schools, I heard from several  
6 parents that that was actually happening in and around  
7 Devonshire and I brought that to the attention of Chief Sloly.

8                   **MR. PAUL CHAMP:** And Pat King, that's one of the  
9 organizers that we'll be hearing from later in the Inquiry.

10                   If I could get document Ottawa 30002. Now,  
11 Councillors, while I'm waiting for this document, I want to ask  
12 you both about like the diesel fumes and so forth that was  
13 happening downtown. I'll just ask you first, Councillor Fleury,  
14 were you hearing anything from City staff about any concerns  
15 about air quality or the health impacts of diesel fumes in  
16 downtown Ottawa from these 400 odd trucks arriving all the time?

17                   **COUNCILLOR MATHIEU FLEURY:** No, we were worried.  
18 That is one of the aspects around noise and fumes where Council  
19 was pretty supportive of our request saying what are the  
20 strategies, what are the risks? And the media and experts in  
21 that world sort of were speaking publicly to that matter, but we  
22 saw few actions to -- other than the injunction, to actually  
23 resolve that.

24                   **MR. PAUL CHAMP:** And Councillor McKenney, the  
25 same for you. Were you hearing from City staff about issues  
26 around air quality because of the diesel fumes in downtown  
27 Ottawa?

28                   **COUNCILLOR CATHERINE McKENNEY:** No, I never heard



1 from City staff on that issue.

2 **MR. PAUL CHAMP:** And what about -- but were you  
3 hearing from residents about what they were experiencing?

4 **COUNCILLOR CATHERINE McKENNEY:** Oh, absolutely.  
5 The smell of diesel fumes on Kent Street and in that, you know,  
6 the center of the occupation, was actually -- made you feel ill  
7 after you were there about half an hour or an hour or so. I  
8 heard from residents daily about their concerns.

9 **MR. PAUL CHAMP:** So this document that I've  
10 pulled up, it's an email that you guys did not get, but we see  
11 some of the people in on the to's and the from's, a Kelly  
12 Cochrane, a Todd Piper, Trisha Karam -- that was with the Ottawa  
13 Police -- Staff Roberts of the police, Michelle Ferguson with  
14 Ottawa. Do you know some of those people, are you familiar with  
15 any of those officials or police officers?

16 **COUNCILLOR MATHIEU FLEURY:** I'm not.

17 **COUNCILLOR CATHERINE McKENNEY:** I'm familiar with  
18 one of the ---

19 **COUNCILLOR MATHIEU FLEURY:** The Public Health.

20 **COUNCILLOR CATHERINE McKENNEY:** The Public Health  
21 names, but ---

22 **MR. PAUL CHAMP:** So this is an email that was  
23 sent, disclosed by the City of Ottawa, sent on February the 18<sup>th</sup>:  
24 "Subject: Message from Ottawa Public Health Regarding Convoy-  
25 related Air Quality Concerns" and the author writes:

26 "Good morning; sharing with you  
27 messaging that OPH ..." (As read)

28 Ottawa Public Health:

1                    "... requested that we share with our  
2                    colleagues who are working or  
3                    travelling in the P-Z." (As read)

4                    I'm not sure if you know what -- is that a City  
5 acronym or something, the P-Z"?

6                    **COUNCILLOR CATHERINE McKENNEY:** I've never heard  
7 it before I saw this.

8                    **MR. PAUL CHAMP:** And here is a long email; you've  
9 had a chance to see this and then I'll be sharing -- that  
10 there's concerns here about the air quality and about the health  
11 impacts from Health Canada as noted, as well as Ottawa Public  
12 Health.

13                    Had that information been shared with you at the  
14 time?

15                    **COUNCILLOR MATHIEU FLEURY:** No.

16                    **COUNCILLOR CATHERINE McKENNEY:** No.

17                    **MR. PAUL CHAMP:** About the potential:

18                    "... the protest become entrenched and  
19                    had become an ongoing occupation and  
20                    potential risk and exposure of diesel  
21                    exhaust and well documented health  
22                    concerns has increased for those in the  
23                    impacted areas. As a result, we would  
24                    like to bring this to your attention  
25                    and ask that you share this with any  
26                    agency conducting health and safety  
27                    risk assessments during the event." (As  
28                    read)

1 So that wasn't brought to your attention?

2 **COUNCILLOR CATHERINE McKENNEY:** No.

3 **MR. PAUL CHAMP:** Councillor McKenney, can I get a  
4 document, Ottawa OTT364?

5 While we're waiting for that, I'd just like to  
6 ask you, Councillor Fleury, you've told us a bit about the  
7 personal impact to you and it was after you had gone on social  
8 media talking about fundraising; is that right?

9 **COUNCILLOR MATHIEU FLEURY:** Yeah, I was saying  
10 the only way we're going to see an end to this, is to stop  
11 funding -- stop the funding.

12 **MR. PAUL CHAMP:** All right. And who were you  
13 trying to communicate to when you put that message out on social  
14 media?

15 **COUNCILLOR MATHIEU FLEURY:** I'm a local City  
16 Councillor who represents the residents in my community and  
17 businesses and within our City. So it's hard to control that  
18 within social media, I hear you, but my communication is to my  
19 residents and businesses.

20 **MR. PAUL CHAMP:** And you were referring to the  
21 millions of dollars that was being raised on gofundme to support  
22 and keep the protestors here in Ottawa; is that right?

23 **COUNCILLOR MATHIEU FLEURY:** Correct.

24 **MR. PAUL CHAMP:** And you were looking for some  
25 solutions, and whether the City could do something to stop the  
26 flow of that money to those individuals?

27 **COUNCILLOR MATHIEU FLEURY:** Correct.

28 **MR. PAUL CHAMP:** All right.

1                   And then how far did that social media go that  
2 you heard about?

3                   **COUNCILLOR MATHIEU FLEURY:** Yeah, I mean we had  
4 to shut down the platforms and as I said, a few hours later  
5 people showed up at my house -- again, I'm a local City  
6 Councillor finding myself on Fox News and gets to describe the  
7 situation.

8                   **MR. PAUL CHAMP:** We have this document up,  
9 Councillor McKenney, it's an email from a Jessica Bradley; who  
10 is that?

11                   **COUNCILLOR CATHERINE McKENNEY:** Jessica is the  
12 Assistant to Diane Deans.

13                   **MR. PAUL CHAMP:** And this is an email on February  
14 the 4<sup>th</sup>, 2022, "Subject: Block through Centertown" and it's  
15 addressed "Catherine, Sean and Jeff"; those are two other City  
16 Councillors saying:

17                   "I'm writing this morning to strongly encourage  
18 you not to move forward with your planned walk  
19 through Centretown today." (As read)

20                   Just for time, not to go through the whole thing,  
21 but what was the message you were getting from Councillor Dean's  
22 office as the representative from the Ottawa Police Services  
23 Board?

24                   **COUNCILLOR CATHERINE McKENNEY:** Yes, I believe  
25 this came from Councillor Deans through Jessica Bradley's email,  
26 but we were -- we were organizing walks; this would have been  
27 the first one that we were organizing. And Councillor Deans did  
28 have, you know, certainly concerns, serious concerns that, you

1 know, they would - it would cause resources to be redirected  
2 from other areas that police were focussed on. And, you know,  
3 she also called me to explain that, you know, she understands  
4 why I was doing and why I felt I needed to do what I was doing,  
5 but that she was afraid that it would encourage further  
6 violence.

7 **MR. PAUL CHAMP:** Councillor Fleury, there's one  
8 other question I was going to ask you about the By-law, and both  
9 of you a little bit.

10 The way you were kind of describing it, outside  
11 the red zone there was some enforcement of by-law that you were  
12 observing but it seemed to be selective?

13 **COUNCILLOR MATHIEU FLEURY:** Correct.

14 **MR. PAUL CHAMP:** A bit of selective enforcement  
15 that it seems trucks associated with the convey weren't getting  
16 tickets but residents in Ottawa were getting tickets?

17 **COUNCILLOR MATHIEU FLEURY:** I described it the  
18 other way, but your assumptions align with what I've been  
19 describing. Correct.

20 **MR. PAUL CHAMP:** I'd like to get document Ottawa  
21 29762.

22 Now, Councillors, I want to ask you about one big  
23 event that occurred part way through, and that was the removal  
24 of the Chair of the Ottawa Police Services Board, and another  
25 member of the Police Services Board by motion, and then -- which  
26 led to then a few others resigning. That event, as you may  
27 recall, there was an Ottawa City Council meeting on February  
28 16<sup>th</sup>, 2022. We've got the in-camera minutes now for that.

1                   You participated in that debate that day?

2                   **COUNCILLOR MATHIEU FLEURY:** I did.

3                   **COUNCILLOR CATHERINE McKENNEY:** Yes.

4                   **MR. PAUL CHAMP:** Councillors, this was a motion  
5 brought by one of your colleagues, Councillor Moffatt, to remove  
6 Councillor Deans from the Police Services Board? Is that right,  
7 Councillor Fleury?

8                   **COUNCILLOR MATHIEU FLEURY:** Correct.

9                   **MR. PAUL CHAMP:** And Councillor McKenney, you  
10 participated in that debate that day?

11                   **COUNCILLOR CATHERINE McKENNEY:** Yes, I did.

12                   **MR. PAUL CHAMP:** Okay. And just for point of  
13 time, we've seen some of the comments that you've made, both of  
14 you, but I do have one -- or a couple of questions for each of  
15 you.

16                   If I could go to page 4? And down near the  
17 bottom. Yeah, that's perfect.

18                   You'll see there:

19                   "Councillor McKenney noted that save for a  
20 few councillors that had reached out to  
21 them and offered help, other members had  
22 done nothing. They indicated they'd not  
23 received any calls from the City Manager  
24 or the General Manager of Emergency,  
25 Protected Services. The councillor noted  
26 that Councillor Deans had reached out.  
27 Councillor McKenney expressed opposition  
28 to the motion to remove members from the

1 Ottawa Police Board, arguing it was a  
2 power grab." (As read)

3 Can you tell us -- oh, I apologize, it goes over  
4 to the next page. Sorry.

5 **COMMISSIONER ROULEAU:** Scroll down ---

6 **MR. PAUL CHAMP:** Scroll down to the next page. I  
7 apologize.

8 Can you tell us, what was the point that you were  
9 making there, Councillor McKenney? What was your concern about  
10 the removal of the Chair of the Ottawa Police Services Board in  
11 the middle of this crisis in the city?

12 **COUNCILLOR CATHERINE MCKENNEY:** Well this was  
13 February 16<sup>th</sup>. This was the day that I called into council from  
14 Kent Street and then I rushed home on LRT to get back in time  
15 for in-camera. I had to be in the secure space. So I had just  
16 gotten back to my home.

17 The notion that Councillor Deans would be removed  
18 as Chair of the Police Services Board in what was the middle of,  
19 you know, a crisis in our city, we had a police chief who had  
20 resigned, we needed action. We needed stability. I was  
21 terrified of going into another weekend where, you know, the  
22 actions of harassment and intimidation were just increasing  
23 every weekend. And I felt very strongly that the Mayor and some  
24 members of council, but certainly the Mayor, was using this to  
25 take away any influence that Councillor Deans had *vis a vie* the  
26 Police Services Board and I referred to it as a power grab.

27 **MR. PAUL CHAMP:** Do you recall how much did you  
28 have about this motion and what its objective or purpose was?

1                   **COUNCILLOR CATHERINE McKENNEY:** Not -- in that  
2 afternoon -- that afternoon, I figured it was coming. I had  
3 been in contact with Councillor Deans. I was trying to do  
4 everything I could to get resolution to what was happening. So  
5 I did have -- there was some indication that, you know, that  
6 there was something happening. I wasn't brought into those  
7 conversations, of course, but when the motion dropped, it was --  
8 it had never been communicated to me anyway.

9                   **MR. PAUL CHAMP:** And this has been -- sorry,  
10 Councillor Fleury.

11                   **COUNCILLOR MATHIEU FLEURY:** I just think, you  
12 know, we see it maybe a bit differently for different reasons,  
13 but you have to consider the day.

14                   **MR. PAUL CHAMP:** Yeah.

15                   **COUNCILLOR MATHIEU FLEURY:** We have a council  
16 meeting that's booked early afternoon with the Police Services  
17 Board in the morning. That Police Services Board pushes this  
18 into the evening. When we get out of that -- when they get out  
19 of that Police Services Board, we're informed that the Chief is  
20 no longer the Chief.

21                   **MR. PAUL CHAMP:** Right.

22                   **COUNCILLOR MATHIEU FLEURY:** And then we walk into  
23 council and then everything -- we're learning about this. We go  
24 in-camera, and then, you know, you could read through it. It's  
25 like, "Oh, DC Bell will execute, but we have someone else  
26 aligned."

27                   There's a chaos within a chaos; right? So my  
28 perception is, to Councillor McKenney's point, we need stability



1 at this point. We need to get -- dismantle this. We need the  
2 operations; right? And there's a number of things that led to  
3 the Sloly situation, but I just think just taking that -- those  
4 minutes without the context, ---

5 **MR. PAUL CHAMP:** Right.

6 **COUNCILLOR MATHIEU FLEURY:** --- maybe misses some  
7 of the nuances.

8 **MR. PAUL CHAMP:** For sure. And so just the  
9 context was that the Chief had resigned, Chief Sloly had  
10 resigned, and then the Board had reached an agreement with  
11 another retired chief from another police services and wanted  
12 him to come in just on an interim or short-term basis to lead  
13 the police service and some people were concerned, "Well why  
14 don't we just have the Deputy Chief Bell remain as interim  
15 chief?" That was the sort of -- that was the context?

16 **COUNCILLOR MATHIEU FLEURY:** Correct.

17 **MR. PAUL CHAMP:** And your view is, why bring in  
18 someone else? Just have Deputy Chief Bell stay in charge?

19 **COUNCILLOR MATHIEU FLEURY:** My view is this new  
20 hire is not coming in fast enough.

21 **MR. PAUL CHAMP:** Right.

22 **COUNCILLOR MATHIEU FLEURY:** DC Bell is in place.  
23 We need dismantling. People have been asking us for three  
24 weeks.

25 **MR. PAUL CHAMP:** Can you recall what Councillor  
26 Deans said about why she didn't want to leave Deputy Chief Bell  
27 in charge as chief? Did she have any concerns with his  
28 leadership at that time?

1                   **COUNCILLOR MATHIEU FLEURY:** I don't remember.

2                   **MR. PAUL CHAMP:** Councillor McKenney?

3                   **COUNCILLOR CATHERINE MCKENNEY:** No, none that she  
4 expressed to me.

5                   **MR. PAUL CHAMP:** And you had asked, Councillor  
6 Fleury, about, well, what was the Board going to do if the  
7 former chief had not resigned? Do you recall that?

8                   **COUNCILLOR MATHIEU FLEURY:** Correct.

9                   **MR. PAUL CHAMP:** And do you recall what  
10 Councillor Deans said to you?

11                   **COUNCILLOR MATHIEU FLEURY:** I think it's well  
12 scripted in that piece that you had -- you shared these  
13 documents. It was apparently a mutual agreement to resignation.

14                   **MR. PAUL CHAMP:** You were asking well what -- if  
15 Sloly didn't resign. If Chief Sloly didn't ---

16                   **COUNCILLOR MATHIEU FLEURY:** Oh.

17                   **MR. PAUL CHAMP:** --- resign, what were you going  
18 to do? Or did you have concerns?

19                   **COUNCILLOR MATHIEU FLEURY:** I'm asking ---

20                   **MR. PAUL CHAMP:** She said something like, "Well  
21 we did have concerns he didn't have a plan."

22                   **COUNCILLOR MATHIEU FLEURY:** Correct. I'm asking  
23 that in the spirit of what was happening with Sloly, where  
24 initially he said this is not a police matter, there's a  
25 political fix, then he said, "Well, we need additional  
26 resources." Then all of us, under the pressure of the residents  
27 and community was saying, "What's your plan?" And then all of  
28 that tangled over the days, the hours, and then eventually this

1 resignation.

2 **MR. PAUL CHAMP:** Could I get document OTT 8026?

3 Now, this is an email that we're beginning up,  
4 Councillor McKenney, that you sent on February 17<sup>th</sup> Deputy--  
5 well, Interim Chief Bell at this point. And you say:

6 "There is significant police action this  
7 morning. Should residents in Centretown  
8 be sheltering in place? Should they  
9 evacuate today? What are we doing to keep  
10 kids in schools safe? Has anything been  
11 communicated to people affected by the  
12 movement against this occupation?" (As  
13 read)

14 And then we'll see there's an exchange up there  
15 that you weren't in on between Robyn Guest and Serge Arpin.  
16 It's a good question.

17 Did you get an answer to your good question?

18 **COUNCILLOR CATHERINE McKENNEY:** I did get an  
19 answer from the Interim Police Chief Steve Bell.

20 **MR. PAUL CHAMP:** Can you recall what he said to  
21 you?

22 **COUNCILLOR CATHERINE McKENNEY:** My recollection  
23 is that he said there was no need to shelter in place or for any  
24 evacuation and that he would keep me updated as the operations  
25 moved along.

26 **MR. PAUL CHAMP:** Could I get document OTT 25001?  
27 I'm hoping I got that right.

28 I recognize I'm just about out of time,

1 Commissioner.

2 Councillor McKenney, I was going to ask you about  
3 access to groceries and grocery stores.

4 Do I have the right one here? Yeah, it is.

5 Just before I get into this document, there's two  
6 major grocery stores in your ward? Is that right?

7 **COUNCILLOR CATHERINE McKENNEY:** That's correct.

8 **MR. PAUL CHAMP:** And it's the Independent at  
9 Somerset and Bank and ---

10 **COUNCILLOR CATHERINE McKENNEY:** Yes.

11 **MR. PAUL CHAMP:** --- the Farm Boy at Metcalfe and  
12 Gloucester, I guess? Is that right?

13 **COUNCILLOR CATHERINE McKENNEY:** Metcalfe Nepean.  
14 Yes.

15 **MR. PAUL CHAMP:** Nepean.

16 **COUNCILLOR CATHERINE McKENNEY:** Yeah.

17 **MR. PAUL CHAMP:** And did they stay open  
18 throughout the occupation?

19 **COUNCILLOR CATHERINE McKENNEY:** Yes, they did.

20 **MR. PAUL CHAMP:** Did they close at any time?

21 **COUNCILLOR CATHERINE McKENNEY:** One -- the Farm  
22 Boy closed on one afternoon. It was overtaken by a significant  
23 amount of the occupiers. There was a message that had come out  
24 that the Independent had also, but in the end, I learned that,  
25 in fact, the occupiers had gone into the basement -- into the  
26 parking garage underneath, but in fact, the ---

27 **MR. PAUL CHAMP:** Independent ---

28 **COUNCILLOR CATHERINE McKENNEY:** --- store didn't

1 -- the Independent did not close down.

2                   **MR. PAUL CHAMP:** They just closed down their  
3 parking ---

4                   **COUNCILLOR CATHERINE McKENNEY:** Yes, exactly.

5                   **MR. PAUL CHAMP:** --- their underground parking  
6 lot?

7                   Commissioner, I'm just going to respect the time  
8 and those are all the questions. Thank you.

9                   **COMMISSIONER ROULEAU:** Okay. Thank you.

10                   Next is the Ottawa Police Service.

11 **--- CROSS-EXAMINATION BY MR. DAVID MIGICOVSKY:**

12                   **MR. DAVID MIGICOVSKY:** Good afternoon,  
13 Councillors. Good afternoon, Commissioner.

14                   In the interest of trying to save some ---

15                   **COMMISSIONER ROULEAU:** Could you -- again, we  
16 need ---

17                   **MR. DAVID MIGICOVSKY:** I'm sorry.

18                   **COMMISSIONER ROULEAU:** --- people to introduce  
19 themselves for the transcription.

20                   **MR. DAVID MIGICOVSKY:** My name's David Migicovsky  
21 and I appear for the Ottawa Police Service. I apologize for  
22 that.

23                   In the interest of trying to save a bit of time,  
24 I'm going to try not to refer to a document, but if you need the  
25 document to assist you, I'm certainly happy to call it up. And  
26 so I want to start by talking about the January 26<sup>th</sup> meeting that  
27 the Ottawa Police Chief attended with councillors; do you recall  
28 that?

1                   **COUNCILLOR MATHIEU FLEURY:** Yes.

2                   **COUNCILLOR CATHERINE McKENNEY:** Yes.

3                   **MR. DAVID MIGICOVSKY:** And just, Councillor  
4 McKenney, I'll address my remarks -- some of these remarks to  
5 you. And then, when I want to address remarks to Councillor  
6 Fleury, I'll address them to you, again in the interest of  
7 trying to save some time so that I don't have you both answer  
8 the same question.

9                   And I understand that at that meeting, you were  
10 specifically -- and that was the meeting with councillors  
11 specifically to let them know about what the situation was  
12 coming up; is that right?

13                   **COUNCILLOR CATHERINE McKENNEY:** That's correct.

14                   **MR. DAVID MIGICOVSKY:** And, as I understand, at  
15 that time, you were told, or the councillors were told that the  
16 situation was fluid?

17                   **COUNCILLOR CATHERINE McKENNEY:** Correct.

18                   **MR. DAVID MIGICOVSKY:** And you were also told, or  
19 the councillors were also told that the police could not predict  
20 what would happen?

21                   **COUNCILLOR CATHERINE McKENNEY:** That is my  
22 recollection, yes.

23                   **MR. DAVID MIGICOVSKY:** And you were also told  
24 that the number -- that they had certain numbers with respect to  
25 the expected convoy but those could change within the hour; is  
26 that correct?

27                   **COUNCILLOR CATHERINE McKENNEY:** That is correct.

28                   **MR. DAVID MIGICOVSKY:** And you -- as a result,

1 Chief Sloly advised that area business would therefore have to  
2 make decisions for themselves as to whether to stay open or not?

3 **COUNCILLOR CATHERINE McKENNEY:** Correct.

4 **MR. DAVID MIGICOVSKY:** And you understood that  
5 was because it was such a fluid situation?

6 **COUNCILLOR CATHERINE McKENNEY:** Correct.

7 **MR. DAVID MIGICOVSKY:** And at that meeting, it  
8 was also indicated by Chief Sloly that the unpredictable nature  
9 -- that this was an unpredictable event; correct?

10 **COUNCILLOR CATHERINE McKENNEY:** That was what he  
11 said, yes.

12 **MR. DAVID MIGICOVSKY:** And -- thanks very much.  
13 And I want to go forward two days to January 28<sup>th</sup>. I understand  
14 further information was provided to council at that time; is  
15 that correct?

16 **COUNCILLOR MATHIEU FLEURY:** What day of the week  
17 is that? Could you ---

18 **MR. DAVID MIGICOVSKY:** That would be on the  
19 Friday.

20 **COUNCILLOR MATHIEU FLEURY:** Friday, okay.

21 **MR. DAVID MIGICOVSKY:** And I'll call it up for  
22 you if you need the document, Councillor McKenney, but I  
23 understand that -- so that was on the Friday and the convoy had  
24 started to arrive on Friday; is that correct?

25 **COUNCILLOR CATHERINE McKENNEY:** The convoy did  
26 start to arrive on Friday, yes.

27 **MR. DAVID MIGICOVSKY:** Right. And the largest  
28 one, however, came the following day; is that correct?

1                   **COUNCILLOR CATHERINE McKENNEY:** That's correct.

2                   **MR. DAVID MIGICOVSKY:** And at that meeting, you  
3 were advised by the Ottawa Police that again the situation was  
4 very fluid and would continue to change?

5                   **COUNCILLOR CATHERINE McKENNEY:** That was their  
6 assessment that they relayed to us, yes.

7                   **MR. DAVID MIGICOVSKY:** And I understand on  
8 Saturday, January 29<sup>th</sup>, more information was provided to you.  
9 And I wonder if we could call up OPS4225, please. And perhaps  
10 we could just scroll down. And I understand, if we look at the  
11 -- we see that again you were told, I guess, in the -- I believe  
12 in the fifth line, if I'm not mistaken, that the dynamic of the  
13 crowd at that time was cooperative but there were isolated  
14 incidents. But overall, the crowd, at that time, was peaceful;  
15 is that your recollection?

16                   **COUNCILLOR CATHERINE McKENNEY:** I don't recall  
17 seeing this -- this email.

18                   **MR. DAVID MIGICOVSKY:** You don't recall seeing  
19 it?

20                   **COUNCILLOR CATHERINE McKENNEY:** No. I mean it  
21 doesn't mean that it didn't come to me but ---

22                   **MR. DAVID MIGICOVSKY:** You wouldn't have any  
23 reason to disagree with that information, would you?

24                   **COUNCILLOR CATHERINE McKENNEY:** Can I ---

25                   **MR. DAVID MIGICOVSKY:** That was from Mr. Ayotte  
26 at the City.

27                   **COUNCILLOR CATHERINE McKENNEY:** Okay.

28                   **MR. DAVID MIGICOVSKY:** And it looks like it ---



1           **COUNCILLOR MATHIEU FLEURY:** It wasn't sent to us.

2           **COUNCILLOR CATHERINE McKENNEY:** I don't -- it  
3 wasn't sent to us. I never saw this.

4           **COUNCILLOR MATHIEU FLEURY:** This was sent to  
5 senior management.

6           **COUNCILLOR CATHERINE McKENNEY:** Yeah.

7           **MR. DAVID MIGICOVSKY:** But I take it you would  
8 have no reason to not trust what Mr. Ayotte said?

9           **COUNCILLOR MATHIEU FLEURY:** We weren't informed.

10          **COUNCILLOR CATHERINE McKENNEY:** We weren't --  
11 yeah, I have no idea. I certainly -- we certainly were never  
12 given this information -- or this assessment, yeah.

13          **MR. DAVID MIGICOVSKY:** So, certainly, the  
14 information we see was conveyed to lots of people in the City of  
15 Ottawa that it was a fluid situation; correct?

16          **COUNCILLOR CATHERINE McKENNEY:** That seems to  
17 have been conveyed, yes.

18          **MR. DAVID MIGICOVSKY:** And that continued to be  
19 your understanding from the first meeting with the Chief, that  
20 things were changing; correct?

21          **COUNCILLOR CATHERINE McKENNEY:** That is what the  
22 Chief conveyed to us, yes.

23          **MR. DAVID MIGICOVSKY:** And I wonder if we could  
24 please turn up OTT1930. That is a chain of emails. And I  
25 understand that on January 30<sup>th</sup>, the Chief provided a further  
26 update to councillors; is that correct?

27          **MS. ALYSSA TOMKINS:** I'm going to object.  
28 Counsel, can you please provide more information?

1                   **MR. DAVID MIGICOVSKY:** Sure, if we could perhaps  
2 scroll down?

3                   **MS. ALYSSA TOMKINS:** I don't see the document as  
4 saying that whatsoever.

5                   **COUNCILLOR CATHERINE McKENNEY:** You'll see --

6                   **MS. ALYSSA TOMKINS:** Okay.

7                   **MR. DAVID MIGICOVSKY:** Do you have it now?

8                   **MS. ALYSSA TOMKINS:** M'hm.

9                   **MR. DAVID MIGICOVSKY:** Perfect, thanks. The  
10 Chief provided update to councillors.

11                   **COUNCILLOR CATHERINE McKENNEY:** Yes.

12                   **MR. DAVID MIGICOVSKY:** And I see in the first  
13 couple of lines that he indicated that there were large crowds  
14 but they were being managed at that point in time.

15                   **COUNCILLOR CATHERINE McKENNEY:** That was his  
16 assessment, yes.

17                   **MR. DAVID MIGICOVSKY:** And he also indicates that  
18 there were some high-risk situations that had been managed by  
19 the police?

20                   **COUNCILLOR CATHERINE McKENNEY:** That's what he  
21 said here, yes.

22                   **MR. DAVID MIGICOVSKY:** And criminal  
23 investigations were undertaken?

24                   **COUNCILLOR CATHERINE McKENNEY:** That's what Chief  
25 Sloly says, yes.

26                   **MR. DAVID MIGICOVSKY:** And he also said -- I  
27 wonder if you could scroll down a little further. Yeah, that's  
28 good. He also said, you'll see -- at the paragraph that starts,

1 "Priorities continue to include...", you'll see the next sentence  
2 he indicates ---

3 **COUNCILLOR CATHERINE McKENNEY:** This is Diane  
4 Deans'.

5 **COUNCILLOR MATHIEU FLEURY:** This was not from the  
6 Chief.

7 **COUNCILLOR CATHERINE McKENNEY:** Yeah.

8 **MR. DAVID MIGICOVSKY:** That's correct. But Diane  
9 Dean says -- and this goes to ---

10 **COUNCILLOR CATHERINE McKENNEY:** I see.

11 **MR. DAVID MIGICOVSKY:** --- councillors, correct?

12 **COUNCILLOR CATHERINE McKENNEY:** Right.

13 **MR. DAVID MIGICOVSKY:** Right. And so Ms. Deans  
14 says in that paragraph that I just took you to:

15 "This work is resource-intensive and  
16 police resources are fully stretched  
17 and fully engaged." (As read).

18 Correct?

19 **COUNCILLOR CATHERINE McKENNEY:** That's what it  
20 says.

21 **MR. DAVID MIGICOVSKY:** And I take it you had no  
22 reason to disbelieve what she was saying to you?

23 **COUNCILLOR CATHERINE McKENNEY:** I did not agree  
24 with the assessment after the first weekend, no.

25 **MR. DAVID MIGICOVSKY:** And so you didn't agree  
26 when she said it takes, basically, a lot of resources?

27 **COUNCILLOR CATHERINE McKENNEY:** Oh, I agreed with  
28 that. What I didn't agree with was the assessment by the Chief

1 that everything was under control for the weekend.

2 **MR. DAVID MIGICOVSKY:** I see. And you'll see  
3 that in -- just above where it says, "Ending of the  
4 demonstration and departure...", you're see:

5 "At this time, due to safety concerns,  
6 management of the protest and traffic  
7 must take precedence. However, these  
8 matters will be responded to as  
9 resources become available." (As  
10 read).

11 You saw that?

12 **COUNCILLOR CATHERINE McKENNEY:** Yes.

13 **MR. DAVID MIGICOVSKY:** And so I take it what you  
14 understood from that was that the police have to prioritize  
15 management of the protests due to safety concerns?

16 **COUNCILLOR CATHERINE McKENNEY:** Correct.

17 **MR. DAVID MIGICOVSKY:** And I take it you  
18 understood that just as -- I don't know if you've had the  
19 unfortunate experience of being in a hospital in recent years  
20 but just as in a hospital patients get triaged in emergency,  
21 that was going to happen with the police as well.

22 **COUNCILLOR CATHERINE McKENNEY:** That's what is  
23 being indicated here, yes.

24 **MR. DAVID MIGICOVSKY:** Right. And you understand  
25 from the situation in a hospital that sometimes the most  
26 pressing and serious problems have to be solved first?

27 **COUNCILLOR CATHERINE McKENNEY:** That would be my  
28 expectation, that the most serious problems would be -- yes,

1 would be resolved first.

2 **MR. DAVID MIGICOVSKY:** And it's not a question,  
3 of course, that somebody else's problems who's in the queue are  
4 not important but it's simply a question that there are limited  
5 resources; correct?

6 **COUNCILLOR CATHERINE McKENNEY:** Correct.

7 **MR. DAVID MIGICOVSKY:** And you understand,  
8 obviously, that police also do not have unlimited resources?

9 **COUNCILLOR CATHERINE McKENNEY:** That is correct.

10 **MR. DAVID MIGICOVSKY:** And you understand as well  
11 that ultimately it took approximately another 2,000 police  
12 officers from across the country to help end the occupation  
13 along with the approximately 1150 active Ottawa Police Service  
14 members, correct?

15 **COUNCILLOR CATHERINE McKENNEY:** That is correct.

16 **MR. DAVID MIGICOVSKY:** And so you wouldn't  
17 expect, I take it, for Ottawa Police to have 3,150 officers on  
18 staff at all times, correct?

19 **COUNCILLOR CATHERINE McKENNEY:** That is correct.

20 **MR. DAVID MIGICOVSKY:** It's a question of what  
21 the municipality is prepared to pay and what the taxpayers are  
22 prepared to pay in terms of funding of the Police Service,  
23 correct?

24 **COUNCILLOR CATHERINE McKENNEY:** Yes. You don't  
25 staff for surges and need for response. Of course, I understand  
26 that, yes.

27 **MR. DAVID MIGICOVSKY:** And on January 31<sup>st</sup>, you  
28 attended another meeting, and that is OPS5187?

1           And if we can just -- that was a meeting with the  
2 Chief of Police and the Mayor, correct? And if you want to  
3 scroll down, you'll see that it appears, Councillor McKenney,  
4 that both you and Councillor Fleury were there.

5           You can see at number 4 there's a reference to  
6 something that you said and you see at number 3 there's a  
7 reference to something that Councillor Fleury said.

8           **COUNCILLOR MATHIEU FLEURY:** Can you scroll down  
9 so we see the extent of what this communication is? This is a  
10 note summary. Could you ---

11          **MR. DAVID MIGICOVSKY:** Do you want to go back to  
12 the top of the document?

13          **COUNCILLOR CATHERINE McKENNEY:** Yes.

14          **COUNCILLOR MATHIEU FLEURY:** I don't know these  
15 people.

16          **MR. DAVID MIGICOVSKY:** It was an update from the  
17 Chief and then you'll see at the bottom there are some  
18 references to Councillor McKenney and Councillor Fleury,  
19 Councillor Luloff. Do you see that?

20          **COUNCILLOR CATHERINE McKENNEY:** I see it, yes. I  
21 don't recall this meeting.

22          **MR. DAVID MIGICOVSKY:** Okay. And I see there's a  
23 reference in this memo to the fact that there could be massive  
24 risks. Would you accept that that is a realistic assessment of  
25 what was going on on January 31<sup>st</sup>, that there would be massive  
26 risks in the City of Ottawa and in the Police Operations at that  
27 time?

28          **COUNCILLOR CATHERINE McKENNEY:** Massive risks to

1 ---

2 **MR. DAVID MIGICOVSKY:** Implications to short ---

3 **COUNCILLOR CATHERINE McKENNEY:** --- residents?

4 **MR. DAVID MIGICOVSKY:** --- medium, and long--term  
5 of intervention, especially risk of physical conflict that will  
6 ripple across the country.

7 **COUNCILLOR CATHERINE McKENNEY:** So is this the  
8 risk to residents?

9 **MR. DAVID MIGICOVSKY:** I'm asking you whether you  
10 agree that there would be risk implications. Those could be  
11 risk implications, of course, to residents, to police officers.

12 **COUNCILLOR CATHERINE McKENNEY:** Well, not being a  
13 law enforcement expert, I would have to say that if police felt  
14 that there were risk implications, my job at the time was to  
15 look out for the people that I represent and their needs.  
16 Certainly their security needs weren't being met. But if police  
17 here say that there were risk implications, that is their  
18 assessment of the situation.

19 **MR. DAVID MIGICOVSKY:** And if we could scroll ---

20 **MS. ALYSSA TOMKINS:** Mr. Commissioner, the  
21 witnesses have said they don't recall this meeting. So unless  
22 my friend can contextualize or maybe help them remember what  
23 meeting it was, just putting statements to them when they've  
24 said they don't remember being there, is not really going to be  
25 of much assistance to the Commission.

26 **MR. DAVID MIGICOVSKY:** Well, let me see if I can  
27 help. You have no reason to disagree that these things  
28 occurred, do they? You just simply don't recall that meeting,

1 but you don't question the document, do you?

2 **MS. ALYSSA TOMKINS:** I think the councillors  
3 need to understand a bit more about the document, that it's  
4 notes from a meeting taken by the OPS and maybe tr to help them  
5 recall the meeting.

6 **MR. DAVID MIGICOVSKY:** Commissioner, if the  
7 witness -- I didn't understand that the witness did not agree.  
8 Simply, Councillor McKenney indicated she didn't specifically  
9 recall ---

10 **COUNCILLOR CATHERINE McKENNEY:** They. My  
11 pronouns are they.

12 **MR. DAVID MIGICOVSKY:** I apologize. They did not  
13 specifically recall the meeting.

14 **COMMISSIONER ROULEAU:** Well, maybe you can just  
15 ask if they can confirm their understanding or what they know  
16 about this meeting. And then we can go from there.

17 **MR. DAVID MIGICOVSKY:** Thank you. If we could  
18 scroll down, please, to Question 4.

19 There's a statement and it appears to be  
20 attributed to you, Councillor, but perhaps you can tell me if  
21 that helps refresh.

22 **COMMISSIONER ROULEAU:** Can you just go up a bit  
23 to see what these questions are? I think it's just -- it's not  
24 clear to me either what this is recording.

25 **MR. DAVID MIGICOVSKY:** It is not entirely clear  
26 but you'll see at Question 4 there is something and I'm going to  
27 read it to you, Councillor McKenney, and perhaps you can tell me  
28 if that refreshes your memory.



1                   **COUNCILLOR CATHERINE McKENNEY:** I've read it. It  
2 does not.

3                   **MR. DAVID MIGICOVSKY:** It does not?

4                   **COUNCILLOR CATHERINE McKENNEY:** You know, this  
5 was three and a half weeks of constant meetings and, you know,  
6 working 15-hour days. I don't recall every single meeting and  
7 thing that was said and brought up. And this is not helping in  
8 any way. There's no context for what this meeting is about. I  
9 don't disagree that it happened.

10                  **MR. DAVID MIGICOVSKY:** Sure. So let me try this.  
11 So there's a statement in Number 4 that says, "I appreciate  
12 everyone doing their best."

13                   Does that sound like something that you said?

14                  **COUNCILLOR CATHERINE McKENNEY:** Yeah, of course.  
15 I don't disagree that what was put down her attributed to me --  
16 I probably did say I appreciate that everyone is doing their  
17 best on January 31<sup>st</sup>.

18                  **MR. DAVID MIGICOVSKY:** And it also indicates you  
19 appreciate that everyone is doing their best. It also -- you  
20 talked about feedback and frustration increasing, correct?

21                  **COUNCILLOR CATHERINE McKENNEY:** That most  
22 certainly was happening, yes.

23                  **MR. DAVID MIGICOVSKY:** And I take it your  
24 feeling, and that of the whole city, presumably was, they wanted  
25 this to end, correct?

26                  **COUNCILLOR CATHERINE McKENNEY:** They would have  
27 preferred that police never allowed the trucks to come in on  
28 non-truck routes and park in their neighbourhood and stay. That

1 was the key of the frustration with what was happening. And  
2 then when it couldn't end, residents could not understand, you  
3 know, from what they were seeing, why police couldn't take more  
4 action.

5 And yes, on January 31<sup>st</sup>, I appreciated that  
6 everyone was probably doing their best. But the frustration  
7 that came from residents and myself really was that it should  
8 have never happened in the first place.

9 We saw what happened in Quebec City. We saw what  
10 happened in Toronto. And that frustration just increased when  
11 we saw how other police services handled their convoys.

12 **MR. DAVID MIGICOVSKY:** And the situation in  
13 Toronto that you referenced, that occurred after the Ottawa  
14 situation, correct?

15 **COUNCILLOR CATHERINE McKENNEY:** That is correct.

16 **COUNCILLOR MATHIEU FLEURY:** Throughout it.

17 **MR. DAVID MIGICOVSKY:** And you would agree with  
18 me that obviously Toronto learned from Ottawa's experience,  
19 correct?

20 **COUNCILLOR CATHERINE McKENNEY:** Well, I can't  
21 speak for them but I would imagine they did.

22 **MR. DAVID MIGICOVSKY:** And you're aware that for  
23 Rolling Thunder, a different plan was in place because again  
24 Ottawa Police learned with the benefit of hindsight, correct?

25 **COUNCILLOR CATHERINE McKENNEY:** That's correct.

26 **MR. DAVID MIGICOVSKY:** Okay. So given where we  
27 were on January 31<sup>st</sup>, you obviously wanted it to end but you  
28 understood there was at that point no magic bullet, correct?

1                   **COUNCILLOR CATHERINE McKENNEY:** Oh no, I expected  
2 every night when I went to bed to get up the next morning and  
3 that there would be an end to it. I had to believe that. It  
4 was too dangerous for the residents that I represent to ever  
5 consider that this could not end, perhaps not a lone police  
6 force, but we also have a federal government and a provincial  
7 government that were not stepping in. Nobody else was stepping  
8 in.

9                   I agreed that we needed much more resources but  
10 the fact that it took three and a half weeks is inexcusable.

11                   **MR. DAVID MIGICOVSKY:** And ultimately it was  
12 solved with more resources under the command of Interim Chief  
13 Bell, correct?

14                   **COUNCILLOR CATHERINE McKENNEY:** Three and a half  
15 weeks later, yes.

16                   **MR. DAVID MIGICOVSKY:** And I understand that  
17 you're obviously interested in serving your constituents and  
18 assisting them with their immediate problems?

19                   **COUNCILLOR CATHERINE McKENNEY:** Correct.

20                   **MR. DAVID MIGICOVSKY:** And you'd agree with me as  
21 well that you have a duty to protect your constituents but also  
22 the City from harm that may come upon it?

23                   **COUNCILLOR CATHERINE McKENNEY:** Correct.

24                   **MR. DAVID MIGICOVSKY:** And so if, for example, a  
25 resident in your area calls the police or Bylaw because there's  
26 a truck blocking the street, but the people in the car are armed  
27 and threatening to detonate a bomb or to kill a hostage if the  
28 police move in, you would expect that the police would try and

1 deescalate?

2 **COUNCILLOR CATHERINE McKENNEY:** Correct.

3 **MR. DAVID MIGICOVSKY:** And you would not want the  
4 police to simply solve the complaint about the residence, about  
5 the truck blocking it, if that meant serious bodily injury or  
6 death would result to others in the neighbourhood or to the  
7 officer?

8 **COUNCILLOR CATHERINE McKENNEY:** Correct.

9 **MR. DAVID MIGICOVSKY:** And you would also agree  
10 with me that while you're advocating for your constituents, you  
11 recognize that the police may be aware of other information that  
12 you aren't, and that they need to take into account when they  
13 address protestors?

14 **COUNCILLOR CATHERINE McKENNEY:** Correct.

15 **MR. DAVID MIGICOVSKY:** And if we could please  
16 call up Document 1346, please?

17 **COMMISSIONER ROULEAU:** What is the -- that's not  
18 a complete identification.

19 **MR. DAVID MIGICOVSKY:** Oh, I'm sorry. It's OTT  
20 000111346.0001.

21 And if we could look at 1138? There's an email,  
22 Councillor McKenney, from you. Do you see that?

23 **COUNCILLOR CATHERINE McKENNEY:** Yes.

24 **MR. DAVID MIGICOVSKY:** And you indicate in the  
25 second -- you're raising a particular issue about your  
26 constituents and their fears and concerns; correct?

27 **COUNCILLOR CATHERINE McKENNEY:** With the -- yes,  
28 constituents who were living in the middle of the occupation.

1 Correct.

2 **MR. DAVID MIGICOVSKY:** And I see in the second --  
3 the third line, you'd agree with me that there's much at that  
4 point that you did not know that was happening in the  
5 background?

6 **COUNCILLOR CATHERINE McKENNEY:** Of police  
7 operations? That is correct.

8 **MR. DAVID MIGICOVSKY:** And you obviously would  
9 not expect the police to share sensitive operational information  
10 or intelligence with you?

11 **COUNCILLOR CATHERINE McKENNEY:** Correct.

12 **MR. DAVID MIGICOVSKY:** And you recognize the need  
13 for the police not to disclose all details?

14 **COUNCILLOR CATHERINE McKENNEY:** Hypothetically  
15 or? I guess, yeah. I don't -- I was never looking for details  
16 of the operation. I was always looking for protection for the  
17 residents who were living in the middle of what became a violent  
18 occupation in our city.

19 **MR. DAVID MIGICOVSKY:** And if we see -- look at  
20 1147, Mr. Ayotte's response to you, he indicates that:

21 "We would not want to take action that  
22 would fan the flames and make things more  
23 dangerous." (As read)

24 That strikes you as sensible and reasonable, I  
25 take it?

26 **COUNCILLOR CATHERINE McKENNEY:** I was looking for  
27 protection for residents and I was given absolutely no  
28 information why residents that live in the downtown were not

1 being protected.

2 **MR. DAVID MIGICOVSKY:** Let me move on, Councillor  
3 Fleury, to ask if you'd be good enough to answer this question.

4 If we could please turn up Document 2779, OTT?  
5 And perhaps you could scroll down a bit.

6 **COUNCILLOR MATHIEU FLEURY:** I believe we saw this  
7 document earlier today.

8 **MR. DAVID MIGICOVSKY:** I'm sorry?

9 **COUNCILLOR MATHIEU FLEURY:** I believe we saw this  
10 document.

11 **MR. DAVID MIGICOVSKY:** Right. Okay. And so the  
12 concern you expressed to the Mayor in the third paragraph  
13 relates, again, to the question of resources of the Ottawa  
14 Police Service?

15 **COUNCILLOR MATHIEU FLEURY:** Correct.

16 **MR. DAVID MIGICOVSKY:** And again, you're seeking  
17 more resources?

18 **COUNCILLOR MATHIEU FLEURY:** Correct. As per the  
19 Chief's requests publicly at that time.

20 **MR. DAVID MIGICOVSKY:** And you recognize,  
21 obviously, that in the face of this massive demonstration,  
22 Ottawa Police Service Officers obviously can't be everywhere?

23 **COUNCILLOR MATHIEU FLEURY:** I have no opinion.

24 **MR. DAVID MIGICOVSKY:** They can't be actively  
25 managing a demonstration and doing all of the regular police  
26 duties? They have to prioritize things; correct?

27 **COUNCILLOR MATHIEU FLEURY:** I don't agree. I've  
28 stated that as a member of Council on numerous occasions that

1 City of Ottawa paid police officers need to protect and serve  
2 residents of Ottawa, not demonstrators that come to our city.

3 **MR. DAVID MIGICOVSKY:** And let me just -- I see  
4 my time is coming to an end, so I'll have many more questions,  
5 but we'll -- I'll try to just ask a couple now.

6 So if I could ask you, please, to turn to OPS  
7 8245, please? And if you could scroll down?

8 You talked about, Councillor McKenney, a fire at  
9 -- or an arson attempt at an apartment on Lisgar; correct?

10 **COUNCILLOR CATHERINE McKENNEY:** That's correct.

11 **MR. DAVID MIGICOVSKY:** It's in your witness  
12 statement and I believe you also mentioned it earlier this  
13 afternoon; correct?

14 **COUNCILLOR CATHERINE McKENNEY:** That's correct.

15 **MR. DAVID MIGICOVSKY:** And you're obviously aware  
16 of what goes on in your community; I take it?

17 **COUNCILLOR CATHERINE McKENNEY:** As much as I can  
18 be, yes.

19 **MR. DAVID MIGICOVSKY:** And you wouldn't have any  
20 reason -- this contains some details as to the police's  
21 investigation of the arson. You wouldn't have any reason to  
22 suggest that the police didn't investigate that arson; would  
23 you?

24 **COUNCILLOR CATHERINE McKENNEY:** No, I believe  
25 that they did investigate the arson, the attempted arson.

26 **MR. DAVID MIGICOVSKY:** And you're aware that two  
27 individuals were both charged with arson and a number of other  
28 offences?

1                   **COUNCILLOR CATHERINE McKENNEY:** That's correct.

2                   **MR. DAVID MIGICOVSKY:** And in both cases, the  
3 media release indicated that they were not associated with the  
4 convoy; correct?

5                   **COUNCILLOR CATHERINE McKENNEY:** Yes. I did not  
6 agree with that, but that is what the media release said.

7                   **MR. DAVID MIGICOVSKY:** You would agree with me,  
8 you've given me many examples of legitimate concerns of  
9 residents during the protests. You would agree with me,  
10 however, that there are many examples of situations where the  
11 police did take actions to address residents' concerns during  
12 the convoy and did do outreach; correct?

13                   **COUNCILLOR CATHERINE McKENNEY:** Yes, we did  
14 outreach together, as a matter of fact.

15                   **MR. DAVID MIGICOVSKY:** And finally, perhaps I can  
16 just finish off, I understand your frustration with the level of  
17 enforcement that took place in the red zone during the convoy.  
18 But you -- if we could please just turn up, just to assist you,  
19 OTT 28754?

20                   You referenced the injunction that the City  
21 ultimately obtained; correct?

22                   **COUNCILLOR CATHERINE McKENNEY:** Sorry, which  
23 injunction is this?

24                   **MR. DAVID MIGICOVSKY:** You talked about an  
25 injunction that the City of Ottawa obtained. Your view was that  
26 it was too -- that they should have done it sooner, but you  
27 mentioned -- and so that's the decision of the Associate Chief  
28 Justice.



1 I'm just going to ask if you'd be good enough to  
2 scroll to paragraph 26?

3 Justice McWatt says:

4 "Nevertheless, over 2,000 tickets for  
5 bylaw infractions have been given out  
6 since January 28 in relation to the  
7 demonstration, specifically 1,732 parking  
8 tickets have been issued in the  
9 demonstration zone." (As read)

10 **COUNCILLOR CATHERINE McKENNEY:** M'hm.

11 **MR. DAVID MIGICOVSKY:** That's the red zone;  
12 correct?

13 **COUNCILLOR CATHERINE McKENNEY:** That's what it  
14 says, yes.

15 **MR. DAVID MIGICOVSKY:** From January 28 to  
16 February 10, 2022; correct?

17 **COUNCILLOR CATHERINE McKENNEY:** Correct.

18 **MR. DAVID MIGICOVSKY:** And so you would agree  
19 with me that there was enforcement, there simply wasn't enough  
20 enforcement? Is that fair?

21 **COUNCILLOR CATHERINE McKENNEY:** Yes, absolutely.

22 **MR. DAVID MIGICOVSKY:** And there was a --  
23 ultimately you agreed with me, I believe, that there was not  
24 enough resources available to successfully ---

25 **COUNCILLOR CATHERINE McKENNEY:** Sorry, your  
26 previous question though referred to bylaw; right? We're  
27 talking about the bylaw response here to tickets. So I do agree  
28 that there just weren't enough resources, and I do agree that

1 police did not have -- at this point, police also did not have  
2 enough resources. It's why I called on -- I actually wrote to  
3 the Prime Minister begging for resources to come into the city.  
4 So, yes, I do agree.

5 **MR. DAVID MIGICOVSKY:** Thank you, very much,  
6 Councillor McKenney, thank you very much, Councillor Fleury, I  
7 appreciate that.

8 **COMMISSIONER ROULEAU:** Okay. Thank you. Next is  
9 the convoy organizers, if you have any questions.

10 **--- CROSS-EXAMINATION BY MR. BRENDAN MILLER:**

11 **MR. BRENDAN MILLER:** I'd like to say good  
12 morning, but it's good evening.

13 So I'll start with yourself ---

14 **COMMISSIONER ROULEAU:** By introducing yourself,  
15 please.

16 **MR. BRENDAN MILLER:** Oh, first -- I am Brendan  
17 from Alberta, I'm Brendan Miller; I'm counsel for Freedom Convoy  
18 which is an organization that represents the protestors as well  
19 as the truckers that were in your City in 2022.

20 So, Mr. Fleury, I want to start just asking you a  
21 few questions if you don't mind.

22 Do you remember sending an email on February 4<sup>th</sup>,  
23 2022 to Kim Ayotte, Steve Kanellakos, Keith Egil, Serge Arcand,  
24 Lucille Collard and Liberal Member of Parliament for Ottawa  
25 Centre Yasir Navi with a tweet from the former federal Attorney-  
26 General, Mr. Allan Rock, that stated the City should obtain an  
27 injunction to restrain the truck horns on the basis of nuisance;  
28 do you remember sending that email?

1                   **COUNCILLOR MATHIEU FLEURY:** Yes.

2                   **MR. BRENDAN MILLER:** All right. And I understand  
3 that Mr. Ayotte, General Manager of Emergency & Protective  
4 Services for the City of Ottawa replied to you; is that right?

5                   **COUNCILLOR MATHIEU FLEURY:** I don't believe so; I  
6 believe the answer came from Steve K.

7                   **MR. BRENDAN MILLER:** From Steve K himself?

8                   **COUNCILLOR MATHIEU FLEURY:** I believe.

9                   **MR. BRENDAN MILLER:** Okay. And from your  
10 recollection what was that answer?

11                   **COUNCILLOR MATHIEU FLEURY:** All options are being  
12 looked at.

13                   **UNIDENTIFIED SPEAKER:** Can the witness see the  
14 document? Is there a reason we are not putting it to him?

15                   **MR. BRENDAN MILLER:** I was just asking if he  
16 remembered, and I'm not permitted to, because I didn't seek  
17 leave prior, so -- and it's under the rules.

18                   So in your evidence, you made use of the term you  
19 referred to as "micro aggression"; is that right?

20                   **COUNCILLOR MATHIEU FLEURY:** I believe so,  
21 multiple times.

22                   **MR. BRENDAN MILLER:** Okay. Is micro aggression,  
23 is your understanding of that, that it means verbal and  
24 environmental slights?

25                   **COUNCILLOR MATHIEU FLEURY:** Je suis francophone,  
26 donc, si vous voulez être spécifique sur les mots, il va falloir  
27 que vous me le demandiez en français parce que vous me demandez  
28 une théorie, une définition, puis malheureusement je ne suis pas

1 assez... ma connaissance de la terminologie en anglais est peut-  
2 être inappropriée, Monsieur le commissaire.

3 **MR. BRENDAN MILLER:** Well, je m'appelle Brendan.

4 **COUNCILLOR MATHIEU FLEURY:** I think -- you know,  
5 it is funny, but it's not; I am doing my very best to answer  
6 clear questions in English. You asked me a very specific  
7 question on a definition; I'm saying ask me -- clarify in  
8 French, and I'm glad to specify if it is "yes" or "no". The  
9 specificity of the nuance of a word, I'm uncomfortable in  
10 responding to your question.

11 **MR. BRENDAN MILLER:** One of the words that I put  
12 to you, and there's a few, so "means" "verbal" and  
13 "environmental" and "slights" is confusing. What one are you  
14 confused about it?

15 **COUNCILLOR MATHIEU FLEURY:** J'ai expliqué  
16 plusieurs fois que, pour moi, les micro-agressions, je sais pas  
17 si c'est la bonne terminologie, mais j'essaie de les exprimer,  
18 je l'ai exprimé au commissaire que, d'après moi, les éléments  
19 qui étaient en périphérie de la zone rouge, je les décrirais  
20 comme des micro-agressions. Je peux vous en décrire des micro-  
21 agressions. Arriver devant quelqu'un puis retirer son masque, je  
22 sais pas ce que vous voulez qu'on décrive comme définition, mais  
23 pour moi, ça, c'est un exemple de micro-agression. Rentrer dans  
24 un restaurant, être demandé de quitter, puis de t'asseoir sans  
25 avoir le droit de rester : une autre micro-agression. Battre un  
26 sans-abri : un autre type d'agression. Faire tellement de bruit,  
27 tellement de volume qu'on nécessite de fermer une garderie : un  
28 autre type d'agression. Puis c'est comme ça que je les ai

1 décrites, Monsieur le commissaire.

2                   Moi, pour moi, si on veut, je ne suis pas un  
3 avocat, j'ai pas un background en les... spécifique, mais j'essaie  
4 de décrire dans la terminologie que je peux, le plus spécifique,  
5 ce que j'ai reçu comme informations puis ce que j'ai pu voir.

6                   **MR. BRENDAN MILLER:** Thank you. Could someone  
7 give him a pair of these so he can understand what I'm saying in  
8 English as well please?

9                   **COUNCILLOR CATHERINE McKENNEY:** Oh, that's mean.

10                   **MR. BRENDAN MILLER:** Is that possible?

11                   Do you need this? Would you like one of these  
12 for when I question you in English? Because I'm unfortunately  
13 incapable of speaking French.

14                   **COUNCILLOR MATHIEU FLEURY:** And I will do my very  
15 best to answer in English, but it was - I don't need it; thank  
16 you.

17                   **MR. BRENDAN MILLER:** Okay. Thank you. So you  
18 had said that beating up a homeless person was an aggression, at  
19 least the translation that's what it was; that's more of an  
20 assault. So have you witnessed any homeless people get beaten  
21 up by protestors?

22                   **COUNCILLOR MATHIEU FLEURY:** No, if you recall my  
23 intervention, the Shepherds of Good Hope is located at the  
24 corner of King Edward and Murray. There was an incident with a  
25 client. The Executive Director reached out to me to inform me  
26 of the incident.

27                   **MR. BRENDAN MILLER:** Okay. And were any charges  
28 laid?

1           **COUNCILLOR MATHIEU FLEURY:** I have no clue.

2           **MR. BRENDAN MILLER:** Okay, who was the individual  
3 who was beaten; do you know?

4           **COUNCILLOR MATHIEU FLEURY:** I have no clue.

5           **MR. BRENDAN MILLER:** Okay. Thanks.

6           So it was on February 4, 2022 you get that email;  
7 were you aware that Chief Sloly as well as the OPP had  
8 recommended that the City get an injunction in January -- on  
9 January 31?

10          **COUNCILLOR MATHIEU FLEURY:** I don't believe I  
11 was.

12          **MR. BRENDAN MILLER:** And both of you, I take it,  
13 none of you were on the Police Commission; correct?

14          **COUNCILLOR MATHIEU FLEURY:** Correct.

15          **MR. BRENDAN MILLER:** All right. And you  
16 understand that as general councillors not on the Police  
17 Commission are involved with the police -- again, my friend was  
18 trying to clarify that with you. The police are independent of  
19 the City and they can't share information that they know or  
20 their plans with you; do you know that?

21          **COUNCILLOR MATHIEU FLEURY:** Absolutely, I'm ---

22          **COUNCILLOR CATHERINE MCKENNEY:** Correct.

23          **COUNCILLOR MATHIEU FLEURY:** My interventions  
24 relate to information I have from my community and reports that  
25 my community residents and businesses give to the Ottawa Police  
26 and making sure that it's getting the attention and awareness  
27 from authorities.

28          **MR. BRENDAN MILLER:** Okay. Thank you. So those

1 are some of my questions.

2                   The other one I had, what is your relationship  
3 with Jexi or Zexi Li; how long have you known here?

4                   **COUNCILLOR MATHIEU FLEURY:** I've never met Zexi  
5 Li, except for when she was recognized as a community builder at  
6 City Hall by City Council.

7                   **MR. BRENDAN MILLER:** And did you ever also  
8 assist, and I'll move on to yourself, Councillor, but with the  
9 distribution of the release agreements and the request of the  
10 protestors and truckers, to leave under the auspices of signing  
11 a release from the injunction and claim that was filed by Ms.  
12 Li?

13                   **COUNCILLOR MATHIEU FLEURY:** You're asking me?

14                   **MR. BRENDAN MILLER:** Yeah, did you?

15                   **COUNCILLOR MATHIEU FLEURY:** I did not.

16                   **MR. BRENDAN MILLER:** Okay, thank you. Those are  
17 my questions for you.

18                   **COUNCILLOR MATHIEU FLEURY:** Thank you.  
19 Councillor, I understand that you do know Ms. Li, is that right?

20                   **COUNCILLOR CATHERINE McKENNEY:** Yes, I met Ms. Li  
21 about a week after the occupation ended.

22                   **MR. BRENDAN MILLER:** Okay. But prior to that I  
23 understand that from some of the information, that you were  
24 handing out some of those leaflets for them to sign and to leave  
25 -- if they signed it, they would be released from the class  
26 action law suit if they left; you were assisting with that?

27                   **COUNCILLOR CATHERINE McKENNEY:** Yes, that was --  
28 at the time I had not met Zexi Li, I had friends who had been

1 working in the community and I agreed to go out with them to try  
2 to encourage some of the people who were parked on Kent Street,  
3 to move along to avoid being part of that class action.

4 **MR. BRENDAN MILLER:** Okay. Thank you. And I  
5 think a lot of these actually my friend has gone through most of  
6 them.

7 When did Chief Sloyly advise you that he needed  
8 1800 officers; do you remember when that was?

9 **COUNCILLOR CATHERINE McKENNEY:** I can't tell you  
10 when it was; I do recall that he said that.

11 **MR. BRENDAN MILLER:** Okay, would you say -- would  
12 it be fair to say that he asked for that around February 8<sup>th</sup>,  
13 2022?

14 **COUNCILLOR CATHERINE McKENNEY:** It would be fair  
15 to say that; I can't say that that's the exact date; yes.

16 **MR. BRENDAN MILLER:** And so just to clarify, so  
17 when you made that motion in the special Council meeting with  
18 respect to having the Ottawa Police Service be taken over by the  
19 RCMP, that was on February 7<sup>th</sup>, 2022; is that fair?

20 **COUNCILLOR CATHERINE McKENNEY:** That's correct.

21 **MR. BRENDAN MILLER:** Right. And why did you  
22 choose the RCMP and not the OPP?

23 **COUNCILLOR CATHERINE McKENNEY:** At the time, it  
24 was -- I was desperate to do anything to bring order into the  
25 residential areas. I saw the area around Parliament as being  
26 the responsibility of the Federal Government and that is why I  
27 asked for federal assistance, which was the RCMP.

28 **MR. BRENDAN MILLER:** Right. In some of the



1 records, a colleague of yours -- I believe you know him -- NDP  
2 Member, Provincial Parliament, Joel Harden, he was contacting  
3 members in the community and members in the council trying to  
4 raise money for of the claim of Ms. Li; do you remember that?

5 **COUNCILLOR CATHERINE McKENNEY:** I don't recall  
6 that, no.

7 **MR. BRENDAN MILLER:** Okay. And one more  
8 question, actually, for you, Mr. Fleury. You said earlier in  
9 your evidence that individuals and persons couldn't live the  
10 space where the protestors had set up; is that right?

11 **COUNCILLOR MATHIEU FLEURY:** Yes.

12 **MR. BRENDAN MILLER:** So how did the protestors  
13 live there?

14 **COUNCILLOR MATHIEU FLEURY:** A big rig, as you  
15 know, is quite a significant space and what we saw was very  
16 creative ways to live in those spaces, or in the cab, or -- so  
17 yeah, I mean I'm not sure what you're ---

18 **MR. BRENDAN MILLER:** So I'm -- these individuals  
19 that are living there in the area, of course, are in their  
20 houses and as well as in their apartments; correct?

21 **COUNCILLOR MATHIEU FLEURY:** Who are the  
22 individuals in this case?

23 **MR. BRENDAN MILLER:** You said it wasn't livable  
24 for the residents, correct?

25 **COUNCILLOR MATHIEU FLEURY:** Right,

26 **MR. BRENDAN MILLER:** If they're living in their  
27 houses and these truckers and protesters are living in their  
28 trucks, right ---

1                   **COUNCILLOR MATHIEU FLEURY:** You're saying that,  
2 yeah.

3                   **MR. BRENDAN MILLER:** Okay. You would also define  
4 the trucks as weapons?

5                   **COUNCILLOR MATHIEU FLEURY:** Yes.

6                   **MR. BRENDAN MILLER:** Okay. And how were those  
7 weapons used to assault anyone or hurt them other the horns and  
8 the diesel you've already spoken about? Is that it?

9                   **COUNCILLOR MATHIEU FLEURY:** The physical nature  
10 of the vehicle, which is quite large, and the combination of  
11 those are a form of a fortress, a form of a weapon.

12                   **MR. BRENDAN MILLER:** Okay. So it's your view  
13 that a truck sitting on the side of a road with somebody  
14 sleeping inside of it is a weapon?

15                   **COUNCILLOR MATHIEU FLEURY:** No.

16                   **MR. BRENDAN MILLER:** Okay, so ---

17                   **COUNCILLOR MATHIEU FLEURY:** Talking about the  
18 circumstances that created the occupation and created for  
19 businesses to not be able to operate safely, for transit  
20 services to be able to serve residents of Ottawa, for residents  
21 to be able to live in their own units, in their own properties,  
22 and walk safely on the streets of Ottawa.

23                   **MR. BRENDAN MILLER:** Okay. How many individuals  
24 that you know of, since the occupation or the protest has ended,  
25 did you know during that time that vacated their residences?

26                   **COUNCILLOR MATHIEU FLEURY:** I can't speak to  
27 that.

28                   **MR. BRENDAN MILLER:** Okay. And last question,

1 Ms. McKenney -- or Councillor McKenney, you talked in your  
2 evidence-in-chief about a counter-protest, correct -- that you  
3 attended?

4 **COUNCILLOR MATHIEU FLEURY:** Yes, at Billings  
5 Bridge on Riverside, yes.

6 **MR. BRENDAN MILLER:** And I have to put this to  
7 you just -- it's about a fairness question because there may be  
8 evidence about this later. Did you recall seeing at that  
9 protest a sign with one of the counter-protests with a swastika  
10 on in that stated, "Gas the unvaccinated"? Do you remember  
11 seeing that there?

12 **COUNCILLOR MATHIEU FLEURY:** I do not recall  
13 seeing that.

14 **MR. BRENDAN MILLER:** Thank you. Those are my  
15 only questions.

16 **COMMISSIONER ROULEAU:** Thank you. And thank you  
17 for being brief.

18 Next is Former Chief Sloly.

19 **--- CROSS-EXAMINATION BY MR. TOM CURRY:**

20 **MR. TOM CURRY:** Oh, Chief Sloly didn't where he  
21 was going.

22 **COMMISSIONER ROULEAU:** Yeah.

23 **MR. TOM CURRY:** Former Chief Sloly's counsel. I  
24 looked up to nod hello and I nearly knocked out a monitor. I'm  
25 Tom Curry.

26 A couple of things, if I can, in the time that I  
27 have with you, you spoke earlier about the meeting of council on  
28 the 16<sup>th</sup> of February, I recall, a long and difficult meeting, you

1 agree?

2 **COUNCILLOR MATHIEU FLEURY:** Yes.

3 **COUNCILLOR CATHERINE McKENNEY:** Yes.

4 **MR. TOM CURRY:** And at that meeting, a vote was  
5 tabled, as you've described, to replace Councillor Deans as  
6 Chair of the Police Services Board, right?

7 **COUNCILLOR MATHIEU FLEURY:** Correct.

8 **MR. TOM CURRY:** And Councillor McKenney, you  
9 voted in opposition to that motion. Councillor Fleury, you  
10 divided on that question and though Councillor Deans should  
11 resign.

12 **COUNCILLOR MATHIEU FLEURY:** Correct.

13 **MR. TOM CURRY:** And if I recall the meeting, you  
14 thought she should resign on a principled basis, that what had  
15 occurred in the Police Services Board meeting earlier that day  
16 was a suggestion that another outside police chief be brought  
17 into the organization to help solve this problem?

18 **COUNCILLOR MATHIEU FLEURY:** Correct.

19 **MR. TOM CURRY:** And your -- you thought, for  
20 reasons that you've explained to the Commissioner, that that was  
21 not -- it was not the time to go searching for a new police  
22 chief, right?

23 **COUNCILLOR MATHIEU FLEURY:** That is correct.

24 **MR. TOM CURRY:** Elsewise, if I understand the  
25 record, you are a person who has, over time, been very  
26 supportive of Councillor Deans and her work on the Police  
27 Services Board?

28 **COUNCILLOR MATHIEU FLEURY:** I'd say neutral.

1           **MR. TOM CURRY:** Neutral, all right.

2           Councillor McKenney, you have been very strongly  
3 supportive of Councillor Deans in her role as Police Service  
4 Board Chair of the City?

5           **COUNCILLOR CATHERINE McKENNEY:** I have, yes.

6           **MR. TOM CURRY:** At the time the debate about the  
7 resignation -- or the replacement, rather, by council,  
8 Councillor Deans described the circumstances in which Chief  
9 Sloly had operated as the Chief. Do you recall that, both of  
10 you?

11          **COUNCILLOR CATHERINE McKENNEY:** Yes, I do.

12          **MR. TOM CURRY:** Yes?

13          **COUNCILLOR MATHIEU FLEURY:** Yes.

14          **MR. TOM CURRY:** And she was a very passionate  
15 defender of Chief Sloly's work, correct?

16          **COUNCILLOR MATHIEU FLEURY:** Yes.

17          **COUNCILLOR CATHERINE McKENNEY:** Yes, m'hm.

18          **MR. TOM CURRY:** Yes, and in fact, on that  
19 question, both of you have been as well, correct?

20          **COUNCILLOR MATHIEU FLEURY:** Yes.

21          **COUNCILLOR CATHERINE McKENNEY:** Yes.

22          **MR. TOM CURRY:** And, in fact, Councillor  
23 McKenney, you used the language ---

24          **COUNCILLOR MATHIEU FLEURY:** Could I clarify?  
25 When you're saying about how I felt about Peter Sloly is about  
26 his presence as the Chief in Ottawa, not in the context of the  
27 occupation. I just want to clarify my yes there.

28          **MR. TOM CURRY:** Thank you. So I can say up to

1 the -- up -- I don't know whether you have a date in mind but,  
2 up to the period of the occupation, you were a strong supporter  
3 of Chief Peter Sloly.

4 **COUNCILLOR MATHIEU FLEURY:** Absolutely.

5 **MR. TOM CURRY:** Okay. Now, Councillor McKenney,  
6 for your part, you described to your councillors -- your fellow  
7 councillors and to the public a regret about losing Chief Sloly  
8 and felt that he had been scapegoated as a consequence of the  
9 events of the occupation leading to his resignation; true?

10 **COUNCILLOR CATHERINE McKENNEY:** That's true.

11 **MR. TOM CURRY:** And you felt so, as you described  
12 it then, on the basis that he was the City's first black police  
13 chief?

14 **COUNCILLOR CATHERINE McKENNEY:** That is correct.

15 **MR. TOM CURRY:** And that he was being, well, to  
16 use your language, "scapegoated" over the issues of the  
17 occupation; correct?

18 **COUNCILLOR CATHERINE McKENNEY:** Yes, what I felt  
19 that night in that council meeting was that two people were  
20 going to be -- had -- one had felt he needed to resign, the  
21 other was being voted off, being the chair of the board, was  
22 that we've had one black chief of police and this is only the, I  
23 think -- believe, second or third or third woman that has every  
24 been ---

25 **COUNCILLOR MATHIEU FLEURY:** Second, I believe.

26 **COUNCILLOR CATHERINE McKENNEY:** Yeah, yeah.

27 **MR. TOM CURRY:** Now, then, there -- were -- I  
28 know neither of you have been -- you have been multiple-term

1 councillors, I think Councillor McKenney two times ---

2 **COUNCILLOR MATHIEU FLEURY:** Three times.

3 **MR. TOM CURRY:** --- Councillor Fleury three  
4 times, yeah? Okay.

5 **COUNCILLOR CATHERINE McKENNEY:** I was senior  
6 staff before I was ---

7 **MR. TOM CURRY:** Okay, so you've been around the  
8 City a long time. Both of you have described earlier to my  
9 friends that you understood that City Council stays out of  
10 police operations and Police Services Board has that legal  
11 mandate; correct?

12 **COUNCILLOR CATHERINE McKENNEY:** Correct, yes.

13 **COUNCILLOR MATHIEU FLEURY:** Generally, I'd say  
14 yes, yeah.

15 **MR. TOM CURRY:** And you were resolute defenders  
16 of your ward members and residents in trying to draw on every  
17 occasion the attention of the police and the City, of everything  
18 that you could to assist your warn residents; correct?

19 **COUNCILLOR CATHERINE McKENNEY:** Correct.

20 **COUNCILLOR MATHIEU FLEURY:** In a focused way,  
21 yes.

22 **MR. TOM CURRY:** In a focused way. And  
23 understood, each of you, that in the case of the Chief, in the  
24 case of the City management, in the case of other, the mayor,  
25 presumably, that their mandates were wider than your own;  
26 correct?

27 **COUNCILLOR MATHIEU FLEURY:** Define -- define it.

28 **COUNCILLOR CATHERINE McKENNEY:** Yeah.

1           **MR. TOM CURRY:** Well, start with the obvious, the  
2 Chief of Police is the Chief of the entire city and not just a  
3 single ward?

4           **COUNCILLOR MATHIEU FLEURY:** Of his employees.

5           **COUNCILLOR CATHERINE MCKENNEY:** Correct, but he's  
6 the Chief of Police of the entire city.

7           **COUNCILLOR MATHIEU FLEURY:** He's the Chief of the  
8 Police of the entire city.

9           **MR. TOM CURRY:** Yes, and has issues to address  
10 within his mandate that go beyond each of your wards, must take  
11 into account those wards, but others?

12           **COUNCILLOR MATHIEU FLEURY:** Of course.

13           **COUNCILLOR CATHERINE MCKENNEY:** Yes.

14           **MR. TOM CURRY:** During the time that you observed  
15 him, I appreciate, Councillor Fleury, that you lost confidence  
16 in Chief Sloly at some point during the occupation. But what  
17 you observed from Chief Sloly was the good faith execution of  
18 his duties, correct?

19           **COUNCILLOR MATHIEU FLEURY:** During the convoy,  
20 you're saying?

21           **MR. TOM CURRY:** Yes.

22           **COUNCILLOR MATHIEU FLEURY:** Or generally?

23           **MR. TOM CURRY:** Well, I mean, you tell me. Put  
24 it this way. You may disagree with the -- you may have a  
25 disagreement about the way things were done or not done ---

26           **COUNCILLOR MATHIEU FLEURY:** M'hm.

27           **MR. TOM CURRY:** --- but Chief Peter Sloly, you  
28 observed, was doing his best, correct?



1                   **COUNCILLOR MATHIEU FLEURY:** I'd like to clarify.  
2 I don't believe so. We -- Council -- he briefed us on the  
3 Wednesday and the Thursday before the arrival of the convoy. We  
4 as council members had concerns. The truck route and the  
5 maintenance of the truck route was one. He informed us that he  
6 had legal backing of this information around the Charter.

7                   We referenced -- again, I'm asking for  
8 clarification on behalf of residents of Ottawa and I to this day  
9 still don't have a legal document either from the Police  
10 Services Board or from OPS explaining where that decision came  
11 from, what legal environment was that in. So and then you have  
12 the Chief Sloly who's saying, "I need 1800 new officers to  
13 resolve this," at the same time saying, "This is not a policing  
14 matter; there's a political way to fix this."

15                   So that is the erosion of the support that I had  
16 for Peter Sloly because if you're sticking to "I need more  
17 resources to be able to action", as the council members we  
18 should be aware and other levels of government should be aware.

19                   But these two nuances relating to a Charter right  
20 to bring the vehicle right to non-truck routes, and this  
21 floating of almost into political sphere around -- hey, this is  
22 not a policing matter -- is tricky.

23                   **MR. TOM CURRY:** So you've combined a few  
24 thoughts. Those occurred on different dates as this evolved,  
25 first of all, correct?

26                   **COUNCILLOR MATHIEU FLEURY:** Over the period.

27                   **MR. TOM CURRY:** Yeah. And did you ask City Legal  
28 for a legal opinion?

1                   **COUNCILLOR MATHIEU FLEURY:** We did.

2                   **MR. TOM CURRY:** And di you receive one?

3                   **COUNCILLOR MATHIEU FLEURY:** No.

4                   **MR. TOM CURRY:** Okay. And did they give you an  
5 explanation that the reason they weren't going to give you the  
6 opinion as to why the weren't giving you an opinion?

7                   **COUNCILLOR MATHIEU FLEURY:** Because they couldn't  
8 speak to what opinion Sloly got.

9                   **MR. TOM CURRY:** No, City Legal.

10                   **COUNCILLOR MATHIEU FLEURY:** That's what I'm  
11 saying. David White, who's City Legal -- we've asked him. I  
12 believe Councillor McKenney was in that meeting when we asked  
13 and said, "What was the OPS and Chief's decision to allow truck  
14 movement into the area?"

15                   And our City Legal is saying, "We don't know.  
16 We've not been informed by the Chief of the OPS as to what led  
17 to that operational action or inaction."

18                   **MR. TOM CURRY:** Okay. I'm going to -- I'll just  
19 leave that. I'm going to move along. Other witnesses will have  
20 to help us with that.

21                   But did you go get your own legal opinion?

22                   **COUNCILLOR MATHIEU FLEURY:** The legal opinion we  
23 get is from David White.

24                   **MR. TOM CURRY:** And did he give you an opinion?

25                   **COUNCILLOR MATHIEU FLEURY:** On what aspects?

26                   **MR. TOM CURRY:** The aspects that you needed an  
27 opinion about, that you just described to the Commission. What  
28 is the legal right of a protestor? When did a legal protest

1 become an illegal occupation? And one that you asked the  
2 Commissioner. Did you ---

3 **COUNCILLOR MATHIEU FLEURY:** Well, let's put it  
4 this way. When truckers weren't able to show up at Queen's  
5 Park, when they weren't able to show up at National Assembly,  
6 then we know that our Police Chief's perception of the Charter  
7 was a little nuanced. I didn't need to seek more. At the time  
8 we were living the impacts of the crisis. We're not going to  
9 debate decisions that were already made and have impacts.

10 **MR. TOM CURRY:** You described to one of my  
11 friends earlier, those events occurred afterwards. Everyone on  
12 earth learned what happened in Ottawa.

13 **COUNCILLOR MATHIEU FLEURY:** So did the Charter  
14 change during the period?

15 **MR. TOM CURRY:** Well, I'll give you an opinion  
16 afterwards about that.

17 But Councillor McKenney, can I just have it from  
18 you, please, that your observation of Chief Sloly from the  
19 beginning to the end was that he exercised his duties to the  
20 best of his ability in good faith.

21 **COUNCILLOR CATHERINE MCKENNEY:** I believe that he  
22 did but I also believe that he made an error, whether it was in  
23 judgement or he had a legal opinion on what constituted the  
24 right to protest, to bring large trucks into the downtown. We  
25 were never ever given a satisfactory explanation as to why that  
26 was allowed to occur. And from then on I believe that, you  
27 know, perhaps -- yes, I do believe that he -- I do believe that  
28 he continued to do the best he could, given the circumstances.

1 But I go back to the fact that the trucks should have never been  
2 allowed to enter the city.

3 **MR. TOM CURRY:** Every protest that you have ever  
4 been involved in in the City of Ottawa was different than this  
5 one, correct? This was unprecedented?

6 **COUNCILLOR CATHERINE McKENNEY:** Correct.

7 **MR. TOM CURRY:** Councillor Fleury?

8 **COUNCILLOR MATHIEU FLEURY:** Well, you made an  
9 assumption, "participated in", and I've never participated in  
10 one.

11 **MR. TOM CURRY:** Well, you know what I mean by  
12 that. I'll be clearer. No, forgive me, I'll be clearer if you  
13 didn't know.

14 **COUNCILLOR MATHIEU FLEURY:** Yeah.

15 **MR. TOM CURRY:** Every protest that has occurred  
16 in the City of Ottawa from the time that you were a councillor -  
17 --

18 **COUNCILLOR MATHIEU FLEURY:** Correct.

19 **MR. TOM CURRY:** An earlier witness said people  
20 come, they protest, they leave.

21 **COUNCILLOR MATHIEU FLEURY:** Correct.

22 **MR. TOM CURRY:** That's your experience?

23 **COUNCILLOR MATHIEU FLEURY:** We have about 100  
24 protests in Ottawa a year.

25 **MR. TOM CURRY:** And you have not had one like  
26 this?

27 **COUNCILLOR MATHIEU FLEURY:** No.

28 **MR. TOM CURRY:** The scale, correct?

1                   **COUNCILLOR MATHIEU FLEURY:** Correct.

2                   **MR. TOM CURRY:** The scale was larger. The  
3 volatility was higher.

4                   **COUNCILLOR MATHIEU FLEURY:** Correct.

5                   **COUNCILLOR CATHERINE McKENNEY:** Correct.

6                   **MR. TOM CURRY:** The demeanour of the crowd was  
7 angrier?

8                   **COUNCILLOR MATHIEU FLEURY:** Correct.

9                   **MR. TOM CURRY:** And it became, as you've pointed  
10 out, an occupation, yes?

11                   **COUNCILLOR MATHIEU FLEURY:** Yes.

12                   **COUNCILLOR CATHERINE McKENNEY:** Because the  
13 vehicles were allowed into the downtown, yes.

14                   **MR. TOM CURRY:** Well, the vehicles came to the  
15 downtown. Other vehicles have come to your downtown and then  
16 left.

17                   **COUNCILLOR CATHERINE McKENNEY:** Well, let me put  
18 it this way. Canada Day happens, and if I decide I want to  
19 drive my car up onto Wellington while the street's shut down, I  
20 don't have a right to do that. I have a right to protest. I've  
21 actually been in many protests and probably have obviously with  
22 my background. I've gone up to the Hill. I've been at protests  
23 but you do not -- nobody has ever given me the Charter right to  
24 take a vehicle into a protest. So I do -- you know, I'm not  
25 going to submit that the trucks coming in and allowed to park  
26 along Queen Elizabeth Drive was ever -- should have ever been  
27 allowed.

28                   **COUNCILLOR MATHIEU FLEURY:** You give us the

1 assumption that the size and scale of the protest and the  
2 inability to respond is just based on that. I guess what we're  
3 saying back to you is, if the trucks never made it to the zone  
4 then we would have had a very different protest.

5 **MR. TOM CURRY:** I'm sure the Commissioner will  
6 take that into account from other witnesses also. I take -- I  
7 think we all understand that actually.

8 So then a couple of other quick things.

9 Am I right that both of you supported requesting  
10 the federal government to exercise its powers to declare an  
11 emergency?

12 **COUNCILLOR CATHERINE McKENNEY:** Yes. By the time  
13 that occurred I was desperate. The people who were in the  
14 downtown where the occupation was happening were desperate. We  
15 needed it to end. And by that point I did support the federal  
16 government's use of the Emergency Act, yes.

17 **MR. TOM CURRY:** Councillor?

18 **COUNCILLOR MATHIEU FLEURY:** It's just a little  
19 more nuanced to me. We were asking for actions from senior  
20 levels of government to get back our city and dismantle the  
21 occupation.

22 **MR. TOM CURRY:** Understood. And you also -- I  
23 think you told one of my friends that you endorsed the Chief  
24 Sloly's request for an additional 1800 officers.

25 **COUNCILLOR CATHERINE McKENNEY:** Absolutely.

26 **COUNCILLOR MATHIEU FLEURY:** Yes.

27 **MR. TOM CURRY:** And understood that the OPS had  
28 no adequate resources to deal with what had happened?

1                   **COUNCILLOR CATHERINE McKENNEY:** At that point,  
2 absolutely.

3                   **MR. TOM CURRY:** I have no other questions for  
4 you. Thank you.

5                   **COUNCILLOR MATHIEU FLEURY:** Thank you.

6                   **COMMISSIONER ROULEAU:** Thank you. Careful.

7                   Okay. Next is the Government of Canada.

8 **--- CROSS-EXAMINATION BY MR. BRENDAN van NIEJENHUIS:**

9                   **MR. BRENDAN van NIEJENHUIS:** Good evening now,  
10 Councillors.

11                   My name is Brendan V. and I am one of the lawyers  
12 for the Government of Canada in this matter. And I just have a  
13 couple of brief questions for you.

14                   If we could pull up OTT00006610?

15                   This is a disposition document from the council  
16 meeting of February 7<sup>th</sup>. Are you familiar with that meeting?

17                   **COUNCILLOR MATHIEU FLEURY:** Yes.

18                   **COUNCILLOR CATHERINE McKENNEY:** Yes.

19                   **MR. BRENDAN van NIEJENHUIS:** And this was a  
20 meeting in which many different motions were brought and passed  
21 with respect to the convoy, yes?

22                   **COUNCILLOR MATHIEU FLEURY:** Correct.

23                   **COUNCILLOR CATHERINE McKENNEY:** Yes.

24                   **MR. BRENDAN van NIEJENHUIS:** I just want to focus  
25 on a couple of them which the two of you testifying today  
26 brought or seconded.

27                   The first is if we could carry down to page 10 of  
28 the document.

1                   And to the one on the bottom of the page there;  
2 that's right, right about there. This is a motion that was  
3 moved by you, Councillor McKenney, and seconded by you,  
4 Councillor Fleury.

5                   **COUNCILLOR CATHERINE McKENNEY:** Correct.

6                   **COUNCILLOR MATHIEU FLEURY:** Yes.

7                   **MR. BRENDAN van NIEJENHUIS:** And this was  
8 referred to earlier, but this was the motion, if you could just  
9 go over to the next page, the top of the next page. This is the  
10 motion that was carried asking for the RCMP to assume control of  
11 the Parliamentary Precinct, right?

12                   **COUNCILLOR MATHIEU FLEURY:** Yes.

13                   **COUNCILLOR CATHERINE McKENNEY:** Yes.

14                   **MR. BRENDAN van NIEJENHUIS:** And then the next  
15 morning -- I don't think we need to go to the document but the  
16 next morning, I believe -- we can if you wish. But Chief Sloly  
17 wrote to you and the rest of council to advise about the  
18 operation of the *Police Services Act* and how -- and to provide  
19 some of the legal reasons, at least as he was informed of them,  
20 why the RCMP could not directly assume enforcement as police of  
21 local jurisdiction immediately. Do you recall that?

22                   **COUNCILLOR MATHIEU FLEURY:** We saw that document,  
23 but if I recall, it's directly ---

24                   **COUNCILLOR CATHERINE McKENNEY:** It was ---

25                   **COUNCILLOR MATHIEU FLEURY:** --- to the Mayor, not  
26 to ---

27                   **COUNCILLOR CATHERINE McKENNEY:** Yeah, it wasn't  
28 us.



1                   **COUNCILLOR MATHIEU FLEURY:** --- council.

2                   **MR. BRENDAN van NIEJENHUIS:** Excuse me. Okay.

3 Did you see that document though?

4                   **COUNCILLOR MATHIEU FLEURY:** Now we did, but I ---

5                   **MR. BRENDAN van NIEJENHUIS:** Now you have.

6                   **COUNCILLOR MATHIEU FLEURY:** --- was not aware.

7                   **MR. BRENDAN van NIEJENHUIS:** All right. Fair  
8 enough.

9                   Can we move on to page -- the bottom of page 11  
10 of the same document? It just vanished.

11                   **MS. ALYSSA TOMKINS:** Can we show the witnesses  
12 the document? Oh, there we are.

13                   **MR. BRENDAN van NIEJENHUIS:** If we just go back  
14 to page 11 again? And then this is a motion that you moved,  
15 Councillor Fleury, and you seconded, Councillor McKenney; right?

16                   **COUNCILLOR CATHERINE McKENNEY:** Correct.

17                   **MR. BRENDAN van NIEJENHUIS:** And if you just  
18 scroll slightly down the page, this is the motion, I think,  
19 referred to earlier with respect to increasing the set fines for  
20 offences under municipal bylaws in the POA? Is that right?

21                   **COUNCILLOR CATHERINE McKENNEY:** Correct.

22                   **COUNCILLOR MATHIEU FLEURY:** Correct.

23                   **MR. BRENDAN van NIEJENHUIS:** And this was passed  
24 as well; right?

25                   **COUNCILLOR MATHIEU FLEURY:** Just there's a bit of  
26 nuance in what you're describing. We don't have the authority  
27 to change the fine levels. I believe as it reads there:

28                   "Consider making an application to set

1 fine increases." (As read)

2 That's to the provincial courts.

3 **MR. BRENDAN van NIEJENHUIS:** Okay. So that's as  
4 far as this method went?

5 **COUNCILLOR MATHIEU FLEURY:** I believe it was ---

6 **COUNCILLOR CATHERINE McKENNEY:** It was ---

7 **COUNCILLOR MATHIEU FLEURY:** --- supported by the  
8 Courts ultimately.

9 **COUNCILLOR CATHERINE McKENNEY:** Yes.

10 **MR. BRENDAN van NIEJENHUIS:** Okay. And then  
11 could we lastly go to the motion on page 17? That one there  
12 that is moved by Councillor Meehan and seconded by you,  
13 Councillor McKenney?

14 **COUNCILLOR CATHERINE McKENNEY:** Correct.

15 **MR. BRENDAN van NIEJENHUIS:** And this motion  
16 actually on February the 7<sup>th</sup> is defeated on an even split vote?  
17 Is that right?

18 **COUNCILLOR CATHERINE McKENNEY:** Correct.

19 **MR. BRENDAN van NIEJENHUIS:** But I take it that  
20 both of the two of you were yays in favour of this motion on  
21 February the 7<sup>th</sup>?

22 **COUNCILLOR CATHERINE McKENNEY:** Correct.

23 **COUNCILLOR MATHIEU FLEURY:** As per record, yes.

24 **MR. BRENDAN van NIEJENHUIS:** Was that because  
25 both of you, from what we've heard today, looking at the  
26 situation from your perspective as the ward councillors in this  
27 area of Ottawa, viewed the circumstances that existed on  
28 February the 7<sup>th</sup> as potentially warranting the invocation of the

1 *Federal Emergencies Act*, and therefore warranting at least that  
2 this be discussed with the Federal Government?

3 **COUNCILLOR CATHERINE McKENNEY:** At that point,  
4 yes, it was to enter into discussions.

5 **COUNCILLOR MATHIEU FLEURY:** Yes.

6 **MR. BRENDAN van NIEJENHUIS:** When the Act was in  
7 fact invoked a week later on February 14<sup>th</sup>, I think a number of  
8 things happened that day. The City of Ottawa also accomplished  
9 or was issued an injunction that day; correct?

10 **COUNCILLOR MATHIEU FLEURY:** Correct.

11 **COUNCILLOR CATHERINE McKENNEY:** Yes.

12 **MR. BRENDAN van NIEJENHUIS:** And the *Emergencies*  
13 *Act* was invoked or its invocation was announced by the Prime  
14 Minister that day?

15 **COUNCILLOR MATHIEU FLEURY:** Correct.

16 **COUNCILLOR CATHERINE McKENNEY:** Yes.

17 **MR. BRENDAN van NIEJENHUIS:** And I'll ask you  
18 this. Had the circumstances that led you to this view on  
19 February the 7<sup>th</sup> subsided enough to change your view that they  
20 warranted this step, at least as far as Ottawa was concerned?

21 **COUNCILLOR CATHERINE McKENNEY:** Sorry, ---

22 **COUNCILLOR MATHIEU FLEURY:** Yeah, I'm not  
23 following.

24 **COUNCILLOR CATHERINE McKENNEY:** --- could you  
25 repeat -- yeah, the question.

26 **MR. BRENDAN van NIEJENHUIS:** Sorry, ---

27 **COUNCILLOR MATHIEU FLEURY:** Subsided?

28 **MR. BRENDAN van NIEJENHUIS:** --- had the

1 circumstances changed enough, had they gotten better enough that  
2 you ---

3 **COUNCILLOR MATHIEU FLEURY:** No.

4 **MR. BRENDAN van NIEJENHUIS:** --- to change your  
5 view that the ---

6 **COUNCILLOR CATHERINE McKENNEY:** No, they were  
7 worse.

8 **MR. BRENDAN van NIEJENHUIS:** --- step was  
9 warranted?

10 **COUNCILLOR CATHERINE McKENNEY:** They were worse.

11 **COUNCILLOR MATHIEU FLEURY:** It didn't change our  
12 ---

13 **COUNCILLOR CATHERINE McKENNEY:** Yeah. They were  
14 worse.

15 **MR. BRENDAN van NIEJENHUIS:** Okay. And  
16 enforcement was not in fact accomplished until after February  
17 14<sup>th</sup>, when both the Act and the injunction were in place? Is  
18 that fair?

19 **COUNCILLOR MATHIEU FLEURY:** Yes.

20 **COUNCILLOR CATHERINE McKENNEY:** Yes.

21 **MR. BRENDAN van NIEJENHUIS:** And additional  
22 resources were in place from Ontario and the RCMP?

23 **COUNCILLOR MATHIEU FLEURY:** Yes.

24 **COUNCILLOR CATHERINE McKENNEY:** Yes.

25 **MR. BRENDAN van NIEJENHUIS:** Thank you. Those  
26 are my questions.

27 **COMMISSIONER ROULEAU:** Thank you. If I could now  
28 call on the Democracy Fund and Citizens for Freedom and JCCF.

1 --- CROSS-EXAMINATION BY MR. ROB KITTREDGE:

2 **MR. ROB KITTREDGE:** Good evening, councillors.  
3 My name is Rob Kittredge and I'll have just a few short  
4 questions for you today.

5 I will direct the first couple to Councillor  
6 Fleury.

7 You referred in your testimony to what you called  
8 "the occupation". Would it be fair to say that when you use the  
9 term "the occupation", you're primarily referring to the various  
10 trucks and other vehicles that were illegally parked on downtown  
11 Ottawa streets during the protests in February?

12 **COUNCILLOR MATHIEU FLEURY:** Downtown streets?  
13 It's more than the downtown streets. It depends what your  
14 downtown is. Officially for us, Catherine McKenney represents  
15 the downtown. I don't represent the downtown.

16 **MR. ROB KITTREDGE:** Right.

17 **COUNCILLOR MATHIEU FLEURY:** So "the occupation"  
18 refers to my area as well.

19 **MR. ROB KITTREDGE:** I'm happy to expand that to  
20 say -- let's ---

21 **COUNCILLOR MATHIEU FLEURY:** Sorry, I'm just ---

22 **MR. ROB KITTREDGE:** --- revisit that and say  
23 vehicles illegally parked on Ottawa streets?

24 **COUNCILLOR MATHIEU FLEURY:** Sure.

25 **MR. ROB KITTREDGE:** So you'd agree with that as -  
26 --

27 **COUNCILLOR MATHIEU FLEURY:** Yes.

28 **MR. ROB KITTREDGE:** --- what you mean when you

1 say "the occupation"?

2                   You've identified a variety of issues that arose  
3 during the convoy protests. For example, honking, downtown  
4 congestion -- Ottawa congestion, and road blockages, idling  
5 vehicles, and related smells and fumes, et cetera.

6                   Would you agree that the root cause of all of  
7 these issues was the fact that large numbers of vehicles  
8 remained illegally parked throughout Ottawa? To put it ---

9                   **COUNCILLOR MATHIEU FLEURY:** That illegal -- that  
10 trucks were able to make their way on non-truck routes in  
11 downtown Ottawa, yes.

12                   **MR. ROB KITTREDGE:** Okay. If illegal parking  
13 could be stopped, what you call "the occupation" would have  
14 ended; correct?

15                   **COUNCILLOR MATHIEU FLEURY:** If the City of  
16 Ottawa's truck routes were followed, and if fluidity of  
17 movements on the roadway was respected, and if parking rules  
18 were followed, you're correct.

19                   **MR. ROB KITTREDGE:** In fact, the only way to end  
20 what you refer to as "the occupation" was to remove illegally  
21 parked vehicles from downtown Ottawa streets? Wouldn't you  
22 agree?

23                   **COUNCILLOR MATHIEU FLEURY:** Well prevent them in  
24 the first place.

25                   **MR. ROB KITTREDGE:** Sure. But once they were  
26 there, the only way to end the occupation would be to remove  
27 them from the streets; correct?

28                   **COUNCILLOR MATHIEU FLEURY:** To dismantle.

1                   **MR. ROB KITTREDGE:** To dismantle.

2                   **COUNCILLOR MATHIEU FLEURY:** Well it wasn't just  
3 vehicles. There were structures.

4                   **MR. ROB KITTREDGE:** Right.

5                   **COUNCILLOR MATHIEU FLEURY:** There were people.  
6 There were a number of elements. So when you're defining  
7 vehicle or moving the vehicle off the roadway. It's a little  
8 more complex than that.

9                   **MR. ROB KITTREDGE:** Right. But a necessary  
10 element to ending the -- what you call "the occupation" would be  
11 removing the vehicles from the street?

12                   **COUNCILLOR MATHIEU FLEURY:** I'm not sure. The  
13 people were moved and we stopped to hear the honking. The  
14 vehicles were closed. The ---

15                   **MR. ROB KITTREDGE:** So you'd be -- sorry, I  
16 interrupted you.

17                   **COUNCILLOR MATHIEU FLEURY:** Yeah, I mean, if you  
18 look at the police operations that moved folks off, the vehicles  
19 were still in place. Right away, we started to get less  
20 complaints and it took a number of hours and days, and yet right  
21 away, as soon as the people were moved out of the zone, then  
22 operations to remove vehicles and to stop the honking, and the  
23 fumes, and the structures was able to begin.

24                   **MR. ROB KITTREDGE:** Right. But the end of the  
25 occupation came when the vehicles -- well, one of the necessary  
26 conditions was that the vehicles were removed?

27                   **COUNCILLOR MATHIEU FLEURY:** When the people were  
28 moved out of the zone.

1           **MR. ROB KITTREDGE:** So you'd be happy to have the  
2 vehicles remain on the streets of Ottawa indefinitely?

3           **COUNCILLOR MATHIEU FLEURY:** A different ---

4           **MR. ROB KITTREDGE:** You'd be okay with that?

5           **COUNCILLOR MATHIEU FLEURY:** It'd be a different  
6 issue. A vehicle without people is not an issue. A turned off  
7 vehicle, in itself, can be easily moved by authorities. It's  
8 the combination of what I call "the weapon", their big rig, and  
9 the people in and around that activation, fortress of that that  
10 created the environment that we've been describing all  
11 throughout the afternoon.

12           **MR. ROB KITTREDGE:** All right. In any event,  
13 there are laws and bylaws in effect prohibiting illegal parking  
14 in the City of Ottawa? Is that correct?

15           **COUNCILLOR MATHIEU FLEURY:** Yeah, and they're  
16 well used in my area, generally.

17           **MR. ROB KITTREDGE:** Generally.

18           **COUNCILLOR MATHIEU FLEURY:** Yeah.

19           **MR. ROB KITTREDGE:** But in the time leading up to  
20 the invocation of the *Federal Emergencies Act*, you testified  
21 that there was no enforcement of parking violations in downtown  
22 -- in the downtown Ottawa area? Is that correct?

23           **COUNCILLOR MATHIEU FLEURY:** I've repeated that  
24 the parking rules on the perimetry of the red zone, even when it  
25 was called to 3-1-1, were not effectively responded to in the  
26 nature that I'm accustomed to by the City of Ottawa.

27           **MR. ROB KITTREDGE:** All right. I'll take that.  
28 And Councillor McKenney, I just have one quick



1 question for you. Or two quick questions, depending on how you  
2 answer.

3 Were you involved in or aware of any discussions  
4 regarding taking legal action to enforce performance of the  
5 contracts the City had in place with tow truck drivers?

6 **COUNCILLOR CATHERINE McKENNEY:** Yes, I was.

7 **MR. ROB KITTREDGE:** And who were those  
8 discussions with?

9 **COUNCILLOR CATHERINE McKENNEY:** Oh, I just  
10 understood that there had been discussions with tow truck  
11 drivers to remove the large vehicles and that no tow truck  
12 drivers would take those contracts.

13 **MR. ROB KITTREDGE:** All right. Well I'm afraid  
14 we might have slightly more than two questions here. But were  
15 you aware of any discussions about the City taking legal action  
16 to enforce those contracts?

17 **COUNCILLOR CATHERINE McKENNEY:** No, I wasn't.

18 **MR. ROB KITTREDGE:** You weren't? All right. And  
19 the City did not take legal action to enforce those contracts?

20 **COUNCILLOR CATHERINE McKENNEY:** I don't know.

21 **MR. ROB KITTREDGE:** You're not aware of ---

22 **COUNCILLOR CATHERINE McKENNEY:** I'm not aware of  
23 it, no.

24 **MR. ROB KITTREDGE:** Okay. All right. Well those  
25 are my questions. Thank you very much.

26 **COMMISSIONER ROULEAU:** Okay. Thank you.

27 Okay. City of Ottawa?

28 **MS. ALYSSA TOMKINS:** Alyssa Tomkins for the City

1 of Ottawa. Happy news to everybody, all of the areas which I  
2 had hoped to cover have been covered through the examinations  
3 today.

4 **COMMISSIONER ROULEAU:** A nice Friday night gift.

5 Okay. But you get no credit for that in the  
6 balance, just so you know. It's day by day.

7 So that ends for today. I can thank the two  
8 witnesses for your contribution. Merci beaucoup for your  
9 assistance. Très apprécié.

10 So that ends for today. Earlier than the 7:00  
11 o'clock I threatened. And I wish everyone a nice weekend.

12 We'll be reconvening at 9:30 on Monday morning  
13 and we look forward to the continuation.

14 We adjourn for the day.

15 **THE REGISTRAR:** The Commission is adjourned. La  
16 commission est ajournée.

17 --- Upon adjourning at 6:41 p.m.

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**C E R T I F I C A T I O N**

1

2

3 I, Maxime Roussy, a certified court reporter, hereby certify the  
4 foregoing pages to be an accurate transcription of my  
5 notes/records to the best of my skill and ability, and I so  
6 swear.

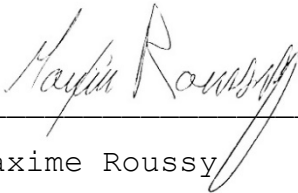
7

8 Je, Maxime Roussy, un sténographe officiel, certifie que les  
9 pages ci-hautes sont une transcription conforme de mes  
10 notes/enregistrements au meilleur de mes capacités, et je le  
11 jure.

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Maxime Roussy