



**PUBLIC ORDER
EMERGENCY
COMMISSION**

**COMMISSION
SUR L'ÉTAT
D'URGENCE**

Public Hearing

Audience publique

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

VOLUME 3

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IV

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V

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Ottawa, Ontario

--- Upon commencing on Monday, October 17, 2022, at 9:29 a.m.

THE REGISTRAR: À l'ordre. Order.

The Public Order Emergency Commission is now in session. La Commission sur l'état d'urgence est maintenant ouverte.

COMMISSIONER ROULEAU: Good morning. Bonjour.

Day three. Looks like a very interesting week. On a des témoins intéressants cette semaine. Alors, je pense que c'est la Commission qui convoque un nouveau témoin.

Est-ce que vous êtes prête? D'accord, Madame Rodriguez.

MS. NATALIA RODRIGUEZ: Bonjour, good morning.

Natalia Rodriguez, senior Commission Counsel. And Commission would like to call Steve Kanellakos.

COMMISSIONER ROULEAU: Okay. Good morning, Mr.

Kanellakos.

MR. STEVE KANELLAKOS: Good morning, Mr.

Commissioner.

THE REGISTRAR: Mr. Kanellakos, will you swear on a religious document, or do you wish to affirm?

MR. STEVE KANELLAKOS: Religious document.

THE REGISTRAR: We have the Bible, the Quran, the Tora available.

MR. STEVE KANELLAKOS: The Bible.

THE REGISTRAR: Please take the Bible in your right hand.

For the record, please state your full name and

1 spell it out.

2 **MR. STEVE KANELLAKOS:** Steve Kanellakos, K-A-N-E-
3 L-L-A-K-O-S.

4 **--- MR. STEVE KANELLAKOS, Sworn:**

5 **THE REGISTRAR:** Thank you.

6 **MR. STEVE KANELLAKOS:** Thank you.

7 **COMMISSIONER ROULEAU:** Go ahead.

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

9 **MS. NATALIA RODRIGUEZ:** Good morning, Mr.
10 Kanellakos.

11 **MR. STEVE KANELLAKOS:** Good morning.

12 **MS. NATALIA RODRIGUEZ:** Nice to see you again.
13 Can you confirm your position with the City of Ottawa?

14 **MR. STEVE KANELLAKOS:** I'm the City Manager for
15 the City of Ottawa.

16 **MS. NATALIA RODRIGUEZ:** And as City Manager, I
17 understand you're the most senior public servant in the
18 administration; is that right?

19 **MR. STEVE KANELLAKOS:** That's correct.

20 **MS. NATALIA RODRIGUEZ:** And you've held this
21 position since May of 2006?

22 **MR. STEVE KANELLAKOS:** No, May of 2016.

23 **MS. NATALIA RODRIGUEZ:** '16, sorry. My mistake.
24 And you had an interview with Commission Counsel on August 17th
25 of this year; correct?

26 **MR. STEVE KANELLAKOS:** That's correct.

27 **MS. NATALIA RODRIGUEZ:** And have you had a chance
28 to review the summary of that interview?

1 **MR. STEVE KANELLAKOS:** I did.

2 **MS. NATALIA RODRIGUEZ:** Right. Do you have any
3 corrections you would like to make to that summary?

4 **MR. STEVE KANELLAKOS:** I do not.

5 **MS. NATALIA RODRIGUEZ:** So I would like to bring
6 it up, so that we can have it entered into evidence. It's WTS1,
7 ending in 1. Okay. So this is your witness summary?

8 **MR. STEVE KANELLAKOS:** That's correct.

9 **MS. NATALIA RODRIGUEZ:** Okay. Great. So we will
10 have that entered into evidence. Thank you.

11 **MS. NATALIA RODRIGUEZ:** And you've also sworn an
12 affidavit attaching the institutional reports for the City of
13 Ottawa for this Commission; correct?

14 **MR. STEVE KANELLAKOS:** I did.

15 **MS. NATALIA RODRIGUEZ:** Right. And the affidavit
16 is AFF3, if we can pull that up? Okay. And if we can just zoom
17 in a little bit? Okay. So that is your affidavit; correct?

18 **MR. STEVE KANELLAKOS:** That's correct.

19 **MS. NATALIA RODRIGUEZ:** And the institution
20 reports that it attaches are OTT.IR.00000001. And if we can
21 zoom in? You recognize that as the City of Ottawa's institution
22 report?

23 **MR. STEVE KANELLAKOS:** I do.

24 **MS. NATALIA RODRIGUEZ:** Okay. And if we can go
25 to OTT.IR00000002. And this is the second institution report,
26 which is a timeline of events submitted by the City of Ottawa;
27 correct?

28 **MR. STEVE KANELLAKOS:** That's correct.

1 **MS. NATALIA RODRIGUEZ:** Right. And are you aware
2 of any changes that should be made to either one of these
3 documents?

4 **MR. STEVE KANELLAKOS:** I am not.

5 **MS. NATALIA RODRIGUEZ:** Okay. So we'll have
6 those entered into evidence along with your affidavit.

7 **MS. NATALIA RODRIGUEZ:** So just by way of
8 background, according to your witness summary and the
9 institution report, there are 10 departments within the City.
10 Each department has a general manager, and each general manager
11 then reports directly to you; is that right?

12 **MR. STEVE KANELLAKOS:** That's correct.

13 **MS. NATALIA RODRIGUEZ:** And one of those
14 departments is the Emergency and Protective Services?

15 **MR. STEVE KANELLAKOS:** That's correct.

16 **MS. NATALIA RODRIGUEZ:** And Mr. Kim Ayotte is the
17 General Manager for that department?

18 **MR. STEVE KANELLAKOS:** He is.

19 **MS. NATALIA RODRIGUEZ:** And I understand that By-
20 law and Regulatory Services falls within Emergency and
21 Protective Services, and then that then subsequently reports to
22 Mr. Kim Ayotte, and then up to you as City Manager; correct?

23 **MR. STEVE KANELLAKOS:** That's correct.

24 **MS. NATALIA RODRIGUEZ:** And you're also the Chair
25 of the EOCCG when that group is activated; correct?

26 **MR. STEVE KANELLAKOS:** Yeah, it's the EOCG.

27 **MS. NATALIA RODRIGUEZ:** The EOC ---

28 **MR. STEVE KANELLAKOS:** Yeah, Emergency Operations

1 Control Group.

2 **MS. NATALIA RODRIGUEZ:** And what is the Emergency
3 Operations Centre Control Group?

4 **MR. STEVE KANELLAKOS:** It's actually the same
5 thing, but I think it's just wrong in the -- the acronym, it's
6 two Cs, it's only one C.

7 **MS. NATALIA RODRIGUEZ:** It's only one C. Okay.

8 **MR. STEVE KANELLAKOS:** That's correct.

9 **MS. NATALIA RODRIGUEZ:** Thank you for that. The
10 EOCG then. And my understanding is that the EOCG includes all
11 10 city departments, in addition to certain independent agencies
12 such as Ottawa Public Health, Ottawa Police Services and others;
13 is that right?

14 **MR. STEVE KANELLAKOS:** That's correct.

15 **MS. NATALIA RODRIGUEZ:** And as Chair, you have
16 final decision-making authority for matters that are within the
17 city's jurisdiction if there's a lack of consensus among the
18 EOCG members; is that right?

19 **MR. STEVE KANELLAKOS:** Yes, I do, but I don't
20 have jurisdiction over the police chief, the medical officer of
21 health, or the chief librarian, the CO of the libraries. Those
22 officiants are under different legislation. I can't direct
23 them.

24 **MS. NATALIA RODRIGUEZ:** Right. So if it's an
25 agency that falls outside of 1 of the 10 departments, then you
26 don't have authority over those; is that ---

27 **MR. STEVE KANELLAKOS:** That's correct.

28 **MS. NATALIA RODRIGUEZ:** Okay. And the lead

1 agency for this particular emergency was which agency?

2 **MR. STEVE KANELLAKOS:** It was Ottawa Police
3 Service.

4 **MS. NATALIA RODRIGUEZ:** Okay. And how was that
5 decided?

6 **MR. STEVE KANELLAKOS:** Well, Ottawa Police is
7 responsible for maintaining public order in the City of Ottawa,
8 and under our incident management structure, police would be the
9 lead agency when it comes to public order issues. That's been
10 our practice for as long as I've been at the City for the last
11 22 years.

12 **MS. NATALIA RODRIGUEZ:** So is it the case that
13 every time there's a demonstration, that's considered a public
14 order issue, and therefore, the police is the lead agency for
15 that?

16 **MR. STEVE KANELLAKOS:** That's correct.

17 **MS. NATALIA RODRIGUEZ:** Okay. Does it depend on
18 the nature of the demonstration?

19 **MR. STEVE KANELLAKOS:** No, if there's a
20 demonstration, the police are the lead.

21 **MS. NATALIA RODRIGUEZ:** Okay. What about in the
22 case of a parade, for example?

23 **MR. STEVE KANELLAKOS:** Well, even a parade, we
24 have a group called SEAT.

25 It's an interdepartmental group including the
26 police that plans for parades and other special events. And
27 police have a role, but they may not necessarily be the lead if
28 it's -- depending on the nature of the event. Sometimes its

1 just managed with Incident Command. But often police are still
2 seen as a lead for any gathering of people.

3 **MS. NATALIA RODRIGUEZ:** Okay. Thank you. And at
4 the ELCG level, which I understand it is a City of Ottawa
5 emergency group, what kinds of decisions are taken at that
6 level?

7 **MR. STEVE KANELLAKOS:** They're very strategic
8 decisions. They're really around policy. They're looking ahead
9 in terms of what resources we might need into the future, the
10 sustainability of our staff, turnover of our staff, because
11 people in emergencies normally work, you know, basically every
12 waking hour on the emergency and we have to make sure we rotate
13 them out. We make sure that services in the departments are
14 sustained and they can continue. So this business continuity
15 for city services. And so it's very much a strategic direction.
16 It's not at the tactical and operational level at the OCG.

17 **MS. NATALIA RODRIGUEZ:** So as city manager,
18 having all city departments reporting up to you, and as chair of
19 the ELCG, it is fair to say that you would have been aware of
20 any major considerations or any major decisions or actions that
21 the City would have taken with respect to the convoy?

22 **MR. STEVE KANELLAKOS:** Generally, yes.

23 **MS. NATALIA RODRIGUEZ:** Okay. I'm going to take
24 you to OTT 101. And all of the OTT documents will end in .0001,
25 but I'm not going to say that. So it's just OTT 101. And this
26 is an email that was sent to you.

27 If we go down to the bottom? All right. So all
28 the way to the bottom. Okay. So if we go up a little bit, just

1 to see who this is from. Yeah, okay.

2 So we have Steve Ball. And do you know who Steve
3 Ball is?

4 **MR. STEVE KANELLAKOS:** Yes, I do.

5 **MS. NATALIA RODRIGUEZ:** And who is he?

6 **MR. STEVE KANELLAKOS:** He's the President of the
7 Ottawa Hoteliers Association, I believe.

8 **MS. NATALIA RODRIGUEZ:** Okay. And this is dated
9 January 25th, so this is before the arrival of the convoy in
10 Ottawa. And he says:

11 "See note below. I spoke to this guy and
12 he gave me more info about the plan shut
13 down access to the city." (As read)

14 And then he sends a message there, which says, in
15 part:

16 "The current count of transportation
17 individuals are estimated at 10,000 to
18 15,000 members, who will be attending for
19 a duration of 30 to 90 days from the day
20 of January 29th, 2022 to February 27th,
21 2022, extending to February 1st, 2022."

22 (As read)

23 **COMMISSIONER ROULEAU:** April 1st.

24 **MS. NATALIA RODRIGUEZ:** Sorry, April 1st, 2022.

25 And my understanding is that this message that
26 was received by Steve Ball was somebody purporting to be on
27 behalf of, it looks like, a Canada United Truckers Convoy,
28 looking for hotels to stay in Ottawa? Is that your

1 understanding as well?

2 **MR. STEVE KANELLAKOS:** Yes, it is.

3 **MS. NATALIA RODRIGUEZ:** And after that message,
4 it looks like, if we go up, from Steve Ball, he sent it to
5 Mathieu Gravel. And he's at the Mayor's office? Is that
6 correct?

7 **MR. STEVE KANELLAKOS:** That's right. He's a
8 special advisor to the Mayor.

9 **MS. NATALIA RODRIGUEZ:** And then he forwards that
10 to you and to Steve Box, and to Kim Ayotte, and then he says:

11 "After having raised three plus million
12 through the crowd funding initiative, the
13 truckers are starting to reach out to
14 hotels to book stays of at least 30 days.
15 Steve Ball spoke to this guy and he
16 basically laid out the plan, which is
17 basically that they will leave their
18 trucks in place, chain them together, and
19 attempt to block all accesses to the city.
20 What is our level of preparedness to
21 respond to this should it go on for many
22 weeks or months? Who is our lead in
23 responding and presumably liaising with
24 the federal authorities? It would be
25 helpful if we could have a quick call
26 either today or tomorrow to share intel."

27 (As read)

28 Okay. And then if we go up.

1 So you received that on the 25th, and then it
2 looks like you say that:

3 "We are briefing the Mayor's Office this
4 week once we have the info we need." (As
5 read)

6 And then Serge Arpin says:

7 "Chief Peter Sloly has set up a briefing
8 with the Mayor tomorrow after council."
9 (As read)

10 And so it looks like then my understanding is
11 that this information received from the Hotels Association was
12 passed on to the Ottawa Police Service?

13 **MR. STEVE KANELLAKOS:** It was.

14 **MS. NATALIA RODRIGUEZ:** Okay. And it looks like
15 a meeting was held then on January 26th, which was the day after
16 this email, with Former Chief Sloly. Is that right?

17 **MR. STEVE KANELLAKOS:** I believe so, yes.

18 **MS. NATALIA RODRIGUEZ:** And was the information
19 in this email discussed?

20 **MR. STEVE KANELLAKOS:** I don't recall if it was
21 discussed at that meeting. This information was shared with
22 Ottawa Police. I know that for a fact because we have our email
23 records that we sent it over. But I don't remember if it was
24 actually raised in that particular meeting.

25 **MS. NATALIA RODRIGUEZ:** Okay. And if I could
26 take you to OTT 259? This is the email from Intersec on January
27 26th.

28 Go down. Yeah. Okay. There it is. And if we

1 go up a little bit more just to show that it comes from
2 Intersec? And it came, actually, on the 21st of January, but it
3 was forwarded to the City on the 26th of January, if we go up a
4 little bit more. Yeah. And it says:

5 "The situation remains fluid." (As read)

6 And it says, if we go up a little bit more:

7 "All open-source information and our
8 interactions with organizers indicate that
9 this will be a significant and extremely
10 fluid event that could go on for a
11 prolonged period." (As read)

12 And that is under "Current information", the
13 first bullet point there.

14 And so if we go up, it looks like you received
15 this email as well. Kim Ayotte forwards it to Steve Box and to
16 Beth Gooding, and then Steve Box forwards that to you?

17 **MR. STEVE KANELLAKOS:** That's correct.

18 **MS. NATALIA RODRIGUEZ:** And do you recall
19 receiving this at the time?

20 **MR. STEVE KANELLAKOS:** Yes, I do.

21 **MS. NATALIA RODRIGUEZ:** And if I could take you
22 to OTT 538? And this is dated January 26th. It's from Riley
23 Brockington. I understand he's a councillor?

24 **MR. STEVE KANELLAKOS:** He is.

25 **MS. NATALIA RODRIGUEZ:** And he sent this to you
26 and to some other people at the City, including Diane Deans, who
27 was the Chair of the OPSB at the time? Is that right?

28 **MR. STEVE KANELLAKOS:** That's right.

1 **MS. NATALIA RODRIGUEZ:** And in his email, he
2 says, in part:

3 "This isn't just going to impact downtown,
4 but the entire city region. Many are now
5 saying shut down the city until the
6 restrictions are lifted. This is going to
7 last more than a weekend. The OPS today
8 estimated 1,000 to 2,000 to protest. No
9 way. Expect many more." (As read)

10 So when he says that "OPS today estimated one to
11 2,000 to protest", given that this is on January 26th, is it fair
12 to say that in the briefing that was given to council and to you
13 and the Mayor on the 26th of January, this was the number that
14 was provided to council and to you about what to expect in terms
15 of numbers?

16 **MR. STEVE KANELLAKOS:** Well the numbers -- this
17 speaks to the information that we had heading into the end of
18 the first weekend. And the information the City was receiving,
19 even though we did receive information from other parties, just
20 as the hoteliers, was pieces of information that was fed into
21 police. Police were responsible, and are responsible, and have
22 the access to the intelligence and the information across the
23 country at the federal and provincial level to make the risk
24 assessment that we all need to participate in to be able to
25 respond appropriately.

26 So all of this information, it was moving around.
27 I think early emails had two to 300, or 50 trucks, and then it
28 kind of escalated as the week went on, I think from about

1 January 24th, on. And the numbers were growing and they were
2 varying and there was different pieces of information coming in.

3 We rely on the police to gather that information,
4 collate that with all of the information they have, and make a
5 risk assessment to provide to the City in terms of the
6 strategies they're going to take to mitigate that risk.

7 And so from my point of view, and I've been doing
8 this a long time, in terms of dealing with emergencies, it
9 wasn't unusual to have a variance in the views of people who
10 thought it was going to be bigger, longer, you know, smaller.
11 There were all kinds of opinions on what that would be. The
12 only information we could rely on was the Ottawa Police in terms
13 of reliable information at that time.

14 **MS. NATALIA RODRIGUEZ:** And so in terms of the
15 City's planning for this event, what basis did it plan on? Was
16 it on the basis of a prolonged stay that could last 30 to 90
17 days as the Hotel Association was suggesting? Or was it on a
18 different basis?

19 **MR. STEVE KANELLAKOS:** The basis from Ottawa
20 Police and our work, because we were an integrated team, was
21 based on through the weekend, and maybe into the following week,
22 Wednesday, was the initial assessment heading into that first
23 weekend. There wasn't an assessment that said it would have
24 been longer than that.

25 **MS. NATALIA RODRIGUEZ:** Okay. So then it would
26 have been until maybe February 1st or so? Or 2nd?

27 **MR. STEVE KANELLAKOS:** I don't know. I don't
28 have a calendar in front of me. But that first Wednesday was

1 when they thought the last of them might leave.

2 **MS. NATALIA RODRIGUEZ:** Okay. And the majority
3 of them leaving after the weekend?

4 **MR. STEVE KANELLAKOS:** That's right.

5 **MS. NATALIA RODRIGUEZ:** Okay.

6 And this was information provided to the City on
7 the 26th of January?

8 **MR. STEVE KANELLAKOS:** That's right.

9 **MS. NATALIA RODRIGUEZ:** And who provided that
10 information?

11 **MR. STEVE KANELLAKOS:** Ottawa Police. Chief
12 Sloly was providing that information. I think we also had
13 emails and documentation in our EOC shared from the National
14 Capital Regional Command Centre participants heading into that
15 weekend.

16 **MS. NATALIA RODRIGUEZ:** And so in that weekend --
17 in that meeting, did anybody from the City say, "Well, you know,
18 we have different information. What's the plan in case this
19 goes on for longer, could potentially go on longer?"

20 **MR. STEVE KANELLAKOS:** No, because I think the
21 one thing that, from my experience and I think from the people
22 that worked with Ottawa Police for a long time, Ottawa Police
23 has extensive experience dealing with demonstrations in national
24 capital. They do that on a regular basis. Sometimes it's
25 almost weekly. So there's a lot of confidence. And they've
26 done it well over the years, over the last 20 years that I've
27 been involved. They've handled those demonstrations very well.
28 And people have confidence in their assessment of the situation

1 to guide us in terms of what to expect and what posture we
2 should be at to be able to deal with the risks that were being
3 proposed.

4 **MS. NATALIA RODRIGUEZ:** And so in that meeting,
5 it's fair to say there was no discussion about conflicting
6 intelligence or conflicting information about the duration?

7 **MR. STEVE KANELLAKOS:** It's just vague for me,
8 but I believe people were talking about what if, the what if
9 situations should they stay, and but I don't recall the specific
10 discussion.

11 **MS. NATALIA RODRIGUEZ:** Okay. And so did it
12 concern you then that you're hearing from other people that this
13 could be longer but the planning is only for the weekend?

14 **MR. STEVE KANELLAKOS:** No, based on my
15 experience, that was pretty normal to have a variety -- almost
16 every protest we've had, whether it was the G8, G20, the
17 farmer's protest, the numbers vary widely leading into the
18 actual protest event. That is a normal situation, in my
19 experience.

20 **MS. NATALIA RODRIGUEZ:** Okay. So you were
21 confident then that the City was prepared and that OPS was
22 prepared?

23 **MR. STEVE KANELLAKOS:** I was confident that we
24 were prepared for that first weekend, with the assumption that
25 they were leaving after the weekend.

26 **MS. NATALIA RODRIGUEZ:** And so how did that first
27 weekend go in terms of what you expected and what actually
28 happened?

1 **MR. STEVE KANELLAKOS:** Well, based on the
2 assumption that they were going to leave after the weekend, we
3 all thought it went quite well. There wasn't any violence.
4 People were protesting. It was managed. There were no major
5 incidents that weekend other than, you know, the honking --
6 there was -- you know, there was the disruption to the
7 neighbourhoods and -- but from the perspective of if they would
8 have left after that weekend, it probably would have been very
9 much an insignificant event compared to what it turned out to
10 be.

11 **MS. NATALIA RODRIGUEZ:** Now, there are documents
12 that suggest that the City was upset about certain incidents
13 that weekend, such as the National War Memorial being
14 desecrated, the Terry Fox statue as well. Did that raise any
15 concern for you?

16 **MR. STEVE KANELLAKOS:** Well, we were concerned
17 obviously with some of that -- those behaviours and what
18 happened, but, you know, in my timeline, it was a -- it was --
19 if it would have ended after the weekend, they were unfortunate
20 incidents and they were dealt with, and everybody would have
21 moved on and we would have cleaned up the city heading into the
22 following week. So from the perspective of, you know, could it
23 -- was that first weekend managed perfectly? They never are.
24 Were there incidents? There always are. Was there any extreme
25 violence or anybody seriously injured? No. Was there
26 incredible disruption to the people that lived in downtown, and
27 other people were disrupted by the physical presence of the
28 vehicles, the noise, the fumes? Absolutely. But in my window,

1 three days of that, we could have got past that.

2 **MS. NATALIA RODRIGUEZ:** Okay. So I want to take
3 you now to OTT10560, and these are text messages between you and
4 former Chair Deans.

5 That's okay. We're just waiting for them to be
6 pulled up.

7 **THE REGISTRAR:** Sorry, did you mean 10560?

8 **MS. NATALIA RODRIGUEZ:** 10560.

9 **THE REGISTRAR:** Thank you.

10 **MS. NATALIA RODRIGUEZ:** And if we can zoom in,
11 they're on page 3. Let's go to page 3. Okay. And if we zoom
12 in a little bit more? Okay. And my understanding is this is a
13 text from Chair Deans; is that right?

14 **MR. STEVE KANELLAKOS:** That's correct.

15 **MS. NATALIA RODRIGUEZ:** And she says to you,
16 "Hi, Steve. Questions are being asked
17 about why heavy trucks were allowed
18 into the core. I have heard a couple
19 of explanations from police but wonder
20 what your thoughts are." (As read)

21 And you say,

22 "The problem is that we don't have
23 enough locations that could park all
24 those vehicles and we didn't want them
25 just parking their vehicles in
26 neighbourhoods and other streets and
27 walking away. So it was a negotiation
28 to balance their need to get downtown

1 and get them to park in controlled
2 areas." (As read)

3 So can you explain the rationale that you're
4 laying out here?

5 **MR. STEVE KANELLAKOS:** Well, I'm reflecting the
6 discussions we had with police on the rationale for allowing
7 those trucks in -- into the core that first weekend. And the
8 assumption was that they were going to leave. They had previous
9 experience with the farmer's convoy where tractors and other
10 heavy trucks came into the core. They did leave after the
11 event. It wasn't a significant event from a policing
12 perspective. And the comment back here is that police made a
13 decision in terms of how were they going to manage the influx of
14 trucks coming in. And if the streets weren't going to be
15 closed, and basically, a zone created -- a no-go zone for
16 vehicles wasn't going to be created, the risk was they were
17 going to leave their vehicles on the 417 and neighbourhoods all
18 over the city and just walk away and leave the parks and disrupt
19 the entire city. And so the strategy, from what I understand,
20 it was to try and get them into a footprint to be able to
21 contain them and be able to manage the protesters in a smaller
22 area, so that's what I'm reflecting in that text message back.

23 **MS. NATALIA RODRIGUEZ:** And in terms of that
24 strategy, was the City consulted on that strategy?

25 **MR. STEVE KANELLAKOS:** We were in the
26 discussions, but it's not our decision in terms of how the
27 police -- what Ottawa Police chose to do in terms of their
28 operational tactics to manage the event. But we were integrated

1 with our Traffic Incident Management Group and others on the --
2 on our Emergency Operations Group with respect to facilitating
3 that decision, because once they made the decision, we had to
4 reroute buses. We had to reroute ambulances, fire trucks. We
5 had to change all our protocols in terms of being able to
6 sustain our services, the continuity of our services. Garbage
7 pickup, snow removal, all those things had to be looked at from
8 the perspective of how do we work around that area. And we had
9 to create an emergency lane within that zone, protect that
10 emergency lane for emergency vehicles. So, yes, we were engaged
11 in facilitating the outcomes or the mitigating factors to
12 support police in terms of their strategy.

13 **MS. NATALIA RODRIGUEZ:** And did the City inform
14 the OPS of the impacts that would result on the city because of
15 the strategy? So by-law infractions, trucks into, you know,
16 non-truck areas, effects on businesses and residence, was that
17 something that was communicated to the police?

18 **MR. STEVE KANELLAKOS:** I'm not aware if that was
19 specifically discussed in terms of a conversation. I don't
20 know.

21 **MS. NATALIA RODRIGUEZ:** Okay. And so what I
22 think you're telling me is that OPS made the decision, informed
23 the City, and you worked with them to achieve whatever changes
24 and modifications and accommodations needed to be made?

25 **MR. STEVE KANELLAKOS:** The role of the City when
26 the police are the lead in an event like this is to support the
27 police and their activities. That's the role we played
28 throughout this entire three-week period.

1 **MS. NATALIA RODRIGUEZ:** Okay. Regardless of the
2 impact on residents and businesses and the city services?

3 **MR. STEVE KANELLAKOS:** Well, we manage our own
4 city services, but the challenge of course is -- and the City of
5 Ottawa can't direct me, the mayor, council can't direct the
6 police chief in operational matters, the decisions that he or
7 she are making. And so the City takes the -- they -- you know,
8 if you look at the structure of Emergency Management setup, the
9 City effectively is there in a support role for law enforcement,
10 to ensure that they can get what they need to be able to fulfil
11 their mandate.

12 **MS. NATALIA RODRIGUEZ:** And what did Chief Sloly
13 say was the basis for allowing the heavy trucks in, or having to
14 allow the heavy trucks in?

15 **MR. STEVE KANELLAKOS:** Well, at the time, I
16 believe Chief Sloly and others were talking about whether they
17 had the legal authority to prevent the trucks from coming into
18 the streets based on their Charter rights. And that was the
19 rationale that I had heard at the time. There was also the
20 operational aspect based on the assumption that they were going
21 to leave, that keeping the footprint contained would be more
22 beneficial to the police to be able to manage the crowds and not
23 spread their resources too thin because it always is a challenge
24 for resources. And they also felt that from an egress point of
25 view, it would facilitate an egress when the protest was over
26 because then they could guide them out of the city from one
27 place rather than having to manage it in terms of multiple
28 places all over the city if the trucks happened to be parked

1 there.

2 **MS. NATALIA RODRIGUEZ:** And if we go to page 5 of
3 this document, Chair Deans asks, "If the ones that have left
4 come back, will they be allowed downtown?" And then you say,
5 "No, once a truck leaves, no other trucks including the ones
6 that left can return into the zone. It's a bone of contention
7 with the truckers who feel that if one goes out someone else
8 should be left in."

9 **MR. STEVE KANELLAKOS:** Should be let in.

10 **MS. NATHALIA RODRIGUEZ:** Oh, let in.

11 **MR. STEVE KANELLAKOS:** Yeah, I have that here,
12 so. Typical typo with auto correct.

13 **MS. NATHALIA RODRIGUEZ:** No, I thought maybe it
14 was my eyes. Okay. Can you explain that, that it was a bone of
15 contention with the protesters? Where are you getting this
16 information from?

17 **MR. STEVE KANELLAKOS:** My understanding from
18 Ottawa Police was that once some truckers did leave -- there
19 weren't many, but some did leave -- that the remaining
20 organizers wished another truck to fill that space, because they
21 didn't have enough places to park them. So they were being
22 blocked from coming into that zone to try and limit the amount
23 of trucks once we realized that they had basically clogged up
24 the entire downtown.

25 So we were trying to keep them out of that zone,
26 particularly in front of -- in the downtown core, or on some of
27 the side streets. And so -- and then that kind of turned into
28 the notion, could be put somewhere else, on the Breton Flats or

1 some other location, SJAM. They ended up on the Queen Elizabeth
2 Driveway. police were trying to manage where they could park
3 them and still manage them without spreading their footprint out
4 too wide.

5 **MS. NATHALIA RODRIGUEZ:** And we heard evidence on
6 Friday that trucks that were leaving the red zone early days
7 were being allowed back in. Do you have any information about
8 that?

9 **MR. STEVE KANELLAKOS:** That's contrary to the
10 information that I have

11 **MS. NATHALIA RODRIGUEZ:** Okay. And how often
12 would you say you were in touch with Chief Sloly during this
13 time?

14 **MR. STEVE KANELLAKOS:** Not often. They were more
15 formal meetings, so I had a few calls with him. He would call
16 me, or I would reach out to him, but most of our interaction was
17 on scheduled calls that we would have, either as a -- at the
18 staff level, or with our elected officials. Or with the
19 discussions -- most of my calls with him were -- not most of my
20 calls, but several of my calls were also with the
21 intergovernmental calls with the federal and provincial
22 officials that we were talking to.

23 **MS. NATHALIA RODRIGUEZ:** Yes, and we'll get to
24 those in a minute. And so do you agree that the City as an
25 entity through bylaws, has authority to close roads?

26 **MR. STEVE KANELLAKOS:** We do have that authority

27 **MS. NATHALIA RODRIGUEZ:** Okay. But in this case,
28 exercising that authority was not contemplated. Is that right?

1 **MR. STEVE KANELLAKOS:** No, because police took a
2 different strategy in terms of how were they going to manage the
3 protest. So we wouldn't close roads without the support of the
4 police partners, Ottawa Police in particular. Because if you're
5 closing roads and you're putting hard barricades, we had -- and
6 I had some counselors, you know, tell me that -- or ask me to
7 put barricades in front of streets, trying to block streets from
8 other trucks going in the neighborhoods. And the challenge most
9 people don't understand is that life still goes on despite the
10 fact you're in this crisis, and that fire trucks, paramedics,
11 snowplows, garbage pick up, maybe water service crews if a pipe
12 bursts in the winter which we we're having a lot of those, have
13 to get into those streets.

14 So if you're blocking with a hard barricade any
15 street in Ottawa, unless you're closing the street completely,
16 and you're not allowing anyone in there -- but if residents are
17 there, they are obviously allowed to go back in -- you need to
18 staff that barricade with a physical person -- with a person who
19 can allow people to enter and access that depending on the
20 requirement legally.

21 And so, the notion that you know, we would close
22 streets on our own has been thrown out, why did the city of
23 Ottawa close streets? Well, we would never close streets
24 without the agreement, collaboration, and participation of
25 Ottawa Police to ensure that it aligned with their operational
26 plans, to ensure that they could stop them, and they had enough
27 resources to put people at the actual access, and that it didn't
28 impede with something else that they were planning with respect

1 to managing the protest.

2 **MS. NATHALIA RODRIGUEZ:** So did the City ask the
3 police then, Chief Sloly or anyone else at Ottawa police
4 service, to look into that, to consider that, to work with the
5 City to achieve some road closures?

6 **MR. STEVE KANELLAKOS:** No. There were road
7 closures after the fact, later on as the weeks progressed, but
8 initially, no.

9 **MS. NATHALIA RODRIGUEZ:** And then on February 4th
10 and 5th, which was the second weekend, there were several
11 additional convoys that entered the city. And I believe you are
12 aware of that at the time, that they, right?

13 **MR. STEVE KANELLAKOS:** Yes, yes.

14 **MS. NATHALIA RODRIGUEZ:** And so, that wasn't - at
15 that point I understand they actually did go into the city, they
16 were not stopped or turned away in any way. Was there any
17 session prior to that to try to prevent them somehow from
18 entering and joining the existing convoy that was already
19 downtown?

20 **MR. STEVE KANELLAKOS:** Well, I can't say it's a
21 categoric no. I mean, I think they were trying to guide them
22 and prevent them from entering certain areas, but there was
23 still the notion that we can't prevent them from their rights to
24 protest and come in, and that's the posture that was taken for
25 that second week.

26 **MS. NATHALIA RODRIGUEZ:** So for the second
27 weekend the posture of OPS was still that there was no legal
28 authority to stop them from entering on that second weekend?

1 **MR. STEVE KANELLAKOS:** That's right.

2 **MS. NATHALIA RODRIGUEZ:** And do you know whether
3 that posture ever changed throughout the -- at least throughout
4 the time that Chief Sloly was was Chief?

5 **MR. STEVE KANELLAKOS:** There were some streets
6 blocked off later, in terms of trying to prevent them from
7 getting into some of the streets. We were able to stop them,
8 but that was later in the period. But the only time that the
9 streets were actually closed off and barricaded, where the red
10 zone was created, was going to the third week, and then when the
11 *Emergency Act* was invoked, then it got locked down.

12 **MS. NATHALIA RODRIGUEZ:** Okay. Now, we have some
13 notes from the Ottawa Police indicating that the City had asked
14 Ottawa Police to harden the downtown core. Do you have any
15 understanding of what that means, or where this might have come
16 from, this solution?

17 **MR. STEVE KANELLAKOS:** The City asked or police
18 asked?

19 **MS. NATHALIA RODRIGUEZ:** The City asked the
20 police to harden the downtown core.

21 **MR. STEVE KANELLAKOS:** There was --

22 **MS. NATHALIA RODRIGUEZ:** Do you have any
23 information?

24 **MR. STEVE KANELLAKOS:** Well, the only
25 recollection I have of that is those were elected officials who
26 wanted a hardening of the downtown core, and to prevent more
27 vehicles to come in, into the residential neighborhoods in
28 particular.

1 **MS. NATHALIA RODRIGUEZ:** The councillors you
2 mean?

3 **MR. STEVE KANELLAKOS:** Yes.

4 **MS. NATHALIA RODRIGUEZ:** Okay. Now, you talked a
5 little bit about overflow spaces, Sir John MacDonald, which
6 everybody refers to as SJAM, and Queen Elizabeth. What were the
7 other designated overflow areas?

8 **MR. STEVE KANELLAKOS:** There were two, there was
9 Coventry Road, which happened on the initial first weekend; and
10 the other one was 15 -- I think it's 1500 Bronson was another
11 area where police directed some vehicles in the latter days of
12 the protest.

13 **MS. NATHALIA RODRIGUEZ:** Okay. So let's talk
14 about Coventry. Do you know how the Coventry Road stadium
15 parking lot ended up being used by protesters on that first
16 weekend?

17 **MR. STEVE KANELLAKOS:** Police didn't have enough
18 room for all the trucks in the downtown core, and asked the
19 City, our General Manager of Parks, Recreation, Culture, and
20 Facilities, Mr. Chenier, Dan Chenier, if they could use that as
21 an overflow for the weekend, and Mr. Chenier agreed to allow the
22 trucks to go there for that weekend.

23 **MS. NATHALIA RODRIGUEZ:** And that parking lot is
24 city owned?

25 **MR. STEVE KANELLAKOS:** It is.

26 **MS. NATHALIA RODRIGUEZ:** Okay.

27 **MR. STEVE KANELLAKOS:** That's a -- for most
28 people know, that's the baseball stadium on Coventry.

1 **MS. NATHALIA RODRIGUEZ:** That's right. And who
2 determined then the use of 1500 Bronson, how did that come
3 about?

4 **MR. STEVE KANELLAKOS:** Again, that was overflow
5 when they started moving vehicles on that -- on the last weekend
6 when police went into tactical operations, they were using 1500
7 Bronson two to the vehicles as a staging area to be able to
8 compound the vehicles.

9 **MS. NATHALIA RODRIGUEZ:** And my understanding is
10 that 1500 Bronson is a federal building?

11 **MR. STEVE KANELLAKOS:** That's right.

12 **MS. NATHALIA RODRIGUEZ:** Okay. So it's not owned
13 by -- that's not owned by the City?

14 **MR. STEVE KANELLAKOS:** No.

15 **MS. NATHALIA RODRIGUEZ:** And the City wasn't
16 asked for permission to use that?

17 **MR. STEVE KANELLAKOS:** No.

18 **MS. NATHALIA RODRIGUEZ:** But they were asked to
19 use the Coventry Road baseball stadium parking lot?

20 **MR. STEVE KANELLAKOS:** That's correct.

21 **MS. NATHALIA RODRIGUEZ:** And me understanding was
22 that the use of that was only meant to be for the first weekend;
23 correct?

24 **MR. STEVE KANELLAKOS:** That's correct.

25 **MS. NATHALIA RODRIGUEZ:** And my understanding is
26 that the tenants that were renting the space or not happy about
27 the -- what was happening at Coventry Road. Is that your
28 understanding as well?

1 **MR. STEVE KANELLAKOS:** That's right. They
2 expressed to us in writing that they wanted them out. They
3 weren't happy, it was disrupting their business, they were
4 trying to get ready for the baseball season.

5 **MS. NATHALIA RODRIGUEZ:** And in fact, they wrote
6 some angry letters to the City asking the City to revoke OPS's -
7 --

8 **MR. STEVE KANELLAKOS:** Yes.

9 **MS. NATHALIA RODRIGUEZ:** --- access to that site.
10 Is that right?

11 **MR. STEVE KANELLAKOS:** That's correct.

12 **MS. NATHALIA RODRIGUEZ:** And were these issues
13 raised with OPS?

14 **MR. STEVE KANELLAKOS:** Yes.

15 **MS. NATHALIA RODRIGUEZ:** And what was the
16 response?

17 **MR. STEVE KANELLAKOS:** Well, OPS didn't have the
18 resources to be able to remove the people that were encamped on
19 Coventry Road at the baseball stadium. At that point they
20 couldn't get them out. There was no way to remove them.

21 **MS. NATHALIA RODRIGUEZ:** And my understanding is
22 that it was initially meant for protesters to park and then make
23 their way into downtown, and it looks like that's not what ended
24 up happening. What's your understanding about how that area was
25 being used?

26 **MR. STEVE KANELLAKOS:** Yes, that's exactly what
27 it was supposed to be. It was supposed to shuttle people back
28 and forth so they could go and join the protest, but it turned

1 into an encampment, and I'd say, a logistical compound to
2 support the protest.

3 **MS. NATHALIA RODRIGUEZ:** And are you aware of any
4 safety or security issues with that site in particular?

5 **MR. STEVE KANELLAKOS:** I don't have any personal
6 knowledge, no.

7 **MS. NATALIA RODRIGUEZ:** Did the OPS say anything
8 about why they couldn't evacuate or get that encampment shut
9 down?

10 **MR. STEVE KANELLAKOS:** Well OPS are on record
11 saying that they were worried about, you know, potential for
12 weapons there or violence should they go in. They were quite
13 entrenched, according to Ottawa Police, and there were concerns
14 about their ability to go in and safely remove those people
15 without significant violence.

16 **MS. NATALIA RODRIGUEZ:** And I want to take you
17 now to OTT 4144. This is an OECCG -- oh, this one says OECCG.
18 Well, I guess we can use both acronyms. Update 10. And this is
19 on February 5th.

20 And these updates, I understand, were put out
21 daily? Is that right?

22 **MR. STEVE KANELLAKOS:** Yeah.

23 **MS. NATALIA RODRIGUEZ:** And these are the
24 Emergency Operations Control Group putting out a situational
25 update as to what's going on so that everybody is aware of the
26 situation on the ground? Is that right?

27 **MR. STEVE KANELLAKOS:** That's right.

28 **MS. NATALIA RODRIGUEZ:** And in the second

1 paragraph there, it says ---

2 **MS. ANNE TARDIF:** Sorry, counsel.

3 **MS. NATALIA RODRIGUEZ:** Yes?

4 **MS. ANNE TARDIF:** I believe this is a draft.

5 **MS. NATALIA RODRIGUEZ:** Yes.

6 **MS. ANNE TARDIF:** I don't know if it's been
7 finalized or not. I just can't see the top of the document. My
8 apologies. You just said it's the update. I think it's the
9 proposed update.

10 **MS. NATALIA RODRIGUEZ:** The final one is
11 identical, but it isn't -- we received it after -- anyway, my
12 notes were not finalized at the time. So we do have the final
13 one, which says the same thing in terms of what I'm going to
14 take the witness to.

15 **MS. ANNE TARDIF:** That's fine. I just wasn't
16 sure. Thank you.

17 **MS. NATALIA RODRIGUEZ:** Yes, no problem.

18 So on the second paragraph, and the final version
19 says the same thing, it says:

20 "There were about 13 convoys that arrived
21 today, and unfortunately they refused to
22 park in the designated overflow space.
23 Instead, they came into the city." (As
24 read)

25 And so in this case, what was the designated
26 overflow space on February 5th for them to go into? It wasn't
27 Coventry, because I think at that point, Coventry had already
28 been taken over.

1 **MR. STEVE KANELLAKOS:** That's right.

2 **MS. NATALIA RODRIGUEZ:** Was it 1500 Bronson?

3 **MR. STEVE KANELLAKOS:** I don't know.

4 **MS. NATALIA RODRIGUEZ:** What about Sir John A.
5 MacDonaldd?

6 **MR. STEVE KANELLAKOS:** Sir John A. MacDonald had
7 some vehicles initially and then they added some more, but then
8 they stopped. They felt that was becoming a risk too because it
9 was getting -- it was being extended quite deep going west and
10 they were worried about blocking -- potentially blocking the
11 interprovincial bridge. That was a big concern of the police on
12 both sides, in Quebec and Ontario. And so they were trying to
13 protect that particular area at all costs. But I don't know
14 where the overflow was for this.

15 **MS. NATALIA RODRIGUEZ:** And do you know how they
16 were able to come in despite there being designated overflow
17 spaces for those convoys?

18 **MR. STEVE KANELLAKOS:** No.

19 **MS. NATALIA RODRIGUEZ:** And so can you confirm
20 then that the truckers -- the area that the truckers took up in
21 downtown grew because these 13 convoys entered the downtown
22 area?

23 **MR. STEVE KANELLAKOS:** Definitely.

24 **MS. NATALIA RODRIGUEZ:** And I'm going to take you
25 to OTT 10455. And this is a chat that seems to be among people
26 within the Emergency Operations Centre perhaps. And so I just
27 wanted to confirm who some of these people are, just so that we
28 can be sure that they are in some way related to the Emergency

1 Management.

2 Beth Gooding, I believe, is the Director of
3 Public Safety? Is that right?

4 **MR. STEVE KANELLAKOS:** That's correct.

5 **MS. NATALIA RODRIGUEZ:** And who is Nicole Ward?

6 **MR. STEVE KANELLAKOS:** Nicole Ward is a staff
7 member in the Emergency Management Group.

8 **MS. NATALIA RODRIGUEZ:** And Kelly Cochrane?

9 **MR. STEVE KANELLAKOS:** She's also a staff member.

10 **MS. NATALIA RODRIGUEZ:** Okay. And Steve Box?

11 **MR. STEVE KANELLAKOS:** He's my Chief of Staff.

12 **MS. NATALIA RODRIGUEZ:** Ryan Perrault?

13 **MR. STEVE KANELLAKOS:** He's the Associate General
14 Manager of Emergency and Protective Services. He's on a
15 secondment there for professional development.

16 **MS. NATALIA RODRIGUEZ:** And Andrea Lanthier-
17 Seymour?

18 **MR. STEVE KANELLAKOS:** Yeah, she's our Director
19 of Corporate Communications, but she's now -- at the time, she
20 was kind of there, plus with Service Ottawa, overseeing Service
21 Ottawa, Director.

22 **MS. NATALIA RODRIGUEZ:** So were any of these
23 people representatives to the NCRCC?

24 **MR. STEVE KANELLAKOS:** That's correct. Kelly
25 Cochrane was embedded with that NCRCC and there was another --
26 there's a few other people, but I don't see them on this list,
27 that were also part of the NRCC. We had City staff from our
28 Public Safety Group embedded in that group.

1 **MS. NATALIA RODRIGUEZ:** And just for the record,
2 the NCRCC is the National Capital Region Control Group --
3 Control Centre?

4 **MR. STEVE KANELLAKOS:** Command Centre.

5 **MS. NATALIA RODRIGUEZ:** Command Centre. Thank
6 you. And so there seemed to be, in this chat, situational
7 updates. Can we generally take these situational updates as
8 accurate?

9 **MR. STEVE KANELLAKOS:** Yes.

10 **MS. NATALIA RODRIGUEZ:** So I want to talk a
11 little bit about towing. Who was responsible, in your view, for
12 ensuring sufficient towing capacity to tow convoy trucks or any
13 trucks that were parked illegally?

14 **MR. STEVE KANELLAKOS:** Well towing is the -- you
15 know, it's the responsibility of police and bylaw services. It
16 would be those two groups that have authority to tow trucks in
17 the City of Ottawa.

18 **MS. NATALIA RODRIGUEZ:** So both the City and OPS?

19 **MR. STEVE KANELLAKOS:** That's right. That's
20 right.

21 **MS. NATALIA RODRIGUEZ:** And what happened with
22 the towing capacity in this situation? My understanding is that
23 there wasn't sufficient towing capacity. So maybe you can
24 explain what happened? What the situation was?

25 **MR. STEVE KANELLAKOS:** Well it became evident
26 early on that we needed to access heavy tow trucks, and they
27 aren't a common vehicle. We explored what the City had in its
28 own inventory. We had two heavy tow trucks with OC Transpo that

1 could have been utilized. Even though our staff were very
2 reluctant to participate and do that, because they felt for
3 their safety.

4 And we then started, at the NRCC, we ended up
5 calling tow truck companies, other cities, the Province, the
6 Federal Government, looking to see if we could access heavy duty
7 tow trucks for the use -- for our use in the event the police
8 needed them, or we needed them. And we were getting declined by
9 everybody we called, and that they didn't want to get involved.
10 So we had no access to any tow trucks, other than the two that
11 we had, and our staff were reluctant to go in.

12 **MS. NATALIA RODRIGUEZ:** So was the city taking
13 the lead then on procuring towing capacity on behalf of both the
14 City and OPS?

15 **MR. STEVE KANELLAKOS:** No, both were doing it.
16 We were working with the police. The police were making calls
17 and we were also making calls for our sources. We found out and
18 tried to contact anybody we knew to see if we could get tow
19 trucks into Ottawa.

20 **MS. NATALIA RODRIGUEZ:** And were those -- were
21 any of those efforts successful?

22 **MR. STEVE KANELLAKOS:** No, we didn't get any.

23 **MS. NATALIA RODRIGUEZ:** And you mentioned that
24 some of the tow truck companies refused to tow vehicles that
25 were associated with the convoy, or they were not willing to
26 tow. What's your understanding of why they were refusing to
27 tow?

28 **MR. STEVE KANELLAKOS:** Well there were several

1 reasons. The first was their own safety. I think they felt
2 that trying to tow a vehicle without the site being secured, in
3 amongst the protestors, you could imagine, you know, it could be
4 quite conflictual when you're trying to take someone's truck and
5 people are still around the truck. So they were concerned about
6 that.

7 They were concerned about the damage,
8 potentially, to their own vehicle, should things get out of
9 hand. And it's a cost to their business.

10 Some were concerned that they do business with
11 truckers and trucking companies, and that would damage them
12 reputationally and they would lose business.

13 Some were sympathizers or supported the protests
14 and didn't feel that they were going to offer their services to
15 do it.

16 Those were generally the reasons.

17 **MS. NATALIA RODRIGUEZ:** And these are companies
18 that the City has on contract? Is that right?

19 **MR. STEVE KANELLAKOS:** No, the City does have a
20 towing standing offer, but we don't do a lot of heavy equipment
21 vehicle towing. We have heavy equipment, obviously. Most of
22 our towing contracts are to tow parked vehicles in and around
23 the city who are illegally parked, or for whatever reason, or
24 for enforcement issues.

25 But yes, we do have contracts with tow truck
26 businesses in Ottawa who have, in their inventory, heavy tow
27 trucks to be able to use in the event one of our dump trucks or
28 heavy trucks needs to be towed, or any other situation.

1 **MS. NATALIA RODRIGUEZ:** So is your understanding
2 that the refusal was coming both from the existing contractors
3 with the City and with others that you were reaching out to?

4 **MR. STEVE KANELLAKOS:** Yes, because we reached
5 out to our standing offer contractors first and they refused.

6 **MS. NATALIA RODRIGUEZ:** And would this be -- were
7 they contractually obligated to respond when the City called on
8 them?

9 **MR. STEVE KANELLAKOS:** Yes, they were.

10 **MS. NATALIA RODRIGUEZ:** And what measures did the
11 City take to enforce these contracts, if any?

12 **MR. STEVE KANELLAKOS:** Well it was a short time
13 frame. You can't enforce it in a matter of days or weeks. But
14 certainly our procurement people and our lawyers were looking at
15 the contracts to start taking action against those tow truck
16 companies. But you couldn't fulfill that in the time period
17 that we had and actually take any significant action to make
18 them do it. And even then, to make them do it probably would
19 have been a difficult situation at that stage of the protests.

20 **MS. NATALIA RODRIGUEZ:** And so the two heavy
21 truck, tow truck vehicles that OC Transpo had, did those end up
22 being used?

23 **MR. STEVE KANELLAKOS:** No.

24 **MS. NATALIA RODRIGUEZ:** And why not?

25 **MR. STEVE KANELLAKOS:** Well they -- a lot of
26 people, you know, have asked me, and at the time, were, you
27 know, demanding that we start ticketing and towing the vehicles
28 out of that area in the neighbourhoods, and particularly on

1 Wellington Street, but the reality is, until -- and you saw it
2 on the last weekend when police moved in and started clearing
3 the red zone, you need to secure the area where the actual
4 physical truck is, protect it before you can bring the tow truck
5 in and be able to move it out. You can't safely tow a heavy
6 vehicle like that that's end-to-end, bumper to bumper with a
7 whole bunch of other trucks, and civilian people and protesters
8 are all around that truck, and you're trying to bring in a heavy
9 truck, and police haven't been able to secure the scene. So
10 until you can actually hopscotch your way down the street, push
11 them back, clear the spot, get the truck out and move it and
12 then keep moving in a systematic way, it's a very volatile,
13 unsafe situation to bring in a tow truck into a very crowded
14 area, expect people to move, and expect the tow trucker to
15 somehow get in there and do their work when people are
16 potentially going to be resisting the ability of the tow truck
17 operator to do that.

18 So police weren't able to -- obviously, they
19 weren't able to clear that area and protect each individual
20 truck, so the tow truck could get in. So it wasn't -- it was a
21 non starter to be able to tow truck. Even if we had tow truck
22 companies, we wanted to retain them to have them available for
23 when police ultimately went in operationally or tactically, but
24 it was a non starter until that happened for us to think about
25 towing any heavy truck that was in the compressed areas on
26 Wellington Street, some of the downtown streets where they were
27 all bunched up.

28 **MS. NATALIA RODRIGUEZ:** And so do you know if --

1 where the trucks came from that were eventually used for the
2 police operation that cleared the area?

3 **MR. STEVE KANELLAKOS:** Well, once the authorities
4 came in under the Act, the police were able to get tow trucks to
5 actually come and compel them to come is my understanding. And
6 some of them came with the decals off their vehicles and, you
7 know, they came incognito so no one would know who they are, but
8 they then -- it just seemed to be a -- all of a sudden, we had a
9 lot of tow trucks available in those final few days before the
10 last weekend.

11 **MS. NATALIA RODRIGUEZ:** But the City wasn't the
12 one procuring -- didn't procure those?

13 **MR. STEVE KANELLAKOS:** Police. Police did.

14 **MS. NATALIA RODRIGUEZ:** The police did. Okay.
15 So does the City have any knowledge of where they came from
16 specifically?

17 **MR. STEVE KANELLAKOS:** We do, but I don't have it
18 off the top of my head.

19 **MS. NATALIA RODRIGUEZ:** Okay. And can you give
20 us a sense for how by-law was being enforced outside of the
21 immediate red zone? So I understand that within the red zone
22 there were a lot of issues with safety, but outside of the red
23 zone, we heard on Friday that vehicles that appeared to be
24 associated with the convoy either because they had flags or
25 something indicating that maybe they were part of the protest,
26 that they were not being towed, even if they were outside even
27 as far as, you know, some areas of Councillor Fleury's ward,
28 east of the red zone. Do you have a sense for how By-law was

1 enforcing issues outside of that zone?

2 **MR. STEVE KANELLAKOS:** Well, it's difficult. I
3 mean, you can target vehicles based on the fact some may have a
4 flag on it, but it doesn't necessarily mean they're part of the
5 protest. So the market and other areas east of the zone where -
6 - on Wellington Street towards Elgin, the War Memorial, there
7 were all kinds of cars and people, people still live down there.
8 So the challenge for By-law was not towing and catching the
9 wrong fish in the net and towing vehicles that you think are
10 part of the protest who happen to just live in the area and park
11 there. So it was a very complicated situation for By-law. They
12 were ticketing. They were towing vehicles that were blocking
13 the emergency lane in the red zone. They were clearing that
14 out. And in the neighbourhoods, they were ticketing. They
15 started ticketing, but there were also a lot of protest vehicles
16 and people congregated in those side streets, and they were
17 working with police to ensure the safety of our By-law officers.
18 So when real activity started happening is when police and By-
19 law integrated into teams and went out together, which protected
20 the By-law officers. By-law officers aren't trained or equipped
21 to deal with those kinds of situations. That's not their role.

22 **MS. NATALIA RODRIGUEZ:** Do you know when that
23 integration happened?

24 **MR. STEVE KANELLAKOS:** I believe it was in the
25 second week, but I don't remember the date.

26 **MS. NATALIA RODRIGUEZ:** And what was happening
27 then?

28 **MR. STEVE KANELLAKOS:** I think it was when they

1 did the surge and -- I forget the term police use, surge and
2 contain or -- I forget the term they use where they started
3 sending teams into the neighbourhoods. That's when they first
4 started integrating By-law with police, so that By-law had
5 security to protect them as they went in because they felt very
6 insecure about fulfilling their role in some of those more
7 volatile areas.

8 **MS. NATALIA RODRIGUEZ:** So prior to that
9 integration, By-law was acting independently and ticketing and
10 towing as they saw fit?

11 **MR. STEVE KANELLAKOS:** Outside of the red zone.
12 In the red zone, no. They were guided by and working
13 collaboratively with police. Police were concerned about the
14 volatility that it might create if they started going in and
15 ticketing or trying to tow vehicles within the red zone. And,
16 you know, I was advised of that early on by Kim Ayotte. And
17 from my own experience, that seemed like a reasonable request.
18 I know people said -- well, there's a difference of opinion
19 whether police directed By-law, or it was done in collaboration.
20 Police can't direct By-law. Quite frankly, By-law can do what
21 they need to do under they by-laws of the city, but we were
22 working under an integrated incident management system, which
23 basically, police are the incident commander. They're leading
24 the response. The City is supporting and working in
25 collaboration, and it was a reasonable request. Whether it was
26 a direction or not is irrelevant to me, but when I heard that
27 and I was advised of that, I said, that's reasonable not to
28 expect By-law to go in on their own volition and enforce without

1 police knowing that they're enforcing and creating a potentially
2 volatile situation in a crowded area, which police would have to
3 eventually respond to. And as our By-law Chief Roger Chapman
4 was concerned about the safety of our By-law officers by trying
5 to do that on their own.

6 **MS. NATALIA RODRIGUEZ:** So then your
7 understanding is that the police was not preventing By-law from
8 exercising its authority; is that right?

9 **MR. STEVE KANELLAKOS:** No, what I'm saying is
10 police and By-law agreed, whether they were directed or not.
11 There's a dispute about whether -- dispute, there's a
12 disagreement about whether police actually directed that By-law
13 not go in there. I think that's irrelevant. They had agreed
14 that they would not go in without police support.

15 **MS. NATALIA RODRIGUEZ:** And when you say go in,
16 you're talking about the red zone?

17 **MR. STEVE KANELLAKOS:** That's right.

18 **MS. NATALIA RODRIGUEZ:** And so outside of the red
19 zone, before the integration, could By-law ticket and tow as
20 they saw fit?

21 **MR. STEVE KANELLAKOS:** They could, but there were
22 also areas that were also volatile, because once the truckers
23 displaced into the neighbourhoods, some of those streets,
24 particularly downtown on Kent, on Slater, on Bank, they were
25 jammed up with trucks and people, and it was the same situation
26 as on Wellington. So it was still a potentially volatile
27 situation. So By-law was using -- was still operating under the
28 agreement with Ottawa Police. And in other areas, in the market

1 and some of the other areas where it was less volatile, they
2 were still issuing tickets as per their regular jobs, and in
3 other parts of the city.

4 **MS. NATALIA RODRIGUEZ:** Okay. But not really
5 towing is my understanding.

6 **MR. STEVE KANELLAKOS:** There was very limited
7 towing. Most of the towing initially happened in the emergency
8 lanes where some lighter vehicles, pickup trucks, et cetera,
9 were blocking the emergency lane that gave access to the
10 ambulances, fire trucks and other police vehicles in the event
11 there was a 9-1-1 call or whatever in that area, businesses or
12 whoever.

13 **MS. NATALIA RODRIGUEZ:** And so when you speak of
14 the OPS and By-law integration, is that when -- we had heard on
15 Friday that when some residents would call 3-1-1 to report a By-
16 law violation, they would be redirected to NCRCC. Is that part
17 of the integration that you're speaking of?

18 **MR. STEVE KANELLAKOS:** Yes.

19 **MS. NATALIA RODRIGUEZ:** And you're saying that
20 happened sometime in the second week; correct?

21 **MR. STEVE KANELLAKOS:** The second week is when
22 the police and By-law created integrated teams, that's correct.

23 **MS. NATALIA RODRIGUEZ:** Okay.

24 **MR. STEVE KANELLAKOS:** I believe.

25 **MS. NATALIA RODRIGUEZ:** And so just on the point
26 of emergency lanes, my understanding is that a lot of the towing
27 that happened early on was to, as you say, keep those emergency
28 lanes open. Can you describe a little bit the emergency lanes,

1 if you will? We've seen images that show some streets appear to
2 be completely blocked by trucks. Was every street supposed to
3 have a lane open for emergency, or was it just certain arteries
4 that had a lane open?

5 **MR. STEVE KANELLAKOS:** I don't know the
6 specifics. I believe it was certain arteries. I believe Mr.
7 Ayotte is now testifying and I think that'd be a question better
8 posed to him.

9 **MS. NATALIA RODRIGUEZ:** Okay. Fair enough.

10 So I want to talk a little bit about the city's
11 municipal state of emergency. And I want to take you to
12 OPS5187. And this is from January 31st, which is pretty early
13 on. This looks to be a briefing that occurred with Chief Sloly
14 and the mayor and some councillors. You were there as well and
15 Kim Ayotte. It happened at 11. This is in the institutional
16 report of the City, so I assume you recall this briefing.

17 **MR. STEVE KANELLAKOS:** I do.

18 **MS. NATALIA RODRIGUEZ:** Okay. And so it looks
19 like the Chief gave an update. And then if we go to the
20 questions at the bottom. So "Questions"; there we go. And do
21 you know; the questions that are being posed, we can see who's
22 posing them, but in terms of the answer, do you know who was
23 answering questions at this time?

24 **MR. STEVE KANELLAKOS:** Just one moment. I just
25 want to review this.

26 **(SHORT PAUSE)**

27 **MR. STEVE KANELLAKOS:** Most of it would have been
28 answered by Chief Sloly or his staff.

1 **MS. NATALIA RODRIGUEZ:** And if you go to 6, if we
2 scroll down a little bit, if we look at question number 6,
3 Councillor Luloff says:

4 "When do we know when to invoke a state
5 of emergency?"

6 And the answer is:

7 "Infringing on this if we need more
8 resources than we currently have, but
9 does indicate to the public that this
10 is getting more serious and all hands
11 are on deck. Will consider and may
12 make recommendations to the Mayors
13 [sic] office."

14 So who has the responsibility to recommend to the
15 Mayor's office whether or not to invoke a state of emergency?

16 **MR. STEVE KANELLAKOS:** Ultimately it's me, and I
17 usually receive that through Kim Ayotte, our General Manager of
18 Emergency and Protective Services.

19 **MS. NATALIA RODRIGUEZ:** And so is it fair to say
20 that you probably answered 6(e)?

21 **MR. STEVE KANELLAKOS:** That sounds like me, yes.

22 **MS. NATALIA RODRIGUEZ:** Okay. And then so then
23 you said:

24 "Will consider and may make
25 recommendations to the Mayors [sic]
26 office."

27 Did you consider it at this point, January 31st?

28 **MR. STEVE KANELLAKOS:** Yes, it was -- it's always

1 under consideration when we were in that situation. And it's a
2 question of timing, and declaring an emergency at the municipal
3 level doesn't give the Municipality much other than a sense of
4 urgency, a sense of, "Hey, there's some real issues here," and
5 gets everybody focused. There are limited authorities that come
6 to the City by declaring an emergency at the municipal level.

7 **MS. NATALIA RODRIGUEZ:** And so you didn't
8 recommend, I take it, on January 31st that the Mayor declare a
9 state of emergency?

10 **MR. STEVE KANELLAKOS:** Not at that time, no.

11 **MS. NATALIA RODRIGUEZ:** And why not?

12 **MR. STEVE KANELLAKOS:** Because as I said, there
13 was very little that it would give us. The biggest thing on a
14 state of emergency is, either get the attention of other levels
15 of government that we're in trouble and we need help. Sometimes
16 the Province can declare before we do, or the Federal
17 Government, depending on the situation, obviously, but normally
18 it's the Province. And the other thing that the emergency --
19 declaration of emergency gives us is benefits around procurement
20 and decision-making, where the Mayor has more authority to make
21 decisions without having to convene a full Council meeting and
22 all the protocol, the process that goes behind that. So we can
23 be more efficient around our decision-making, our procurement,
24 the allocation of resources internally, but it doesn't give the
25 Mayor any other powers with respect to -- other than the bylaws
26 we already have with respect to invoking any other authorities
27 that he may not already have.

28 **MS. NATALIA RODRIGUEZ:** Right. But as you

1 mentioned, it does have other functions, such as signalling to
2 other levels of government ---

3 **MR. STEVE KANELLAKOS:** Yes.

4 **MS. NATALIA RODRIGUEZ:** --- or even, you know,
5 for the public to know, and maybe for the residents to know that
6 the City is taking this seriously, right?

7 **MR. STEVE KANELLAKOS:** Yes.

8 **MS. NATALIA RODRIGUEZ:** And did you ever tell the
9 Mayor not -- that it wasn't -- that you did not recommend it?
10 Meaning, did he ever ask you and you say, "No, not yet," with
11 respect to whether you should -- whether he should declare a
12 state of emergency?

13 **MR. STEVE KANELLAKOS:** I don't recall having a
14 specific conversation, but I know we did talk about it. He
15 raised it. I know he raised the issue of invoking or enacting
16 or declaring an emergency at the municipal level, but I don't
17 recall the specific conversations. But it was suggested.

18 **MS. NATALIA RODRIGUEZ:** So we know that on
19 February 6th, the City did declare a state of emergency. So in
20 your view, what was the tipping point; why was that the right
21 time to do it?

22 **MR. STEVE KANELLAKOS:** Because it became evident
23 that they weren't leaving; police were reporting that they did
24 not have enough resources to end it. There was a sense that
25 this was going to be a prolonged activity by that point, and we
26 felt that by declaring it, we would effectively notify the
27 community and our organization that this was serious, and that
28 the Mayor will have the authorities that I talked about, the

1 limited authorities to move quicker. And, quite frankly, and
2 it's in another email that -- from a meeting I was in -- in the
3 minutes from a meeting I was in where I really felt and the
4 Mayor felt that we wanted the Province to also step in, because
5 they actually have authorities that they declare an emergency.

6 **MS. NATALIA RODRIGUEZ:** So I'll take you to that
7 document. It's ONT311. And it looks to be a call between the
8 Federal Government, the Province, and the City of Ottawa. And
9 it took place on February 6th at 11:00 a.m. And so you recall
10 this call with Deputy Minister Stewart?

11 **MR. STEVE KANELLAKOS:** I do.

12 **MS. NATALIA RODRIGUEZ:** Okay. And who was there
13 from the Province?

14 **MR. STEVE KANELLAKOS:** In this meeting, I don't
15 know if anyone was here at the meeting from the Province.

16 **MS. NATALIA RODRIGUEZ:** Okay.

17 **MR. STEVE KANELLAKOS:** I'd have to look at the --
18 there were so many meetings, I don't recall the attendees of
19 each one.

20 **MS. NATALIA RODRIGUEZ:** Okay. So if we go to the
21 second bullet point, it says:

22 "Steve Kanellakos, City Manager from
23 Ottawa, provided an update from the
24 city's perspective."

25 And it says:

26 "Steve Kanellakos is concerned about
27 the posture of local councillors who
28 are pointing the finger at the province

1 and federal government to provide
2 assistance to resolve the matter."

3 And then it says there in bold letters:

4 "Ottawa Mayor Jim Watson is going to
5 declare a local emergency in the City
6 of Ottawa at 4:30 p.m. The expressed
7 intent of this declaration is to put
8 pressure on the Premier to exercise
9 powers to resolve this."

10 You said in the meeting that that was the
11 intention of the state of emergency.

12 **MR. STEVE KANELLAKOS:** Yes.

13 **MS. NATALIA RODRIGUEZ:** And what kind of pressure
14 were you hoping to put on the Province?

15 **MR. STEVE KANELLAKOS:** Well, up on that point the
16 Province was taking the posture that this was a law enforcement
17 issue, and that Ottawa Police should be dealing with -- the
18 Ottawa Police Chief should be dealing with the other Police
19 Chiefs and the OPP Commissioner and -- to get the resources they
20 needed, and that they weren't going to get involved politically.
21 We were hoping that they would exercise powers around -- you
22 know, through the Ministry of Transportation and other
23 legislations they had. I don't know the extent of what they had
24 at their disposal, but through the regulations to be able to put
25 more pressure on the protesters to try and help us end it.

26 And so the provincial legislation, the Premier
27 has a lot more authority, in terms of powers, once he declares -
28 - he or she declares an emergency. And at that point -- up on

1 that point, they hadn't declared. I think they declared after
2 Windsor ---

3 **MS. NATALIA RODRIGUEZ:** On the 11th.

4 **MR. STEVE KANELLAKOS:** --- on the 11th.

5 **MS. NATALIA RODRIGUEZ:** And so was part of this,
6 then, an effort for the -- was this trying to encourage the
7 Province or to signal to the Province to also declare a state of
8 emergency provincially?

9 **MR. STEVE KANELLAKOS:** Yes.

10 **MS. NATALIA RODRIGUEZ:** And so from the City's
11 perspective, did it consider that the Province wasn't doing
12 enough to be engaged in the issues and to help resolve it?

13 **MR. STEVE KANELLAKOS:** Well, I wouldn't
14 characterize it as that. I would characterize it that the
15 Province, clearly through the Solicitor-General, felt that this
16 is a law enforcement matter that could be dealt with through
17 existing authorities that law enforcement have ,and that the
18 police should be working together to deal with the resources and
19 what they need under their existing powers to resolve this.
20 That's the -- that was the initial feedback that we received
21 from them.

22 **MS. NATALIA RODRIGUEZ:** And then it says -- so if
23 we go close to the bottom, it says:

24 "Ottawa City council is likely going to
25 ask the Premier and Prime Minister to
26 intervene directly. The Mayor of
27 Ottawa Jim Watson is feeling the
28 pressure and want[s] this issue to be

1 pivoted back to Ontario and Canada.
2 City of Ottawa is looking for a way
3 out."

4 Can you explain what's mean that by, "City of
5 Ottawa is looking for a way out"? What would you have
6 communicated that led to that notation?

7 **MR. STEVE KANELLAKOS:** Well, the -- at the time,
8 it was obvious to me that unless we received more resources or
9 -- and got help from the federal government or provincial
10 government with respect to accessing some of the regulations
11 that they have under their authority, that it would be very
12 difficult for the current resources -- the resources at the time
13 that the Ottawa Police had and the City had at that stage in the
14 protest, where they were very entrenched, to be able to move
15 them out, and the feeling was that the federal government and
16 the provincial government would need to get more involved in
17 supporting our resources and giving us what other tools,
18 particularly around existing -- at that time it was around
19 existing regulations. The meetings we had with the Minister of
20 Transport -- or the Deputy Minister of Transportation at the
21 federal level and at the provincial level was about how do we
22 get access to -- you know, are there things we can do for
23 insurance around their CVOR are the things that they have at
24 their -- under their authority that we can put pressure on the
25 truckers to move them out without direct enforcement.

26 **MS. NATALIA RODRIGUEZ:** And we'll see in a bit
27 that you did speak to the Solicitor General, you and the Mayor
28 had a discussion about what could be done. What -- generally

1 before we look at those documents, what was the general feedback
2 from the Solicitor General to those suggestions?

3 **MR. STEVE KANELLAKOS:** As I said, the Solicitor
4 General at the time was Sylvie Jones. She's in a different
5 portfolio now, Ministry now. But she made it clear, my
6 recollection, that this was a law enforcement matter. It wasn't
7 for elected officials to be getting involved in that.

8 **MS. NATALIA RODRIGUEZ:** Okay. And so had the
9 City declared a State of Emergency sooner, would that, you
10 think, have brought in other levels of government sooner to
11 assist?

12 **MR. STEVE KANELLAKOS:** No, I think the
13 declaration of, at the provincial level, when things escalated
14 and we started having issues at the -- at a significant border
15 crossing.

16 **MS. NATALIA RODRIGUEZ:** Okay. So I want to take
17 you to 2218. And this is now with respect to the City of
18 Ottawa's injunction. So I'm going to move on to that topic.

19 So if you go to the first email there from Chief
20 Sloly at the bottom, he says -- this is dated January 30th.
21 Yeah, there it is. He says:

22 "Steve, thank you for the call we just had
23 and for your agreement too for the City of
24 Ottawa commence the former process of
25 preparing for and seeking an injunction in
26 regard to the demonstration. My general
27 counsel, Christiane Huneault, will be OPS
28 lead on this matter. She will have the

1 full support of the OPS to provide the
2 information required by the City for this
3 injunction application. We recognize that
4 the City will have the final say on
5 whether or not to make the final
6 injunction submission based on your own
7 assessment." (As read)

8 And what was your understanding -- you had had a
9 call with the Chief about this. And what was he asking the City
10 to do on that call?

11 **MR. STEVE KANELLAKOS:** Well he reached out first
12 to our City Solicitor, David White, who effectively referred him
13 to me, because David White didn't have the authority to proceed
14 with that. It was under my delegated authority. And Chief
15 Sloly asked me to -- he was looking for another tool in his
16 toolbox, based on discussion with his executive command, and he
17 asked me to look into the possibility of getting an injunction
18 to give them another tool in the toolbox to be able to do
19 enforcement to enforce some of the issues that were arising that
20 first weekend.

21 And I made a commitment to him that -- I spoke to
22 our City Solicitor first after he had emailed me. Then I spoke
23 to Chief Sloly and I made a commitment to Chief Sloly that we
24 would pursue it and work with his team to see what that might
25 look like.

26 **MS. NATALIA RODRIGUEZ:** And did you have an
27 understanding for what -- an injunction for what, exactly?

28 **MR. STEVE KANELLAKOS:** No. It was very broad

1 based in scope. It wasn't defined at that time.

2 **MS. NATALIA RODRIGUEZ:** So he didn't come to you
3 to ask for anything specific? He just said "an injunction"?

4 **MR. STEVE KANELLAKOS:** Yes.

5 **MS. NATALIA RODRIGUEZ:** Okay. And he says
6 though:

7 "We recognize that the City will have
8 final say on whether or not to make the
9 final injunction submission based on your
10 own assessment." (As read)

11 So he seems to be putting the ball on the City to
12 say this is your decision. If you want to do it, go ahead,
13 based on your assessment; right?

14 **MR. STEVE KANELLAKOS:** Well actually, in fairness
15 to Chief Sloly, I -- he's writing what I asked him -- what I
16 told him. I said, "We will make the final assessment." So he's
17 confirming that in this email, of what I requested -- what I
18 advised him in response.

19 **MS. NATALIA RODRIGUEZ:** Okay. So you're saying
20 in the end it's up to the City?

21 **MR. STEVE KANELLAKOS:** That's right.

22 **MS. NATALIA RODRIGUEZ:** Okay. And on February
23 4th, I'm going to take you to an email, OTT 3935. And the email
24 of February 4 -- right. So, Councillor Fleury says:

25 "Are you aware of this idea?" (As read)

26 And he posted a Twitter link. My understanding
27 is that was a link to a Twitter post asking the City to seek an
28 injunction? Are you aware of that?

1 **MR. STEVE KANELLAKOS:** I am.

2 **MS. NATALIA RODRIGUEZ:** Okay. So you saw it at
3 the time?

4 **MR. STEVE KANELLAKOS:** Yes.

5 **MS. NATALIA RODRIGUEZ:** Okay. And if we go up,
6 this gets forwarded to you then. Or it was -- it was CC'd to
7 you by Councillor Fleury, and then you respond to him and to the
8 City Solicitor, David White, copying other people, saying:

9 "Everyone has ideas, but if they paid
10 attention to the multiple briefings that
11 have been provided to council and the
12 media, they would know that the Chief, and
13 I, and City Solicitor have addressed this
14 idea. We have initiated the process last
15 weekend to go get an injunction. The
16 problem is that once we get it, we have to
17 action it, which means that police have to
18 be prepared to initiate a tactical
19 response to remove the trucks and
20 protests. We are working with police to
21 gather the evidence required to
22 successfully get an injunction and for
23 police to tell us how an injunction would
24 be enforced. This is actively being
25 worked on." (As read)

26 So what was done between the 30th of January then
27 when you had that discussion with Chief Sloly, to now February
28 4, when Councillor Fleury is saying, "Has this been thought of?"

1 Essentially, "Have you thought of this idea?"

2 **MR. STEVE KANELLAKOS:** Yes, the -- in-between the
3 conversation with Chief Sloly and this, discussions have been
4 initiated between the legal counsel of Ottawa Police and our
5 City Solicitor and his staff. And they were sorting out what
6 would be required to get one, and our City Solicitor, I don't
7 have in front of me, but posed at least a half dozen questions,
8 maybe more, to the police solicitor, asking answers to the
9 questions to be able to successfully move forward with an
10 injunction. And my understanding is they never replied. They
11 were having discussions in-between, but they never replied in
12 writing to the questions our City Solicitor felt he needed to be
13 able to proceed.

14 And one of the concerns which our Solicitor had
15 and that I had, was that going and getting an injunction, if it
16 was broad in scope, rather than something very specific, but at
17 the time, the discussion was broader in scope, but it was never
18 properly defined, was that once we had it, there'd be a public
19 expectation that we would actually enforce it and go for
20 contempt. And the concern was, at that point, that police
21 didn't have the resources to enforce a broad scope injunction,
22 to be able to do -- to basically get the benefit of the
23 injunction, and that erode public confidence, and I think our
24 community confidence, and our elected officials' confidence,
25 because once we have that tool, they would rightly expect that
26 we'd be able to utilize it and get results for the things that
27 were happening on the streets of Ottawa.

28 **MS. NATALIA RODRIGUEZ:** So you say that the

1 police never answered the questions that the City was asking in
2 order to be able to finalize that ---

3 **MR. STEVE KANELLAKOS:** At that time, correct.

4 **MS. NATALIA RODRIGUEZ:** Okay. Do you know if
5 answers were ever received to those questions?

6 **MR. STEVE KANELLAKOS:** They were not.

7 **MS. NATALIA RODRIGUEZ:** But the City went ahead
8 anyway and did obtain an injunction ultimately on February 14?
9 Is that right?

10 **MR. STEVE KANELLAKOS:** We did. We had to assess
11 at that point, you know, did they have the resources? More
12 resources were coming into Ottawa at that point. The police
13 presence was increasing. And we restricted it to basically
14 what's in the City jurisdiction, which are City bylaws. We
15 didn't broaden the scope of the injunction. So it was fires,
16 you know, parking and all those other things that were happening
17 on the streets, within our own mandate of council-passed bylaws.

18 **MS. NATALIA RODRIGUEZ:** So in the end, you didn't
19 need the police information in order to obtain the injunction,
20 because it was obtained without the police information anyway;
21 right?

22 **MR. STEVE KANELLAKOS:** That's right. Kim Ayotte
23 swore to it.

24 **MS. NATALIA RODRIGUEZ:** And so in hindsight,
25 could this have been pursued sooner? Because you're having the
26 discussion on January 30th with Chief Sloly, and it's not
27 actually heard and obtained until February 14, two weeks later -
28 - more than two weeks later.

1 **MR. STEVE KANELLAKOS:** In hindsight, I wish
2 things would have lined up where we could have got an injunction
3 earlier, because it probably would have helped. But getting an
4 injunction where police weren't in the position, from a resource
5 perspective, to deal with it, and not being able to define what
6 they needed, and that back and forth, it delayed it absolutely.
7 And you know, looking back, is that something that, you know,
8 could have been done sooner? Possibly. But we weren't prepared
9 to go forward. I didn't think it was reasonable to go forward
10 until we all understood how the injunction fit into the police
11 operational plans.

12 **MS. NATALIA RODRIGUEZ:** But you never understood
13 that because they didn't answer your questions?

14 **MR. STEVE KANELLAKOS:** That's right.

15 **MS. NATALIA RODRIGUEZ:** And did the injunction
16 obtained by Ms. Li put pressure on the City to get one as well?
17 I understand citizens were not happy about that.

18 **MR. STEVE KANELLAKOS:** No, absolutely. I think
19 Ms. Li did a remarkable thing and put herself out there, a lot
20 of courage, and got that injunction. And it had an effect. It
21 did bring down the horns. They kind of came back later, but it
22 had a significant effect. And of course there was pressure.
23 There was pressure from the public from our council not
24 understanding why the City wouldn't move to get an injunction
25 also. We felt that pressure, but we couldn't get to a place
26 where we understood what the scope of that injunction was in
27 terms of what police needed.

28 **MS. NATALIA RODRIGUEZ:** But in the end you didn't

1 need that because you defined the scope yourself; right?

2 **MR. STEVE KANELLAKOS:** We did, yes.

3 **MS. NATALIA RODRIGUEZ:** And did you ever talk to
4 Keith Wilson, who was counsel for some of the protestors on the
5 ground, about the City's injunction?

6 **MR. STEVE KANELLAKOS:** I don't recall talking to
7 Mr. Wilson about the injunction, but I stand to be corrected,
8 but I don't recall that.

9 **MS. NATALIA RODRIGUEZ:** Okay. They have produced
10 some texts, kind of at the last minute, that have some of those
11 discussions. So my understanding is you did, I just don't know
12 the context of those discussions that you had.

13 **MR. STEVE KANELLAKOS:** If I can see the documents
14 I might be able to comment.

15 **MS. NATALIA RODRIGUEZ:** See if I can find it. It
16 would be up to -- we didn't give notice of these, obviously.
17 They came in, I think, last night or the night before, but we do
18 have a doc ID for them. Thank you. It's HRF1466.

19 **THE REGISTRAR:** I'm unable to locate that
20 document in the database.

21 **MS. NATALIA RODRIGUEZ:** It appears it is in the
22 party database at this time. It's HRF, four zeroes, 1466.

23 Okay, while we're looking for that, we can move
24 on to something else and then we'll see if we can get that
25 because ---

26 **MS. ANNE TARDIF:** Sorry, Counsel, these are text
27 messages with Mr. Arpin? I thought you said these were text
28 messages with Mr. Kanellakos.

1 **UNIDENTIFIED SPEAKER:** It is with Mr. Arpin, but
2 it mentions a call with Mr. Kanellakos.

3 **MS. NATALIA RODRIGUEZ:** The texts seem to
4 reference a call with Mr. Kanellakos about that.

5 **MS. ANNE TARDIF:** Okay.

6 **MS. NATALIA RODRIGUEZ:** So because we don't -- we
7 can't seem to get them, we can move on to some communications
8 that you had with federal officials and provincial officials.

9 So I understand that after the first weekend of
10 protests you had some contact with Deputy Minister of Public
11 Safety Rob Stewart. Is that right?

12 **MR. STEVE KANELLAKOS:** That's correct.

13 **MS. NATALIA RODRIGUEZ:** And how did that
14 discussion come about?

15 **MR. STEVE KANELLAKOS:** His office emailed our
16 office, my office, and asked if a meeting could be set up later
17 in the day, and I think we had a telephone conversation, I
18 forget the date, but it was, I remember, late afternoon.

19 **MS. NATALIA RODRIGUEZ:** And what was the purpose
20 of the call?

21 **MR. STEVE KANELLAKOS:** He had reached out to
22 connect because obviously they were -- the Deputy Minister
23 community there and the relevant ministries and the Prime
24 Minister's Office were -- was getting briefed on what was
25 happening, and he wanted to have a better understanding and the
26 situational awareness of what was happening on the ground from
27 our perspective so that he could relay that information back to
28 his Minister, and to the -- and to Cabinet.

1 **MS. NATALIA RODRIGUEZ:** So he's reaching out to
2 you to get a better understanding of what's going on?

3 **MR. STEVE KANELLAKOS:** Yes.

4 **MS. NATALIA RODRIGUEZ:** And it wasn't necessarily
5 for him to offer any kind of assistance?

6 **MR. STEVE KANELLAKOS:** Initially, no. It was
7 "Can we get together and have a conversation about situational
8 awareness? What do you know? What's happening?" They wanted
9 to know our perspective on what was happening.

10 **MS. NATALIA RODRIGUEZ:** Okay. And after that, I
11 believe that situational awareness calls were set up ---

12 **MR. STEVE KANELLAKOS:** Yes.

13 **MS. NATALIA RODRIGUEZ:** --- and that several of
14 them took place, according to your witness statement, you say
15 February 3rd, 5th, 6th, 7th, and 8th?

16 **MR. STEVE KANELLAKOS:** That's correct.

17 **MS. NATALIA RODRIGUEZ:** Okay. And these came out
18 of that initial discussion you had with the Deputy Minister on
19 February 2nd?

20 **MR. STEVE KANELLAKOS:** Yes. When we talked he
21 suggested that we bring together some of his colleagues,
22 Chief Sloly, myself, and initiate some calls to start getting
23 updates on a more frequent basis so they're in the loop.

24 **MS. NATALIA RODRIGUEZ:** And according to your
25 witness statement, these meetings sometimes included Jody Thomas
26 from the Privy Council Office; Director David Vigneault from
27 CSIS; Deputy Minister Michael Keenan from Transport;
28 Commissioner Brenda Lucki from the RCMP; Commissioner Tom

1 Carrique from the OPP; former Chief Sloly; Mr. Kim Ayotte;
2 Laurie LeBlanc from MTO; and Deputy Minister Maurio Di Tommaso,
3 the Solicitor General. Did anyone else that you recall attend
4 these meetings, or is that generally ---

5 **MR. STEVE KANELLAKOS:** Yeah, that's generally the
6 list, but it grew. It didn't start off with all those people,
7 it kind of evolved over the meetings with more -- you know,
8 pretty typical. We started off with three, four people, and it
9 expanded as the meetings went on.

10 **MS. NATALIA RODRIGUEZ:** And what was the purpose
11 of these calls?

12 **MR. STEVE KANELLAKOS:** Initially, it was to get
13 everyone understanding what was happening on the ground, and for
14 them to tell us what was happening from their perspective. So
15 it was really an update in terms of what's the situation,
16 what's evolving, what's coming, and then it gets turned. After
17 a few meetings it turned into the whole issue of resources, and
18 police from other police services, particularly the RCMP and OPP
19 on those calls, being allocated or redeployed to Ottawa to
20 assist with the event.

21 And then it kind of evolved into when the request
22 was -- it sort of started generally about resources, and after
23 it evolved into the specific request that Chief Sloly made
24 through the Police Board, where the letter was sent by
25 Mayor Watson and Councillor Deans, who was the Chair of the
26 Police Board at that time, asking for 1,800 officers, and part
27 of those 1,800 were civilians, with specialists, to be
28 redeployed to Ottawa. And then the discussions became a lot

1 about what was happening, but when are we getting the resources
2 and how many resources we actually had received.

3 **MS. NATALIA RODRIGUEZ:** Right. So my
4 understanding is that letter from former Chair Deans and the
5 Mayor came on in February 7th requesting the 1,800 officers.
6 And so two of the meetings, on the 7th and the 8th, of these
7 situational awareness calls would have been or could have been
8 about that specific request.

9 **MR. STEVE KANELLAKOS:** They dominated the
10 discussion.

11 **MS. NATALIA RODRIGUEZ:** Okay. And what was the
12 conversation around resources? Obviously resources were needed,
13 but in terms of getting them to Ottawa and how soon they could
14 get here and why they weren't here yet, what was the discussion?

15 **MR. STEVE KANELLAKOS:** Well, the central theme
16 was a disagreement on -- between Ottawa Police and the other
17 parties at the federal and provincial level on how many officers
18 were actually here and under the command of Ottawa Police. That
19 was the most relevant part of the discussion.

20 **MS. NATALIA RODRIGUEZ:** And what was your
21 understanding of the disagreement? Just about counting -- like
22 it was improper counting, or what was the issue?

23 **MR. STEVE KANELLAKOS:** Yeah, it was -- Ottawa
24 Police had numbers that they believed they had under their
25 command, and RCMP, and OPP less so, but mostly RCMP felt that
26 they had more officers there under the command. So there was a
27 disagreement about how many officers were actually under the
28 authority to be deployed in Operations by Ottawa Police

1 commanders. And it was a frustrating period because we couldn't
2 get to an agreement on how many police officers were actually
3 here in Ottawa from outside from other enforcement agencies.

4 **MS. NATALIA RODRIGUEZ:** And did that ever get
5 resolved during those -- during the time that those calls were
6 taking place?

7 **MR. STEVE KANELLAKOS:** I would say no.

8 **MS. NATALIA RODRIGUEZ:** And the last meeting took
9 place on February 8. Why did they stop after the 8th of
10 February?

11 **MR. STEVE KANELLAKOS:** I don't know why they
12 stopped after the 8th of February. I don't know why we stopped
13 talking at that point.

14 **MS. NATALIA RODRIGUEZ:** Okay.

15 **MR. STEPHEN ARMSTRONG:** Counsel, I just wanted to
16 let you know that the document is available.

17 **MS. ANNE TARDIF:** We're going to object to the
18 document being put to Mr. Kanellakos. The document was listed
19 by counsel for the protestors as a document they may put to
20 Mr. Arpin only. It was never indicated to us that it was going
21 to be put by -- put to Mr. Kanellakos. So in accordance with
22 the rules, I believe my friends would need to seek leave.

23 **MS. NATALIA RODRIGUEZ:** It was just to be fair to
24 the witness so that he understands the context in which the
25 question was asked, but I can ask it without the context, I'm
26 fine with that.

27 **MS. ANNE TARDIF:** Again, though, he wouldn't be
28 aware of the context. If it had have been provided, we

1 certainly would have given it to him, but it hasn't been.

2 **MS. NATALIA RODRIGUEZ:** That's fine.

3 So to your understanding, though, you did not
4 have a conversation with Keith Wilson about the City's
5 injunction, a call specifically with Mr. Wilson?

6 **MR. STEVE KANELLAKOS:** I just don't recall.

7 **MS. NATALIA RODRIGUEZ:** Okay.

8 **MR. STEVE KANELLAKOS:** I may have, I just don't
9 recall.

10 **MS. NATALIA RODRIGUEZ:** Now, my understanding is
11 that based on the timeline produced in the institutional report,
12 that you and the mayor had a call with Solicitor General Sylvia
13 Jones on February 9, and we talked a little bit about that. And
14 my understanding was that the purpose of the call to ask Ontario
15 to provide resources to the Ottawa Police Service. Is that
16 right?

17 **MR. STEVE KANELLAKOS:** That's right.

18 **MS. NATHALIA RODRIGUEZ:** To provide OPP -- to
19 facilitate OPP officers?

20 **MR. STEVE KANELLAKOS:** That's right.

21 **MS. NATHALIA RODRIGUEZ:** Is that right? Okay.
22 And what was the response for that request?

23 **MR. STEVE KANELLAKOS:** I recall the Minister
24 saying that this was something the Chief should be dealing with
25 the OPP Commissioner on, and elected officials should not be
26 getting involved in this.

27 **MS. NATHALIA RODRIGUEZ:** Okay. And in that call
28 what's the issue about the truckers' insurance and CVOR

1 certificates also discussed?

2 **MR. STEVE KANELLAKOS:** I think it was discussed
3 in a general way about what other things the province could do
4 to help police and the protest, or put pressure on the
5 protesters. But again, I believe the Minister said that this
6 was a law enforcement issue, and it should be dealt with by law
7 enforcement.

8 **MS. NATHALIA RODRIGUEZ:** So did the province
9 offer any tangible assistance?

10 **MR. STEVE KANELLAKOS:** Not with respect to
11 insurance and CVOR. They declined to look at that. The Deputy
12 Minister Laurie -- I forgot her last name, you had mentioned her
13 in one of the meetings.

14 **MS. NATHALIA RODRIGUEZ:** Yes.

15 **MR. STEVE KANELLAKOS:** And I know Laurie, my
16 apologies to her, but she was the Deputy Minister.

17 **MS. NATHALIA RODRIGUEZ:** LeBlanc.

18 **MR. STEVE KANELLAKOS:** LeBlanc, Laurie LeBlanc, I
19 believe she's retired now, but she was the Deputy Minister of
20 Ministry of Transportation, and she was on a call where that was
21 specifically -- with the other Deputy Ministers, not this call,
22 where that's question was specifically proposed to her, and she
23 basically said that she'd have to go away and get back to us,
24 but never did.

25 **MS. NATHALIA RODRIGUEZ:** Okay. So my
26 understanding is that you also took part in what were called
27 tripartite meetings, and these took place on February 7th, 8th,
28 and 10th. Is that right?

1 **MR. STEVE KANELLAKOS:** That's right.

2 **MS. NATHALIA RODRIGUEZ:** And did you participate
3 in all three calls?

4 **MR. STEVE KANELLAKOS:** I did.

5 **MS. NATHALIA RODRIGUEZ:** Okay. And my
6 understanding is these were intended to be meetings of all three
7 levels of government, municipal, provincial, and federal. Is
8 that right?

9 **MR. STEVE KANELLAKOS:** That's right.

10 **MS. NATHALIA RODRIGUEZ:** And my understanding is
11 that generally, Minister Blair, Minister Mendicino, yourself,
12 the mayor, Deputy Minister Rob Stewart, and some others joined
13 those calls. Is that right?

14 **MR. STEVE KANELLAKOS:** That's right.

15 **MS. NATHALIA RODRIGUEZ:** Do you know off -- do
16 you recall who else would have been on those calls other than
17 the people I mentioned?

18 **MR. STEVE KANELLAKOS:** From the provincial level
19 there were no elected officials, I seem to recall, they didn't
20 attend. I think Mario Di Tommaso might have been on one or two
21 of those calls. He was the Deputy Minister of the Solicitor
22 General I believe.

23 **MS. NATHALIA RODRIGUEZ:** My understanding is that
24 he was in the situational awareness calls, but not in the
25 tripartite.

26 **MR. STEVE KANELLAKOS:** Yeah, that's what I'm -- I
27 thought he was in the tripartite, but I'm not sure. He may have
28 been. But I don't think anyone else from the province was

1 there. It was all federal and us.

2 **MS. NATHALIA RODRIGUEZ:** Okay. And do you know
3 why -- my understanding is that Premier Ford was invited to
4 participate in these meetings and declined. Is that your
5 understanding as well?

6 **MR. STEVE KANELLAKOS:** I know he declined, but I
7 don't know why.

8 **MS. NATHALIA RODRIGUEZ:** Okay. And so I'm going
9 to take you to one of the readouts from that meeting, it is
10 SSM.CAN.NSC ending in 2676. And so, this is a read out from one
11 of those tripartite meetings, it looks to be the last one on
12 February 10, and there we see people's initials. BB is Bill
13 Blair, my understanding; JW, Jim Watson; MM, Marco Mendicino.
14 And if we go to the second page, it looks like your
15 contributions are redacted, and on the second page Mayor Watson
16 says, "We would like to get MTO more involved, put pressure on
17 insurance companies --". Oh, sorry, just up. Yeah, there we
18 are:

19 "We would like to get MTO more
20 involved, put pressure on insurance
21 companies -- it was a disappointing
22 answer from the province. Yet they are
23 always setting up blitzes on the 400
24 series highways to check tires, etc."

25 So my understanding is that this is in relation
26 to the call that took place the day before on February 9?

27 **MR. STEVE KANELLAKOS:** Yes.

28 **MS. NATHALIA RODRIGUEZ:** Okay. And was this in

1 relation to the ask about the commercial insurance that they had
2 declined to get involved?

3 **MR. STEVE KANELLAKOS:** Yeah, and other possible
4 regulations that governs heavy truckers or trucking companies.
5 And I don't know if it was the meeting before, I don't have it
6 in front of me, but it was at one of the meetings with the
7 Deputy Ministers that we had federally and provincially, but it
8 was just very close to that.

9 **MS. NATHALIA RODRIGUEZ:** And so in terms of other
10 regulations, were these other regulations that the City was
11 asking specifically, saying you know, this regulation, that, can
12 you look into that? Or were you simply saying, can you look at
13 what you have in your toolbox available to assist?

14 **MR. STEVE KANELLAKOS:** It was exactly that. It
15 was what you have that can help us in your toolbox under
16 existing legislation and regulations? That was the specific
17 request.

18 **MS. NATHALIA RODRIGUEZ:** Okay. And the answer
19 was this is not -- this should not be dealt with at the
20 political level?

21 **MR. STEVE KANELLAKOS:** Well, there were two
22 answers. From the Deputy Minister it was, I'll get back to you.
23 I think she felt kind of blindsided at that meeting because no
24 one told her in advance as she was going to be asked, and I
25 think it was asked by one of her federal colleagues, actually.
26 Because I think the Deputy Minister of Transport for -- at the
27 federal level, looked and they didn't have anything that could
28 help us that was relevant, because it's all mostly provincially

1 regulated. And the question was posed to Laurie LeBlanc and I
2 think she was -- she seemed to be a little miffed that she got
3 put on the spot and basically said, I'll get back to you, I'll
4 look into it, and never did.

5 With Minister Jones, it came up in a general way,
6 but that position she took as Solicitor General is this is
7 Police Chief, to Commissioner, to Police Chief, and that's where
8 this should be dealt with, not through us.

9 **MS. NATHALIA RODRIGUEZ:** Was it ever suggested to
10 you that pulling truckers commercial insurance, or doing
11 anything with respect to that would upset the trucking industry,
12 or would upset the truckers themselves?

13 **MR. STEVE KANELLAKOS:** No, I didn't. There was
14 no further response in terms of specifics, no.

15 **MS. NATHALIA RODRIGUEZ:** Okay. But -- and it was
16 never said to you there's nothing more in our toolbox, we can't
17 do anything? The answer was simply, we'll get back to you, and
18 they never did?

19 **MR. STEVE KANELLAKOS:** That's what I'm aware of,
20 yes.

21 **MS. NATHALIA RODRIGUEZ:** Okay. And then if we go
22 to page 3, if we go down to Bill Blair's comment, so he says:

23 "Thanks -- if we can speak frankly for
24 a moment. It has come to the media's
25 discussion that they are not in this
26 meeting for the third day -- statement
27 from On[tario] is that this table will
28 accomplish nothing"

1 So is it fair to say that in the meeting there
2 was frustration at Ontario's lack of attendance?

3 **MR. STEVE KANELLAKOS:** Yes.

4 **MS. NATHALIA RODRIGUEZ:** And when Bill Blair says
5 "this table" he means the tripartite meetings?

6 **MR. STEVE KANELLAKOS:** Yes.

7 **MS. NATHALIA RODRIGUEZ:** And to your
8 understanding, this comment that's attributable to the Premier,
9 that it will accomplish nothing, was that made in the group or
10 was that made in the media? Do you know?

11 **MR. STEVE KANELLAKOS:** I'm trying to find that on
12 the page, counsel, I'm sorry, where is it?

13 **MS. NATHALIA RODRIGUEZ:** Just -- Bill Blair at
14 the top says, "Thanks -- if we can speak frankly for a moment".
15 He says, "It has come to the media's discussion that they are
16 not in the meeting..." and I assume this is talking about Ontario,
17 because then it says "statement from On[tario] is that this
18 table will accomplish nothing."

19 **MR. STEVE KANELLAKOS:** I don't recall
20 specifically what it was, but he was obviously reacting to
21 something that was put out by the province.

22 **MS. NATHALIA RODRIGUEZ:** Okay.

23 **MR. STEVE KANELLAKOS:** But I don't know what it
24 is.

25 **MS. NATHALIA RODRIGUEZ:** Okay. And so if we
26 looked at the bottom at mayor Watson's comment, the third line
27 he says:

28 "I can say that I am disappointed that

1 the province has not come to the table
2 -- Premier is telling me, 'anything you
3 want', but then there is silence."

4 Did you share the mayor's disappointment that
5 Ontario was not at the table?

6 **MR. STEVE KANELLAKOS:** Did I share that? Not
7 entirely. I mean, I think I was disappointed that they didn't
8 participate, but they stated that their position was. But
9 certainly OPP and Commissioner Carrique were very participatory
10 and collaborative in terms of bringing resources. So there was
11 never any issue from the policing sources, OPP it was probably
12 the least amount of discussion about the resources they had
13 committed early on. They were true to their word in terms of
14 what they committed, from what I understand.

15 So from my perspective, you know, OPP was doing
16 what they were asked and we're being very helpful, but the other
17 ministries were not participating, and I think that was you
18 know, obviously a direction from their political masters.

19 **MS. NATHALIA RODRIGUEZ:** And what do you mean by
20 that?

21 **MR. STEVE KANELLAKOS:** I mean I think that Deputy
22 Ministers won't engage unless it's clear from the Premier and
23 others that they are able to engage, to participate, in terms of
24 seeking out other alternatives and other tools for the toolbox.

25 **MS. NATHALIA RODRIGUEZ:** So your understanding is
26 that then the Premier would've told them not to look into that?

27 **MR. STEVE KANELLAKOS:** That's a speculation.

28 **MS. NATHALIA RODRIGUEZ:** Yeah.

1 **MR. STEVE KANELLAKOS:** I just know that Deputy
2 Ministers will not speak out of turn without being in alignment
3 with their bosses.

4 **MS. NATHALIA RODRIGUEZ:** Fair enough. now, on
5 page 4, Minister Mendicino, in the middle of the page, says --
6 just this -- towards the end:

7 “To the extent that Sloly is laying out
8 the plan to colleagues, the Province
9 should be at this table. It is a useful
10 forum to show leadership and
11 coordination.” (As read)

12 So do you agree that it would have been helpful
13 to have Ontario at the table?

14 **MR. STEVE KANELLAKOS:** Yes.

15 **MS. NATALIA RODRIGUEZ:** Now, back to page 2,
16 where it says “RS”, and we’ll go down.

17 That’s Rob Stewart? Is that right?

18 **MR. STEVE KANELLAKOS:** That’s right.

19 **MS. NATALIA RODRIGUEZ:** And he says:

20 “From what I understand, the plan of the
21 Chief has not yet been completely fleshed
22 out. That may affect the speed with which
23 the RCMP can deploy resources.” (As read)

24 What did you understand -- what was the
25 discussion around this point?

26 **MR. STEVE KANELLAKOS:** Well what that references
27 is that the various commanders from OPP and RCMP, but he was
28 speaking specifically to RCMP, didn’t feel the operational plan

1 that was eventually enacted was ready for them to deploy the
2 resources to participate in the plan. So there was an ongoing
3 discussion, from what I understand from these meetings, about
4 the readiness of the plan and the assessment of the plan by the
5 commanders in the RCMP and the OPP reporting back through their
6 chain of command.

7 **MS. NATALIA RODRIGUEZ:** And this was the last
8 tripartite meeting on February 10. Do you know why they were
9 discontinued?

10 **MR. STEVE KANELLAKOS:** I don't know.

11 **MS. NATALIA RODRIGUEZ:** I want to speak now about
12 the deal that the City made with the protestors, the
13 negotiations with the protestors.

14 **MR. STEVE KANELLAKOS:** Yeah.

15 **MS. NATALIA RODRIGUEZ:** Now, I understand that on
16 February 8, you received a call from then Deputy Chief Bell?

17 **MR. STEVE KANELLAKOS:** I did.

18 **MS. NATALIA RODRIGUEZ:** And can you tell us a
19 little bit about that?

20 **MR. STEVE KANELLAKOS:** You want to just hear that
21 call? Or the ---

22 **MS. NATALIA RODRIGUEZ:** Tell us about the call
23 that you received. What was the discussion?

24 **MR. STEVE KANELLAKOS:** Yeah, I was on my way into
25 work early that morning and I received a call from then Deputy
26 Chief Bell, who said that he was sending over his Police Liaison
27 Team, they want to meet with me, and they want to come over
28 first thing in the morning to discuss opening up some line of

1 communications with the protest leaders. I said, "Okay. What
2 time are they coming?" And he said, "They'll be there, you
3 know, somewhere after 9:00." I said, "Fine." And that's all he
4 told me.

5 **MS. NATALIA RODRIGUEZ:** Did he tell you why PLT
6 was going to be coming over with protest leaders?

7 **MR. STEVE KANELLAKOS:** He didn't give me any
8 details. He just asked if I would meet them if they came to my
9 office.

10 **MS. NATALIA RODRIGUEZ:** And you didn't ask what
11 for?

12 **MR. STEVE KANELLAKOS:** No. I just said I'll wait
13 until they get here.

14 **MS. NATALIA RODRIGUEZ:** Okay. And did you tell
15 anyone about that call before you met with them?

16 **MR. STEVE KANELLAKOS:** No.

17 **MS. NATALIA RODRIGUEZ:** Okay. And so what
18 happened then? Did they come to City Hall? How did that play
19 out?

20 **MR. STEVE KANELLAKOS:** Yeah, the acronym is PLT,
21 Police Liaison Team, and four officers came to my reception area
22 in my office. The lead was Sgt. Lee (Phonetic). I don't recall
23 his first name.

24 They came and basically advised me that
25 communications had broken down with the protest leaders and that
26 they weren't communicating anymore with the PLTs. This was a
27 significant issue in their ability to continue to try to
28 negotiate on the ground in terms of the things they needed to

1 do, and that they had asked to meet with someone from the City
2 as a show of good faith, you know, I'm paraphrasing what he told
3 me, my recollection of it, from someone from the City and they
4 want to meet with me to be able to discuss the situation and
5 what's happening.

6 And I had -- I was reluctant when he first told
7 me. I was -- I would say reluctant to say why would I meet with
8 him was -- we never had any intention, the Mayor, myself, the
9 Mayor's Office, anybody on my team had any intention of meeting
10 with the protestors. That wasn't on our radar or anything we
11 were planning to do.

12 But they were imploring me to meet with them
13 because they needed to show that they could actually get me to
14 the table to have a conversation with them. As a sign of good
15 faith, ---

16 **MS. NATALIA RODRIGUEZ:** Did -- sorry, did they
17 explain to you why -- did they say why they had lost the
18 communication ---

19 **MR. STEVE KANELLAKOS:** No.

20 **MS. NATALIA RODRIGUEZ:** --- with the protestors?
21 What had happened there?

22 **MR. STEVE KANELLAKOS:** No, they didn't tell me,
23 no.

24 **MS. NATALIA RODRIGUEZ:** Okay. And at that point,
25 I wasn't convinced that I should meet with them, because I felt
26 that that was opening up another door in terms of a signal that
27 we're prepared to start negotiating. I told them that I need to
28 call the Mayor. And we brought Serge Arpin, Chief of Staff,

1 into the call. So I went into the next room, in my boardroom,
2 called the Mayor, told him that they want me to meet with them
3 and to have -- as a show of good faith, to -- police need us to
4 meet with them.

5 He was very reluctant. His initial reaction was
6 we shouldn't and thought that doing that was going to put
7 pressure on the Federal Government in terms of, you know, if we
8 meet with them, someone else would have to meet with them.

9 And Serge Arpin was of kind of the same view. So
10 we batted it around a bit and I basically advised the Mayor that
11 I thought I should meet with them and hear what they have to say
12 and maybe there's something we can get in return, and "It won't
13 involve you, it will be me, it will be me doing the discussion,
14 and you're out of it. It's not a political leadership meeting."

15 And so ---

16 **MS. NATALIA RODRIGUEZ:** Did the Mayor express any
17 concerns about this?

18 **MR. STEVE KANELLAKOS:** He basically -- he didn't
19 tell me not to meet them, he didn't tell me to meet them. He
20 accepted that at the end, I said, "I'm going to meet them." I
21 basically made a statement that I'm going to meet them. So he
22 didn't say "don't" and he didn't say "do it". But he was
23 reluctant at the beginning. The first part of the conversation
24 was he just thought it was a bad idea.

25 And so I went back out and told him that I would
26 meet with them, the protest organizers. I didn't know who they
27 were bringing. I didn't know who the parties were. Well Lee
28 said "Great." They left and they ran over to one of the hotels

1 where the participants were and they came back a couple of hours
2 later, probably around noon, with three people: Tom Marazzo,
3 Keith Wilson, and Eva Chipiuk, I believe is how we pronounce her
4 last name.

5 **MS. NATALIA RODRIGUEZ:** Yeah.

6 **MR. STEVE KANELLAKOS:** I don't know if I got that
7 right. And they arrived with the four PLT members.

8 **MS. NATALIA RODRIGUEZ:** And sorry, this was
9 around noon, you said?

10 **MR. STEVE KANELLAKOS:** It was probably around
11 noon, if I recall. It was several hours later, over to now 1:00
12 o'clock. Around that area, that time.

13 And so they came in and we had another boardroom
14 down the hallway in City Hall at the Heritage Building. And Tom
15 Marazzo asked if he could speak to me alone, and we went into
16 the boardroom alone and everyone else waited outside, the four
17 police officers and the two lawyers, Keith and Eva. And Tom and
18 I began having conversation about why they're here, his
19 background, what happened to him, his story. Just getting to
20 know each other, basically. And so he explained why he was
21 here, what the issues were, what happened to him in terms of the
22 vaccine mandate, et cetera.

23 And then we talked about -- we talked about, from
24 my recollection, that, look, you know, if you're -- they wanted
25 a meeting with the Mayor. And I basically advised them that if
26 they were going to have a meeting with the Mayor, they have to
27 show something in good faith back.

28 And that was the discussion when the PLTs first

1 came to see me, when I came back out from seeing the Mayor, I
2 forgot to mention that, is I said, "Well if I want to meet with
3 them, I need to get something back in return. I'm not going to
4 meet with them just for the sake of meeting with them." And the
5 police officer suggested, "Well, maybe we can start getting them
6 -- ask them to move the trucks out of some of the
7 neighbourhoods." I said, "Well that would be a good thing, to
8 try to relieve the pressure on those people in those
9 neighbourhoods if they would agree to do that."

10 **MS. NATALIA RODRIGUEZ:** So OPS was the one who
11 made the suggestion that maybe the exchange for meeting with the
12 Mayor would be getting the trucks out of the neighbourhoods?

13 **MR. STEVE KANELLAKOS:** That's right.

14 **MS. NATALIA RODRIGUEZ:** Okay.

15 **MR. STEVE KANELLAKOS:** So when we were talking to
16 Tom, and I don't remember if it was exactly with Tom or when
17 everyone else came in, when Keith and Eva came in after, ---

18 **MS. NATALIA RODRIGUEZ:** Sorry, when Keith and Eva
19 came in after, did the PLT officers also join? Or was it just -
20 --

21 **MR. STEVE KANELLAKOS:** They came in also.

22 **MS. NATALIA RODRIGUEZ:** Okay.

23 **MR. STEVE KANELLAKOS:** Yeah. So they all joined
24 the meeting at that time.

25 **MS. NATALIA RODRIGUEZ:** And then we had a
26 discussion about the protest and would they be willing to move
27 trucks out of the neighbourhoods. They said yes, they'd be
28 willing to do that. And we said well then we have to work out

1 the logistics, and they'll get back to us.

2 So we met for about, in total, about an hour and
3 a half, I'd say. Maybe 90 minutes. They left with the
4 understanding that we would reconnect and talk about what the
5 terms would be of them moving the trucks and the conditions
6 under which that would happen, and get an agreement to do that.

7 **MS. NATALIA RODRIGUEZ:** What was your
8 understanding for why the protestors wanted to meet with the
9 Mayor?

10 **MR. STEVE KANELLAKOS:** Well they didn't tell me
11 specifically, but I assume that it was a symbolic significant
12 gesture that somebody -- nobody was meeting with them of any
13 official capacity at the political level. And I would think
14 that, you know, you'd have to ask them when they testify, but I
15 assumed the Mayor was a first step in trying to open the door to
16 meet with the Prime Minister or someone senior at the Federal
17 Government.

18 **MS. NATALIA RODRIGUEZ:** And so at the end of the
19 meeting, what was decided, who would do what, what were the next
20 steps that were going to be taken after that meeting?

21 **MR. STEVE KANELLAKOS:** We -- I think we exchanged
22 the numbers, and then we said that we'd get back. I don't
23 recall exactly, that we'd reconnect with each other, and start
24 talking about that. Then, you know, a number of things happened
25 after that in terms of updating the mayor and Serge later in the
26 day, and updating Chief Sloly. Those are all other aspects ---

27 **MS. NATALIA RODRIGUEZ:** Yes.

28 **MR. STEVE KANELLAKOS:** --- I'm sure you'll get

1 to.

2 **MS. NATALIA RODRIGUEZ:** Well, my understanding is
3 that the next day you did indicate to Chief Sloly and Deputy
4 Chief Ferguson, Deputy Chief Bell that this had taken place, and
5 relayed a little bit of the information that had been exchanged;
6 is that right?

7 **MR. STEVE KANELLAKOS:** I did. I told the outcome
8 of the meeting with the PLTs and with the protestors ---

9 **MS. NATALIA RODRIGUEZ:** And did ---

10 **MR. STEVE KANELLAKOS:** --- protest leaders.

11 **MS. NATALIA RODRIGUEZ:** Did they express any
12 concerns about that?

13 **MR. STEVE KANELLAKOS:** Well, there were a couple
14 of points. I mean, it depends where we are in the story here.
15 We hadn't at that point figured out the logistics of -- or the
16 terms of what the agreement would be. That happened later in
17 the week and didn't get finalised until Sunday, the 13th, I
18 believe. So at that point, it was more an indication of what
19 the -- I gave an overview of -- to Chief Sloly and his team on
20 what the discussion was, what they had asked for, and what we
21 were going to pursue in terms of -- or what we were going to
22 start pursuing in terms of trying to get an agreement to move
23 trucks out of the neighbourhood.

24 **MS. NATALIA RODRIGUEZ:** So at that point, the
25 deal was if you move trucks out of the neighbourhood we'll have
26 a meeting with -- we'll facilitate a meeting with the Mayor. So
27 it was kind of high-level.

28 **MR. STEVE KANELLAKOS:** That was the concept,

1 that's right.

2 **MS. NATALIA RODRIGUEZ:** Right, that was the...
3 So no details had been fleshed out at that point?

4 **MR. STEVE KANELLAKOS:** None.

5 **MS. NATALIA RODRIGUEZ:** Okay. So you exchange
6 numbers, you brief the Mayor about what had happened, and then
7 what happened?

8 **MR. STEVE KANELLAKOS:** Well, about two days
9 later, and I think it was on the 10th, we -- the Mayor received
10 a call or a text, I'm not sure, I never clarified that, but he
11 was put in contact or he was contacted by Dean French, and Dean
12 French told the Mayor that, you know, the Mayor can speak for
13 himself, but my understanding was that he was trying to help and
14 that he was trying to help to get a resolution to this agreement
15 that we had. And the Mayor passed on Dean French to Serge
16 Arpin, and I believe they had a conversation, I don't know
17 exactly what they talked about, and then Serge Arpin gave Dean
18 French my number, and he contacted me and basically announced
19 himself as a helpful third party that was going to try to
20 mediate between the two to try and come up with an agreement.

21 **MS. NATALIA RODRIGUEZ:** Okay. So then you became
22 the point person for that?

23 **MR. STEVE KANELLAKOS:** No, I became -- I became
24 the point person to get to the place where the logistics were
25 agreed to, but the actual negotiation of the terms of the letter
26 that was eventually sent to Ms. Lich and that she replied back
27 agreeing to was done mostly through Serge Arpin and the Mayor's
28 Office.

1 **MS. NATALIA RODRIGUEZ:** Okay.

2 **MR. STEVE KANELLAKOS:** I was engaged in that, but
3 the negotiations were happening between them.

4 **MS. NATALIA RODRIGUEZ:** Okay. So between
5 February 8th, when you have the meeting with the PLT members and
6 Tom Marazzo et al., and then the 10th of February when the call
7 from Dean French comes in, was there any kind of movement on
8 that deal between the 8th and the 10th?

9 **MR. STEVE KANELLAKOS:** No, the -- it really
10 didn't start moving until -- the 10th was -- I'm trying to think
11 of the date. What date was that? The 8th was Monday, the 10th
12 was a ---

13 **MS. NATALIA RODRIGUEZ:** Well, I know the 13th was
14 a Sunday.

15 **MR. STEVE KANELLAKOS:** Yeah, so the 10th was
16 what, Wednesday?

17 **MS. NATALIA RODRIGUEZ:** It would be a Thursday.

18 **MR. STEVE KANELLAKOS:** Thursday.

19 **MS. NATALIA RODRIGUEZ:** Yeah.

20 **MR. STEVE KANELLAKOS:** You know, that's something
21 for Mr. Arpin to answer in terms of what discussions were taking
22 place at that point, but things didn't really start taking shape
23 until later in the week, early weekend, and it wasn't until
24 probably Sunday morning, the 13th, that I saw a draft in terms
25 of the terms that's in that letter that was made public.

26 **MS. NATALIA RODRIGUEZ:** So you weren't involved
27 in the drafting of the letters?

28 **MR. STEVE KANELLAKOS:** I was involved in

1 providing some advice on the drafting of the letters based on my
2 discussions with police. So Serge checked with me in terms of,
3 you know, where the trucks would go and some of the other
4 information on the -- in the letter, but ---

5 **MS. NATALIA RODRIGUEZ:** So specifically, the
6 letter talks ---

7 **MR. STEVE KANELLAKOS:** --- I wasn't ---

8 **MS. NATALIA RODRIGUEZ:** Sorry. Specifically, the
9 letter talks about Wellington Street. Was that one of the
10 points of discussion with OPS?

11 **MR. STEVE KANELLAKOS:** It was generally, yes.

12 **MS. NATALIA RODRIGUEZ:** Okay. So then, if I
13 understand correctly what you're saying, on the 10th, Dean
14 French called and announced himself as potentially being helpful
15 or a potential mediator, and then the letters were drafted and
16 sent I believe on the 12th of February, and in that time you
17 were having discussions with Chief Sloly, was it Chief Sloly, or
18 anybody else within OPS? Deputy Chief Ferguson?

19 **MR. STEVE KANELLAKOS:** No, it was -- there were a
20 couple of calls. The one call, the final call was before the
21 letters went out on -- at -- it was over noon hour on the
22 Sunday, the 13th. It was right to wire in terms of when the
23 letters finally were approved.

24 **MS. NATALIA RODRIGUEZ:** Okay, so they're dated
25 the 12th, but you're saying they were exchanged on the 13th?

26 **MR. STEVE KANELLAKOS:** That's what I believe, but
27 I could be corrected.

28 **MS. NATALIA RODRIGUEZ:** Okay. And so while

1 they're being finalised, your involvement is putting -- getting
2 some input from OPS and suggesting some wording to the letter,
3 including the area where the trucks are going to relocate to ---

4 **MR. STEVE KANELLAKOS:** Yeah.

5 **MS. NATALIA RODRIGUEZ:** --- is that right?

6 **MR. STEVE KANELLAKOS:** Yeah. Serge had various
7 drafts, he was going back and forth, I don't remember the
8 drafts, but, you know, different language, and we were -- I was
9 providing some edits and some advice on the final language in
10 the letter.

11 **MS. NATALIA RODRIGUEZ:** And why was Wellington
12 Street chosen? Who chose Wellington Street?

13 **MR. STEVE KANELLAKOS:** Well, that came up as part
14 of the discussion, initially I believe with the protestors,
15 where -- the protestors leaders, my apologies, the leadership,
16 where there was no other place to put the trucks. There were
17 very few options in terms of where to put the trucks. And the
18 discussion was that we wanted to reduce the footprint in the
19 area to get them out of the neighbourhoods and have them more
20 condensed in one more manageable enforcement area. And so
21 Wellington Street was an option, but it was understood that
22 Wellington couldn't accommodate all the trucks from the
23 neighbourhood as there just wasn't enough room.

24 So part of the discussion was with some of them
25 agreed to move to a site, I believe it was in the West End,
26 Amprior or some other site they had, if they could go there.
27 They wanted to get them on to SJAM, we didn't want them on SJAM,
28 so there was discussion internally about the parameters of where

1 they might go. And that's what translated into the logistical
2 meeting that we finally had on Sunday night, the 13th, when
3 Superintendent Drummond and myself and Kim Ayotte met with a
4 group of representatives.

5 **MS. NATALIA RODRIGUEZ:** Okay. So before we get
6 to that meeting, before the letters were finalised I understand
7 that Chief Sloly had a chance to look at those letters; is that
8 right?

9 **MR. STEVE KANELLAKOS:** He received a -- I'm
10 trying to think if he received a draft or not because he sent me
11 an email asking for a -- asking me for a -- an edit, but it was
12 too late because the letter was finalised.

13 **MS. NATALIA RODRIGUEZ:** Right. And actually,
14 that's OTT6985, so I'll take you to that. OTT6985. So he says,
15 "Thank you, Steve," but if we go down to the bottom we can see:

16 "Steve, as suggestion, alter this line
17 in the Mayor's letter: "As the
18 departure of the over 400 trucks from
19 residential areas is a significant
20 logistical undertaking that will
21 probably take 24 to 72 hours, we ask
22 that protesters stop asking more
23 demonstrators to come to Ottawa this
24 week and over the long weekend..."

25 So it looks like that highlighted portion of
26 "this week and over the long weekend" was an edit that he wanted
27 in that letter; is that right?

28 **MR. STEVE KANELLAKOS:** That's right.

1 **MS. NATALIA RODRIGUEZ:** And if we go up. You
2 say:

3 "'Hi Chief. The letter from the mayor
4 has already been signed and sent to
5 Convoy leadership. It just hasn't been
6 made public. So can't make edits now
7 but can discuss when we meet them.'"

8 **MR. STEVE KANELLAKOS:** Yeah, we ---

9 **MS. NATALIA RODRIGUEZ:** And then he ---

10 **MR. STEVE KANELLAKOS:** Yeah, we sent him the -- a
11 version of the letter they obviously had, and he wanted to make
12 an edit, but at that point it was too late.

13 **MS. NATALIA RODRIGUEZ:** And if we go to OPS10664.
14 We go -- there we go.

15 It looks to be from Christiane Huneault, and she
16 says:

17 "'Steve - Can you send me a copy of the
18 letters we just discussed on our call
19 re demo convoy negotiations. Thanks.'"

20 And who did you understand her to be?

21 **MR. STEVE KANELLAKOS:** Who was she?

22 **MS. NATALIA RODRIGUEZ:** Yeah, Christiane
23 Huneault.

24 **MR. STEVE KANELLAKOS:** Yeah, she's the general
25 counsel to the Police Service and reports to Chief Sloly.

26 **MS. NATALIA RODRIGUEZ:** And she mentions a phone
27 call that you had with her about the letters.

28 **MR. STEVE KANELLAKOS:** I think she was on the

1 call, the noon hour call. It wasn't a phone call specifically
2 with her. I think she participated in the noon call with
3 Chief Sloly, Deputy Chief Bell at the time, Acting Deputy
4 Chief Ferguson, myself. I think Kim Ayotte was on the call
5 also. So we had a call at noon hour, and she's -- my
6 understanding from this is Christiane Huneault is following up
7 on that phone call.

8 **MS. NATALIA RODRIGUEZ:** I see, and this would be
9 on February 13th at noon there was a call?

10 **MR. STEVE KANELLAKOS:** On the Sunday, that's
11 right.

12 **MS. NATALIA RODRIGUEZ:** On the Sunday? Okay.
13 And if I can take you to OTT6990? It looks like on Sunday at
14 1:44 you send those letters to Chief Sloly, Deputy Chief Bell,
15 Deputy Chief Ferguson, Christiane Huneault and John Steinbachs.

16 **MR. STEVEN KANELLAKOS:** That's correct.

17 **MS. NATALIA RODRIGUEZ:** And if I can take you to
18 OTT7009? Looks like title is Police Contact, Sunday the 13th at
19 3:26. You say to Chief Sloly,

20 "Chief, can you please provide the name
21 and contact info of who will be joining
22 Kim Ayotte in the negotiations with the
23 Protest[...] leaders to deal with the
24 egres [and]..."

25 I believe that should be "and"; right?
26 Relocation plan?

27 **MR. STEVEN KANELLAKOS:** Yes.

28 **MS. NATALIA RODRIGUEZ:** Okay. And what is that

1 about?

2 **MR. STEVEN KANELLAKOS:** Well, when the letters
3 were sent, we agreed that we would meet that evening because we
4 wanted to get this going as fast as possible, and that they
5 would send a representative group to City Hall to meet with
6 myself, Kim Ayotte and a senior police official to deal with the
7 logistics, because Kim and I were in no position, as I said
8 earlier in my testimony, to arbitrarily dictate where trucks
9 would move or to be able to manage the relocation logistically.
10 We needed police to be able to do that, to facilitate that and
11 negotiate that and ensure that the relocation plan was
12 consistent with any future plans they had or any safety issues,
13 officer safety issues, et cetera.

14 And so what I was asking Chief Sloly, and I
15 believe it was the subject also on the call, that we needed
16 someone senior to be part of the discussions on the logistics
17 for the actual relocation of the trucks.

18 **MS. NATALIA RODRIGUEZ:** And who was provided?

19 **MR. STEVEN KANELLAKOS:** Acting Superintendent Rob
20 Drummond.

21 **MS. NATALIA RODRIGUEZ:** And what did you
22 understand his role to be then, just to -- was he going to be
23 partly negotiating what was going to happen?

24 **MR. STEVEN KANELLAKOS:** Well, he wasn't negotiate
25 -- there wasn't going to be -- well, I suppose it could be
26 characterized somewhere as a negotiation, but Acting
27 Superintendent Drummond's role was to work out the operational
28 details right down to where, when, who, logistics. Like, he was

1 leading that on our behalf when the group came to see us in the
2 mayor's boardroom on Sunday night. And so he had the map out
3 and they were mapping out how it would work, who the contact
4 people would be on the police side, who the contact people would
5 be on the protester's side. So he was basically laying out how
6 that operation would unfold the next morning.

7 **MS. NATALIA RODRIGUEZ:** But by then, the idea
8 that they would be relocating to Wellington had already been
9 determined ---

10 **MR. STEVEN KANELLAKOS:** Yes, yes.

11 **MS. NATALIA RODRIGUEZ:** --- right? Okay. And in
12 your call earlier that morning, or at the noon call, did anybody
13 on the call, Steve Bell, Trish Ferguson, Peter Sloly, did
14 anybody raise any concerns with the arrangement that had been
15 reached?

16 **MR. STEVEN KANELLAKOS:** Yes, Chief Sloly raised
17 concerns about the resource requirements to be able to enact
18 this kind of operation, depending on the scope. He was
19 concerned about his ability to do that, and he was concerned
20 about, you know, the -- what happens if we go through all this
21 effort, it's not successful, we're back to square one, and we
22 put a lot of resources into it. So he expressed that concern.
23 The two deputy chiefs, the acting and the -- Chief Bell and
24 Acting Deputy Chief -- Deputy Chief Bell and Acting Deputy Chief
25 Ferguson both expressed that they supported this because it
26 would reduce the footprint and make it more manageable for their
27 resources because they were spread too thin covering that large
28 a geography. And so they expressed support for the movement of

1 the trucks.

2 **MS. NATALIA RODRIGUEZ:** And so despite Chief
3 Sloly's reservations, did he ultimately agree that this should
4 move forward?

5 **MR. STEVEN KANELLAKOS:** I don't recall that he
6 actually said he agreed, but he didn't object to the point where
7 -- because he could have, obviously, stopped it but he didn't.
8 But he didn't -- I never heard him say we're a go. He was
9 basically silent on that point.

10 **MS. NATALIA RODRIGUEZ:** Right, but he did provide
11 you Superintendent Drummond as a ---

12 **MR. STEVEN KANELLAKOS:** He did.

13 **MS. NATALIA RODRIGUEZ:** --- OPS representative?

14 **MR. STEVEN KANELLAKOS:** He did.

15 **MS. NATALIA RODRIGUEZ:** Okay. And so now we're
16 at this meeting February 13th. You said it was you, Mr. Ayotte
17 and who else was there?

18 **MR. STEVEN KANELLAKOS:** I don't remember but his
19 name -- it was on the list. Superintendent Drummond was there.
20 I think -- trying to remember, Keith -- Keith Wilson was there -
21 - no, Eva was there, Keith Wilson was there I believe but maybe
22 not. I'd have to go back -- you'd have to go back to show me
23 the document. I don't remember the other people's names. Tom
24 Barber was there, I know that.

25 **MS. NATALIA RODRIGUEZ:** Chris Barber?

26 **MR. STEVEN KANELLAKOS:** Chris Barber, sorry, was
27 there.

28 **MS. NATALIA RODRIGUEZ:** Yeah. Was Tom Marazzo

1 there?

2 **MR. STEVEN KANELLAKOS:** No.

3 **MS. NATALIA RODRIGUEZ:** No?

4 **MR. STEVEN KANELLAKOS:** I don't remember him.

5 **MS. NATALIA RODRIGUEZ:** Okay. How many protest
6 individuals would you say were there? How many protesters were
7 there?

8 **MR. STEVEN KANELLAKOS:** I think there was six of
9 them all together.

10 **MS. NATALIA RODRIGUEZ:** Okay.

11 **MR. STEVEN KANELLAKOS:** I don't know if Keith
12 Wilson was there. I just -- if I saw it in front of me, I saw
13 the document in terms of the notes that Acting Superintendent
14 Drummond took, but I don't remember.

15 **MS. NATALIA RODRIGUEZ:** Yeah, I don't know if
16 they're available. They weren't available yesterday, but I'm
17 not sure if they're available now. But in any event, there were
18 a group of protest leaders that were there, you, yourself, Mr.
19 Ayotte. And we don't have a lot of time, so if you can just
20 briefly maybe tell us what happened at that meeting and then we
21 will have to get my friends to pick it up from there.

22 **MR. STEVEN KANELLAKOS:** Effectively, we, you
23 know, we discussed how it could unfold, the -- what the
24 expectations were, what we all wanted. The people that
25 represented the protesters were clear that they don't represent
26 all the protesters, so they're going to have some trouble
27 getting everybody convinced based on who was on the streets to
28 all participate and move. And that they would be going out that

1 night and working truck by truck, talking to everybody to get
2 them in line -- or on line to support the movement because it
3 was a good thing for them. And they also made it clear that not
4 everybody will want -- some people may not want to go to that
5 other alternate site, the farmer's area they rented. I think it
6 was in Arnprior, but I don't remember. And that they wanted to
7 extend the footprint of it more down to Deschamps, but we said
8 no. And Rob Drummond was effectively leading those discussions
9 in terms of where the trucks would go, how they'd be placed, and
10 as I said, how that process would work in the morning, who'd be
11 assigned out there from Ottawa Police.

12 And so when we left the meeting, it was
13 understood, we had a map of where the trucks would be moved,
14 what areas we wanted to clear out, and Rob went back then to
15 talk to his command and the NRCC and incident commanders to
16 bring the resources required to be able to do that. And we left
17 that night after a couple hours and the operation started the
18 next morning.

19 **MS. NATALIA RODRIGUEZ:** And I understand at some
20 point the operations stopped. Do you know why it stopped?

21 **MR. STEVEN KANELLAKOS:** Yeah, mid morning it
22 stopped because -- and there was some exchanges I think I had.
23 I don't know if it was a phone call or text with -- I was mostly
24 communicating with Keith Wilson at the time, where he was
25 expressing that what he was being told on the ground is that
26 there was miscommunication between some of the police officers
27 and what the orders were and -- or they -- the operation was and
28 weren't allowing some trucks to move onto Wellington.

1 Eventually, that got sorted out and they did move a number of
2 heavy trucks. I think the count was around 40, but that's still
3 in dispute. And a number of light trucks also left, and we
4 ended up clearing a number of streets. But, yeah, there was
5 some communications issues, some logistical issues where some of
6 them, my understanding was some of the light vehicles didn't
7 want to move and were blocking other vehicles from moving, so
8 there was -- there wasn't an alignment of purpose by everybody
9 that was in -- on all those streets. They had different reasons
10 for wanting to stay.

11 **MS. NATALIA RODRIGUEZ:** And I'm just going to
12 take you to the last document, OTT7480. And this is an email.
13 If we go down -- yeah, no, sorry. This is 7480. Yeah, that
14 does look right. Okay. Let's go up for a second. Yes. So
15 Larry Brookson, do you know who he is?

16 **MR. STEVEN KANELLAKOS:** Yes, I do.

17 **MS. NATALIA RODRIGUEZ:** Who is he?

18 **MR. STEVEN KANELLAKOS:** He's the -- I believe his
19 position is he's the director of the parliamentary precinct
20 security, but I've known Larry -- I know Larry personally.

21 **MS. NATALIA RODRIGUEZ:** Oh, okay. Yes, because
22 the email is quite informal, so I figured you must have had some
23 pre-existing relationship with him.

24 **MR. STEVEN KANELLAKOS:** Yeah.

25 **MS. NATALIA RODRIGUEZ:** He says,
26 "Hi, Steve. My office is looking to
27 setup a call [this] morning. Wanted to
28 provide you with some context of my

1 concern regarding the City of Ottawa's
2 recent decision which lead to
3 Wellington being turned into a parking
4 lot of 200 plus trucks.
5 Quite honestly Steve I am at a loss as
6 [...] how this sort of agreement could
7 have been worked out with a clear
8 disregard to security, especially
9 considering that we just finished a
10 bomb blast assessment which included
11 the threat of explosive[s] being
12 transferred via large vehicles.

13 Hoping we can find time in the morning."

14 So is it your understanding that PPSC -- sorry,
15 that PPS, the Parliamentary Protective Service, did not have
16 notice or information about what was going to be happening with
17 the relocation of the trucks onto Wellington?

18 **MR. STEVE KANELLAKOS:** Well I'm not going to
19 speculate on that, but I do know that the PPS was embedded in
20 the National Capital Regional Command Centre. They are a member
21 of Intersect. I know that Mr. Brookson had spoke to Chief Sloly
22 the late afternoon the day before when the trucks were being
23 moved.

24 So, you know, I think it's a fair assumption for
25 me to make that Mr. Brookson was well informed in terms of what
26 was happening on the ground from a situational awareness
27 perspective and, you know, the bomb blast assessment, quite
28 frankly, I'm not disregarding it, but it was a little late then.

1 We already had hundreds of trucks up on Wellington Street to be
2 concerned about moving another 40 trucks up there.

3 So I -- you know, he -- that's his role, to take
4 care of the security of the Hill. And it's an important role
5 and I respect that. But at the time, I felt that Mr. Brookson,
6 when he reached out to me, had the information, especially after
7 he spoke to Chief Sloly. And I spoke to Chief Sloly after he
8 had spoken to Mr. Brookson, and Chief Sloly advise me what the
9 conversation was about, where he informed him what was
10 happening. So I know there was some reporting, but I didn't
11 call him back. The events kind of overtook things on the 15th.
12 Chief Sloly was in the late stages of his tenure and the deal
13 had fallen apart in terms of moving the trucks anyways, up onto
14 Wellington Street by Tuesday.

15 **MS. NATALIA RODRIGUEZ:** Okay. And so -- and did
16 you tell anybody at the federal level, yourself, about this
17 deal? I know February 8 is when you kind of had that
18 discussion. And it also coincided with the tripartite meeting.
19 Is that something you would have brought up at a tripartite
20 meeting?

21 **MR. STEVE KANELLAKOS:** I told -- I'm not sure
22 when, but I know I told Rob Stewart, the Minister of Public
23 Safety, and I also sent Rob Stewart the letters that were agreed
24 to -- the agreement letters.

25 **MS. NATALIA RODRIGUEZ:** And so ultimately the
26 Mayor never met with the protestors? Is that right?

27 **MR. STEVE KANELLAKOS:** They never fulfilled their
28 end of the bargain, so he never met with them.

1 **MS. NATALIA RODRIGUEZ:** Okay. Thank you. And
2 those are all my questions.

3 **COMMISSIONER ROULEAU:** Okay. Thank you. So we
4 went a little bit over, which I regret. And the -- but we'll
5 take the morning break at the moment, and we can start with the
6 cross-examinations right after the 15-minute break.

7 And I will show a little latitude in cross-
8 examination, given the excess of -- in the direct, which is
9 pursuant to our rule when in-chief, where the evidence presented
10 by the Commission will be matched in terms of cross-examination
11 time.

12 So 15-minute break. We'll be back at five
13 minutes to 12:00. Thank you.

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

16 --- Upon recessing at 11:40 a.m.

17 --- Upon resuming at 11:55 a.m.

18 **--- STEVE KANELLAKOS, Resumed:**

19 **COMMISSIONER ROULEAU:** Welcome to the second
20 phase of the evidence, which is the questioning by the various
21 parties.

22 So if I could call on the Convoy Organizers to go
23 first?

24 Okay.

25 So there's some technical issues with the
26 document production? Okay.

27 Okay.

28 Well can the Ottawa Police Service then go ahead?

1 --- CROSS-EXAMINATION BY MR. DAVID MIGICOVSKY:

2 **MR. DAVID MIGICOVSKY:** Good afternoon, Mr.
3 Kanellakos. My name is David Migicovsky and I act for the
4 Ottawa Police Service.

5 Mr. Kanellakos, I understand that David White, in
6 his email to you, and I can pull up the email if it will assist
7 you, but in the interest of trying to shorten my questions, I
8 wont, but if you do need it, please let me know.

9 My understanding is that he said to you on
10 January 30th that obtaining an injunction to shut down a protest
11 was an extraordinary thing given the Charter of Rights. Do you
12 recall that?

13 **MR. STEVE KANELLAKOS:** I do.

14 **MR. DAVID MIGICOVSKY:** And what Mr. White told
15 you at that time was that OPS' concerns were, and this is the
16 first weekend, correct, were the noise, the traffic impact, and
17 the public frustration and pollution; correct?

18 **MR. STEVE KANELLAKOS:** Correct.

19 **MR. DAVID MIGICOVSKY:** But from his perspective,
20 there weren't any public safety concerns or violence?

21 **MR. STEVE KANELLAKOS:** Correct.

22 **MR. DAVID MIGICOVSKY:** And Mr. White also told
23 you there was an issue as well from his perspective about the
24 potential that enforcing the injunction could give rise to
25 violence as well?

26 **MR. STEVE KANELLAKOS:** I seem -- without having
27 the document in front of me, I seem to recall that, yes.

28 **MR. DAVID MIGICOVSKY:** Okay. And that same day I

1 understand you then spoke to Chief Sloly and he indicated that
2 OPS would support the City in providing the injunction, but you
3 made it clear it would be up to the City to decide whether to
4 seek it? Would have the final say?

5 **MR. STEVE KANELLAKOS:** That's correct.

6 **MR. DAVID MIGICOVSKY:** And you ultimately did
7 instruct Mr. White to proceed with that injunction?

8 **MR. STEVE KANELLAKOS:** I did.

9 **MR. DAVID MIGICOVSKY:** The names Omar Ansari,
10 Mary Simms, and Stuart Huxley, those are individuals who work in
11 the City's legal department?

12 **MR. STEVE KANELLAKOS:** That's correct.

13 **MR. DAVID MIGICOVSKY:** And they report to David
14 White?

15 **MR. STEVE KANELLAKOS:** That's correct.

16 **MR. DAVID MIGICOVSKY:** And my understanding is,
17 and perhaps if you need the document, I can show it to you as
18 well, my understanding is that Mr. White was informed that the
19 OPS said they could provide evidence of the vehicles and the
20 registered owners? I'll pull up the document, if that would
21 assist.

22 **MR. STEVE KANELLAKOS:** It would, thank you.

23 **MR. DAVID MIGICOVSKY:** If I may please have
24 OTT29695?

25 Sorry, I wonder if we could scroll down? I may
26 not have said the correct document.

27 **COMMISSIONER ROULEAU:** It's over there, they're
28 scrolling, I think.

1 **MR. DAVID MIGICOVSKY:** Thanks. Never mind, I'll
2 proceed without the document.

3 Ultimately the City was the one, I understand,
4 who made the final decision about an injunction on February 11th
5 and then proceeded on the 14th? Is that correct?

6 **MR. STEVE KANELLAKOS:** That's correct.

7 **MR. DAVID MIGICOVSKY:** And there were cooperation
8 with the Ottawa Police in working with the City on that
9 injunction; correct?

10 **MR. STEVE KANELLAKOS:** I believe so, yes.

11 **MR. DAVID MIGICOVSKY:** And in fact, I believe
12 that from the Ottawa Police, you obtained -- the City obtained
13 some language with respect to what the enforcement clause of the
14 injunction should look like?

15 **MR. STEVE KANELLAKOS:** I don't know that
16 personally. That'd be better posed to Mr. White.

17 **COMMISSIONER ROULEAU:** Can you speak just a
18 little louder, please?

19 **MR. STEVE KANELLAKOS:** Oh, I'm sorry. I'm sorry,
20 Mr. Commissioner. It was working fine before. I'll just put it
21 a little..

22 **MR. DAVID MIGICOVSKY:** Sorry, what was that
23 answer? I had a hard time hearing.

24 **MR. STEVE KANELLAKOS:** I said I wasn't -- I'm not
25 aware of that personally. That would be better posed to Mr.
26 White.

27 **MR. DAVID MIGICOVSKY:** And although there hadn't
28 been written responses to the questions that Mr. White had

1 posed, there had been verbal discussions between the party's
2 legal ---

3 **MR. STEVE KANELLAKOS:** That's correct.

4 **MR. DAVID MIGICOVSKY:** --- staff? And from time
5 to time, I take it, you were kept apprised of some discussions
6 between the OPS and its policing partners, such as the OPP and
7 RCMP?

8 **MR. STEVE KANELLAKOS:** Could you elaborate better
9 in terms of what aspects?

10 **MR. DAVID MIGICOVSKY:** Sure. Were you made aware
11 that the OPP and the RCMP, various officials there, had
12 expressed serious reservations about the police getting involved
13 in injunctions?

14 **MR. STEVE KANELLAKOS:** Not at the time.

15 **MR. DAVID MIGICOVSKY:** Did you subsequently learn
16 that?

17 **MR. STEVE KANELLAKOS:** Yes, in preparation for
18 this hearing.

19 **MR. DAVID MIGICOVSKY:** And you then understood
20 that the Commissioner of the RCMP and the Commissioner of the
21 OPP both had some concerns about injunctions in the context of
22 these type of protests?

23 **MR. STEVE KANELLAKOS:** Yes, I did.

24 **MR. DAVID MIGICOVSKY:** I think you told us Ottawa
25 has lots of protests and demonstrations; correct?

26 **MR. STEVE KANELLAKOS:** Many.

27 **MR. DAVID MIGICOVSKY:** And it's a fact of life.

28 And again I can turn to the document if you need it, but there's

1 a series of text message exchanges you have with Mr. Ayotte in
2 which you're discussing an article -- this was on January 30th --
3 that someone sent you talking about the sentiment of the
4 citizens in Ottawa as of January 30th. And your response to Mr.
5 Ayotte with respect to the article that had been sent to you is
6 that it's a bit naive for somebody to believe that the police
7 and the City should have just prevented the protest from
8 happening. Do you remember that?

9 **MR. STEVE KANELLAKOS:** Yes, I do.

10 **MR. DAVID MIGICOVSKY:** And we'll be hearing that
11 some of the convoy that came from out west, and I guess was the
12 first group to leave, were annoyed by the fact that by the time
13 they got to Ottawa, all of the prime spots on Wellington were
14 taken up by others and that they were too far away with their
15 trucks. Do you recall that?

16 **MR. STEVE KANELLAKOS:** No, I don't have knowledge
17 of that.

18 **MR. DAVID MIGICOVSKY:** And I understand that on
19 Friday, January 28th is when the convoys started to arrive in
20 Ottawa.

21 **MR. STEVE KANELLAKOS:** Yes.

22 **MR. DAVID MIGICOVSKY:** And the major impacts at
23 that time were on Wellington and the Sir John A. MacDonald
24 Parkway.

25 **MR. STEVE KANELLAKOS:** Initially, yes.

26 **MR. DAVID MIGICOVSKY:** And I understand we will
27 be hearing that the spaces filled up very quickly. Is that your
28 understanding as well?

1 **MR. STEVE KANELLAKOS:** Yes, I do know that.

2 **MR. DAVID MIGICOVSKY:** And once they filled up
3 very quickly, it would not, I believe, was your perspective, be
4 a viable solution on its own of ending the protest by simply
5 towing vehicles; correct?

6 **MR. STEVE KANELLAKOS:** I did not share that view.

7 **MR. DAVID MIGICOVSKY:** You ---

8 **MR. STEVE KANELLAKOS:** I shared that view; sorry.

9 **MR. DAVID MIGICOVSKY:** Right, thanks.

10 And on January 30th -- and again I can turn up the
11 document but in the interests of time I won't unless you need
12 it, so please do let me know if you need it. On January 30th,
13 there's an exchange that you have with Councillor Menard, and he
14 asks about the option of having the vehicles ticketed and towed.
15 And then Mr. Ayotte forwards it to you and expresses concerns
16 about that approach, and I think your response is you agreed,
17 and you said:

18 "...where would we put the vehicles
19 that are towed??"

20 Do you recall that?

21 **MR. STEVE KANELLAKOS:** Yes.

22 **MR. DAVID MIGICOVSKY:** And on February 6th, 2022,
23 I understand you have an exchange of texts with Kim Ayotte about
24 towing the vehicles, and Mr. Ayotte points out to you that with
25 500 vehicles in the core, towing obviously isn't an answer, and
26 you agree that towing these big rigs will not solve the problem.
27 And if I could ask, as well, if we could please turn up
28 Documents OTT01239, and if we -- that is 01239?

1 I'll find the document if you need it; I'm just
2 going to refresh your memory, but perhaps you'll agree with me,
3 I think what -- the point you make in a series of exchanges in
4 which you're discussing Councillor Fleury's request is:

5 "No way can you tactically tow a heavy
6 truck in this scenario, the way they
7 are parked nose to tail, and it would
8 require a huge amount of police
9 resources." (As read)

10 You agree with that?

11 **MR. STEVE KANELLAKOS:** I do.

12 **MR. DAVID MIGICOVSKY:** And a few days later I
13 understand the City made an agreement or an agreement was made
14 with the Mayor which in fact resulted in some additional trucks
15 moving on to Wellington; correct?

16 **MR. STEVE KANELLAKOS:** We did, yes.

17 **MR. DAVID MIGICOVSKY:** With respect to the City's
18 authority with respect to streets, I understand that the City
19 gets its powers from various statutes; is that right?

20 **MR. STEVE KANELLAKOS:** Yeah, and internal bylaws.
21 We have delegated authority bylaw; we have traffic and parking
22 control bylaw that we can use to close streets.

23 **MR. DAVID MIGICOVSKY:** And you agreed, as I
24 understood your evidence this morning, and I believe in your
25 institutional report you've agreed that the City independently
26 does have the authority to close down roads and highways;
27 correct?

28 **MR. STEVE KANELLAKOS:** The City does, yes.

1 **MR. DAVID MIGICOVSKY:** And they have that
2 authority both under bylaws as well as under statutory
3 authority; correct?

4 **MR. STEVE KANELLAKOS:** That's correct.

5 **MR. DAVID MIGICOVSKY:** And I understand, though,
6 that you work cooperatively with police when you do exercise
7 that authority.

8 **MR. STEVE KANELLAKOS:** Always.

9 **MR. DAVID MIGICOVSKY:** And in fact, since the
10 Freedom Convoy, the City has exercised its delegated authority
11 to close down roads; for instance, for Rolling Thunder?

12 **MR. STEVE KANELLAKOS:** Yes, in collaboration with
13 police.

14 **MR. DAVID MIGICOVSKY:** And for Canada Day as
15 well?

16 **MR. STEVE KANELLAKOS:** Yes.

17 **MR. DAVID MIGICOVSKY:** And so in effect, since
18 the protest the parties have, in effect, created exclusion
19 zones, is that right?

20 **MR. STEVE KANELLAKOS:** That's correct.

21 **MR. DAVID MIGICOVSKY:** And in fact if we could
22 turn up Document OTT26171? If we could scroll down, please? I
23 think that's the bottom.

24 So you'll see Councillor Leiper is proposing a
25 motion; I don't know if you recall that.

26 **MR. STEVE KANELLAKOS:** I do.

27 **MR. DAVID MIGICOVSKY:** And the motion being put
28 forward by Councillor Leiper is for the General Manager of

1 Public Works to work with City Councillors to close some roads,
2 to diminish the volume of vehicles able to access the downtown
3 core. Do you recall that motion?

4 **MR. STEVE KANELLAKOS:** I do.

5 **MR. DAVID MIGICOVSKY:** And that was, I guess, his
6 concern was the weekend coming up of February 19th and 20th. And
7 Mr. Gonthier, you'll see if you scroll up, then shares that with
8 Kim Ayotte, and says that the City does have -- the last
9 sentence:

10 "While we have the delegated authority
11 to close roads, I would suggest in this
12 case we would only proceed to do so if
13 supported by OPS."

14 And you agree that that's an accurate -- that's
15 an accurate statement?

16 **MR. STEVE KANELLAKOS:** Well, that's -- well, at
17 that stage, based on what was happening in the City, we wouldn't
18 be closing roads, without the support of OPS, unilaterally.

19 **MR. DAVID MIGICOVSKY:** Thank you.

20 One of the -- I'm just moving on to talk about
21 the issue of ticketing. And one of the concerns expressed by
22 Councillors was the present of trucks built or parked on the
23 Queen Elizabeth Drive and the request by some councillors to
24 have them ticketed as of January 30th.

25 **MR. STEVE KANELLAKOS:** Yes.

26 **MR. DAVID MIGICOVSKY:** Do you recall that?

27 **MR. STEVE KANELLAKOS:** Yes.

28 **MR. DAVID MIGICOVSKY:** And you've expressed the

1 view that you did not see what ticketing would accomplish in
2 that scenario, is that right?

3 **MR. STEVE KANELLAKOS:** Well, would you like me to
4 expand, or just say "Yes" or "No"?

5 **MR. DAVID MIGICOVSKY:** Sure, feel free.

6 **MR. STEVE KANELLAKOS:** You know, ticketing, it's
7 like everything else; you can give someone a ticket and if they
8 don't care they got the ticket and they're willing to pay, no
9 action necessarily results from the ticket. It's like your car
10 parked on the market and you get a ticket, your car still stays
11 parked there with a ticket on the windshield. So without some
12 kind of enforcement action to move it, the truck basically stays
13 there. People might feel better that we ticketed the car or the
14 truck, but the truck's not moving unless we actually tow it.

15 **MR. DAVID MIGICOVSKY:** Correct. And I guess you
16 would -- and I can call up the document. It's OTT29632.

17 And while they do that, I understand that this is
18 a series of text messages between you and Mr. Ayotte?

19 And if we could turn, please, to page 11 of the
20 document.

21 And if you look at 10:08:32, then you can read up
22 above just to give yourself a context. But one of the concerns
23 that Mr. Ayotte expressed about this is ticketing will also
24 anger the demonstrators.

25 **MR. STEVE KANELLAKOS:** Well, that was a concern
26 for sure.

27 **MR. DAVID MIGICOVSKY:** And in fact, there had
28 been experiences, in fact, we see in the next line below a

1 situation in which demonstrators got aggressive in another
2 scenario; correct?

3 **MR. STEVE KANELLAKOS:** That's correct.

4 **MR. DAVID MIGICOVSKY:** And so that was always a
5 concern throughout the protests that any reaction that the City
6 or the police take may create a very volatile situation?

7 **MR. STEVE KANELLAKOS:** That was the police
8 assessment, which we shared.

9 **MR. DAVID MIGICOVSKY:** And the demonstration,
10 from your experience working with the City, was a volatile
11 situation?

12 **MR. STEVE KANELLAKOS:** Potentially, yes.

13 **MR. DAVID MIGICOVSKY:** And enraging protestors,
14 you shared the police concern that that could be
15 counterproductive?

16 **MR. STEVE KANELLAKOS:** Yes.

17 **MR. DAVID MIGICOVSKY:** And in fact, Deputy
18 Chief Ferguson communicated with Mr. Ayotte about this situation
19 about leaving the vehicles on the Queen Elizabeth driveway for
20 now, and said that the police had decided to leave them for now,
21 and you agreed with her, as did Mr. Ayotte; is that right?

22 **MR. STEVE KANELLAKOS:** Yes.

23 **MR. DAVID MIGICOVSKY:** And I believe at 11:37:47,
24 in that same email chain, you indicate -- 11:37:20:

25 "Steve Kanellakos: 'Sloly got back to
26 Mayor. Mayor agrees that it's not
27 worth inciting the crowd so he's good
28 and supports police decision.'"

1 **MR. STEVE KANELLAKOS:** That's correct.

2 **MR. DAVID MIGICOVSKY:** If we could please go to
3 document...

4 Or, again, I won't turn it up because we did see
5 it this morning, but if you need it let me know. On
6 January 25th, I understand that some information was forwarded
7 from the Ottawa Hotel Association. And actually, I will turn up
8 the document, just because there's something attached in the
9 chain.

10 So if we could please have 0070?

11 **THE REGISTRAR:** Counsel, can you provide the
12 complete document ID number?

13 **MR. DAVID MIGICOVSKY:** It's OTT, it'll be six
14 zeroes, 70. So if you just scroll down to the bottom. That --
15 if you can then just keep going up, and then go up.

16 It says, "Hi Sam" -- this from Beth. Beth
17 Gooding is the Director of Public Safety for the City?

18 **MR. STEVE KANELLAKOS:** Yes.

19 **MR. DAVID MIGICOVSKY:** And she's writing to
20 Sergeant Eustace Roberts at the police, and she indicates:

21 "Hi Sam, We don't know if this is
22 valid or some kind of attempt to
23 purposefully distract but.... Sharing
24 an exchange that was sent to the
25 Mayor's office. Obviously, please
26 treat as confidential."

27 And then, that was what you were talking about
28 the information from the Ottawa Hotel Association?

1 **MR. STEVE KANELLAKOS:** Yes.

2 **MR. DAVID MIGICOVSKY:** And then, if you could
3 please turn up OTT0392.

4 And I -- while that's being turned up, I -- if I
5 told you that the police did subsequently speak to the Hotel
6 Association, you wouldn't have any reason to disagree with me,
7 would you?

8 **MR. STEVE KANELLAKOS:** I have no personal
9 knowledge of that, but I wouldn't -- I have no reason to
10 disagree.

11 **MR. DAVID MIGICOVSKY:** And this is on
12 January 26th, so this is just before the protestors came.
13 You'll see, if you look at your email at the bottom at 9:28,
14 9:30, one of the things you told the councillors is that
15 although planning -- I'm in the second line:

16 "'...has been very difficult because
17 the leadership of the protesters are
18 poorly organized [and you] need their
19 cooperation...[and you have to work]
20 through a number of scenarios. More
21 information will be released as it gets
22 firmed up.'"

23 And that was a problem, was that the information
24 was changing frequently; is that right?

25 **MR. STEVE KANELLAKOS:** Yes, I said that earlier
26 in my testimony.

27 **MR. DAVID MIGICOVSKY:** And the City and police,
28 you said to me, have worked well together, and you would agree

1 with me that on several occasions during this event you
2 expressed the view that they were indeed working together well?

3 **MR. STEVE KANELLAKOS:** Yes.

4 **MR. DAVID MIGICOVSKY:** I understand -- if I might
5 just ask you a question with respect to the baseball stadium. I
6 understand -- you talked about the parking there. I understand
7 at one point the Mayor wanted to know if the City had allowed
8 the parking, and you -- at the stadium, and you asked
9 Mr. Ayotte, and he confirmed that the City had in fact agreed to
10 it?

11 **MR. STEVE KANELLAKOS:** We did, yes.

12 **MR. DAVID MIGICOVSKY:** And with respect to, if I
13 might just ask you a couple of questions with respect to the
14 agreement with the protestors. I understand that the results of
15 the PLTs letting you know that the protestors wanted to meet on
16 February 8th, that you in fact met and I think you said you met
17 with Tom Marazzo, Eva Chipuik and Keith Wilson that day?

18 **MR. STEVE KANELLAKOS:** That's correct.

19 **MR. DAVID MIGICOVSKY:** And my understanding, but
20 I may be incorrect, is that the PLTs were not present during the
21 meeting, they brought them to the meeting, however.

22 **MR. STEVE KANELLAKOS:** No, that's incorrect.
23 They -- the meeting started with me and Tom Marazzo, and then we
24 were joined by everybody else. The PLTs were actually in the
25 room, and even at one point they asked me to leave so that they
26 could continue the discussions with the people that were in the
27 room, and I refused to leave.

28 **MR. DAVID MIGICOVSKY:** And so the initial part of

1 the meeting was you and Tom Marazzo.

2 MR. STEVE KANELLAKOS: That's right.

3 MR. DAVID MIGICOVSKY: Is that correct?

4 MR. STEVE KANELLAKOS: That's right.

5 MR. DAVID MIGICOVSKY: Okay. And I understand
6 that meeting was about an hour-and-a-half; right?

7 MR. STEVE KANELLAKOS: In total.

8 MR. DAVID MIGICOVSKY: Right. There are no notes
9 of that meeting or ---

10 MR. STEVE KANELLAKOS: I didn't take any notes.

11 MR. DAVID MIGICOVSKY: --- emails exchanged about
12 what was agreed to in that meeting?

13 MR. STEVE KANELLAKOS: No. Not that I have.
14 Other parties may have.

15 MR. DAVID MIGICOVSKY: And the meeting to deal
16 with the logistics was on the 13th, I believe?

17 MR. STEVE KANELLAKOS: That evening, yes.

18 MR. DAVID MIGICOVSKY: And that was I think at
19 5:30; correct?

20 MR. STEVE KANELLAKOS: Yes.

21 MR. DAVID MIGICOVSKY: And that was just -- that
22 was after the letters had already been signed by the Mayor and
23 Ms. Lich?

24 MR. STEVE KANELLAKOS: Yes.

25 MR. DAVID MIGICOVSKY: And then the actual move
26 of the vehicle -- of the trucks then started on the 14th;
27 correct?

28 MR. STEVE KANELLAKOS: That morning, yes.

1 **MR. DAVID MIGICOVSKY:** And there were about 40
2 heavy trucks that ended up being moved as a result of that?

3 **MR. STEVE KANELLAKOS:** Yeah. That number varies,
4 but that's our estimate, yes.

5 **MR. DAVID MIGICOVSKY:** And on the 15th, you
6 learned that the police on the ground were not going to continue
7 assisting other trucks in going to Wellington, but would only be
8 letting them move if it was to leave completely; is that right?

9 **MR. STEVE KANELLAKOS:** That's right.

10 **MR. DAVID MIGICOVSKY:** And in fact, Rob Drummond,
11 you understand, Superintendent Drummond had some exchanges with
12 Kim Ayotte, and he was pretty definitive at that point on the
13 15th that the OPS was not going to move anymore trucks on
14 Wellington; correct?

15 **MR. STEVE KANELLAKOS:** That's right.

16 **MR. DAVID MIGICOVSKY:** And although he told you
17 that, I believe you were still hoping to try to get things to
18 continue?

19 **MR. STEVE KANELLAKOS:** I wanted to do everything
20 I could to relieve those neighbourhoods of the pain they were
21 going through.

22 **MR. DAVID MIGICOVSKY:** Thank you very much,
23 Mr. Kanellakos. Thank you for the questions.

24 **COMMISSIONER ROULEAU:** Okay. Thank you. Who's
25 up next? Are -- is the convoy organizers, are you still --
26 okay. Still organizing. The organizers are organizing. Okay.

27 Mr. Sloly -- Former Chief Sloly's counsel,
28 please.

1 --- CROSS-EXAMINATION BY MR. TOM CURRY:

2 **MR. TOM CURRY:** Mr. Kanellakos, I'm Tom Curry for
3 former Chief Sloly. Good morning to you.

4 You have a long experience, not just here as the
5 City's most senior public official, but also previously in
6 police services, as I understand it?

7 **MR. STEVE KANELLAKOS:** That's correct.

8 **MR. TOM CURRY:** Taking the entirety of your
9 experience, this event that the Commissioner is here to
10 understand is completely without precedent? Is that true?

11 **MR. STEVE KANELLAKOS:** I've never seen anything
12 like it in my 37 years.

13 **MR. TOM CURRY:** And I don't reckon you've got a
14 number for us, but you have seen, in your capacity, either as a
15 senior official in the former Ottawa Carleton Police Service and
16 others, or as City Manager, it's no exaggeration to say you have
17 been through many hundreds of events and protests in the
18 Nation's capital?

19 **MR. STEVE KANELLAKOS:** I've lost track. That's
20 correct.

21 **MR. TOM CURRY:** I'd be right? Many hundreds?

22 **MR. STEVE KANELLAKOS:** Yes.

23 **MR. TOM CURRY:** And there is a significant
24 difference between protests, in your experience, between protest
25 and event? One of my colleagues asked you, I think, about a
26 parade. A big difference; correct?

27 **MR. STEVE KANELLAKOS:** Significant. Canada Day
28 is not normally associated with protest? It's an event and

1 celebration?

2 **MR. STEVE KANELLAKOS:** It's not characterized
3 that way. Absolutely.

4 **MR. TOM CURRY:** Right. And so what was -- when
5 we -- when the Commissioner considers your experience in dealing
6 with the kinds of things you have seen in Ottawa here, or the
7 kinds of things that you observe your colleagues in the Ottawa
8 Police Service dealing with, what was coming to Ottawa through
9 the Freedom Convoy was something that no one expected? Is that
10 fair?

11 **MR. STEVE KANELLAKOS:** That's fair.

12 **MR. TOM CURRY:** And it's one thing to -- one of
13 the documents that you just reviewed with one of my friends made
14 the point about the challenge of trying to understand what the
15 convoy organizers had in their own minds as to their intentions,
16 and you were never able to get that information? Is that fair?

17 **MR. STEVE KANELLAKOS:** As I said earlier, the
18 information leading up to the actual event was -- it was a
19 typical situation where it was changing on a regular basis every
20 day.

21 **MR. TOM CURRY:** Right. This wasn't the Santa
22 Clause Parade, ---

23 **MR. STEVE KANELLAKOS:** No.

24 **MR. TOM CURRY:** --- where someone would ask for a
25 permit, you would understand and make plans and organize crowds?

26 Now, you were also -- and I think you told
27 Commission Counsel, the City has learned to become very --
28 through its experience, very respectful of the right to protest?

1 **MR. STEVE KANELLAKOS:** Yes.

2 **MR. TOM CURRY:** You are here in the City of our
3 Parliament and Parliament has -- of course in Canada, we respect
4 the right to protest, and you do here in Ottawa?

5 **MR. STEVE KANELLAKOS:** Yes.

6 **MR. TOM CURRY:** And these were -- I think your
7 colleague, Mr. Ayotte, described in an email that appeared
8 briefly, I won't go back to it, that he felt that police were
9 doing a very good job in balancing, on the one hand, the right
10 to protest, and on the other, the risk of riot?

11 **MR. STEVE KANELLAKOS:** Yeah, that comment was
12 made in reference to the initial weekend, but yes.

13 **MR. TOM CURRY:** Right. And when I -- I want to -
14 - I just want to ask you about that, if I could, but before I
15 pull up a document, could I just ask you about your relationship
16 with Chief Sloly? You had a good working relationship with him;
17 correct?

18 **MR. STEVE KANELLAKOS:** I did.

19 **MR. TOM CURRY:** Were you part of his recruitment?

20 **MR. STEVE KANELLAKOS:** No.

21 **MR. TOM CURRY:** Did you meet him in that process?

22 **MR. STEVE KANELLAKOS:** No, I met him after he was
23 announced, but before he actually was sworn in.

24 **MR. TOM CURRY:** Understood. And you learned
25 through that discussion, I assume, about his long experience as
26 a national police leader?

27 **MR. STEVE KANELLAKOS:** Yes.

28 **MR. TOM CURRY:** And including significant

1 experience in managing public order disruptions and protests?

2 **MR. STEVE KANELLAKOS:** Well I certainly knew his
3 resume, but he never discussed that directly with me.

4 **MR. TOM CURRY:** Okay. Fair enough. And during
5 the time that you worked with him in your capacity as City
6 Manager and his leading the police service, you agree with me
7 that he acted in good faith and tried to the best of his ability
8 to solve this problem?

9 **MR. STEVE KANELLAKOS:** Yes.

10 **MR. TOM CURRY:** Now, a couple of things, if I
11 can.

12 Can I please ask for a document to be shown to
13 the witness? Is OPS00005187.

14 It should be, if I've got the number right, Mr.
15 Kanellakos, -- and everyone on earth calls you, expect us today,
16 calls you Steve K?

17 **MR. STEVE KANELLAKOS:** Correct. And feel free to
18 do so.

19 **MR. TOM CURRY:** I won't today. But this is a
20 document dated January 31st, 2022. And it is notes of a meeting
21 that concern a number of officials, one of whom present was you.
22 Do you recall this meeting?

23 **MR. STEVE KANELLAKOS:** I do.

24 **MR. TOM CURRY:** Could we please just scroll down
25 for a moment? There was an update -- just maybe just to there.

26 This is an update from Chief Sloly. I won't read
27 it all, but there was a thorough update from the Chief to the
28 group including you and the Mayor; correct?

1 **MR. STEVE KANELLAKOS:** That's correct.

2 **MR. TOM CURRY:** And then one of the things that -
3 - just look about maybe two thirds of the way down. Do you see
4 the bullet point that begins with:

5 "100% of resources tied up with
6 demo[nstration] downtown..."

7 **MR. STEVE KANELLAKOS:** Yes, I do.

8 **MR. TOM CURRY:**

9 "...members are stretched and tired before
10 and are more now, same with [the] citizens
11 and businesses and with demonstrators.
12 Patience is low and everyone is looking
13 for confrontation."

14 That was your not just -- you heard the Chief
15 make that report, but that was also your own observation? Is
16 that fair?

17 **MR. STEVE KANELLAKOS:** Yes.

18 **MR. TOM CURRY:** And in the -- from the beginning,
19 you -- once you understood, and everyone understood, that this
20 was not a protest of the kind you had seen before, but rather,
21 an occupation, I think you told us that there were never enough
22 resources in the Ottawa Police Service to bring this occupation
23 to a successful completion? Is that true?

24 **MR. STEVE KANELLAKOS:** That's my opinion, yes.

25 **MR. TOM CURRY:** And indeed, you have said
26 previously, I believe, that you needed support, always needed
27 support from other police agencies and police services; correct?

28 **MR. STEVE KANELLAKOS:** Yes.

1 **MR. TOM CURRY:** Now, and just one of the
2 questions that I know came up -- I'll just deal with this very
3 quickly, Bylaw Services. Bylaw Services comes under Kim Ayotte,
4 not the Ottawa Police Service, you told us. Am I correct that
5 there was never going to be any effective solution through Bylaw
6 Services once you saw what you were dealing with here?

7 **MR. STEVE KANELLAKOS:** I think we have 132 Bylaw
8 officers for the entire city. I don't think they could have
9 ended this protest.

10 **MR. TOM CURRY:** And they don't get paid, do they,
11 to engage in fist fights with people with whom they're trying to
12 enforce bylaws, or rolling around in physical confrontations;
13 correct?

14 **MR. STEVE KANELLAKOS:** They get trained in
15 conflict resolution and other skills, but they're not -- they
16 don't have the training a police officer does ---

17 **MR. TOM CURRY:** Right.

18 **MR. STEVE KANELLAKOS:** --- or the equipment.

19 **MR. TOM CURRY:** Every Bylaw officer who was going
20 to go into this area of high conflict was going to have to go in
21 with police escorts; correct?

22 **MR. STEVE KANELLAKOS:** That was my assessment and
23 my team's assessment.

24 **MR. TOM CURRY:** Because there were too few
25 resources, it was not a viable option to rely on Bylaw Services,
26 in your opinion?

27 **MR. STEVE KANELLAKOS:** Yes.

28 **MR. TOM CURRY:** Okay. Now a couple of other

1 things, if I can. There was -- just talking about resources.
2 Am I right that there was some confusion at the level of the
3 province of Ontario as to how many OPP officers had been made
4 available to the Ottawa Police Service? Do you recall that
5 occurring?

6 **MR. STEVE KANELLAKOS:** It was less OPP, it was
7 more RCMP.

8 **MR. TOM CURRY:** Do you recall, though, Minister
9 Jones, ---

10 **MR. STEVE KANELLAKOS:** Yeah.

11 **MR. TOM CURRY:** --- Sylvia Jones, making a
12 statement that there were, I believe, 1,500 OPP officers
13 deployed here?

14 **MR. STEVE KANELLAKOS:** That was inaccurate.

15 **MR. TOM CURRY:** It was inaccurate and indeed
16 there were -- it was a small fraction of 1,500 at that time?

17 **MR. STEVE KANELLAKOS:** It seemed to be
18 accumulative running total of a whole bunch of days. We
19 couldn't figure out where the number came from.

20 **MR. TOM CURRY:** Right. But at that time, the
21 time the Minister made the comment, forget who made the
22 calculation error, it was never accurate; correct?

23 **MR. STEVE KANELLAKOS:** It was not accurate.

24 **MR. TOM CURRY:** Do you recall though that it did
25 create some challenges for the OPS because while that
26 information was in circulation, people felt that, "Well, you've
27 got these resources. What are you doing?"

28 **MR. STEVE KANELLAKOS:** Exactly.

1 **MR. TOM CURRY:** And do you agree that that was --
2 there were never those resources at that time available to the
3 Ottawa Police Service?

4 **MR. STEVE KANELLAKOS:** Not to my knowledge, no.

5 **MR. TOM CURRY:** Okay. One or two quick things,
6 if I may, please, Mr. Kanellakos.

7 You, -- the Commissioner is concerned, among
8 other things, to consider recommendations, how to avoid events
9 of this kind in the future, if that is a view that anyone takes.

10 You had an experience with something -- well let
11 me go back one square.

12 Chief Sloly has described this event as a
13 paradigm shift, a change in the way public protest had
14 previously been understood here.

15 You agree with that?

16 **MR. STEVE KANELLAKOS:** Yes.

17 **MR. TOM CURRY:** And you referred yourself to one
18 previous episode here in Ottawa that had occurred that involved
19 something I believe called a snake march or snake marches?

20 **MR. STEVE KANELLAKOS:** Yes.

21 **MR. TOM CURRY:** And as a consequence of the
22 appearance of that, and I won't take the time to have you
23 explain what that is, but when that occurred, you and the -- as
24 a city manager, learned from that experience and took some steps
25 to address that; correct?

26 **MR. STEVE KANELLAKOS:** Well, the concept there is
27 -- that's correct. The concept there is that protests,
28 strategies and tactics evolve over time, and police tactics

1 sometimes are a step behind, and they have to evolve to catch up
2 with the tactics that protesters are using, and that's what this
3 event was. The tactics and strategies of police had to evolve
4 immediately after we experienced these ---

5 **MR. TOM CURRY:** Right.

6 **MR. STEVE KANELLAKOS:** --- the trucker convoy.

7 **MR. TOM CURRY:** Understood. Did you ever -- can
8 you assist the Commissioner, how many trucks were actually
9 embedded in the geographic areas that you have described?

10 **MR. STEVE KANELLAKOS:** Well, it varied. I mean,
11 the one count when I think it was the second week Ottawa Police
12 went and did a physical count and it was somewhere close to 500
13 trucks.

14 **MR. TOM CURRY:** Now one or two then final things
15 if I may, please. Chief Sloly made a statement I believe
16 February 2nd that there was no policing solution alone to this
17 problem. And by that, did you understand, or do you now
18 understand that to mean that the Ottawa Police Service was never
19 going to be able to provide the solutions on its own, whether
20 with By-law or otherwise?

21 **MR. STEVE KANELLAKOS:** Well, at the time, I
22 didn't understand what the statement meant. We assumed it meant
23 that there'd have to be negotiations with some other level of
24 government, but that was a supposition on our part.

25 **MR. TOM CURRY:** Understood.

26 **MR. STEVE KANELLAKOS:** But even now, I'm not
27 sure. I never discussed that with Chief Sloly.

28 **MR. TOM CURRY:** Okay. Fine. And then in terms

1 of the negotiation that did take place that you explained to the
2 Commissioner, the -- I'll just leave it on this basis. Am I
3 right that you and Chief Sloly didn't have any detailed
4 operational discussions as to where the trucks were going to be
5 moved from the residential areas, where they would end up?

6 **MR. STEVE KANELLAKOS:** Well, there was a meeting
7 with himself, myself, Kim Ayotte, Trish Ferguson and Steve Bell.
8 My recollection is we were talking about Wellington, but it
9 wasn't -- I don't think we got into the specifics of Wellington
10 from the perspective of we had all the logistics worked out.
11 That happen until the 13th where we worked out the logistics. So
12 I could understand if someone left that call, not being clear on
13 where the trucks want to go, but it was discussed.

14 **MR. TOM CURRY:** Understood. And in any event,
15 Superintendent -- Acting Superintendent I think it was Drummond
16 had the operational ---

17 **MR. STEVE KANELLAKOS:** Yes.

18 **MR. TOM CURRY:** --- responsibility on the ground?

19 **MR. STEVE KANELLAKOS:** Yes.

20 **MR. TOM CURRY:** Can I show you one last document
21 if I may, and just to have your identification of it for the
22 Commissioner's assistance later perhaps? OPP00001521, please.
23 And just -- I'll just need you, Mr. Kanellakos, to help us with
24 a thing I -- do you -- did you participate in a call between
25 representatives of the City of Ottawa, the federal government,
26 and the provincial government on 6th of February?

27 **MR. STEVE KANELLAKOS:** Yes.

28 **MR. TOM CURRY:** And I don't know whether you've

1 had a chance to look at these notes, but there -- lots of people
2 were taking notes. These ones appear to have been taken by the
3 provincial representative.

4 **MR. STEVE KANELLAKOS:** Yes.

5 **MR. TOM CURRY:** You see the -- that bullet point
6 describing some comments attributed to you, a concern that local
7 councillors -- that would be City of Ottawa councillors, I
8 presume,

9 "...pointing the finger at the province
10 and federal government to provide
11 assistance [...] Mayor [...] Watson
12 [...] to declare [a state of local --]
13 a local emergency in the City of Ottawa
14 [...] expressed intent of this
15 declaration is to put pressure on the
16 Premier to exercise powers to resolve
17 this."

18 You've described this. And it goes on and I
19 won't have time to take you through it, but you were present at
20 that meeting, and you knew that people were recording whatever
21 everyone was saying was the situation at the time?

22 **MR. STEVE KANELLAKOS:** Well, I didn't know
23 specifically people were recording, but obviously, someone
24 thought that was quite important that they took the time to bold
25 it.

26 **MR. TOM CURRY:** Right. Understood. And that was
27 ultimately the mayor's intention in addressing this matter
28 through the declaration of an emergency was to get the resources

1 that Chief Sloly and others had said were required and that you
2 agree were required.

3 **MR. STEVE KANELLAKOS:** Exactly.

4 **MR. TOM CURRY:** All right. I don't have any
5 other questions for you.

6 **MR. STEVE KANELLAKOS:** Thank you.

7 **MR. TOM CURRY:** Thank you.

8 **COMMISSIONER ROULEAU:** Thank you. Next is either
9 the Organizers or the Ottawa Coalition. Do you want to take
10 another pass? Okay. Okay, well, it's okay. We're all trying
11 to get to the same things here. Okay.

12 **MR. PAUL CHAMP:** For the record, the Organizers
13 owe us all, I think ---

14 **COMMISSIONER ROULEAU:** Okay. Go ahead.

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

16 **MR. PAUL CHAMP:** Good morning, Mr. Kanellakos.
17 My name is Paul Champ. I am the counsel for the Ottawa
18 Coalition of Residents and Businesses, Community Associations
19 and BIAs from downtown.

20 **MR. STEVE KANELLAKOS:** Good afternoon.

21 **MR. PAUL CHAMP:** I'll start off, Mr. Kanellakos,
22 asking you about the information that was known by the City
23 before the protest started. Now you told us that the
24 information the City got, you know, the hotels and so forth, you
25 shared that with the OPS or the Ottawa Police Service, but then
26 the OPS provided you and the City with an assessment that they
27 thought it was only going to be three days or so; correct?

28 **MR. STEVE KANELLAKOS:** That's correct.

1 **MR. PAUL CHAMP:** But there was some information,
2 even in the hands of the City, to suggest that this protest
3 could or would go on for much longer than three days; correct?

4 **MR. STEVE KANELLAKOS:** There was.

5 **MR. PAUL CHAMP:** And but the -- I understand the
6 City police did not view that -- they didn't think that's what
7 was going to happen, but did they tell the City about any
8 contingency plans in the event the protest did go on for longer?

9 **MR. STEVE KANELLAKOS:** I'm not aware of any.

10 **MR. PAUL CHAMP:** Did you have concerns about
11 that? Did you ask for any contingency plans?

12 **MR. STEVE KANELLAKOS:** No.

13 **MR. PAUL CHAMP:** You were aware, Mr. Kanellakos,
14 that you were saying, you know, the numbers vary, and you never
15 quite know about who shows up, but in this particular case, you
16 were aware that a very large number of people were coming from
17 very far away and a large number of trucks. You were aware that
18 those people were coming to Ottawa for several days; correct?

19 **MR. STEVE KANELLAKOS:** The number, as I said,
20 evolved from the start of the week to the actual weekend, so the
21 number was changing on a regular basis as more information was
22 coming in across the country. And Ottawa Police was collating
23 that information and sharing with us. The City of Ottawa has no
24 intelligence capacity to gather that information.

25 **MR. PAUL CHAMP:** Right. So the City of Ottawa
26 just relied essentially completely on the Ottawa Police for
27 their assessment of that?

28 **MR. STEVE KANELLAKOS:** We have to. We don't have

1 the complete intelligence picture available to us from all the
2 other agencies at the federal and provincial level that they do.

3 **MR. PAUL CHAMP:** And unfortunately, we now know
4 that that confidence was misplaced; correct?

5 **MR. STEVE KANELLAKOS:** Well, it went longer
6 obviously, yes.

7 **MR. PAUL CHAMP:** And in terms of the response,
8 you know, allowing the trucks to come downtown, the trucks to
9 park on Wellington Street, you've told us that that was all
10 based on the call of the Ottawa Police? That was their
11 decisions and their decisions alone to make; correct?

12 **MR. STEVE KANELLAKOS:** That's correct.

13 **MR. PAUL CHAMP:** So the City of Ottawa was
14 essentially at the mercy of the Ottawa Police and their
15 decisions on these issues; correct?

16 **MR. STEVE KANELLAKOS:** I wouldn't say we're at
17 the mercy. It's their decision. It's our job to support that
18 decision, and it's, quite frankly, our job to assess when they
19 make that decision if we can fulfil the request that they make
20 of us.

21 **MR. PAUL CHAMP:** Now in terms of protecting the
22 people of Ottawa, that's a responsibility of the City of Ottawa
23 as well as the Ottawa Police?

24 **MR. STEVE KANELLAKOS:** When you say the word
25 protecting, can you be more clear what that means?

26 **MR. PAUL CHAMP:** Well, the safety and security of
27 the people of Ottawa, whatever the threats or cause of those
28 risks may be, whether it's from propane tanks, or open fires, or

1 potential crime, that's protecting the safety and security of
2 the people of Ottawa is responsibility of the Ottawa Police and
3 the City of Ottawa; correct?

4 **MR. STEVE KANELLAKOS:** It's mostly the Ottawa
5 Police, but City of Ottawa obviously has a role in the health
6 and safety of our residents, but it's a much more restricted
7 role compared to police.

8 **MR. PAUL CHAMP:** Now on the decision to allow the
9 trucks -- to have the commercial trucks come in and park, you've
10 told us that there was a legal opinion, the city of -- or the
11 Ottawa Police were telling there's a legal opinion that under
12 the *Charter of Rights and Freedoms*, that these commercial trucks
13 had the right of mobility to come and park anywhere they wanted.
14 Is that right?

15 **MR. STEVE KANELLAKOS:** No, I never referred to a
16 legal opinion. I've never seen a legal opinion or reference to
17 legal opinion. We were advised that Chief Sloly and others in
18 the police made that statement publicly in terms of infringing
19 on people's rights, preventing them from coming in.

20 **MR. PAUL CHAMP:** So they couldn't prevent them
21 from coming in because of the *Charter of Rights*, that's what you
22 were hearing?

23 **MR. STEVE KANELLAKOS:** That's what we heard
24 publicly. That's correct.

25 **MR. PAUL CHAMP:** Yeah.

26 **MR. STEVE KANELLAKOS:** And in internal meetings.

27 **MR. PAUL CHAMP:** Yeah, okay. So you did hear
28 that from internal meetings. And did you ask your own City

1 solicitor to provide you with an opinion on that issue?

2 **MR. STEVE KANELLAKOS:** No.

3 **MR. PAUL CHAMP:** And why was that?

4 **MR. STEVE KANELLAKOS:** Well, first of all, at the
5 time, I didn't realize they had a legal opinion, but the second
6 part of it is that, again, police are responsible to keep public
7 order, and as I said in my previous testimony, they're very
8 experienced at doing it. The first weekend we had no reason to
9 question the intelligence and the strategy and tactics that they
10 were employing to deal with what they believed was going to be
11 an event similar to another event they had in the past with the
12 farmer convoy.

13 **MR. PAUL CHAMP:** Okay. Mr. Kanellakos, I'm not
14 talking about the strategy and tactics, I'm just talking about
15 this first point, about their opinion that the -- they couldn't
16 -- they didn't have legal authority to stop the trucks, perhaps,
17 because of the Charter. You and the -- you did not instruct
18 your City of Ottawa Council to look into that issue; is that
19 right?

20 **MR. STEVE KANELLAKOS:** No.

21 **MR. PAUL CHAMP:** And you had occasion, we've
22 heard evidence, to deal with federal government officials and
23 provincial government officials, including ministers. Did any
24 of them ever express a view about whether the Charter of Rights
25 and Freedoms protects commercial trucks?

26 **MR. STEVE KANELLAKOS:** We didn't have meetings
27 with them until well after the first weekend. Leading up into
28 that weekend, I didn't have any conversations, sir. I don't

1 know any of my team that had conversations on that topic with
2 the federal government.

3 **MR. PAUL CHAMP:** In your evidence, though,
4 Mr. Kanellakos, this morning you were telling us that even by
5 the second weekend, when there was -- you were hopeful that
6 perhaps the police would stop more trucks from coming in the
7 second weekend, but that again they told you that because of the
8 Charter they didn't have the legal authority to stop the trucks
9 from coming in. So by the second weekend that was still your
10 understanding of ---

11 **MR. STEVE KANELLAKOS:** Yes.

12 **MR. PAUL CHAMP:** --- what the police were telling
13 you?

14 **MR. STEVE KANELLAKOS:** Yes.

15 **MR. PAUL CHAMP:** Now, I want to ask you a couple
16 of questions about this event/protest distinction. So events,
17 those are things where there's -- someone's holding a
18 celebration or marking a day or whatnot, and they want to go
19 into a park or a parking lot or some -- it can be a private
20 location, it can be a public location, all these things, if they
21 want to put up tents, if they wanted to have a large number of
22 food served. All of those things they need to get permits from
23 the City; correct?

24 **MR. STEVE KANELLAKOS:** Yes.

25 **MR. PAUL CHAMP:** And we've heard evidence, and we
26 understand that, though, for protests, the City does not require
27 protests, or pardon me, do not require permits because that's an
28 exercise of Charter Rights and Freedoms; correct?

1 **MR. STEVE KANELLAKOS:** Well, we tried to look at
2 -- we tried -- the permit -- one of the benefits of the permit
3 or the purpose of the permit is to understand, even if it's a
4 protest, what the plans are of the protestors so we can mitigate
5 some of those effects in advance with respect to traffic, city
6 services, et cetera, barricades, whatever it happens to be,
7 garbage pickup. And so -- but we can't force a protest group to
8 buy a permit from the city, and if they don't get one there's
9 nothing we do about it.

10 **MR. PAUL CHAMP:** Does the City have -- but if
11 someone puts on an event and they don't get a permit the City
12 will shut them down quite quickly; correct?

13 **MR. STEVE KANELLAKOS:** If they're protesting ---

14 **MR. PAUL CHAMP:** I'm not talking about
15 protesting.

16 **MR. STEVE KANELLAKOS:** On an event, yes.

17 **MR. PAUL CHAMP:** Yeah. Protests versus event.
18 But for an event, you'll shut them down?

19 **MR. STEVE KANELLAKOS:** That's right.

20 **MR. PAUL CHAMP:** On Friday, one of our clients
21 testified, the Director of the Vanier BIA, that they put on
22 events all the time, and they understand very well the types of
23 permits they need, and they also said about the purpose of
24 permits is often about safety. Whether you're putting up a big
25 tent, there has to be adhering requirements and so forth. So
26 it's all about safety, correct, permits?

27 **MR. STEVE KANELLAKOS:** Safety is one of the key
28 considerations, but not the only one.

1 **MR. PAUL CHAMP:** Right. And so the City has in
2 mind some difference between a protest and event?

3 **MR. STEVE KANELLAKOS:** Yes.

4 **MR. PAUL CHAMP:** And -- now, do protests
5 typically have fireworks and tents?

6 **MR. STEVE KANELLAKOS:** Protests?

7 **MR. PAUL CHAMP:** Yeah.

8 **MR. STEVE KANELLAKOS:** No.

9 **MR. PAUL CHAMP:** Or barbeques or hot tubs?

10 **MR. STEVE KANELLAKOS:** No.

11 **MR. PAUL CHAMP:** Or stages and dance parties?

12 **MR. STEVE KANELLAKOS:** No.

13 **MR. PAUL CHAMP:** They sound a bit more like an
14 event, would you agree with me, Mr. Kanellakos, those kinds of
15 things?

16 **MR. STEVE KANELLAKOS:** No, I don't agree with you
17 on that. In the context it was a protest where people were
18 doing things that were illegal. That's not an event in my mind.

19 **MR. PAUL CHAMP:** Okay. I just want to ask you a
20 couple of questions about the impacts, Mr. Kanellakos. It was
21 your view that a lot of these different activities that were
22 going on in Downtown Ottawa were presenting a serious danger and
23 threat in the safety and security of the people of Ottawa;
24 correct?

25 **MR. STEVE KANELLAKOS:** Elements of it, yes.

26 **MR. PAUL CHAMP:** For sure. And we also know that
27 it substantially interfered with a lot of the public services,
28 of garbage pickup; correct?

1 **MR. STEVE KANELLAKOS:** Yes.

2 **MR. PAUL CHAMP:** The firetrucks had difficulty
3 getting downtown?

4 **MR. STEVE KANELLAKOS:** Yes.

5 **MR. PAUL CHAMP:** We heard about one incident with
6 the Chateau Laurier that firetrucks couldn't get to them.
7 You're aware of that event?

8 **MR. STEVE KANELLAKOS:** That's actually not true.

9 **MR. PAUL CHAMP:** It wasn't true?

10 **MR. STEVE KANELLAKOS:** No.

11 **MR. PAUL CHAMP:** Really?

12 **MR. STEVE KANELLAKOS:** No. One firetruck
13 couldn't get it, but there were firetrucks that got there from
14 other routes. We have contingency built in for all our
15 emergency operations. So the fire response actually did arrive.
16 That particular truck that was witnessed couldn't get through.
17 But we don't send firetrucks from just one location, we send it
18 from multiple places.

19 **MR. PAUL CHAMP:** Well, I'm sure the general
20 manager at the Chateau Laurier will find your evidence
21 interesting, Mr. Kanellakos. What about the gas truck
22 underneath the Rideau Centre? That was a serious risk and
23 danger; correct?

24 **MR. STEVE KANELLAKOS:** I can't make -- I don't
25 agree with that assessment.

26 **MR. PAUL CHAMP:** It wasn't a risk or a threat to
27 have ---

28 **MR. STEVE KANELLAKOS:** It was ---

1 **MR. PAUL CHAMP:** --- a truck of fuel in an
2 underground parking lot? That wasn't a threat?

3 **MR. STEVE KANELLAKOS:** You described it as a
4 serious threat. The truck was removed. I don't characterise it
5 in that kind of urgency.

6 **MR. PAUL CHAMP:** Well, you can review the emails
7 yourself, sir. I believe the Rideau Centre did believe it was
8 quite a risk and a threat.

9 **MR. STEVE KANELLAKOS:** I can't speak for the ---

10 **MR. PAUL CHAMP:** Now ---

11 **MR. STEVE KANELLAKOS:** --- Rideau Centre.

12 **MR. PAUL CHAMP:** --- the paramedics sometimes had
13 difficulty getting downtown; correct?

14 **MR. STEVE KANELLAKOS:** That's correct.

15 **MR. PAUL CHAMP:** What about garbage services?
16 They were basically not happening at all in that area; correct?

17 **MR. STEVE KANELLAKOS:** Yes, in some of those
18 areas, that's correct.

19 **MR. PAUL CHAMP:** In the red zone?

20 **MR. STEVE KANELLAKOS:** That's right.

21 **MR. PAUL CHAMP:** What about homecare services?
22 Homecare service was also stopped in the red zone; correct?

23 **MR. STEVE KANELLAKOS:** Well, when you -- could
24 you describe what you mean by homecare services? Because there
25 were other social services that were still being provided.
26 There was an effort made to do that. So could you please
27 clarify?

28 **MR. PAUL CHAMP:** Yeah, people who live in their

1 home who have mobility or other physical disability issues who
2 require homecare services. Those services ---

3 **MR. STEVE KANELLAKOS:** Yeah, there were ---

4 **MR. PAUL CHAMP:** --- were interrupted.

5 **MR. STEVE KANELLAKOS:** There were issues getting
6 services into the neighbourhood, that's correct.

7 **MR. PAUL CHAMP:** Yeah. So some of our most
8 vulnerable and disadvantaged citizens were put at risk; is that
9 right, Mr. Kanellakos?

10 **MR. STEVE KANELLAKOS:** They were.

11 **MR. PAUL CHAMP:** And snow removal was also
12 delayed?

13 **MR. STEVE KANELLAKOS:** Yes, in some areas.

14 **MR. PAUL CHAMP:** Right. And there was also all
15 kinds of large numbers of fake 9-1-1 and 3-1-1 calls; correct?

16 **MR. STEVE KANELLAKOS:** That's correct.

17 **MR. PAUL CHAMP:** That interrupted or interfered
18 with our services in Ottawa?

19 **MR. STEVE KANELLAKOS:** That's correct.

20 **MR. PAUL CHAMP:** The hospitals of Ottawa also
21 reached out to the City of Ottawa about concerns that they were
22 having interference with their services because of emergency
23 calls being jammed, and also about difficulties of their workers
24 even getting into the hospital, also patients having difficulty
25 getting in for critical treatments; is that correct?

26 **MR. STEVE KANELLAKOS:** That's true.

27 **MR. PAUL CHAMP:** Yeah, that's true. Okay.

28 Now, I just want to ask you a bit about your

1 meetings with the organisers. Now, you said to us that you
2 spoke with Mayor Watson to say that the PLT had reached out to
3 you and had suggested this, and Mayor Watson did not have an
4 opinion. Well initially he was reluctant, but ultimately he
5 didn't instruct you one way or the other; is that right?

6 **MR. STEVE KANELLAKOS:** That's correct, yeah.

7 **MR. PAUL CHAMP:** And then you met later that day
8 with Mr. Marazzo, Mr. Wilson, and Ms. Chipuik; correct?

9 **MR. STEVE KANELLAKOS:** Yes.

10 **MR. PAUL CHAMP:** And in that meeting, you told
11 them that if they could do some things for you, you could
12 arrange a meeting with the Mayor; correct?

13 **MR. STEVE KANELLAKOS:** Yes.

14 **MR. PAUL CHAMP:** So it sounds there like
15 Mayor Watson did tell you he was open to those negotiations; is
16 that right?

17 **MR. STEVE KANELLAKOS:** No, Mayor -- no, the
18 conversation that I had with the people that were in that room
19 was that based on an agreement I would try to get a meeting with
20 Mayor Watson. I couldn't commit Mayor Watson until we had an
21 agreement.

22 **MR. PAUL CHAMP:** Okay. Well, I guess we'll hear
23 from the protestors of what their understanding, but you're
24 telling us now, today, is that you did not say you could get a
25 meeting with the Mayor, you said you'd try to get a meeting with
26 the Mayor?

27 **MR. STEVE KANELLAKOS:** I couldn't -- until we
28 worked out the final details ---

1 **MR. PAUL CHAMP:** Right.

2 **MR. STEVE KANELLAKOS:** --- at that meeting, it
3 was way too early to be able to commit Mayor Watson to a
4 meeting.

5 **MR. PAUL CHAMP:** Right. And you referred to
6 Mr. Marazzo as Tom. Did you know Mr. Marazzo before then?

7 **MR. STEVE KANELLAKOS:** No.

8 **MR. PAUL CHAMP:** Okay.

9 **MR. STEVE KANELLAKOS:** First time I met him.

10 **MR. PAUL CHAMP:** And you had -- you've had a
11 number of interactions with him after that; is that right?

12 **MR. STEVE KANELLAKOS:** No, just one other. The
13 night that he was -- I was incorrect. I checked. He was at the
14 meeting on February 13th, the Sunday, when we were discussing
15 the operation to move the trucks, that's the only other time I
16 met him.

17 **MR. PAUL CHAMP:** Right. Now, you also told us
18 that in meetings with federal government officials and also with
19 the provincial solicitor general, there were concerns raised
20 about the Ottawa Police Operational plans; correct?

21 **MR. STEVE KANELLAKOS:** Yes.

22 **MR. PAUL CHAMP:** They felt it wasn't fully
23 fleshed out, and so on and so forth?

24 **MR. STEVE KANELLAKOS:** Yes.

25 **MR. PAUL CHAMP:** Now -- and you shared that with
26 Mayor Watson?

27 **MR. STEVE KANELLAKOS:** Yes.

28 **MR. PAUL CHAMP:** He was in on some of the

1 meetings I believe?

2 **MR. STEVE KANELLAKOS:** Yes.

3 **MR. PAUL CHAMP:** Yeah. Did you share that
4 information with the Chair of the Ottawa Police Services Board?

5 **MR. STEVE KANELLAKOS:** I don't recall.

6 **MR. PAUL CHAMP:** Why not, sir?

7 **MR. STEVE KANELLAKOS:** It's not my role to talk
8 to the Police Services Board Chair about what's happening in
9 policing.

10 **MR. PAUL CHAMP:** So if you're hearing that
11 there's a serious concern -- and so just to take one step back.
12 Your understanding from those federal and provincial officials
13 is that one of the reasons why there was a delay in the
14 deployment of the RCMP and the OPP was because there were
15 concerns with the OPS plans; correct?

16 **MR. STEVE KANELLAKOS:** They were concerned about
17 the readiness of the plan, is the way it was characterised.

18 **MR. PAUL CHAMP:** Right. And that was delaying
19 their deployment of their ---

20 **MR. STEVE KANELLAKOS:** That's what they said,
21 yes.

22 **MR. PAUL CHAMP:** And you've told us before that
23 those additional resources were essential to bringing this
24 occupation to an end; correct?

25 **MR. STEVE KANELLAKOS:** Yes.

26 **MR. PAUL CHAMP:** And -- so again, sir, why didn't
27 you share that information with the Ottawa Police Services
28 Board?

1 **MR. STEVE KANELLAKOS:** The Ottawa Police Services
2 Board doesn't have a role in that operational aspect, so I -- to
3 tell you the truth, I didn't see a need to share that with
4 Councillor Deans or Chair Deans at the time.

5 **MR. PAUL CHAMP:** You didn't think it was
6 important for the Police Services Board to be aware that other
7 police services were telling you and the Mayor that there were
8 concerns with the Operational plans of the police?

9 **MR. STEVE KANELLAKOS:** Ottawa Police was aware of
10 that. The actual police officers were aware of that, the senior
11 command.

12 **MR. PAUL CHAMP:** Okay. With respect to Ontario,
13 I think you suggest to us that it seemed to be that there was a
14 high level of indifference to the City of Ottawa's plight from
15 Provincial Government officials? Is that fair?

16 **MR. STEVE KANELLAKOS:** I wouldn't say it's
17 indifference. I think they were trying to be clear that this
18 was a police matter, and as a Solicitor General, I think she
19 believed it wasn't her role to go further than that.

20 **MR. PAUL CHAMP:** The -- you told us about, in
21 terms of the meetings with the organizers, you later had some
22 interactions with Dean French; correct?

23 **MR. STEVE KANELLAKOS:** Yes.

24 **MR. PAUL CHAMP:** And Mr. French, in your
25 interactions with him, was it your understanding that he was
26 aligned with the protestors? That he was representing the
27 protestors?

28 **MR. STEVE KANELLAKOS:** Yes.

1 **MR. PAUL CHAMP:** And Mr. French was the recent
2 former Chief of Staff to Premier Ford? Is that right?

3 **MR. STEVE KANELLAKOS:** I was aware of that, yes.

4 **MR. PAUL CHAMP:** So Mr. French was representing
5 and was sympathetic to the protestors?

6 **MR. STEVE KANELLAKOS:** I can't judge whether he
7 was sympathetic, but he certainly was taking a position that he
8 was a facilitator between the protestors and us.

9 **MR. PAUL CHAMP:** I think we'll hear some evidence
10 later that he thought they were patriots.

11 But I'm just wondering if you ever had a sense
12 that perhaps Premier Ford had some sympathy for these protestors
13 and that was the reason why they weren't cooperating?

14 **MR. STEVE KANELLAKOS:** I never spoke to Premier
15 Ford.

16 **MR. PAUL CHAMP:** No, but you did give us evidence
17 earlier, Mr. Kanellakos, that you had some sense that Deputy
18 Ministers at the provincial level weren't interacting with you
19 or providing all the assistance they perhaps could, perhaps
20 because of direction from their political masters; correct?

21 **MR. STEVE KANELLAKOS:** Perhaps, but that's
22 speculation.

23 **MR. PAUL CHAMP:** Right. And just the last
24 question or last narrow area, just on the injunction. So the
25 Ottawa Police on January 30th, Chief Sloly said that he would
26 like the City of Ottawa to pursue an injunction; correct?

27 **MR. STEVE KANELLAKOS:** Yes.

28 **MR. PAUL CHAMP:** And -- but you felt that -- or

1 not felt. It was your understanding the Ottawa Police was not
2 providing sufficient information to your solicitors? Is that
3 right?

4 **MR. STEVE KANELLAKOS:** Yes. According to my
5 solicitors.

6 **MR. PAUL CHAMP:** And you gave instructions to
7 your solicitors though to proceed with an injunction at some
8 point?

9 **MR. STEVE KANELLAKOS:** To proceed with
10 discussions with Ottawa Police to seek an injunction, to prepare
11 one.

12 **MR. PAUL CHAMP:** Right. And in terms of the Li
13 injunction, the Zexi Li injunction, were you aware that the City
14 of Ottawa Police, the Ottawa Police, were cooperating with Ms.
15 Li's counsel in framing the injunction order and assisting with
16 that process?

17 **MR. STEVE KANELLAKOS:** I was not aware of that,
18 no. At the time, no.

19 **MR. PAUL CHAMP:** So you don't know why the Ottawa
20 Police would be cooperating with Ms. Li, but as you say now, not
21 providing information ---

22 **MR. STEVE KANELLAKOS:** I was not aware of that
23 information.

24 **MR. PAUL CHAMP:** Okay. And were you aware that
25 Ms. Li was also reaching out to the City of Ottawa for
26 assistance in their injunction? Were you aware of that?

27 **MR. STEVE KANELLAKOS:** At that time, I was not
28 aware of that.

1 **MR. PAUL CHAMP:** So during -- when you say not at
2 that time, not during the ---

3 **MR. STEVE KANELLAKOS:** I've been advised just
4 recently, this weekend, in preparation for this hearing, but I
5 was not aware at the time when it was happening.

6 **MR. PAUL CHAMP:** So you didn't give instructions
7 to City of Ottawa counsel, Mr. White and others, not to provide
8 information or assist Ms. Li in her ---

9 **MR. STEVE KANELLAKOS:** I wasn't aware that that
10 advice was sought, or cooperation was sought.

11 **MR. PAUL CHAMP:** Okay. Thank -- oh, thank you,
12 Mr. Kanellakos.

13 **MR. STEVE KANELLAKOS:** Thank you.

14 **COMMISSIONER ROULEAU:** Thank you.

15 We have just sort of five minutes before lunch.
16 Can I ask for the Democracy Fund maybe to go ahead, since
17 they're a five-minute examiner, and we'll then take the lunch
18 break? I'm sure Mr. Kanellakos needs a little time. And we've
19 almost an hour of cross left. So go ahead.

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

21 **MR. ROB KITTREDGE:** Good morning, Mr. Kanellakos.
22 My name is Rob Kittredge and I'm counsel for the Justice Centre
23 for Constitutional Freedoms, and I just have a couple of
24 questions for you, and I want to start my stop watch, because I
25 have a very limited amount of time granted to me here.

26 I understand that approximately 34 vehicles were
27 towed in the zone between January 28th and February 14th and some
28 limited amount of towing took place outside of the zone during

1 the same period. Does that sound about right to you?

2 **MR. STEVE KANELLAKOS:** It sounds right, yeah.

3 **MR. ROB KITTREDGE:** All right. To your
4 knowledge, none of those tow trucks were damaged by protestors?
5 Is that correct?

6 **MR. STEVE KANELLAKOS:** I'm not aware of any
7 damage, but I believe they were light vehicles that were being
8 towed.

9 **MR. ROB KITTREDGE:** Sure. To your knowledge,
10 none of the tow truck operators were assaulted by protestors?
11 Is that correct?

12 **MR. STEVE KANELLAKOS:** I'm not aware of any, no.

13 **MR. ROB KITTREDGE:** All right. Some parking
14 tickets were issued to illegally parked protest vehicles during
15 the same time period. To your knowledge, none of the Bylaw
16 Enforcement or police officers issuing these tickets were
17 assaulted by protestors; were they?

18 **MR. STEVE KANELLAKOS:** I think there was one
19 incident where they were -- they were -- what's the word --
20 surrounded, but I'm not aware of any other incidents. That's
21 better put to the police. I wasn't there.

22 **MR. ROB KITTREDGE:** They were simply surrounded
23 and not assaulted?

24 **MR. STEVE KANELLAKOS:** I don't know the details.

25 **MR. ROB KITTREDGE:** Okay. You're not personally
26 aware of that ---

27 **MR. STEVE KANELLAKOS:** No.

28 **MR. ROB KITTREDGE:** --- incident? All right.

1 You mentioned earlier that you felt that ticketing alone would
2 not get rid of all the vehicles, that if all the ticketed
3 vehicle owners simply didn't care about tickets and no towing
4 was taking place, then no trucks would move? Do you remember
5 saying that?

6 **MR. STEVE KANELLAKOS:** Yes.

7 **MR. ROB KITTREDGE:** While I'll grant you that
8 ticketing alone might not have moved every single one of the
9 illegally parked vehicles, did it ever occur to you that
10 mounting ticket costs might have motivated at least some of the
11 owners of illegally parked vehicles to voluntarily move?

12 **MR. STEVE KANELLAKOS:** That's a possibility, but
13 you wouldn't move everybody.

14 **MR. ROB KITTREDGE:** Sure. And the knowledge that
15 tickets had been issued to illegally parked vehicles on a daily
16 or even hourly basis might have kept some vehicles from
17 travelling to Ottawa to join the protests? Wouldn't you agree?

18 **MR. STEVE KANELLAKOS:** That's speculation. I'm
19 not speculating on that.

20 **MR. ROB KITTREDGE:** Fair enough. Regarding
21 ticketing and towing outside of the red zone, you mentioned that
22 the City was concerned that they would get the wrong people, and
23 I understood that to mean that there was a concern that Ottawa
24 residents might be booted in and ticketed and towed along with
25 the protest vehicles?

26 **MR. STEVE KANELLAKOS:** That was a consideration,
27 yes.

28 **MR. ROB KITTREDGE:** And wouldn't the City have

1 had authority to tow illegally parked -- to ticket and tow
2 illegally parked vehicles whether they were part of the protests
3 or not?

4 **MR. STEVE KANELLAKOS:** Well we don't normally tow
5 illegally parked vehicles on city streets. I mean, it's --
6 there's a certain set of circumstances when a vehicle will be
7 towed. So no.

8 **MR. ROB KITTREDGE:** But I mean under these
9 circumstances, where the City was being ---

10 **MR. STEVE KANELLAKOS:** Well it depends where the
11 vehicles were. If we're talking the ByWard Market, there was
12 still a mix of vehicles, protest vehicles and resident vehicles
13 in the ByWard Market, based on the nature of how many people
14 live in that area. So you can't differentiate easily whose is
15 whose.

16 **MR. ROB KITTREDGE:** But the City would have had
17 the authority to ticket and tow vehicles regardless of whether
18 they were involved in the protests or not? Is that correct?

19 **MR. STEVE KANELLAKOS:** We have the authority to
20 ticket and tow, yes.

21 **MR. ROB KITTREDGE:** All right. Thank you. You
22 indicated that the City has a number of what you called standing
23 offer towing contractors, but that they were all unwilling to
24 tow protest vehicles. Do you remember saying that?

25 **MR. STEVE KANELLAKOS:** That's correct.

26 **MR. ROB KITTREDGE:** Did the City try and
27 negotiate with these standing offer towing contractors?

28 **MR. STEVE KANELLAKOS:** I don't know the extent of

1 the discussion. I just know that I had asked that they all be
2 called and asked. So those phone calls were made. What
3 transpired on -- I don't operate at that level. But what
4 transpired in individual discussions with tow truck operators, I
5 don't know.

6 **MR. ROB KITTREDGE:** So you instructed your people
7 to call the tow truck operators and simply ask if they would
8 help ---

9 **MR. STEVE KANELLAKOS:** That's right.

10 **MR. ROB KITTREDGE:** --- tow trucks?

11 **MR. STEVE KANELLAKOS:** That they be made
12 available.

13 **MR. ROB KITTREDGE:** Did you instruct your people
14 to offer to cover any damage to the standing offer contractor's
15 towing vehicles.

16 **MR. STEVE KANELLAKOS:** I didn't instruct that
17 specifically, no.

18 **MR. ROB KITTREDGE:** Did you instruct your people
19 to make any offers to increase compensation to standing offer
20 towing contractors once it became clear that they weren't
21 willing to help?

22 **MR. STEVE KANELLAKOS:** I didn't give specific
23 directions to that level. That's not the level I operate in.

24 **MR. ROB KITTREDGE:** Sure. But don't you think it
25 might have made a difference to increase compensation to tow
26 truck ---

27 **MR. STEVE KANELLAKOS:** Well, based on the reasons
28 I outlined why they didn't want to do it, that they were telling

1 us, I don't know. Again, that's speculation.

2 **MR. ROB KITTREDGE:** As I recall, you mentioned
3 that they were concerned about damage to their trucks, they were
4 concerned about their safety, they were concerned about -- and
5 some of them were sympathetic to the protestors, ---

6 **MR. STEVE KANELLAKOS:** Yes.

7 **MR. ROB KITTREDGE:** --- essentially. Is that ---

8 **MR. STEVE KANELLAKOS:** Yeah.

9 **MR. ROB KITTREDGE:** --- a fair characterization?

10 **MR. STEVE KANELLAKOS:** Well there were four
11 areas. Yes.

12 **MR. ROB KITTREDGE:** So if they're concerned about
13 damage to their trucks, I would think that offering to
14 compensate them for damage ---

15 **MR. STEVE KANELLAKOS:** Even if you -- well, maybe
16 so, but I would argue that -- and I shouldn't say that -- I
17 would submit in my own opinion that maybe damage to a truck,
18 even though they're compensated, still isn't worth the damage to
19 your truck. They're very expensive trucks. And then you start
20 getting into whole other situations about the compensation for
21 that.

22 So they had their own reasons, and I don't know
23 if our people offered them anything else outside of the standing
24 offer contract. I didn't instruct that. I just instructed to
25 try and get tow trucks retained and make them available for us.

26 **MR. ROB KITTREDGE:** All right. Well we just
27 tipped over my five minutes. So thank you very much. Those are
28 my questions.

1 **COMMISSIONER ROULEAU:** Okay. Well we're a few
2 seconds away from 1:00 o'clock. So what I'd suggest is we'll
3 take the lunch break. Everybody, I think, needs a little time.
4 So we'll come back at 2:00 o'clock. Thank you.

5 **THE REGISTRAR:** The Commission is in recess for
6 one hour. La Commission est levée pour une heure.

7 --- Upon recessing at 1:00 p.m.

8 --- Upon resuming at 2:00 p.m.

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

11 **STEVE KANELLAKOS, Resumed:**

12 **COMMISSIONER ROULEAU:** Okay. Good afternoon, bon
13 après-midi.

14 This is just a reminder that there's no recording
15 allowed in the room. Il n'y a pas d'enregistrement qui est
16 permis. It is all live-streamed, so it's available to everyone,
17 but it's -- I mentioned it last week and I mention it again, and
18 if there's failure to cooperate, I'm afraid we're going to have
19 to exclude people who are not cooperating. So just a reminder,
20 please, no recording of the proceedings in the room.

21 Okay. So with that brief comment, is the Convoy
22 Organizers, are you -- is this a convenient time? Okay. Well,
23 let's see the product.

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

25 **MR. BRENDAN MILLER:** All right. Good afternoon.
26 My name is Brendan Miller. I'm counsel for Freedom Corp., which
27 is a entity that represents the protesters that attended in
28 Ottawa in January and February of 2022. Thank you for coming

1 here today, sir.

2 Sir, I just want to begin dealing with the issue
3 with respect to the agreement that then went awry on February
4 14th and 15th and 16th; okay? So I first want to put to you a
5 statement from one of your colleagues, Mr. Arpin, and I want to
6 ask you if that is an accurate understanding of what he said.
7 And I'm doing this to be fair to you because he's testifying
8 next; right? So as I understand it, this is Mr. Arpin's
9 evidence on that point, is that,

10 "On February 12th, 2022, an agreement
11 was reached with the protesters who
12 promised to remove 75 percent of the
13 trucks in residential areas. Mr. Arpin
14 had several conversations with Mr.
15 French, including an in-person meeting
16 to finalize the details of the
17 agreement. Mr. Arpin spoke only with
18 Mr. French and held no discussions with
19 protestors. The mayor did not take
20 part in the discussions between Mr.
21 French and Mr. Arpin. Per the
22 agreement, some vehicles would be
23 relocated to Wellington Street. The
24 City's understanding was that some
25 protesters wanted to leave entirely,
26 and the others would relocate to sites
27 outside the city (for instance,
28 Vankleek Hill). According to the City,

1 it was understood that the agreement
2 was not a permanent solution, but it
3 was nevertheless considered a short-
4 term victory for residents overwhelmed
5 by the protest.

6 On February 13th, 2022, some senior
7 members of the Ottawa Police Service,
8 including Chief Peter Sloly, the Deputy
9 Chief Steve Bell and Superintendent Rob
10 Drummond were advised of the content of
11 the agreement. They shared no concern
12 about the plan. Furthermore, during
13 the meeting with some senior OPS
14 members, they stated that the agreement
15 could ease tensions with the protesters
16 and increase the police's capacity to
17 respond since they would have a smaller
18 footprint to manage. Also, it was Mr.
19 Arpin's understanding that the
20 Superintendent Drummond took part in a
21 meeting where he was involved in
22 elaborating the plan's details with Mr.
23 K..." (As read)

24 And I'll call you that. I'll butcher pronouncing
25 it.

26 "...a meeting in which Mr. Arpin was
27 not involved. According to Mr. Arpin,
28 there was no doubt that Deputy Chief

1 Bell and Superintendent Drummond were
2 aware that a number of vehicles would
3 be added to Wellington Street. Chief
4 Sloly was advised of the agreement
5 during a meeting, whose attendees
6 included Kim Ayotte, General Manager of
7 the City's Emergency and Protective
8 Services and Mr. K. He also received
9 by email a copy of the letter from
10 Mayor Watson to the convoy organizers
11 confirming the agreement. The
12 agreement was announced to council
13 members that day.

14 On February 14th, 2022, the protesters
15 began moving the trucks with the
16 support of OPS. In the afternoon,
17 according to information provided to
18 Mr. Arpin and for reasons unknown to
19 him, the OPS ended the operation. It
20 was his understanding that
21 approximately 102 vehicles (roughly 25
22 percent of the vehicles) had been moved
23 in the meantime, including
24 approximately 40 heavy trucks." (As
25 read)

26 Is that correct?

27 **MR. STEVE KANELLAKOS:** May I ask what you're
28 reading from because I missed that part at the beginning if you

1 said ---

2 **MR. BRENDAN MILLER:** Yes.

3 **MR. STEVE KANELLAKOS:** --- and my apologies.

4 **MR. BRENDAN MILLER:** It's your colleague, Mr.
5 Arpin's statement.

6 **MR. STEVE KANELLAKOS:** Oh, his statement.

7 **MR. BRENDAN MILLER:** That's what he said
8 happened.

9 **MS. ANNE TARDIF:** Sorry, I think we might have to
10 take this fact by fact. That was a fairly long read to ask
11 whether the witness agrees with whether that entirety of a
12 description is correct.

13 **MR. BRENDAN MILLER:** Sure.

14 **MS. ANNE TARDIF:** In addition to that, Mr.
15 Commissioner, I just point out that Mr. Miller is seeking to ask
16 a question about a statement of a witness who hasn't testified
17 yet and leave needs to be sought to question on that statement.

18 **MR. BRENDAN MILLER:** I'm not going to question
19 you about it. I just wanted to know whether or not it's
20 accurate. I have to put it to you in order to make sure that
21 I'm fair to you. And so I can break it down.

22 **COMMISSIONER ROULEAU:** Well, I think that comes
23 pretty close to questioning ---

24 **MR. BRENDAN MILLER:** Yeah.

25 **COMMISSIONER ROULEAU:** --- on it. You're asking
26 him to confirm that ---

27 **MR. BRENDAN MILLER:** Right.

28 **COMMISSIONER ROULEAU:** --- information. So

1 perhaps we can go at it in a different way, and you can put to
2 him questions about certain facts and does he agree with that
3 and go at it one ---

4 **MR. BRENDAN MILLER:** Okay.

5 **COMMISSIONER ROULEAU:** --- sort of block at a
6 time without reference to the memo, because in the end, he can't
7 confirm what ---

8 **MR. BRENDAN MILLER:** Right.

9 **COMMISSIONER ROULEAU:** --- Mr. Arpin said or
10 didn't say and he'll be up, if all goes well, pretty soon.

11 **MR. BRENDAN MILLER:** Right. So, Mr. K., on
12 February 12th, 2022, there was an agreement reached with the
13 protesters; is that correct?

14 **MR. STEVE KANELLAKOS:** That's correct.

15 **MR. BRENDAN MILLER:** And that agreement -- in
16 that agreement, they promised to move 75 percent of the trucks
17 from the residential areas?

18 **MR. STEVE KANELLAKOS:** I don't recall the
19 specific 75 percent of the trucks, but -- so I can't confirm
20 that.

21 **MR. BRENDAN MILLER:** Okay. And per the
22 agreement, some of the vehicles were to be relocated to
23 Wellington Street; is that correct?

24 **MR. STEVE KANELLAKOS:** That's correct.

25 **MR. BRENDAN MILLER:** And it was your
26 understanding that some of the protesters wanted to leave
27 entirely as well?

28 **MR. STEVE KANELLAKOS:** That's correct.

1 **MR. BRENDAN MILLER:** And it was your
2 understanding that others were going to relocate to sites
3 outside the City?

4 **MR. STEVE KANELLAKOS:** That's what we were told.

5 **MR. BRENDAN MILLER:** Yeah. And according to the
6 City, it understood the agreement was not a permanent solution?

7 **MR. STEVE KANELLAKOS:** That's correct.

8 **MR. BRENDAN MILLER:** But the City, nevertheless,
9 considered a short-term victory for residents overwhelmed by
10 protests.

11 **MR. STEVE KANELLAKOS:** Yes.

12 **MR. BRENDAN MILLER:** Right. And so on February
13 13th, 2022, there was a meeting between members of the Ottawa
14 Police Service including Chief Peter Sloly, Deputy Chief Bell,
15 and Superintendent Rod Drummond, and they were advised of the
16 content of the agreement. Are you aware of that?

17 **MR. STEVE KANELLAKOS:** I'm not sure that
18 Superintendent Drummond was on that call because he didn't get
19 assigned until after 3:30 that day when I emailed Chief Sloly
20 asking for a representative from police. I believe who was on
21 the call was Acting Deputy Chief Trish Ferguson, Deputy Chief,
22 then Deputy Chief Bell, Chief Sloly, myself, and Kim Ayotte.

23 **MR. BRENDAN MILLER:** Is it fair to say that none
24 of the Ontario Police Service members on the call shared
25 concerns about the plan?

26 **MR. STEVE KANELLAKOS:** Chief Slowly did share
27 some concerns about the plan from an operational capacity to be
28 able to effect the plan, ---

1 **MR. BRENDAN MILLER:** Okay.

2 **MR. STEVE KANELLAKOS:** --- as I stated earlier.

3 **MR. BRENDAN MILLER:** But they did say to -- the
4 OPS members that were present did state that the agreement could
5 ease tensions, is that right?

6 **MR. STEVE KANELLAKOS:** Yes.

7 **MR. BRENDAN MILLER:** And by carrying out the
8 agreement, it could also increase the police capacity to
9 respond.

10 **MR. STEVE KANELLAKOS:** Yes.

11 **MR. BRENDAN MILLER:** So is there any doubt at all
12 that Deputy Chief Bell knew about this agreement?

13 **MR. STEVE KANELLAKOS:** Oh, he knew about the
14 agreement.

15 **MR. BRENDAN MILLER:** And even though he may not
16 have been there, Superintendent Drummond eventually found out
17 about the agreement that day, is that fair?

18 **MR. STEVE KANELLAKOS:** He would have been briefed
19 up, I would assume, after he was assigned or before he was
20 assigned, yes.

21 **MR. BRENDAN MILLER:** Right. And Superintendent
22 Drummond never raised any concern with you with respect to that
23 agreement?

24 **MR. STEVE KANELLAKOS:** No.

25 **MR. BRENDAN MILLER:** So it's true that on
26 February 14th, 2022, the protesters began to move the trucks with
27 the support of OPS, is that right?

28 **MR. STEVE KANELLAKOS:** They did; that Monday

1 morning they started, yes.

2 **MR. BRENDAN MILLER:** Right. And is it not true
3 that it was OPS that ended the operation?

4 **MR. STEVE KANELLAKOS:** Yes.

5 **MR. BRENDAN MILLER:** Right. So it was not the
6 protesters or the truckers who didn't follow through with the
7 deal. They were stopped by OPS from following through with it;
8 isn't that correct?

9 **MR. STEVE KANELLAKOS:** Well, not exactly. There
10 were two aspects to it. There were also people parked in the
11 street who were refusing to move their vehicles. So they didn't
12 -- they weren't accepting the deal as part of the deal and
13 Ottawa Police eventually stopped it, and that's a question for
14 them. But there were people who refused to participate in the
15 deal on the street.

16 **MR. BRENDAN MILLER:** Right. And so wasn't there
17 approximately 102 vehicles moved, roughly 25 percent and they
18 had moved in the meantime approximately 40 heavy trucks; is that
19 not correct?

20 **MR. STEVE KANELLAKOS:** Well, as I said earlier,
21 that number is in dispute. I had heard 40 trucks and possibly
22 up to 100 total vehicles, but I don't think that represents 25
23 percent of all the vehicles because the heavy trucks might have
24 been about 500. The numbers were not nailed down, and even that
25 day on how many were moved, we couldn't get an accurate count.

26 **MR. BRENDAN MILLER:** Okay. So you did have
27 dealings with Mr. Keith Wilson throughout these negotiations; is
28 that fair?

1 **MR. STEVE KANELLAKOS:** Yes.

2 **MR. BRENDAN MILLER:** All right. And that
3 included both texts and phone calls?

4 **MR. STEVE KANELLAKOS:** Yes.

5 **MR. BRENDAN MILLER:** All right.

6 So if we can bring up Document HRF0001333,
7 please? And can you scroll down? Just down to the text
8 messages, to the first -- to the beginning. Right there.
9 Scroll back up. Page 2, please. Just right at the top.

10 Okay. So Mr. K, is that a set of text messages
11 between you and Mr. Wilson?

12 **MR. STEVE KANELLAKOS:** Yes.

13 **MR. BRENDAN MILLER:** All right. So Mr. Wilson
14 there, he's in blue and you're in grey; is that fair?

15 **MR. STEVE KANELLAKOS:** I'm in -- oh yeah, I'm in
16 grey, that's right.

17 **MR. BRENDAN MILLER:** Right.

18 **MR. STEVE KANELLAKOS:** That's fine.

19 **MR. BRENDAN MILLER:** Yeah, no. So there you
20 state, or Keith, Mr. Wilson states to you:

21 "Trucker logistics delegation of 5
22 persons will be arriving for a 5:30 pm
23 meeting at [the] city hall. Please
24 confirm receipt. Thank you. Keith
25 here"

26 And you confirmed it. And you said:

27 "Call me when they arrive and tell me
28 what city hall entrance they are at and

1 I will come and get them. Thank you
2 Keith. Steve K"

3 Right?

4 **MR. STEVE KANELLAKOS:** Yeah.

5 **MR. BRENDAN MILLER:** So you guys met.

6 And if we could scroll down? And that was on
7 February 13th.

8 And he says:

9 "Will do. I have given Eva and Tom
10 [being Eva Chipiac (phonetic) and Tom
11 Marazzo] your cell number"

12 You said, "Perfect".

13 There was then some issues, as I understand, a
14 misunderstanding on social media, and you had an exchange about
15 that.

16 **MR. STEVE KANELLAKOS:** Yes.

17 **MR. BRENDAN MILLER:** And that's that exchange.
18 If you can scroll down, Ma'am?

19 And Mr. Wilson got that fixed.

20 **MR. STEVE KANELLAKOS:** Yes.

21 **MR. BRENDAN MILLER:** Right. And Mr. Wilson then
22 let you know, if we can just scroll down -- I think the whole
23 thing's there too. On February 14th at 10:13 a.m.:

24 "FYI. Trucks are ready to [be] move[d]
25 but are being blocked by police."

26 And you responded:

27 "I'm fixing that We are allowing 10
28 trucks now as a sign of good faith"

1 And he responds:

2 "Thanks. Eva is heading to Chris B
3 [being Chris Barber] to be on the
4 ground there."

5 And you said, "Okay, good." Then he stated:

6 "FYI. Tamara Lich...former Premier
7 Peckford plan to hold a press
8 conference..."

9 If you could scroll down:

10 "...at 3 pm today. The sole and
11 exclusive Focus will be on the federal
12 governments [*sic*] announcement of the
13 invocation of the emergencies act. No
14 other topics will be discussed. No
15 comments will be made about the
16 arrangement with the city to relocate
17 the trucks [to] D escalate pressure on
18 [the] residences [*sic*]"

19 And you say:

20 "Thank you. This is very good to know.
21 Appreciate the heads up"

22 And then the next day, he asks whether -- telling
23 you:

24 "The truckers want to move 40 plus
25 trucks tomorrow starting in the
26 morning. They have...room on
27 Wellington to fit [it]. That would
28 just about clear out almost all...the

1 residential areas."

2 And you then advise him that you're having some
3 issues -- if you can scroll down -- with the Parliamentary
4 Protection Services. And the new interim Chief is engaged, and
5 you'll know more tomorrow morning and will share that with you.

6 You then -- after that, on February 16th, as I
7 understand it, you ask him if he's available for a call, and you
8 have a phone conversation with Mr. Wilson. Isn't that correct?

9 **MR. STEVE KANELLAKOS:** According to this, yes. I
10 don't recall it but yes.

11 **MR. BRENDAN MILLER:** Yes. And in that phone
12 conversation, as I understand, you apologized that the deal fell
13 apart because of some issues arising with the Parliamentary
14 Security Services, and that it was not the protesters' fault.
15 Isn't that correct?

16 **MR. STEVE KANELLAKOS:** I don't recall saying that
17 specifically because I don't have a record of it, but I remember
18 we did have a conversation of that I was disappointed we
19 couldn't move more trucks out of the neighbourhood.

20 **MR. BRENDAN MILLER:** Right. And it's fair to say
21 that at all times through all of this, Mr. Wilson was engaged
22 with you, and he acted in good faith with you, in your mind?

23 **MR. STEVE KANELLAKOS:** He did.

24 **MR. BRENDAN MILLER:** And he did everything he
25 could in his power in order to move these trucks?

26 **MR. STEVE KANELLAKOS:** He did.

27 **MR. BRENDAN MILLER:** Right. And these
28 individuals tried to move their trucks under the agreement onto

1 Wellington, and it was the OPS who didn't allow it.

2 **MR. STEVE KANELLAKOS:** Well, I don't know if it
3 was the OPS or PPS, I'm not sure how that worked ultimately but
4 events had overtaken that day. As you know, by that time Chief
5 Sloly had resigned, and I was made aware that Ottawa Police and
6 the other police service were getting ready to move into
7 tactical operations. So at that point, I think that was
8 probably the greater reason why they stopped moving trucks up on
9 Wellington Street.

10 **MR. BRENDAN MILLER:** Okay. So I want to kind of
11 take you to another point and there's a lot of folks watching
12 this. Part of these commissions is to get a better
13 understanding for the general public, and so I want to kind of
14 use your very unique background to do that.

15 I understand just from looking at your background
16 that you have an extensive amount of experience in policing, as
17 well as in municipal governments -- governance and general
18 public governance generally, isn't that right?

19 **MR. STEVE KANELLAKOS:** Yes.

20 **MR. BRENDAN MILLER:** All right. So you attended
21 and graduated with both an undergraduate and a Master's degree
22 from Carleton University?

23 **MR. STEVE KANELLAKOS:** Yes.

24 **MR. BRENDAN MILLER:** And you graduated with your
25 Bachelor's degree in Public Administration in 1982?

26 **MR. STEVE KANELLAKOS:** Yes.

27 **MR. BRENDAN MILLER:** You then graduated with your
28 Master's in Public Administration from Carleton university in

1 1985?

2 **MR. STEVE KANELLAKOS:** Yes.

3 **MR. BRENDAN MILLER:** And what I would like you to
4 do, in your own words, because a Master of Public Administration
5 is actually a very important program. Can you explain for the
6 folks at home and people here about what those programs are
7 about, in your own words?

8 **MR. STEVE KANELLAKOS:** Like generally ---

9 **MR. BRENDAN MILLER:** Yeah.

10 **MR. STEVE KANELLAKOS:** --- what the programs are
11 about?

12 **MR. BRENDAN MILLER:** Yes. Those degrees. The
13 Public Administration.

14 **MR. STEVE KANELLAKOS:** I would say, in a succinct
15 manner, that the Public Administration Program is about
16 understanding good governance and what the role of a public
17 servant is in working within the government structure.

18 **MR. BRENDAN MILLER:** Right. And it's fair to say
19 that a Masters of Public Administration is one of the primary
20 degrees for such positions as Deputy Ministers, Clerks of the
21 Privy Council, et cetera, and is quite common for individuals
22 who hold office like that?

23 **MR. STEVE KANELLAKOS:** Yes, it seems to be
24 common. Yes.

25 **MR. BRENDAN MILLER:** Yeah. And between 1985 and
26 1989, what did you do for employment?

27 **MR. STEVE KANELLAKOS:** Which years?

28 **MR. BRENDAN MILLER:** Just after you graduated

1 from ---

2 **MR. STEVE KANELLAKOS:** I was at Gloucester
3 Police, which was pre-amalgamation policing. There were three
4 police services in the area.

5 **MR. BRENDAN MILLER:** Okay. And that's the
6 Gloucester Police Service. And you were there as the Director?
7 Is that correct?

8 **MR. STEVE KANELLAKOS:** Yes. When I left, yes.
9 Well, when we amalgamated, yes.

10 **MR. BRENDAN MILLER:** Yeah. And the amalgamation
11 between that police service and with Ottawa and Nepean, that
12 occurred in 1994? Is that fair?

13 **MR. STEVE KANELLAKOS:** It went into affect
14 January 1st, 1995.

15 **MR. BRENDAN MILLER:** Okay. And then it became
16 Carleton Regional Police Service? Is that correct?

17 **MR. STEVE KANELLAKOS:** Ottawa Carleton Regional
18 Police Service. Yes.

19 **MR. BRENDAN MILLER:** Okay. And you became the
20 Director General of the Carleton Regional Police Service?

21 **MR. STEVE KANELLAKOS:** That's correct.

22 **MR. BRENDAN MILLER:** And you were in that
23 position between 1994 and the spring of 2000?

24 **MR. STEVE KANELLAKOS:** That's correct.

25 **MR. BRENDAN MILLER:** And can you explain, what
26 are your duties as director of the police service?

27 **MR. STEVE KANELLAKOS:** Well as Director General,
28 I was on the executive command. It's basically a civilian

1 deputy chief. And I was responsible for the administration of
2 the police service, everything from finance, HR, evidence room,
3 facilities, fleet, IT, 9-1-1, for a while I had the Court
4 Liaison function. So it was all the support functions.
5 Training, HR. So I had all the support functions that supported
6 the operations of the police service.

7 **MR. BRENDAN MILLER:** Right. So you were involved
8 in -- unlike your current position, you were involved in the
9 operation of the police service and their operations in that
10 position?

11 **MR. STEVE KANELLAKOS:** Yes.

12 **MR. BRENDAN MILLER:** Okay. So can you also
13 explain, for the folks at home as well, and they may not
14 understand, about the separation between municipalities and
15 general executive government from the police service and how
16 they're independent?

17 **MR. STEVE KANELLAKOS:** Yes, it's clear in the
18 *Police Services Act*, that the police is an independent authority
19 reporting to the Ottawa Police Services Board or a Police Board.
20 The Board has defined responsibilities over the police, but not
21 to direct the Police Chief operationally. And certainly the
22 Mayor, City Councillors, as a body or as individuals, or city
23 administration officials, cannot direct the Chief of Police on
24 any matter.

25 **MR. BRENDAN MILLER:** Right. And so it's fair to
26 say that police constables and the Chief make all of their
27 operational decisions, such as what to do with a protest, as
28 well as what to do when arresting someone or if they're going to

1 lay charges, that is all independent of any other branch of
2 government?

3 **MR. STEVE KANELLAKOS:** Yes.

4 **MR. BRENDAN MILLER:** Okay. Or supposed to be?

5 **MR. STEVE KANELLAKOS:** Supposed to be, yes, but
6 it is.

7 **MR. BRENDAN MILLER:** Right. And on January 30th,
8 2022, I understand you had a phone meeting with Chief Sloly and
9 that's when he asked you about getting the injunction? Isn't
10 that right?

11 **MR. STEVE KANELLAKOS:** Yes.

12 **MR. BRENDAN MILLER:** All right. And you had
13 agreed to prepare to seek that injunction, but it was also
14 agreed that the final decision was going to be with you?

15 **MR. STEVE KANELLAKOS:** Yes.

16 **MR. BRENDAN MILLER:** Now, after January 30th,
17 2022, did Chief Sloly, did he say to you -- or did Chief Sloly,
18 sorry, did he say to you that he no longer recommended pursuing
19 that injunction?

20 **MR. STEVE KANELLAKOS:** No.

21 **MR. BRENDAN MILLER:** Were you aware that on
22 January 31st, 2022, that Commissioner of the RCMP, Ms. Brenda
23 Lucki, told him that he shouldn't pursue it?

24 **MR. STEVE KANELLAKOS:** At the time, no. As I
25 stated earlier in my testimony.

26 **MR. BRENDAN MILLER:** Okay. And did you have any
27 dealings as well with Ms. Brenda Lucki during these events?

28 **MR. STEVE KANELLAKOS:** Only -- never

1 individually, or Commissioner Kerik. It was always in the group
2 discussions with the Deputy Ministers, themselves and us, with
3 the situational awareness and the resource requirements.

4 **MR. BRENDAN MILLER:** Okay. And I take it you did
5 have several meetings though with the Executive Branch of the
6 Federal Government? Is that right?

7 **MR. STEVE KANELLAKOS:** Can you please clarify
8 what you mean by Executive Branch?

9 **MR. BRENDAN MILLER:** Prime Minister and
10 Ministers.

11 **MR. STEVE KANELLAKOS:** Never with the Prime
12 Minister, but several Ministers.

13 **MR. BRENDAN MILLER:** Right. And so were you kept
14 apprised, at least by Mayor Watson, of his contact with the
15 Prime Minister?

16 **MR. STEVE KANELLAKOS:** He informed me that he
17 spoke to the Prime Minister and generally what they talked
18 about, but not in any great detail.

19 **MR. BRENDAN MILLER:** Okay. Did he relay to you
20 that on January 31st, 2022, that he asked for additional officers
21 from the RCMP from the Prime Minister?

22 **MR. STEVE KANELLAKOS:** Yes.

23 **MR. BRENDAN MILLER:** Okay. And I take it that
24 you were probably not privy to this call either, but were told
25 about it, on February 3rd, 2022, Mayor Watson had a phone meeting
26 with Minister Mendicino?

27 **MR. STEVE KANELLAKOS:** I heard about it, but I
28 was not on the call.

1 **MR. BRENDAN MILLER:** And again, he reiterated his
2 request for more officers, I take it?

3 **MR. STEVE KANELLAKOS:** That's correct. That's
4 correct.

5 **MR. BRENDAN MILLER:** Okay. And did you
6 participate, on February 3rd, 2022, there was a meeting with the
7 representatives of GoFundMe? Do you remember that?

8 **MR. STEVE KANELLAKOS:** Yes. And I didn't
9 participate in that call.

10 **MR. BRENDAN MILLER:** Right. And is it not true
11 that you talked to representatives of GoFundMe into freezing the
12 funds for the convoy and for the protest and they did so?

13 **MR. STEVE KANELLAKOS:** When you say "you", are
14 you referring to me specifically or the City at large?

15 **MR. BRENDAN MILLER:** The City at large. My
16 apologies. I should -- it was -- both yourself were present,
17 Mayor Watson, and City Solicitor David White, with some GoFundMe
18 reps?

19 **MR. STEVE KANELLAKOS:** No, I wasn't present at
20 that call, even though -- I don't know what you're referring to,
21 but I did not participate in the calls with GoFundMe reps. I
22 was advised of it after. And it was a City Solicitor and the
23 Mayor's Office that had that discussion with them.

24 **MR. BRENDAN MILLER:** Okay. And what was the
25 influence for the City not getting the injunction right away
26 after Chief Sloly said to get one?

27 **MR. STEVE KANELLAKOS:** What was the ---

28 **MR. BRENDAN MILLER:** What was the reason? Why

1 didn't the City go out and get the injunction?

2 **MR. STEVE KANELLAKOS:** As I said earlier, the
3 request was very broad. It wasn't specific. We never discussed
4 the specifics with Chief Sloly. I didn't. And we left it to
5 the two legal teams on the police side and our City Solicitor to
6 work out what an injunction might look like in terms of scope,
7 what evidence that we're going to bring, and how it would be
8 enforced. Those were the key issues that we were referring to.

9 So we didn't have that information up until --
10 well, we never did get it completely. But we were never in a
11 position to satisfy that request until later on when we stuck to
12 the municipal scope of operations and enforcement.

13 **MR. BRENDAN MILLER:** And I take it throughout
14 your history and working in policing, that you've participated
15 in obtaining injunctions in the past; right?

16 **MR. STEVE KANELLAKOS:** No.

17 **MR. BRENDAN MILLER:** You've never participated in
18 obtaining an injunction?

19 **MR. STEVE KANELLAKOS:** No.

20 **MR. BRENDAN MILLER:** Okay. And so you don't have
21 any understanding of how that proceeding would work?

22 **MR. STEVE KANELLAKOS:** Well in advance I didn't
23 have a good understanding, but I certainly have a pretty good
24 one now, because we got -- we were -- I was working with our
25 City Solicitor and I had lots of questions about injunctions.
26 So it was explained to me and I think I understand how it works.

27 **MR. BRENDAN MILLER:** And you had said in your
28 evidence that one of the biggest problems that you faced was not

1 having tow trucks?

2 **MR. STEVE KANELLAKOS:** In relation to the
3 injunction or in relation to other things?

4 **MR. BRENDAN MILLER:** In relation to removing the
5 protestors or getting them to leave.

6 **MR. STEVE KANELLAKOS:** Tow trucks was a tool that
7 would be required in an integrated operational enforcement plan.
8 On its own, tow trucks weren't of a big value with that many
9 trucks that were there. It had to be integrated into an
10 operational plan, and to effect the operational plan, you needed
11 to have those tools available to you to finish it off.

12 **MR. BRENDAN MILLER:** Right. But you knew that
13 the OPS and OPP had already quite shortly after the weekend that
14 they stayed longer than you anticipated, had already gathered
15 the license plates, registration, et cetera, for all of those
16 trucks and they had them in their possession?

17 **MR. STEVE KANELLAKOS:** Yes.

18 **MR. BRENDAN MILLER:** Right. And so I understand
19 the issue with tow trucks, but having all that information in
20 their possession and given that you were a director of police,
21 you know what a BOLO is; don't you?

22 **MR. STEVE KANELLAKOS:** Yes, I do.

23 **MR. BRENDAN MILLER:** So it's a "Be on the
24 Lookout"; right? And if one were to drive a truck here, they
25 would have a set of keys?

26 **MR. STEVE KANELLAKOS:** Yes.

27 **MR. BRENDAN MILLER:** Right. So no one issued a
28 BOLO for the drivers to have them arrested and take their keys;

1 did they?

2 **MR. STEVE KANELLAKOS:** Not that I'm aware.

3 **MR. BRENDAN MILLER:** Why?

4 **MR. STEVE KANELLAKOS:** You'd have to ask the
5 police that. I don't know.

6 **MR. BRENDAN MILLER:** Okay. So you don't know
7 about that as an option wasn't something you considered when you
8 were trying to deal with this issue?

9 **MR. STEVE KANELLAKOS:** It wasn't my -- in my
10 purview to, or my scope of operations to consider something like
11 that. As you said earlier, that's a police scope issue in terms
12 of how they choose to arrest or detain somebody.

13 **MR. BRENDAN MILLER:** Okay.

14 **COMMISSIONER ROULEAU:** And just to let you know,
15 I think you're now on borrowed time.

16 **MR. BRENDAN MILLER:** Oh. I will just wrap this
17 up then.

18 That's fine. Thank you very much.

19 **MR. STEVE KANELLAKOS:** Thank you.

20 **COMMISSIONER ROULEAU:** I'm willing to be
21 accommodating, but there you go. You are also. Okay, thank
22 you.

23 So next, if I could call on the Government of
24 Canada.

25 **--- CROSS-EXAMINATION BY MS. ANDREA GONSALVES:**

26 **MS. ANDREA GONSALVES:** Good afternoon,
27 Mr. Kanellakos. I am Andrea Gonsalves, and I'm counsel for the
28 Government of Canada, and I have just a few questions for you.

1 I think I understood from your evidence this
2 morning, but just to be clear, it's fair to say that during the
3 period of the protests in Ottawa there were some areas where the
4 protest activity was more volatile and some areas where it was
5 less. Do I have that right?

6 **MR. STEVE KANELLAKOS:** That's correct.

7 **MS. ANDREA GONSALVES:** And where the situation
8 was more volatile the risk to by-law and law enforcement
9 officers was greater?

10 **MR. STEVE KANELLAKOS:** Yes, it was.

11 **MS. ANDREA GONSALVES:** Some areas had greater
12 potential for violence, greater risk of weapons being present?

13 **MR. STEVE KANELLAKOS:** Yes.

14 **MS. ANDREA GONSALVES:** And for example, are you
15 aware that the Rideau and Sussex intersection was considered a
16 more volatile, higher risk area?

17 **MR. STEVE KANELLAKOS:** Yes. Chief Sloly fully
18 briefed us on that.

19 **MS. ANDREA GONSALVES:** Right. You recall him
20 briefing you that there was a Quebec contingent there?

21 **MR. STEVE KANELLAKOS:** Yes.

22 **MS. ANDREA GONSALVES:** They had an aggressive
23 stature, they were well organised; right?

24 **MR. STEVE KANELLAKOS:** Yes.

25 **MS. ANDREA GONSALVES:** Now, we've heard a lot of
26 evidence today about the City's injunction application. And I'd
27 ask us -- I'd ask that document OTT, three zeroes, one, three
28 zeroes, five be pulled up.

1 Mr. Kanellakos, on the screen you'll see City of
2 Ottawa and Persons Unknown Application record. You're familiar
3 with that as the application record filed by the City in support
4 of its injunction?

5 **MR. STEVE KANELLAKOS:** Yes. Generally, yes.

6 **MS. ANDREA GONSALVES:** Generally. If we go down,
7 I think it may be a couple of pages in. Actually, if you can go
8 back to the next page where the index is.

9 You're aware that Mr. Ayotte was the City's
10 affiant. He provided the evidence ---

11 **MR. STEVE KANELLAKOS:** Yes.

12 **MS. ANDREA GONSALVES:** --- in support?

13 **MR. STEVE KANELLAKOS:** Yes, I am.

14 **MS. ANDREA GONSALVES:** Okay. And then the Notice
15 of Application issued February 11th, are you familiar with that
16 document?

17 **MR. STEVE KANELLAKOS:** I'd have to see it again,
18 but ---

19 **MS. ANDREA GONSALVES:** Sure. Let's just go ahead
20 there. This is the document prepared by the City that set out
21 the basis on which it was requesting the injunction; right?

22 **MR. STEVE KANELLAKOS:** Yes. Okay, yeah, I know
23 what you're referring to.

24 **MS. ANDREA GONSALVES:** And from the City's
25 perspective, the injunction was necessary at this point in time
26 because of the extent of the by-law infractions that were going
27 on; right?

28 **MR. STEVE KANELLAKOS:** That's correct.

1 **MS. ANDREA GONSALVES:** It's in the document, but
2 I'll just summarise. The protestors' actions were interfering
3 with the City's ability to maintain roads?

4 **MR. STEVE KANELLAKOS:** Yes.

5 **MS. ANDREA GONSALVES:** Perform snow removal?

6 **MR. STEVE KANELLAKOS:** Yes.

7 **MS. ANDREA GONSALVES:** Regulate the flow of
8 traffic?

9 **MR. STEVE KANELLAKOS:** Yes.

10 **MS. ANDREA GONSALVES:** Enforce by-laws?

11 **MR. STEVE KANELLAKOS:** Yes.

12 **MS. ANDREA GONSALVES:** Provide public
13 transportation?

14 **MR. STEVE KANELLAKOS:** Yes.

15 **MS. ANDREA GONSALVES:** Perform waste removal?

16 **MR. STEVE KANELLAKOS:** Yes.

17 **MS. ANDREA GONSALVES:** The document describes all
18 of these behaviours as a public nuisance that threatened public
19 safety; right?

20 **MR. STEVE KANELLAKOS:** Yes.

21 **MS. ANDREA GONSALVES:** And by this point, despite
22 over 2,000 by-laws tickets having been issued, these -- the
23 by-law violations were not stopping; right?

24 **MR. STEVE KANELLAKOS:** That was my point earlier,
25 yes.

26 **MS. ANDREA GONSALVES:** Right. And Associate
27 Chief Justice McWatt of the Ontario Superior Court accepted the
28 City's position; correct?

1 **MR. STEVE KANELLAKOS:** That's right.

2 **MS. ANDREA GONSALVES:** Have you read her reasons?

3 **MR. STEVE KANELLAKOS:** I did.

4 **MS. ANDREA GONSALVES:** You recall she described
5 the City's evidence as overwhelming?

6 **MR. STEVE KANELLAKOS:** Yes.

7 **MS. ANDREA GONSALVES:** And she granted the
8 injunction being sought under section 440 of the *Municipal Act*;
9 right?

10 **MR. STEVE KANELLAKOS:** Yes.

11 **MS. ANDREA GONSALVES:** And that injunction, I
12 appreciate there were more details than this, but in a nutshell
13 it was an Order requiring the protestors from violating --
14 requiring the protestors to stop violating by-laws?

15 **MR. STEVE KANELLAKOS:** Yes.

16 **MS. ANDREA GONSALVES:** That injunction was
17 granted on February 14th; right?

18 **MR. STEVE KANELLAKOS:** Yes.

19 **MS. ANDREA GONSALVES:** And that's the same day
20 that the federal government invoked the *Emergencies Act*?

21 **MR. STEVE KANELLAKOS:** Yes.

22 **MS. ANDREA GONSALVES:** And on its own, the Court
23 issuing the injunction was not enough for those protestors to
24 get in their trucks and drive home; right?

25 **MR. STEVE KANELLAKOS:** Well, it was -- it's hard
26 to determine that because we just got it, but ---

27 **MS. ANDREA GONSALVES:** But my point is it needed
28 to be enforced.

1 **MR. STEVE KANELLAKOS:** Yes.

2 **MS. ANDREA GONSALVES:** Right. And that
3 enforcement, along with all of the other tactical enforcement
4 measures, came within the days after February 14th; right?

5 **MR. STEVE KANELLAKOS:** Yes.

6 **MS. ANDREA GONSALVES:** That was your concern from
7 the very beginning if the injunction was brought at the wrong
8 time and the enforcement capacity wasn't there?

9 **MR. STEVE KANELLAKOS:** Exactly.

10 **MS. ANDREA GONSALVES:** Just a couple of questions
11 on the arrangement with protest leaders. Again, we've heard a
12 lot about that, and I don't intend to cover what's been said.
13 But just to be clear, in response to my friend's question, this
14 was never intended as a long-term solution; right?

15 **MR. STEVE KANELLAKOS:** No, it was clear in the
16 discussions we actually had with the leadership that this wasn't
17 going to end the protest, they planned to stay. This was a
18 relief for us, for me when I first initiated this. It was about
19 relieving those neighbourhoods of those trucks and the noise and
20 all the other issues that came with it.

21 **MS. ANDREA GONSALVES:** Right. And if it had
22 accomplished its goal of providing some relief to individuals in
23 the residential areas it still would not have cleared the
24 streets of Ottawa of the trucks and the protestors?

25 **MR. STEVE KANELLAKOS:** No, I don't believe it
26 would've, no.

27 **MS. ANDREA GONSALVES:** It was contemplated within
28 the agreement that trucks would remain on Wellington?

1 MR. STEVE KANELLAKOS: Yes.

2 MS. ANDREA GONSALVES: On SJAM, for instance?

3 MR. STEVE KANELLAKOS: The ones that were there
4 already, yes.

5 MS. ANDREA GONSALVES: Right. And other
6 non-residential streets?

7 MR. STEVE KANELLAKOS: That's correct.

8 MS. ANDREA GONSALVES: And there was, for
9 example, no effort as part of this arrangement to remove the
10 concerning groups from those more volatile sections like Rideau
11 and Sussex?

12 MR. STEVE KANELLAKOS: No.

13 MS. ANDREA GONSALVES: And even the modest goal
14 of helping to achieve some relief for the residents, that's
15 something you hoped could be achieved, but you were uncertain as
16 to whether compliance would in fact occur; right?

17 MR. STEVE KANELLAKOS: We were concerned whether
18 everybody that was out there would align with the objectives
19 that the group we met with had, and whether they participate.

20 MS. ANDREA GONSALVES: And in fact, as things
21 turned out there wasn't complete alignment; right?

22 MR. STEVE KANELLAKOS: There was not.

23 MS. ANDREA GONSALVES: Okay, thank you.

24 Those are my questions.

25 COMMISSIONER ROULEAU: Okay, thank you.

26 Next, if I could call on the CCLA. And they'll
27 be on the video.

28 --- CROSS-EXAMINATION BY MS. CARA ZWIBEL:

1 **MS. CARA ZWIBEL:** Good afternoon, Mr. Kanellakos.

2 **MR. STEVE KANELLAKOS:** I'm sorry, sir, what's
3 CCLA? I don't know what CCLA is.

4 **MS. CARA ZWIBEL:** Can you hear me?

5 **COMMISSIONER ROULEAU:** CCLA is the -- she'll
6 introduce herself.

7 **MR. STEVE KANELLAKOS:** Okay, thank you. Sorry,
8 sir.

9 **MS. CARA ZWIBEL:** Sorry. Can you hear me,
10 Mr. Kanellakos?

11 **MR. STEVE KANELLAKOS:** Yes, I can. Thank you.

12 **MS. CARA ZWIBEL:** Okay, great. My name is Cara
13 Zwibel. I am a lawyer for the Canadian Civil Liberties
14 Association.

15 **MR. STEVE KANELLAKOS:** Oh.

16 **MS. CARA ZWIBEL:** We're a non-profit
17 organisation. I just have a few questions for you. Sorry, just
18 give me one moment, and I'm just going to note what time it is
19 because I know my time is limited.

20 I just want to ask about in your testimony when
21 you were being questioned by Commission Counsel earlier today,
22 you talked about the agreement that was being worked on with
23 some of the convoy organisers. I just wanted to ask about
24 communication of that agreement to the federal government. I
25 think you said in your evidence that you had passed that
26 information along to Mr. Stewart and is it Minister Mendicino's
27 office; is that right?

28 **MR. STEVE KANELLAKOS:** Yes, he's the Deputy

1 Minister of Public Safety Canada.

2 **MS. CARA ZWIBEL:** Okay. And so you passed along
3 the correspondence between Ms. Lich and Mayor Watson. And did
4 you ---

5 **MR. STEVE KANELLAKOS:** I did.

6 **MS. CARA ZWIBEL:** And did you communicate -- was
7 that on the -- do you recall whether that was on the 13th or the
8 14th when the ---

9 **MR. STEVE KANELLAKOS:** I believe it was on the
10 13th, either just before it went public or when it went public
11 so that he had a copy of it.

12 **MS. CARA ZWIBEL:** Okay, thank you. And did you
13 have discussions with anyone else, discussions or email
14 correspondence with anyone else at the federal level about that
15 agreement?

16 **MR. STEVE KANELLAKOS:** No, my main contact was
17 Rob Stewart, who was the Deputy Minister. He was the liaison in
18 -- it sort of formalised but it started informally. But him and
19 I were organising the meetings that we were having with the
20 other parties.

21 **MS. CARA ZWIBEL:** Okay. Thank you. And did you
22 have any discussions with anyone from the federal government,
23 any of your contacts, or receive any notice before the federal
24 government announced the decision to declare an emergency under
25 the Federal *Emergencies Act*?

26 **MR. STEVE KANELLAKOS:** No.

27 **MS. CARA ZWIBEL:** Okay. Thank you. And I think
28 in your -- the witness statement that was introduced earlier

1 that you gave to Commission counsel, you mentioned the
2 *Emergencies Act* providing some assistance to the City. And I
3 think the way you put it was that it discouraged people from
4 attending and helped to shrink the size of the protest; is that
5 accurate?

6 **MR. STEVE KANELLAKOS:** That's accurate.

7 **MS. CARA ZWIBEL:** Okay. So it was sort of a
8 deterrent role, in your view?

9 **MR. STEVE KANELLAKOS:** Well, it enabled the
10 police to basically establish a control zone and limit, not add
11 to the number of people and grow the number of people that were
12 in that zone, which would have made the final operation much
13 more difficult if more people started pouring into that area.

14 **MS. CARA ZWIBEL:** Okay. And you felt that people
15 were discouraged from attending that area because the
16 announcement had been made about the *Emergencies Act*?

17 **MR. STEVE KANELLAKOS:** I believe so, yes.

18 **MS. CARA ZWIBEL:** Okay. Thank you, Mr.
19 Kanellakos. Those are all my questions.

20 **MR. STEVE KANELLAKOS:** Thank you. Thank you.

21 **COMMISSIONER ROULEAU:** Okay. Thank you. Next if
22 I could call on the Criminal Lawyer's Association?

23 **--- CROSS-EXAMINATION BY MS. COLLEEN McKEOWN:**

24 **MS. COLLEEN McKEOWN:** Good afternoon, Mr.
25 Kanellakos. My name is Colleen McKeown and I'm counsel to the
26 Criminal Lawyer's Association and the Canadian Council for
27 Criminal Defence Lawyers. These are two organizations with a
28 joint grant of standing. Both represent criminal defence

1 lawyers.

2 I only have a ---

3 **MR. STEVE KANELLAKOS:** Good afternoon.

4 **MS. COLLEEN McKEOWN:** Good afternoon. I only
5 have a couple of questions relating specifically to by-law
6 enforcement and whether you can help us put any of the numbers
7 we've seen in some of the documents into context.

8 In the City's institutional report, it says that
9 3,182 parking tickets, so specifically parking tickets, were
10 issued between January 28th and February 22nd. Does that sound
11 familiar?

12 **MR. STEVE KANELLAKOS:** I saw that number, yes.

13 **MS. COLLEEN McKEOWN:** Okay. And in the City's
14 injunction application, Mr. Ayotte swore in his affidavit that
15 2,000 tickets had been issued between January 28th and February
16 11th in relation to the demonstration. Does that sound right?

17 **MR. STEVE KANELLAKOS:** I believe that's correct,
18 yeah.

19 **MS. COLLEEN McKEOWN:** I believe that was a number
20 that had just recently come up in questioning. And the -- Mr.
21 Ayotte's affidavit also says that 1,732 of these 2,000 tickets
22 were parking tickets. Does that sound right?

23 **MR. STEVE KANELLAKOS:** Yes.

24 **MS. COLLEEN McKEOWN:** And so am I right in
25 understanding that the other, those that are not parking tickets
26 but were other tickets, so 268 tickets, that these were issued
27 for other infractions in that same 15-day period? Like, the
28 illegal fireworks, fires, noise, idling, so non-parking

1 infractions?

2 **MR. STEVE KANELLAKOS:** No, I don't have the
3 specifics of that. I think that's better posed to Mr. Ayotte
4 when he appears this week.

5 **MS. COLLEEN McKEOWN:** Okay. And I'll only have a
6 couple of other questions and if it's the same answer, then I'll
7 pose those questions to Mr. Ayotte. But my understanding from
8 reading these documents was that the primary goal of the parking
9 enforcement piece within the perimeter of the demonstration was
10 to ensure that the emergency lanes were clear; is that right?

11 **MR. STEVE KANELLAKOS:** Yes, initially, that was
12 the objective, correct.

13 **MS. COLLEEN McKEOWN:** And do you have a sense of,
14 of these sort of bucket of parking tickets, do you have a sense
15 of how many of those would have been devoted to this primary
16 goal of keeping the emergency lane clear as opposed to other
17 parking infractions?

18 **MR. STEVE KANELLAKOS:** I'm sorry, I don't have
19 that available. I don't know that.

20 **MS. COLLEEN McKEOWN:** Okay. I also understand
21 that By-law and Regulatory Services received approval for an
22 increase to the set fines for various by-law infractions on
23 February 8th. Does that ring a bell?

24 **MR. STEVE KANELLAKOS:** Yeah, that's correct.

25 **MS. COLLEEN McKEOWN:** And do you have either any
26 data or an opinion on whether these increased fines had any
27 impact between when they were changed on February 8th and I
28 suppose when further enforcement measures came in on February

1 14th?

2 **MR. STEVE KANELLAKOS:** I don't, sorry.

3 **MS. COLLEEN McKEOWN:** Thank you very much. Those
4 are all my questions.

5 **MR. STEVE KANELLAKOS:** Thank you.

6 **COMMISSIONER ROULEAU:** Okay. Thank you. Now if
7 I could call on the City of Ottawa?

8 **--- CROSS-EXAMINATION BY MS. ANNE TARDIF:**

9 **MS. ANNE TARDIF:** Hi.

10 **MR. STEVE KANELLAKOS:** Hi.

11 **MS. ANNE TARDIF:** Mr. Kanellakos, we've heard
12 about the City's emergency response structure, the EOCG. We've
13 heard that OPS was the lead agency on the enforcement, and we've
14 heard about another entity, NCRCC National Capital Region
15 Command Centre. Can you explain a little bit what the NCRCC is
16 and what its role was in the response to the Freedom Convoy?

17 **MR. STEVE KANELLAKOS:** Yeah, well, they -- to
18 answer that, you have to put it in the context of the way our
19 incident management is structured in the city and is best
20 practiced through the Solicitor General's guidebook on dealing
21 with emergencies of Ontario. And effectively, you have an
22 incident commander who deals with an incident. If the incident
23 grows larger and that commander needs more support, you'll start
24 scaling up your emergency operations. And what ended up
25 happening in this situation is that you have an incident
26 commander. The National Capital Regional Command Centre then
27 was formed because we had multiple jurisdictions and multiple
28 law enforcement entities that were engaged in the event. And so

1 the incident commander had the National Capital Regional Command
2 Centre as a support function to help the lead, which was Ottawa
3 Police, be able to enact all the things they needed to enact on
4 the ground. And flowing down from that would be command centres
5 at Ottawa Police, command centres at the City of Ottawa, which
6 we called our Emergency Operations Centre, the EOC, and other
7 organizations would have the same, which when requests came from
8 the incident commander through the National Capital Regional
9 Command Centre, it'd go down into the -- for instance, the City
10 of Ottawa, the EOC, and the EOC would make sure that what they
11 needed was actually actioned in the departments or the service
12 areas. And each one of those service areas stood up its own
13 departmental command centre, so they can coordinate all the
14 efforts, because these aren't things that we do on the corner of
15 our desk. It's a full line of accountability structure from the
16 top, the incident commander, right to the front line.

17 **MS. ANNE TARDIF:** Thank you. Now you've
18 mentioned incident command. Who was incident command for the
19 Freedom Convoy, just so we're clear?

20 **MR. STEVE KANELLAKOS:** Ottawa Police.

21 **MS. ANNE TARDIF:** Okay. And you've mentioned the
22 role of the NCRCC. Thank you for that. Who sat -- and I
23 appreciate there may have been quite a few, but can you give us
24 an idea, beyond OPS and the City of Ottawa, who was embedded in
25 or sat on NCRCC during the Freedom Convoy?

26 **MR. STEVE KANELLAKOS:** Well, I probably don't
27 have an exhaustive list off the top of my head, but it would
28 have been all the police services, OPP, RCMP, the PPS would have

1 been there, OC Transpo was there, our Public Works are there,
2 corporate communications are there. The Public Works certainly
3 was there. Traffic Management Incident Group was there. Some
4 of the federal agencies were also represented, some of the
5 ministries were there. Some of the intelligence functions were
6 also linked to the NRCC. So they had all the representatives of
7 anybody that was actually involved or had a role in managing the
8 event who are all embedded in a coordinated fashion in that
9 NRCC.

10 **MS. ANNE TARDIF:** All right. And I think you
11 mentioned earlier, you made reference to Kelly Cochrane, if
12 you'll recall.

13 **MR. STEVE KANELLAKOS:** Yes.

14 **MS. ANNE TARDIF:** And can you just remind us -- I
15 don't think her name's particularly important, but what role --
16 what her role was in the response?

17 **MR. STEVE KANELLAKOS:** Kelly Cochrane was the
18 liaison back to the EOC, our EOC, so that structure is set up so
19 that there's a person embedded in the NRCC, who links back to
20 our command centre, which was Emergency Operations Centre, so
21 there's a clear line of communication about what the requests
22 are, what information we need to know, what they're planning, et
23 cetera.

24 **MS. ANNE TARDIF:** And now you mentioned earlier
25 the EOCG provides strategic direction and looks ahead with
26 respect to resources and staffing rotation needs and so forth.
27 Who does the EOCG provide strategic direction to?

28 **MR. STEVE KANELLAKOS:** To the EOC. So they -- so

1 there's a -- it's a -- once we get to that level of event, the
2 EOCG, which is made up of the City department heads and the
3 outside police, library and public health, their role is to set
4 the policy direction and the strategic direction for a command
5 centre to be able to implement for City Services effectively.

6 **MS. ANNE TARDIF:** So we've described the role of
7 the NCRCC, EOCG and I skipped one. Can you describe in your own
8 words the role of the EOC in responding specifically to the
9 Freedom Convoy?

10 **MR. STEVE KANELLAKOS:** Yeah, the EOC is made up
11 of representatives of every service area of the city, including
12 police, and sometimes we'll bring in external partners, and
13 their job is to action the requests that come from NRCC,
14 whatever those actions are.

15 **MS. ANNE TARDIF:** Thank you. And I'm just going
16 to take you to two documents and then that'll be it, Mr.
17 Kanellakos. The first is OTT00029985.

18 Could we scroll down to the bottom, please?
19 Thank you. Or well up a little bit. We'll start there.
20 Perfect.

21 Now, this is in relation to Coventry, Mr.
22 Kanellakos. You were asked a number of questions about the use
23 of Coventry Stadium. And this is an email from Michelle
24 McElligott at the City of Ottawa to other individuals at the
25 City of Ottawa.

26 Do you know what Ms. McElligott does?

27 **MR. STEVE KANELLAKOS:** She's a program manager, I
28 believe, in our Traffic Operations Group.

1 **MS. ANNE TARDIF:** Okay. And she writes:

2 "Hi Amanda,
3 Thanks for taking my call! As discussed,
4 we are looking to obtain permission to use
5 the RCGT parking lot..."

6 What's that?

7 **MR. STEVE KANELLAKOS:** That's the baseball
8 stadium parking lot. Coventry.

9 **MS. ANNE TARDIF:** The one you were referring to
10 earlier in your testimony?

11 **MR. STEVE KANELLAKOS:** Yes.

12 **MS. ANNE TARDIF:**

13 "...for the overflow of vehicles that arrive
14 for the trucker convoy (between evening
15 Friday, [the] 28[th] January [...] and
16 Sunday, [...] January [30th]..."

17 She's mentioning 2021, I think we can just assume
18 that's a typo.

19 "This site is ideal as those you won't fit
20 on Wellington, can take a quick train ride
21 (if they so choose) to demonstrate at
22 Parliament Hill. I've spoken to Roads and
23 they will send someone by the lot to see
24 what type of snow clearing is/may be
25 required.

26 Thanks for your help!"

27 Then can we scroll up a little bit, please?

28 Now, there's a new individual on this chain,

1 Regan Katz. Do you know who he is, Mr. Kanellakos?

2 **MR. STEVE KANELLAKOS:** I believe he's part of the
3 ownership group of the Ottawa Titans.

4 **MS. ANNE TARDIF:** And who are the Titans?

5 **MR. STEVE KANELLAKOS:** The professional baseball
6 team in Ottawa.

7 **MS. ANNE TARDIF:** Okay. And you've mentioned
8 that this is the parking lot for the baseball stadium. Do the
9 Titans own or use the stadium? What's the relationship there?

10 **MR. STEVE KANELLAKOS:** They lease the stadium
11 from us, and the parking lot.

12 **MS. ANNE TARDIF:** So the chain sort of keeps
13 coming up. Can we scroll up again? Right. And there's a list
14 of questions. And at the top there, just a little bit higher,
15 please, Mr. Katz finally -- or, a little lower.

16 Sorry, it's harder to do this when you have to
17 direct someone else.

18 Mr. Katz responds:

19 "Amanda,
20 Sounds like this wouldn't have any
21 negative impact on us. We have no
22 objections to the lot being used."

23 Now, you mentioned earlier that the Titans did
24 express frustration with the use of the parking lot. When did
25 that objection arise?

26 **MR. STEVE KANELLAKOS:** I'm not certain exactly,
27 but it was probably after the first weekend, as it extended and
28 as the presence on that lot grew and it became a logistics

1 centre, basically, to support the protestors. I think that's
2 when they became very worried.

3 **MS. ANNE TARDIF:** Thank you. Final document is
4 OTT4 -- and I apologize. I actually realized I have the wrong
5 number. I have our DOC ID.

6 Ms. Tomkins, can you figure out what the control
7 number is DOC ID OTT00001313? I apologize. Our DOC ID is
8 OTT0001313, but I need the control number.

9 Mr. Commissioner, this is my last question, so I
10 think I'll still be within my time allocation.

11 **COMMISSIONER ROULEAU:** That's fine. I think we -
12 - you're just showing how the system works. Ultimately it -- I
13 hope people are appreciating how all these documents come up in
14 our control. It's obviously a lot of work behind the scenes.
15 Much appreciated.

16 **MS. ANNE TARDIF:** Again the DOC ID number is
17 OTT00001313. Perhaps you could just read out the control number
18 directly.

19 **MS. ALYSSA TOMKINS:** The document number is
20 OTT00030030.

21 **MS. ANNE TARDIF:** Thank you.

22 **THE REGISTRAR:** My apologies. Can you repeat the
23 number?

24 **MS. ALYSSA TOMKINS:** Yes, it's OTT00030030.

25 **THE REGISTRAR:** Thank you.

26 **MS. ANNE TARDIF:** There we go. Thanks everyone
27 for your patience.

28 Mr. Kanellakos, this is a letter dated April 28th,

1 2022. And if we can scroll to the bottom, you'll see it's
2 signed by Mr. Ayotte. You've told us who he is, but that you're
3 copied on it. Do you see that there?

4 **MR. STEVE KANELLAKOS:** Yes.

5 **MS. ANNE TARDIF:** Perfect. And if we can go to
6 the top now? It's a letter addressed to Steve Bell, who at the
7 time was Interim Chief of Police.

8 Now, you discussed earlier the authority that the
9 City uses to close roads. And so I want to draw the second
10 paragraph of this letter to your attention and then ask you to
11 explain the approach that was taken. This letter, of course, is
12 in respect to the Rolling Thunder Convoy, which postdates the
13 Freedom Convoy.

14 And so Mr. Ayotte says to Interim Chief Bell:

15 "In light of the information that the City
16 has been provided with respect to the
17 proposed rally, including the intelligence
18 that OPS has shared with staff, the City
19 remains of the view that the use of
20 vehicles in the Rolling Thunder Ottawa
21 2022 rally will have [a] significant
22 [impact] on the orderly movement of
23 traffic in the City and could pose a
24 serious potential for injury or damage to
25 persons or property. As a result, in
26 addition to traffic measures along the
27 motorcycle route, the City and OPS have
28 jointly agreed on the necessity of

1 restricting vehicular traffic in the
2 designated downtown core area."

3 So can you just explain the approach to road
4 closures here?

5 **MR. STEVE KANELLAKOS:** Well the Rolling Thunder
6 was -- obviously had the benefit of learning from the protests
7 we had in February. And at that time, we'd started discussing,
8 as we were planning for that, what authorities we had to be able
9 to close the roads. And Interim Chief Bell and myself had a
10 conversation about exercising that authority to close the roads.

11 We got legal opinion at that time in terms of
12 what our authorities were, what were the actual statutes and
13 bylaws that allowed us to do it, and Kim Ayotte was brought into
14 the discussion, and based on the information that was shared
15 with us by Ottawa Police with respect to what they were
16 expecting for Rolling Thunder, we made the decision that we
17 would create a no-go zone, basically a red zone, for the inner
18 core to prevent vehicles from permanently taking route.

19 So we changed, as I said, sort of the snake march
20 example. We changed our tactics based on the learnings that we
21 had from that event in February, and it was quite an effective
22 strategy.

23 **MS. ANNE TARDIF:** You said "we" created no-go
24 zones. Who is the "we" in that sentence?

25 **MR. STEVE KANELLAKOS:** Well that was -- that's
26 the Ottawa Police in collaboration with the City.

27 **MS. ANNE TARDIF:** Thank you, Mr. Kanellakos.
28 Those are my questions.

1 **COMMISSIONER ROULEAU:** Thank you. Is there any
2 re-examination? Yes, go ahead.

3 **--- RE-EXAMINATION BY MS. NATALIA RODRIGUEZ:**

4 **MS. NATALIA RODRIGUEZ:** Very briefly, I'm going
5 to take you ---

6 **COMMISSIONER ROULEAU:** Just reintroduce yourself
7 for the public.

8 **MS. NATALIA RODRIGUEZ:** Yes, for the record, it's
9 Natalia Rodriguez, Commission Counsel.

10 If I can take you to COM693? And just briefly,
11 you had -- in responses to questions from Mr. Champ, you had
12 indicated that the City treats parades and other types of events
13 differently from protests. Do you recall that?

14 **MR. STEVE KANELLAKOS:** Well they're actually the
15 same, but we treat them differently in terms of how we prepare
16 for them.

17 **MS. NATALIA RODRIGUEZ:** Okay. So I'm just going
18 to take you to the Special Events on City Streets Bylaw. And I
19 want to take you to the definition of special event on page 2 of
20 the Bylaw. And it's section 1(k). And you'll see there:

21 " 'special event' includes a demonstration,
22 parade, sports event, festival, carnival,
23 donation station, street dance,
24 residential block party, sidewalk sale,
25 outdoor mass and other like events..."

26 So a protest is a demonstration; correct?

27 **MR. STEVE KANELLAKOS:** Yes.

28 **MS. NATALIA RODRIGUEZ:** Okay. So under the

1 Bylaw, a protest would be included as a special event?

2 **MR. STEVE KANELLAKOS:** Yes.

3 **MS. NATALIA RODRIGUEZ:** And so if we go to
4 "Section 2 - Special events - permit required". And it says:

5 "No person shall participate in a special
6 event on a highway unless such special
7 event is carried [out] on under the
8 authority of a permit issued by the
9 General Manager pursuant to this by-law."

10 So according to the City Bylaws, even protestors
11 should be getting permits in order to participate in a
12 demonstration; correct?

13 **MR. STEVE KANELLAKOS:** Yes. We ask them to do
14 that, yes.

15 **MS. NATALIA RODRIGUEZ:** Okay. And the word there
16 is "shall", so it's not discretionary. It's they must get a
17 permit?

18 **MR. STEVE KANELLAKOS:** Yes.

19 **MS. NATALIA RODRIGUEZ:** Okay. And if we go to
20 Section 5(1), which is on page 3 of the Bylaw, there it is:

21 "The General Manager or the Chief of
22 Police..."

23 And here the general manager refers to a City
24 manager; is that right?

25 **MR. STEVE KANELLAKOS:** The general manager in
26 this case, I believe, is the General Manager of Public Works who
27 oversees our Transportation and Parking By-law.

28 **MS. NATALIA RODRIGUEZ:** Right. So it's a City

1 official?

2 **MR. STEVE KANELLAKOS:** That's right.

3 **MS. NATALIA RODRIGUEZ:** Okay. So,

4 "The General Manager or the Chief of
5 Police may at their discretion cause to
6 be closed one or more highways or parts
7 of highways..."

8 And in this case, highway just means a city road,
9 like, any road essentially; right?

10 "...to pedestrians or vehicular
11 traffic, or both, and cause to be
12 erected such ropes, barricades and
13 other barriers as may be needed to
14 preserve public order and protect
15 persons and property during the time of
16 such special event."

17 And so, Mr. Champ *[sic]*, I put to you that the
18 City has a responsibility to protect the public and you
19 indicated that that was mainly the responsibility of the police;
20 do you remember that?

21 **MR. STEVE KANELLAKOS:** Yes.

22 **MS. NATALIA RODRIGUEZ:** And under this section
23 here, it looks like the General Manager or the Chief of Police,
24 so either the City or OPS has the authority to barricade or
25 close roads in order to preserve that public order; is that
26 right?

27 **MR. STEVE KANELLAKOS:** Yes, but it's not -- it's
28 very rarely, especially on a special event that's considered a

1 demonstration, that one party, whether it's police or the City,
2 would do it arbitrarily and unilaterally without consulting with
3 the other, because you can't close a road without both being --
4 with both participating.

5 **MS. NATALIA RODRIGUEZ:** Right, but the by-law
6 grants authority to both independent of each other.

7 **MR. STEVE KANELLAKOS:** Yes.

8 **MS. NATALIA RODRIGUEZ:** Okay. And so finally, my
9 last question relates to a proposition that counsel for the
10 Government of Canada put to you in terms of forcing the --
11 enforcing the City of Ottawa's injunction. And the suggestion
12 was that enforcement of the injunction came in the days after
13 the invocation of the *Emergencies Act*. And my question to you
14 is, was the City's injunction ever used as a measure, are you
15 aware?

16 **MR. STEVE KANELLAKOS:** No, it wasn't used as a
17 measure.

18 **MS. NATALIA RODRIGUEZ:** Okay. Thank you. Those
19 are all my questions.

20 **COMMISSIONER ROULEAU:** Okay. Thank you. Well,
21 thank you ---

22 **MR. STEVE KANELLAKOS:** Mr. Commissioner.

23 **COMMISSIONER ROULEAU:** --- Steve K, for your
24 contribution and for coming forward.

25 **MR. STEVE KANELLAKOS:** Thank you, sir.

26 **COMMISSIONER ROULEAU:** So you're excused.

27 **MR. STEVE KANELLAKOS:** Thanks. Thank you.

28 **COMMISSIONER ROULEAU:** Okay. Next witness that's

1 being called?

2 **MR. JEAN-SIMON SCHOENHOLZ:** Mr. Commissioner,
3 Jean-Simon Schoenholz, Commission counsel. We'd like to call
4 Steve -- sorry, Steve's in my head. Serge Arpin is our next
5 witness.

6 **--- SERGE ARPIN, Sworn:**

7 **LA GREFFIÈRE:** Voulez-vous prêter serment ou
8 faire une affirmation solennelle?

9 **M. SERGE ARPIN:** Prêter serment.

10 **LA GREFFIÈRE:** On a la bible, le Coran ou la
11 Torah de disponibles.

12 **M. SERGE ARPIN:** La bible, s'il vous plait.

13 **LA GREFFIÈRE:** La bible. S'il vous plait,
14 veuillez prendre la bible dans votre main droite. Pour les fins
15 du procès-verbal, s'il vous plait veuillez indiquer et ensuite
16 épeler votre nom en entier.

17 **M. SERGE ARPIN:** Serge Arpin -- S-E-R-G-E A-R-P-I-
18 N.

19 **LA GREFFIÈRE:** Jurez-vous que le témoignage que
20 vous allez rendre devant la Commission sera la vérité, toute la
21 vérité, et rien que la vérité? Que Dieu vous vienne en aide.

22 **M. SERGE ARPIN:** Oui, je le jure.

23 **LA GREFFIÈRE:** Merci.

24 **COMMISSIONER ROULEAU:** It just has become -- may
25 have become obvious this segment will be in French, so there are
26 obviously -- no, it's going to be in English. I'm sorry.

27 **MS. ALYSSA TOMKINS:** In the end, M. Arpin asked
28 to testify in English.

1 **COMMISSIONER ROULEAU:** Okay. Well, I'm sorry. I
2 was misleading.

3 **MS. ALYSSA TOMKINS:** It was a last minute change,
4 but Commission counsel was made aware.

5 **COMMISSIONER ROULEAU:** Okay.

6 **MS. ALYSSA TOMKINS:** And agreeable. Thank you,
7 Mr. Schoenholz.

8 **COMMISSIONER ROULEAU:** Okay. Well, Mr. Arpin,
9 you are, of course, free to testify in either language. If
10 you're going to switch, as an earlier witness did, if you could
11 give us a warning, so that people can put on the translation
12 equipment, because it's -- we're not all bilingual in the room
13 and everyone's entitled to follow the proceedings. And so if
14 you are going to switch, please give us fair warning.

15 Okay. I'm sorry to have interrupted then. Go
16 ahead.

17 **MR. JEAN-SIMON SCHOENHOLZ:** No problem.

18 **--- EXAMINATION-IN-CHIEF BY MR. JEAN-SIMON SCHOENHOLZ:**

19 **MR. JEAN-SIMON SCHOENHOLZ:** Mr. Arpin, could you
20 start by telling us your title?

21 **MR. SERGE ARPIN:** I'm Mayor Watson's Chief of
22 Staff.

23 **MR. JEAN-SIMON SCHOENHOLZ:** And I understand you
24 had an interview with Commission Counsel on September 8th?

25 **MR. SERGE ARPIN:** I did.

26 **MR. JEAN-SIMON SCHOENHOLZ:** And that interview
27 was held in French?

28 **MR. SERGE ARPIN:** It was.

1 **MR. JEAN-SIMON SCHOENHOLZ:** So WTS00000015, we'll
2 pull that up on the screen. This is a summary of your interview
3 and that's drafted in French; correct?

4 **MR. SERGE ARPIN:** Yes.

5 **MR. JEAN-SIMON SCHOENHOLZ:** And you've had an
6 opportunity to review that summary?

7 **MR. SERGE ARPIN:** I have.

8 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Do you have
9 any corrections?

10 **MR. SERGE ARPIN:** I don't.

11 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And you didn't
12 review the English translation?

13 **MR. SERGE ARPIN:** I did not.

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

15 **MR. SERGE ARPIN:** I'm sorry.

16 **MR. JEAN-SIMON SCHOENHOLZ:** So this summary is
17 going to go into evidence.

18 **MR. JEAN-SIMON SCHOENHOLZ:** So I'd like to start
19 talking about the discussions that you facilitated with the
20 protesters. According to your summary, you facilitated
21 negotiations between the mayor's office and a group of
22 protesters whose discussions were facilitated by Dean French; is
23 that correct?

24 **MR. SERGE ARPIN:** That's correct.

25 **MR. JEAN-SIMON SCHOENHOLZ:** So could you explain
26 the genesis of those discussions?

27 **MR. SERGE ARPIN:** On or around February 8th, the
28 City Manager approached myself and Mayor Watson to inform us

1 that he had been approached by the PLT team as they posited that
2 the City's relationship with the truck convoy representatives
3 had broken down and the PLT team sought the City Manager's
4 support to engage with representatives from the truck convoy
5 protest. The City Manager approached the mayor and myself. We
6 had a brief discussion in the foyer of the mayor's office. I
7 think it was around 5:30 p.m. that day, asking us for our views
8 on this proposal.

9 My initial reaction and my advice to the mayor is
10 that it was extraordinary -- it was an extraordinary request.
11 We would normally not take part in such a meeting. We were not
12 aware of the individuals. We had no dealings with those
13 individuals. We had no history of reliability. And hence, we -
14 - I made the recommendation. The mayor accepted the
15 recommendation that we would not take part in the meeting, but
16 the City Manager was free to proceed with the meeting if he felt
17 it would be beneficial to better understand the concerns, issues
18 and demands of the truck convoy protest.

19 And my understanding is he proceeded to grant
20 that meeting on the 8th. And he informed us thereafter that he
21 felt it had been a constructive meeting. He felt that the
22 parties were speaking reliably. We had no knowledge of whether
23 or not they represented a large cross-section of truckers, but
24 they appeared to be dealing in good faith with the City Manager
25 and the PLT team. It's also our understanding from the City
26 Manager that the PLT team had suggested that we engage with the
27 truck convoy representatives on their willingness to initially
28 move some trucks out of the residential district as a sign of

1 good will. My understanding is that the City Manager did
2 explore that concept with the representatives early on. That
3 was shared with us post facto.

4 On or around February 10th, the mayor received a
5 called from Dean French, saying that he was willing to play a
6 good will role as an ambassador between the two parties. He
7 appeared to be seeking no gain or personal benefit. We knew him
8 from his time of Chief of Staff to Premier Ford, had had what I
9 could call a professional, courteous and friendly relationship
10 with him. We felt he was a straight shooter in our dealings
11 with him in the past. And so the mayor asked me to call him
12 back and see whether or not a -- there was any potential for any
13 kind of an agreement that would help relieve the extraordinary
14 stress that our residents were under in the residential
15 districts.

16 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. And so my
17 understanding is that the purpose of your discussions, and we'll
18 focus on your discussions with Mr. French, as we've already
19 heard Steve K's testimony, the purpose of those discussions was
20 to find a solution that would kind of relieve some of the
21 stresses on the residents of the downtown core; is that correct?

22 **MR. SERGE ARPIN:** The context of the moment --
23 and just to back up a bit, we have never in 11 years and 11
24 months since the mayor's election in 2010, been involved in
25 negotiations with any group in the context of a demonstration.
26 That's extraordinary. And we would not have involved ourselves
27 had the PLT team not approached the City Manager and sought the
28 City and the mayor's involvement in such a dialogue, it's

1 extraordinary, you would normally not do it.

2 The context was the -- you know, we're into about
3 Day 9 or 10 of the -- what has -- was initially going to be a
4 demonstration has become an occupation of our residential
5 districts. Residents, shut-ins, you know, residents from all
6 walks of life were feeling threatened in their personal safety
7 and security, and the Mayor was living that every single day, he
8 took it home very single day. He was working 15 to 18 hours a
9 day. Yes, he was looking for any solution that might help us
10 alleviate the pressure on our residents, and what they were
11 going through.

12 And for us, it appeared that there was no
13 downside for us to undertake this dialogue, as there was no end
14 in sight. There appeared to be no, you know, cogent, you know,
15 multi-jurisdictional plan to bring this thing to an end. And so
16 if we were able to get one truck out of the residential district
17 it would be a, you know, a small victory. That wasn't our goal,
18 of course, but the intent was to alleviate the pressure short-
19 term. And we were told by various parties, including the City
20 Manager, including Steve Bell, including Kim Ayotte that the
21 short-term goal was to bring the temperature down with the
22 demonstrators, since the relationship broke -- had broken down
23 with the PLT team, and bringing them into a small perimeter
24 would also help the OPS and the combined forces potentially when
25 they bring the demonstration under greater control, if not to a
26 halt.

27 **MR. JEAN-SIMON SCHOENHOLZ:** What group of convoy
28 organisers did you understand that Mr. French was representing

1 or speaking on behalf of?

2 **MR. SERGE ARPIN:** Generally-speaking, we did not
3 have a clear sense of how the groups were organised into his
4 dialogue that he offered to lead. We only understood that he
5 would only speak on behalf of moderate groups, he had no
6 interest whatsoever in representing the fringes. He told us
7 "I'm a plane ride away. I can leave as quickly as I have
8 arrived. I want to help." And obviously, we had no interest
9 whatsoever in engaging in a dialogue that might include some of
10 the, you know, the factions that were hurting Ottawa residents
11 on a day-to-day basis.

12 **MR. JEAN-SIMON SCHOENHOLZ:** So was your
13 understanding that some of the factions were not included in
14 this negotiation?

15 **MR. SERGE ARPIN:** Quite possibly, and it was
16 something that Dean had said to me in the course of the three or
17 four days during which we dialogued, you know, on a number of
18 occasions, and he restated his desire to do something that would
19 help. That's how it started. That was his message to the
20 Mayor, it was no more specific than that.

21 **MR. JEAN-SIMON SCHOENHOLZ:** And what exactly was
22 being discussed in those three days? I think it was
23 February 10th to February 12th. What was being negotiated?

24 **MR. SERGE ARPIN:** As you know, we're already
25 10 days into the crisis, with horns blaring and, you know, heavy
26 trucks spewing diesel into a number of residential streets in
27 the core, at Rideau and Sussex, at Coventry, and Overbrook-
28 Forbes. Our goal from the get-go was to get a sense of their

1 willingness to recognise through Mr. French that they were
2 hurting local communities, and if there was no agreement on that
3 notion then there was nothing to discuss.

4 We wanted to, you know, get a point very, very
5 quickly of understanding of whether or not he could get the key
6 organisers to recognise that they never intended to hurt, you
7 know, ordinary people in residential districts. And that became
8 apparent quite quickly in our first few discussions, and we --
9 you know, we laid out a couple of ideas. Some of them had come
10 directly from the PLT team. Because again, as you would know,
11 and as I mentioned to you earlier, I cannot recall us ever being
12 involved in a discussion with a group of demonstrators directly,
13 it would not happen.

14 And so we -- you know, we sought to establish
15 some perimeters, and they included, you know, a sense from them
16 of their willingness to remove a large number of trucks from the
17 residential district, and we set out a number, 75 percent, below
18 which we felt we would not be providing any relief to the
19 residents who were under, essentially, you know, what they
20 viewed as siege and what we concurred with as being a siege of
21 their day-to-day. So it had to be a big number.

22 We wanted to see rapid progress on the removal of
23 trucks because we would find out very, very quickly if this was
24 a stunt or if it was a bluff to try to, you know, gain more
25 time, or -- and we found out that it wasn't a stunt. We
26 believed that -- sorry. We set out those perimeters of roughly
27 75 percent, rapid movement towards, you know, moving the trucks
28 from the residential district, and we rapidly came to a -- you

1 know, an understanding in principle.

2 I wrote something up, I sent it to Dean, which
3 was going to be the Mayor's opening position around this is what
4 we need for us to have a dialogue, and to commit to a potential
5 meeting, a listening meeting with Mayor Watson. If they could
6 meet those conditions, then we would consider granting the
7 meeting.

8 **MR. JEAN-SIMON SCHOENHOLZ:** And is what you wrote
9 up what eventually became the letter that went out ---

10 **MR. SERGE ARPIN:** Correct.

11 **MR. JEAN-SIMON SCHOENHOLZ:** --- on the 12th?

12 **MR. SERGE ARPIN:** Correct.

13 **MR. JEAN-SIMON SCHOENHOLZ:** And so Mr. French had
14 a role in kind of providing feedback on that letter?

15 **MR. SERGE ARPIN:** Well, it was very, very -- I
16 mean, it was very, very succinct, this is what we believe we
17 can, you know, bring forward that would lead to a dramatic
18 improvement in the day-to-day lives of our residents. And they
19 agreed with us that they thought that that would be an
20 appropriate starting point and they brought it back to the other
21 party.

22 **MR. JEAN-SIMON SCHOENHOLZ:** Did -- in those
23 discussions, did you agree upon -- and this is -- I know there's
24 a subsequent February 13th meeting that Mr. K has testified
25 about, but did you and Mr. French agree on where the trucks
26 would be moving to?

27 **MR. SERGE ARPIN:** No, it was a rather fluid
28 situation, and I am wondering if we can bring back the Mayor's

1 letter if at all possible.

2 **MR. JEAN-SIMON SCHOENHOLZ:** Sure, yeah, yeah.

3 **MR. SERGE ARPIN:** Because you'll notice that we
4 describe a broad perimeter, that's an aspiration, but in the two
5 or three days in which we were dialoguing about the potential of
6 removing trucks, it appeared -- we were told that some were
7 heading to Vankleek Hill, some were heading potentially west to
8 Arnprior, some -- apparently some demonstrators wanted to go
9 home with their kids and family, et cetera. And so it -- we
10 started getting bogged down in who would go where, and when
11 realised that that was futile because we had no clear
12 understanding of what proportion of trucks would end up going
13 where.

14 The general dialogue, after I consulted with the
15 City Manager's Office and with Kim Ayotte, had a discussion with
16 because this was, again, at the urging of the PLT team, they
17 asked that we engage in this dialogue, and they recommended that
18 we talk about reducing the number of trucks in the residential
19 district. We set forth a framework that would have them go into
20 a smaller perimeter. I consulted with Mr. Ayotte. I think I
21 remember him saying that there was room for, you know, a
22 significant number of large trucks as long as they parked in a
23 more compact fashion in that broad, broad perimeter of Elgin,
24 Wellington, and west of that.

25 And obviously we're in the middle of the
26 pandemic. Most of those buildings were empty at that point in
27 time. We expected that if there were significant operational
28 concerns the City would have raised that with us in the last

1 stretch of those discussions, in the last 48 hours, as the City
2 was liaising with OPS and other police forces.

3 And so, no, there was no explicit -- it wasn't
4 like a -- the handshake was not predicated on every single truck
5 will go to Wellington because then if they had moved trucks to
6 Vankleek Hill or Arnprior, then it would have been seen as being
7 outside of the agreement. We tried to not get too bogged down
8 in that.

9 **MR. JEAN-SIMON SCHOENHOLZ:** Sorry, you said you
10 would've expected that the City would've raised concerns. I'm
11 assuming you meant OPS?

12 **MR. SERGE ARPIN:** No, because we had no direct
13 dealings with OPS on the scope and the nature of this goodwill
14 arrangement to try to get more trucks outside of the residential
15 precincts. Our liaison, as it is normally, well, normally,
16 sorry. Our liaison on almost every single city matter is
17 through the City Manager's Office, and the City Manager liaises
18 with, you know, various groups, they -- that they have a role in
19 on which we don't sit.

20 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And when you
21 say that you were -- you understood that some protestors wanted
22 to move into the, you know, outskirts of the town or some wanted
23 to go home, is that what you heard from Mr. French ---

24 **MR. SERGE ARPIN:** Correct.

25 **MR. JEAN-SIMON SCHOENHOLZ:** --- or would that
26 come ---

27 **MR. SERGE ARPIN:** Yes.

28 **MR. JEAN-SIMON SCHOENHOLZ:** That was Mr. French?

1 **MR. SERGE ARPIN:** Yes.

2 **MR. JEAN-SIMON SCHOENHOLZ:** We can pull up that
3 document, OTT406964.

4 Was this -- we'll go into this in more detail,
5 but was this agreement meant to achieve a permanent resolution
6 to the protests?

7 **MR. SERGE ARPIN:** It wasn't.

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

9 **MR. SERGE ARPIN:** We had no illusions around
10 that. It was a temporary solution aimed at taking down the
11 temperature and re-establishing a contact between the City and
12 the truck convoy representatives and members.

13 **MR. JEAN-SIMON SCHOENHOLZ:** And was it ever
14 raised that there would be some kind of protection for the
15 trucks that limited themselves to Wellington Street, for
16 example?

17 **MR. SERGE ARPIN:** Absolutely not. I recall
18 raising with Dean the fact that he had to be fully cognizant in
19 his discussions with truck convoy representatives that we were
20 having no discussions whatsoever with any agency about, you
21 know, enforcement, anything that could happen inside or outside
22 the zone, if we had no capacity to direct any of these
23 activities, and to either anticipate them or constrain them.
24 And so they had to be cognizant of the fact that they could
25 subject themselves to action at any moment. It could happen
26 five minutes after they start moving trucks. They had no
27 control over that.

28 **MR. JEAN-SIMON SCHOENHOLZ:** And my understanding

1 from what you said just earlier is that OPS was not consulted on
2 your discussions with Mr. French? Is that right?

3 **MR. SERGE ARPIN:** Not through us. No, not
4 through us.

5 **MR. JEAN-SIMON SCHOENHOLZ:** And neither was the
6 Parliamentary Protection Service?

7 **MR. SERGE ARPIN:** Not through us.

8 **MR. JEAN-SIMON SCHOENHOLZ:** Was it through
9 someone else?

10 **MR. SERGE ARPIN:** My understanding is that the --
11 that once OPS had been briefed on the matter, it was their
12 responsibility to brief their partners.

13 **MR. JEAN-SIMON SCHOENHOLZ:** And -- we'll get to
14 that later.

15 So okay. So looking then, this is the letter
16 that was issued by the Mayor's Office setting out the parameters
17 of that agreement with Mr. French; correct?

18 **MR. SERGE ARPIN:** Yes. And I just want to draw
19 your attention to the fact that paragraph 4 says that they will
20 restrict their presence to a perimeter. He did not say that
21 they would move all of their trucks into the Wellington
22 perimeter, and that's an important point. They had no ability
23 to anticipate which trucks would be going where.

24 **MR. JEAN-SIMON SCHOENHOLZ:** When did the Mayor
25 start having input with respect to this letter?

26 **MR. SERGE ARPIN:** The Mayor gave me a broad
27 mandate to engage with Mr. French to see if they were serious,
28 if Mr. French could reliably and credibly speak for, you know, a

1 significant number of truckers, and if we could come to kind of
2 a framework within 24/48 hours.

3 I picked up the phone within, I think, an hour of
4 him bringing us the message, given the state of urgency that was
5 being felt throughout the city, especially the impacted zones.
6 And that day, I briefed the Mayor verbally on the fact that I
7 believed that we could get Mr. French to bring a credible
8 proposal to the other side that included moving a significant
9 number of trucks outside of the residential district, and if
10 they did that in, you know, a short period of time, that it
11 would likely lead to the Mayor granting a listening meeting,
12 which typically it's extremely rare that the Mayor doesn't grant
13 a meeting to a group that's requesting it, and that includes
14 people we don't agree with.

15 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. So in terms of
16 -- you've mentioned this 75 percent number. And you've pointed
17 to the fourth paragraph:

18 "That's why I am writing to ask that you
19 remove your convoy and its trucks from all
20 of our residential neighbourhoods and [...] Wellington
21 restrict your presence to [...] Wellington
22 [essentially]."

23 And then if we just move down a little bit, it
24 kind of details the conditions to meeting the Mayor in a bit
25 more detail.

26 And I don't see the 75 percent in the letter
27 itself. So maybe if you can explain how it fits in?

28 **MR. SERGE ARPIN:** There is going to be an

1 extraordinary level of scrutiny and criticism of this effort to
2 remove trucks from the residential district. Obviously we could
3 not, you know, put the Mayor in a position where, you know, they
4 move 25 percent of trucks and they claimed that we promised to
5 grant them a victory -- we promised to grant them a meeting with
6 the Mayor. And so a bar was set that was, you know, extremely
7 high. They knew what the bar was. And that was the basis of
8 the, you know, the good faith arrangement, and we expected them
9 to live up to it.

10 **MR. JEAN-SIMON SCHOENHOLZ:** So that was
11 communicated verbally?

12 **MR. SERGE ARPIN:** It was.

13 **MR. JEAN-SIMON SCHOENHOLZ:** Is that what you're
14 saying? Okay. And the last paragraph that we can see on the
15 screen says -- references the departure of over 400 trucks from
16 residential areas. That was your understanding at the time of
17 how many trucks were in that?

18 **MR. SERGE ARPIN:** It was the number that was
19 given to us by Mr. Ayotte and it combined all of the trucks that
20 they knew about throughout the city, including Coventry, the
21 Raymond Chabot Grant Thornton Stadium.

22 **MR. JEAN-SIMON SCHOENHOLZ:** So it was an
23 ambitious undertaking to try and move these?

24 **MR. SERGE ARPIN:** It was. And up until that
25 point, we had not seen any relief. You know, there was no
26 relief in sight for residents in terms of what they were -- the
27 turmoil they were being subjected to.

28 **MR. JEAN-SIMON SCHOENHOLZ:** And you've already

1 said that the -- you know, the protestors weren't necessarily
2 one unified kind of group and that some of the fringe elements
3 were not represented in your discussions with Mr. French;
4 correct?

5 **MR. SERGE ARPIN:** We had no -- we knew -- we
6 believed, from what we read, what we saw on social media, that
7 there were various factions, and we believed that Dean was
8 dealing with the broad moderate center of those factions.

9 **MR. JEAN-SIMON SCHOENHOLZ:** So is it fair to say
10 that it was an ambitious goal to kind of satisfy the conditions
11 set out in this letter?

12 **MR. SERGE ARPIN:** Yes, it was. And we felt,
13 given the fact that we were into Day 10 of the demonstration
14 with collapse for -- in public collapse in our city and in our
15 police service being witnessed across the city, our council's
16 confidence was collapsing, the public's confidence was
17 collapsing, we felt we had nothing to lose in trying to remove
18 the trucks from the residential district in a cooperative
19 fashion.

20 **MR. JEAN-SIMON SCHOENHOLZ:** Did the protestors
21 provide any kind of assurances or, you know, through Mr. French
22 on being able to liaise with some of those fringe elements and
23 convince some of them to also vacate the residential areas?

24 **MR. SERGE ARPIN:** I have no knowledge of that.

25 **MR. JEAN-SIMON SCHOENHOLZ:** No, okay. I expect
26 that we'll hear from Insp. Drummond that the PLT had negotiated
27 similar kind of agreements to move trucks in the previous days
28 and that convoy leadership had not been able to execute on those

1 deals. Were you aware of that ---

2 **MR. SERGE ARPIN:** I was not privy to that.

3 **MR. JEAN-SIMON SCHOENHOLZ:** None of that had been
4 brought to your attention?

5 **MR. SERGE ARPIN:** Not aware of that.

6 **MR. JEAN-SIMON SCHOENHOLZ:** But you felt here
7 that essentially there was nothing to lose in kind of making
8 this deal?

9 **MR. SERGE ARPIN:** Mr. French was a credible
10 individual we dealt with in the past, and when we'd had dealings
11 with him on the floods, et cetera, on other issues, if he sought
12 a meeting with the Mayor on Item X and the Premier was going to
13 discuss Item Y, it usually happened in a sequence. And with the
14 content that he'd committed to, again, we felt he was reliable,
15 trustworthy, and excluding the politics and the ideology, it was
16 our best chance at that moment to try to see some progress,
17 which again we would not have initiated without the PLTs
18 engagement with the City Manager.

19 **MR. JEAN-SIMON SCHOENHOLZ:** Was part of the
20 agreement with Mr. French that some vehicles, some additional
21 vehicles would be moving on to Wellington Street?

22 **MR. SERGE ARPIN:** It was clear to us that some of
23 them would be going on to Wellington Street, yes, and that the
24 City had provided us with the opinion that it was feasible, and
25 that it was a lesser harm to remove these trucks from the
26 residential district and bring them into a large thoroughfare,
27 which was, except for Parliament, largely vacant at that point
28 in time. It wasn't perfect, but it was better than the status

1 quo for our residents.

2 **MR. JEAN-SIMON SCHOENHOLZ:** Would you agree that
3 that's no explicitly set out in the letter?

4 **MR. SERGE ARPIN:** It is not.

5 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And the
6 timeline from this move was -- for this move was 24 to 72 hours?

7 **MR. SERGE ARPIN:** That they would, you know,
8 start showing good will towards a very, very significant shift
9 of vehicles.

10 **MR. JEAN-SIMON SCHOENHOLZ:** Can we pull up
11 OTT00006965? So this is Tamara Lich's letter of acceptance,
12 same date, February 12th, essentially accepting the Mayor's
13 offer. It says, third paragraph:

14 "We have made a plan to consolidate our
15 protest efforts around Parliament Hill."

16 Is that reflective of your agreement with Mr.
17 French?

18 **MR. SERGE ARPIN:** I can't really opine on that
19 because that's what they felt they needed to put in the letter
20 to get buy-in from the truckers. That's my understanding of it.

21 **MR. JEAN-SIMON SCHOENHOLZ:** Were you ---

22 **MR. SERGE ARPIN:** Part of their PR campaign.

23 **MR. JEAN-SIMON SCHOENHOLZ:** Sorry. You mentioned
24 Mr. French was consulted on the wording of your letter. Were
25 you consulted on the wording of this letter?

26 **MR. SERGE ARPIN:** We saw their letter and we
27 thought that it met most of our aspirations around the removal
28 of trucks from the residential district.

1 **MR. JEAN-SIMON SCHOENHOLZ:** And you had been
2 advised, as you said previously, by Mr. Ayotte that there was
3 additional room ---

4 **MR. SERGE ARPIN:** Right.

5 **MR. JEAN-SIMON SCHOENHOLZ:** --- for those trucks
6 to move onto Wellington.

7 **MR. SERGE ARPIN:** Yeah.

8 **MR. JEAN-SIMON SCHOENHOLZ:** And he was your only
9 source of information when it came to that?

10 **MR. SERGE ARPIN:** I would say primary. I can't
11 remember if there were other sources ,but it would have been
12 through the senior management.

13 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. You provided
14 Mike jones, Chief of Staff to Minister Mendicino with a copy of
15 the Mayor's letter shortly before making the letter public,
16 right? About an hour before; is that correct?

17 **MR. SERGE ARPIN:** Yes, as a courtesy.

18 **MR. JEAN-SIMON SCHOENHOLZ:** But apart from that,
19 the federal officials were not consulted on this ---

20 **MR. SERGE ARPIN:** I have no knowledge of that.
21 They should have been. They would have been through the -- once
22 that information, we assumed PLT had shared it with OPS. PLT
23 were not acting on their own. They had to engage with the
24 decision-making structure, and hence they would have had some
25 kind of mechanism to inform other forces of that potential
26 agreement, as they approached us to engage with the truck
27 representatives.

28 **MR. JEAN-SIMON SCHOENHOLZ:** We understand that

1 the PLT met with Steve K on around February 8th. Were they
2 involved after that first meeting, once kind of you took over in
3 your discussions with Mr. French?

4 **MR. SERGE ARPIN:** They had to be because the OPS
5 had -- was involved in the Sunday night meeting where they went
6 through the details of how this thing could unfold, and hence,
7 you know, OPS had delegated individuals to take part in that
8 meeting to help decide how it was going to unfold.

9 **MR. JEAN-SIMON SCHOENHOLZ:** And that Sunday
10 meeting you're referring to is on the 13th; correct?

11 **MR. SERGE ARPIN:** Correct.

12 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And are you
13 specifically aware of any PLT engagement in between ---

14 **MR. SERGE ARPIN:** I am not ---

15 **MR. JEAN-SIMON SCHOENHOLZ:** --- the 8th and the
16 13th?

17 Let's pull up Document OTT00030055; sorry, I
18 missed another 5; 30055. And let's go to page 13.

19 So these are your texts with Mr. Jones, Chief of
20 Staff to Minister Mendicino. And here you're -- this is around
21 the time where you had provided him with notice of this
22 arrangement with the protesters. And so in the third -- the
23 blue bubbles are you; correct?

24 **MR. SERGE ARPIN:** Can you scroll back to a date,
25 please? My apologies.

26 **MR. JEAN-SIMON SCHOENHOLZ:** If we could just go
27 up. Just keep going up. There we go. So that's the 13th in the
28 afternoon. That would have been around the time you provided

1 him with the draft letter; correct?

2 **MR. SERGE ARPIN:** Yes.

3 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. So if we can
4 go back to page 13?

5 And am I correct that your words are in the blue
6 bubbles on the right-hand side of the screen?

7 **MR. SERGE ARPIN:** Yes, they are.

8 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And so you say
9 here in the second blue bubble:

10 "But why don't you tell me who you
11 thought we should be meeting with when
12 you made that suggestion when we spoke
13 on Friday?"

14 And we can -- if we just go down on the next
15 page, and if we can zoom in on the bottom bubble there.

16 Sorry; go up a bit. This one, starts the second
17 one.

18 So:

19 "You said that the suggestion had been
20 made that the City could be meeting
21 with some of the more moderate
22 elements."

23 So could you just explain what this is referring
24 to? It seems like you had had a previous discussion with Mr.
25 Jones about potential meetings with protesters?

26 **MR. SERGE ARPIN:** You would have to go back up to the
27 call from -- the text message on the afternoon of Friday. You'd
28 have to go back up some more, where that first -- I first raised my

1 reaction. We'd would have to find it, sorry; you'll have to
2 back up.

3 **MR. JEAN-SIMON SCHOENHOLZ:** Yeah, if you could
4 back up? The very first text that Friday afternoon?

5 **MR. SERGE ARPIN:** There's another -- no, at the
6 end of the day on Friday where it includes the word,
7 "Nauseating" I think.

8 (SHORT PAUSE)

9 **MR. JEAN-SIMON SCHOENHOLZ:** So this is Sunday, so
10 we have to go, I guess, quite a ways back here.

11 **MR. SERGE ARPIN:** I think that's it.

12 **MR. JEAN-SIMON SCHOENHOLZ:** Yeah.

13 **MR. SERGE ARPIN:** The final -- the penultimate
14 bullet.

15 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. So could you
16 maybe just explain for us?

17 **MR. SERGE ARPIN:** In the 4:00 to 5:30 p.m.
18 timeframe, I sent that to Mike, responding to a call that we had
19 about, you know, 30, 45 minutes before the six change where I
20 had reflected on what I believe he had shared with me, which
21 sounded something along the lines of, "Why don't you guys meet
22 with them and it would take the pressure down," et cetera. And,
23 you know, we had a number of things we were discussing, and
24 within a few minutes of hanging up I sent this note saying, "You
25 know, sometimes you've got 100 things on the go, you're not
26 always thinking on your feet."

27 And I sent that note with a crystal clear
28 recollection of that call 15 minutes ago, saying, "I hope you

1 know that it is distressing for us to hear the suggestion that
2 we should be meeting with them when you will not." Basically,
3 that my intervention, and he, on one or two occasions, came back
4 saying, "I never said that. I don't remember saying that"; and
5 that's his recollection. You'll have to ask him.

6 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. So your
7 recollection is that on February 11th, Mr. Jones suggested that
8 the City should itself be meeting with protesters.

9 **MR. SERGE ARPIN:** Correct.

10 **MR. JEAN-SIMON SCHOENHOLZ:** And at that time, you
11 were in fact already engaging with Mr. French.

12 **MR. SERGE ARPIN:** Correct.

13 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Did you tell
14 him that at the time?

15 **MR. SERGE ARPIN:** I don't recall. I don't know
16 if I did.

17 **MR. JEAN-SIMON SCHOENHOLZ:** And why was this
18 suggestion made by Mr. Jones?

19 **MR. SERGE ARPIN:** I don't know.

20 **MR. JEAN-SIMON SCHOENHOLZ:** What was the context
21 of that conversation in which he made that statement?

22 **MR. SERGE ARPIN:** I mean, we were -- we had been
23 engaged in a rather feisty exchange around what we were -- the
24 City was being told, in terms of the number of RCMP officers
25 that were being made available to OPS, and we felt that there
26 was a dramatic disconnect between what we were being told and
27 what OPS was relaying to myself and the Mayor, through the
28 Chair, through the City Manager, et cetera, around the number of

1 officers that we were seeing on the ground. And, you know,
2 Twitter, social media, media outlets, et cetera, were saying,
3 "We're not seeing anything. We're not seeing additional
4 officers. We're not seeing additional mobilization."

5 And so our data, what was being provided to us,
6 was completely inconsistent with what OPS was relaying to us.
7 And you'll note that in a very, very lengthy and detailed
8 exchange with the Chair of OPSB, you know, we're having an
9 exchange about the numbers, asking them if it's taking too long
10 to swear people in, which was a suggestion coming from Mike,
11 that there could be, you know, various delays; we understood
12 that. But we would go back to OPS and say, "Well, you know,
13 what are you seeing? How many officers are you getting? Are
14 you seeing this surge of, you know, 250 officers?" And the
15 answer was, "No." It was a -- and it wasn't 10 shy of 250; it
16 was 200 shy, it was 180 shy. It was a very, very large
17 discrepancy, which, as you can see in our exchange, even Mr.
18 Jones says, "I can't reconcile it. I'll go back to my people
19 and ask them why those people are not on the ground yet."

20 **MR. JEAN-SIMON SCHOENHOLZ:** And we'll look close
21 -- more closely at some of those exchanges a bit later.

22 So was it a response to the City's frustration
23 over those resource issues that that statement was made, that,
24 "Well, if you want to relieve some pressure, why don't you meet
25 with them"?

26 **MR. SERGE ARPIN:** No, I don't believe they were
27 related but I can't remember.

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

1 If we can go to Document 698 -- sorry; OTT6985?

2 So this is just a copy of the email; again, same
3 time, afternoon of February 13th when a copy of the agreement is
4 sent to both Council members, and then members of the OPS.

5 So if you scroll down a little bit, you'll see
6 that it was sent -- if you go down a little bit more, a little
7 bit more. So here, so we see the email from Matthew Gravelle
8 and that's forwarding the letter to the councillors; correct?
9 Is that right?

10 **MR. SERGE ARPIN:** Yes.

11 **MR. JEAN-SIMON SCHOENHOLZ:** And then just above
12 we see your email forwarding it to Steve K. And then just above
13 that I believe is Steve K sending it to various members of OPS;
14 is that correct?

15 **MR. SERGE ARPIN:** It must be.

16 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And is that
17 the first time OPS was seeing kind of the terms of the
18 agreement?

19 **MR. SERGE ARPIN:** I have no knowledge of that.

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

21 **MR. SERGE ARPIN:** What had been relayed to them
22 by the team I cannot imagine that OPS would not have been aware
23 of the broad outline of the -- of this agreement because they
24 had liaison people in at least two of the meetings with the City
25 staff where movement of trucks outside of the residential
26 precincts had been discussed. At their suggestion and at their
27 behest, they proposed that we undertake this dialogue. I don't
28 -- I can't see how they would not be aware of it.

1 **MR. JEAN-SIMON SCHOENHOLZ:** There was actually --
2 sorry to take you a little bit back in time, but there was a
3 meeting around noon on February 13th. If we go to document
4 OTT30059, these are the transcription of the notes of Kim
5 Ayotte, and we'll go to page 12 once it's opened up. Are you
6 there?

7 So you see here, Sunday 2022, 13th, meeting
8 regarding protest. So this was around noon as I understand, and
9 here, the OPS was given a certain briefing on the terms of the
10 agreement. Were you present at that meeting?

11 **MR. SERGE ARPIN:** I was.

12 **MR. JEAN-SIMON SCHOENHOLZ:** You were? Okay. If
13 we go to page 13? It says at the top here, "50 holdout truckers
14 plus now they all need to participate." Do you know what that
15 means?

16 **MR. SERGE ARPIN:** I do not.

17 **MR. JEAN-SIMON SCHOENHOLZ:** No? Further down it
18 says, "major backlash if that RCMP or \$ from the feds." Do you
19 remember that being brought up ---

20 **MR. SERGE ARPIN:** No.

21 **MR. JEAN-SIMON SCHOENHOLZ:** --- in the
22 conversation? Okay.

23 **MR. SERGE ARPIN:** May I -- backing up, may I --
24 in relation to the letter, the Chief was briefed on this
25 agreement by the mayor directly at this meeting.

26 **MR. JEAN-SIMON SCHOENHOLZ:** At this meeting.

27 **MR. SERGE ARPIN:** Yes.

28 **MR. JEAN-SIMON SCHOENHOLZ:** Yeah, okay.

1 **MR. SERGE ARPIN:** And then in the letter, he
2 raised a concern around language on one paragraph.

3 **MR. JEAN-SIMON SCHOENHOLZ:** M'hm. And but I
4 think by that time, the letter had already been ---

5 **MR. SERGE ARPIN:** Yes.

6 **MR. JEAN-SIMON SCHOENHOLZ:** --- that the letter
7 had already been sent.

8 **MR. SERGE ARPIN:** Had been issued.

9 **MR. JEAN-SIMON SCHOENHOLZ:** So let's go to -- I
10 just have one more I want your thoughts on at page 15.

11 Sorry, the ---

12 **MR. SERGE ARPIN:** Sorry ---

13 **MR. JEAN-SIMON SCHOENHOLZ:** --- top of page 15.
14 Okay. Sorry, just a bit higher. So it says Steve K, mayor's
15 concerns. And you see the third one is where are the truckers
16 going. So do you -- can you speak to that? What exactly was
17 the concern here?

18 **MR. SERGE ARPIN:** My recollection of that is that
19 we raised that issue in -- I raised that issue in discussions
20 with Dean French that we could not be in a position where if
21 trucks were moved out of the precinct, technically, out of the
22 residential districts, technically, honouring their commitment,
23 then they would be backfilled by other trucks, or you would see
24 some of those trucks move into other residential districts,
25 thereby, technically, honouring the agreement, but, you know,
26 violating the intent. Those were issues that the mayor wanted
27 to make sure were covered, that we wouldn't be, you know,
28 tricked into an agreement that would end up hurting residents

1 elsewhere in the city. And that's why those, you know, rather
2 explicit conditions were in the letter exchange.

3 **MR. JEAN-SIMON SCHOENHOLZ:** And was your
4 understanding that the exact terms of where the trucks were
5 going to be moving, that was to be worked out at the Sunday
6 evening meeting ---

7 **MR. SERGE ARPIN:** Yes.

8 **MR. JEAN-SIMON SCHOENHOLZ:** --- with Steve K?

9 **MR. SERGE ARPIN:** Absolutely, in which we had no
10 involvement in either planning or attending.

11 **MR. JEAN-SIMON SCHOENHOLZ:** We expect to hear
12 from Chief Sloly that he did not know that more vehicles would
13 be moving onto Wellington and that that would have been contrary
14 to what he was told was happening. What is your response to
15 that?

16 **MR. SERGE ARPIN:** You'll have to ask him. I have
17 no idea what his intelligence from his PLT and other troops was.

18 **MR. JEAN-SIMON SCHOENHOLZ:** You were present at
19 this meeting and you sent him the letter.

20 **MR. SERGE ARPIN:** Sorry, and the letter was
21 explicit in terms of the intent. The mayor mentioned it
22 verbally as well. And so -- and he raised no significant
23 concerns around the redistribution of trucks.

24 **MR. JEAN-SIMON SCHOENHOLZ:** So is your
25 understanding then that Chief Sloly would have been advised that
26 the trucks were to move onto ---

27 **MR. SERGE ARPIN:** One hundred ---

28 **MR. JEAN-SIMON SCHOENHOLZ:** --- that some trucks

1 were moving onto Wellington?

2 **MR. SERGE ARPIN:** Absolutely, 100 percent. It
3 was crystal clear in that meeting.

4 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Let's move to
5 OTT25453.

6 **COMMISSIONER ROULEAU:** Can we have a moment?
7 Can you step out, please? Okay. Thank you.
8 Thank you. Go ahead.

9 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you, Mr.
10 Commissioner.

11 Okay. So if you can just scroll through this
12 document so Mr. Arpin can get a sense of it? Maybe start at the
13 bottom and scroll up.

14 So my understanding is that this is some
15 messaging that was prepared for the mayor shortly after the
16 agreement went public. You recognize this?

17 **MR. SERGE ARPIN:** I do.

18 **MR. JEAN-SIMON SCHOENHOLZ:** And at the top, it --
19 just a little bit higher. Here we have a response from the
20 mayor -- oh, just down a bit -- saying, "Should we add something
21 about fines?" I assume that's supposed to say et cetera. Do
22 you know what that's about?

23 **MR. SERGE ARPIN:** I don't. I think it was the
24 mayor trying to, you know, reflect to residents that we had
25 other tools.

26 **MR. JEAN-SIMON SCHOENHOLZ:** And just above,
27 Matthew Gravelle answers, "It was Serge's position that we do
28 not promote that unless asked."

1 **MR. SERGE ARPIN:** That refers to what I mentioned
2 earlier on, there was significant fluidity around the smaller
3 footprint into which vehicles could be moved, and it was our
4 understanding that the City did not want to see more trucks on
5 the Sir John A MacDonald Parkway west of, let's say, Bay, where
6 you would start to bleed into the residential district, and it
7 was intended in the letter as a broad parameter. It was
8 intended to be fluid in nature. And we immediately, you know,
9 within an hour or two of issuing the letter, we got a call from
10 the local councillor saying, "Does this mean we'll see a lot
11 more trucks on the parkway?" And the answer was no. In the
12 letter, if you read it, again, I think literally it shows from
13 Elgin to the Sir John A MacDonald Parkway. Obviously, it wasn't
14 intended to bring parks out to -- trucks out to the Chaudière
15 Falls. That's how far you could go. You could go very, very
16 far. You could go to Champlain Bridge on the Sir John. So the
17 intent was to create a parameter where SJAM started. That's
18 where we would see -- you know, trucks would go there, but not
19 much further, and that again was on the recommendation of City
20 staff.

21 **MR. JEAN-SIMON SCHOENHOLZ:** And so that was what
22 we didn't want to promote kind of ---

23 **MR. SERGE ARPIN:** We didn't want to promote that
24 because we -- there was confusion around that aspect. It was
25 fluid. We didn't know how many trucks were leaving the precinct
26 to go somewhere else, but the mayor had been quite firm that he
27 didn't want to see more trucks back in residential districts.
28 It was to honour the broad framework of the good will

1 arrangement with the truckers.

2 **MR. JEAN-SIMON SCHOENHOLZ:** Now according to your
3 witness statement, you say that 102 vehicles including about 40
4 heavy trucks were moved on the morning of February 14th. What do
5 you know about where these vehicles went?

6 **MR. SERGE ARPIN:** Nothing.

7 **MR. JEAN-SIMON SCHOENHOLZ:** Nothing.

8 **MR. SERGE ARPIN:** I mean, I know some of them
9 went onto Wellington. We know that for a fact, and they were
10 accommodated.

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

12 **MR. SERGE ARPIN:** We don't know if others chose
13 to go home, et cetera. And when I engage with Mr. Ayotte to
14 have a sense of whether or not we had a handle on it, he
15 informed me that it was an extremely fluid count, that at one
16 point in time, his understanding is that we were only counting
17 big rigs. You know, small delivery trucks, et cetera, were
18 either leaving the precinct being removed and not being counted
19 because they were not, you know, the worst offenders in terms of
20 noise and fumes, et cetera. So it's my understanding that we
21 did not have a tight count on the number of trucks being moved.

22 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And your
23 understanding, again according to the witness statement, is that
24 the movement of trucks ended the afternoon of February 14th.
25 Who advised you of that?

26 **MR. SERGE ARPIN:** I believe it would be the city
27 manager or Kim Ayotte, or both.

28 **MR. JEAN-SIMON SCHOENHOLZ:** And do you know the

1 reason for that?

2 **MR. SERGE ARPIN:** I do not.

3 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. You weren't
4 advised -- the Mayor's Office was not advised for what reason
5 that ---

6 **MR. SERGE ARPIN:** We were told that OPS had
7 stopped the movement of trucks, and in fairness, we had
8 understood at the start of the day that, you know, there were
9 significant communications challenges on the ground and that
10 there's a point in time at which many trucks were ready to move
11 and they were not being allowed to move, et cetera. It was very
12 fluid.

13 **MR. JEAN-SIMON SCHOENHOLZ:** So the OPS put a stop
14 to it, but you're not sure why. Is that accurate?

15 **MR. SERGE ARPIN:** I do not know why.

16 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Going to
17 Document OTT7120, so here we have an email exchange between the
18 Mayor's Office and the Parliamentary Protective Services Office,
19 I guess. So if we just go down a little bit, down a bit more,
20 down a bit more? Okay. Oh, one more, sorry. So James works or
21 worked for the Mayor's Office?

22 **MR. SERGE ARPIN:** Correct.

23 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And he
24 received -- do you recall this exchange?

25 **MR. SERGE ARPIN:** I do.

26 **MR. JEAN-SIMON SCHOENHOLZ:** He received a request
27 for an urgent call, for the Mayor to have a call with Acting
28 Director ---

1 **MR. SERGE ARPIN:** Correct.

2 **MR. JEAN-SIMON SCHOENHOLZ:** --- Larry Brookson,
3 yes?

4 And if we go up a little bit, we see that James
5 responds that the Mayor would be happy to speak to him now. And
6 then if we go further up, one more, he further responds a little
7 while later, sorry, that there's been a change of plans.

8 Do you know why the Parliamentary Protective
9 Services was trying to reach the Mayor's Office?

10 **MR. SERGE ARPIN:** Yes.

11 **MR. JEAN-SIMON SCHOENHOLZ:** And what reason is
12 that?

13 **MR. SERGE ARPIN:** They wanted to share their
14 concerns around the fact that they did not like the idea of
15 seeing more trucks move into the Wellington precinct, and they
16 further shared the information that there could be,
17 theoretically, a bomb in one of the trucks.

18 **MR. JEAN-SIMON SCHOENHOLZ:** And the PPS had not
19 been consulted by the City in coming to this agreement, correct?

20 **MR. SERGE ARPIN:** If an agency had to be -- had
21 to consult them, it would have been OPS.

22 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And so you're
23 not aware of any -- of them being consulted in any way. You're
24 saying had they been consulted, it would have been through the
25 OPS, but ---

26 **MR. SERGE ARPIN:** Through the mechanisms that
27 they had.

28 **MR. JEAN-SIMON SCHOENHOLZ:** --- you don't have

1 knowledge of that?

2 **MR. SERGE ARPIN:** I do not.

3 **MR. JEAN-SIMON SCHOENHOLZ:** And so, can you
4 explain why the Mayor was -- I guess why there was a change of
5 plans here, that he would not longer take his call?

6 **MR. SERGE ARPIN:** I overruled the staff
7 recommendation to organize that call because it is extraordinary
8 for the Mayor to deal directly with any other head of a security
9 agency other than the Chief of Police of the City of Ottawa. It
10 is not within our historical practices to have the head of the
11 RCMP, the head of the OPP, call the Mayor and berate them about
12 an agreement with a civilian. It's never happened in our
13 history and hopefully would not happen under our history. We
14 understand that he was unhappy. We referred him to the City
15 manager. It is my understanding that he was eventually put in
16 touch with someone within the command structure to have a
17 dialogue about his concerns.

18 **MR. JEAN-SIMON SCHOENHOLZ:** The OPS command
19 structure?

20 **MR. SERGE ARPIN:** Correct.

21 **MR. JEAN-SIMON SCHOENHOLZ:** Do you remember,
22 during that discussion that we touched on around noon on
23 February 13th with the OPS, was there any discussion of reaching
24 out to the Parliamentary Protective Service to advise them?

25 **MR. SERGE ARPIN:** Sorry, can you restate the
26 timeframe?

27 **MR. JEAN-SIMON SCHOENHOLZ:** So we looked at Kim
28 Ayotte's notes of that February 13th meeting at about noon,

1 before the agreement went out. Do you recall in that meeting
2 with OPS any discussion of advising Parliamentary Protective
3 Services of this deal?

4 **MR. SERGE ARPIN:** I do not, but it is my
5 understanding that the PLT team would have a responsibility to
6 report up within its structure and then someone would make the
7 decision on which police forces need to be informed of the OPS'
8 actions in relation to negotiating movement of trucks.

9 **MR. JEAN-SIMON SCHOENHOLZ:** And in fact, that
10 meeting wasn't with PLT; it was with senior OPS leadership?

11 **MR. SERGE ARPIN:** Sorry, we're not talking about
12 the same meeting then. My point was on either of the meetings
13 where PLT agents were present with the City manager and/or City
14 staff, they would, I assume, exit that meeting and brief up on
15 what they had agreed to, what they were working on, because that
16 agreement was a result of their engagement with the City manager
17 and the Mayor's Office to try to get us to engage with the
18 protestors. And if I may restate, if I have not clearly, that
19 when the City manager was first approached, we were told that
20 PLT was looking for either the City manager and/or the Mayor to
21 engage with the demonstrators to try to take the pressure down
22 and the temperature down, and we declined because we had no --
23 we just didn't feel comfortable enough to engage. That's why
24 we, you know, supported the City manager in his decision to have
25 an exploratory meeting.

26 **MR. JEAN-SIMON SCHOENHOLZ:** Why not direct them
27 to speak to OPS?

28 **MR. SERGE ARPIN:** Sorry, who is "them"?

1 **MR. JEAN-SIMON SCHOENHOLZ:** In responding to this
2 email chain, why not direct PPS?

3 **MR. SERGE ARPIN:** Because we typically do not
4 send other police agencies to other police agencies. It's not
5 our job. Our liaison is typically with the City Manager's
6 Office, who is serving on at least two critical taskforces where
7 police forces were present, including the long-acronym
8 organization that represents -- that had the OPP on it, the
9 RCMP. My understanding is that PPS was represented on that
10 group as well, with the City manager.

11 **MR. JEAN-SIMON SCHOENHOLZ:** The NCRCC?

12 **MR. SERGE ARPIN:** Correct.

13 **MR. JEAN-SIMON SCHOENHOLZ:** Is that what you're
14 referring to? Okay.

15 So we expect to hear from Mr. Drummond that the
16 OPS put an end to the movement of vehicles to Wellington for two
17 reasons: one, because there was no more room on Wellington and;
18 two, because the *Emergencies Act* was invoked and the police
19 needed time to consider the Emergencies Orders.

20 Did you hear -- so starting with the first, had
21 you heard anything about there being no more room on Wellington?

22 **MR. SERGE ARPIN:** No.

23 **MR. JEAN-SIMON SCHOENHOLZ:** Had you heard to the
24 contrary, that there was still room on Wellington?

25 **MR. SERGE ARPIN:** No, but I had heard from City
26 staff that there was enough, you know, paraphernalia and hot
27 tubs and things that could be moved and displaced, that there
28 was enough room to move a large number of trucks into the

1 precinct. That was their analysis, and maybe if they made a
2 mistake, I don't know. We trusted their judgment that there was
3 significant room.

4 **MR. JEAN-SIMON SCHOENHOLZ:** And had you heard
5 anything about the movement of trucks being stopped because of
6 the invocation of the *Emergencies Act* on the 14th?

7 **MR. SERGE ARPIN:** We read about it. We
8 speculated, like others, that that might have been a significant
9 driver of that.

10 **MR. JEAN-SIMON SCHOENHOLZ:** But it was just
11 speculation?

12 **MR. SERGE ARPIN:** Yes.

13 **MR. JEAN-SIMON SCHOENHOLZ:** So when was the last
14 time you communicated with Dean French about the convoy?

15 **MR. SERGE ARPIN:** Sometime on the weekend of the
16 12th. He told me he was getting on a plane, going back home.
17 He was available. He was reachable. If he needed to come back,
18 he'd come back quickly.

19 **MR. JEAN-SIMON SCHOENHOLZ:** Essentially when the
20 deal was completed?

21 **MR. SERGE ARPIN:** Yes.

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

23 **MR. SERGE ARPIN:** And I don't remember if it was
24 the Saturday or the Sunday. We were working 18-hour days and
25 fielding tonnes of meeting requests and calls, et cetera.

26 **MR. JEAN-SIMON SCHOENHOLZ:** When did you first
27 start communicating with Keith Wilson then?

28 **MR. SERGE ARPIN:** Broadly speaking, Mr. French

1 suggested to me that they had a legal representative. I had
2 never spoken to him before. I didn't know who he was. He asked
3 me to deal with him if we needed to exchange any emails, and Mr.
4 Wilson, I would -- my recollection of it is that he engaged
5 sometime over the course of the weekend of the 12-13th, when the
6 broad brushout line of an agreement was in place.

7 **MR. JEAN-SIMON SCHOENHOLZ:** So let's go to
8 Document HRF1465. So this is an email exchange between yourself
9 and Mr. Wilson the evening of February 14th. If you scroll down
10 just a little bit? Okay. So here it's 6:05. You write to
11 Keith saying:

12 "Is a touch base call possible this
13 evening, between 8:30 and 9:00?"

14 And then if you scroll up, we scroll back up
15 there's just acceptance there. Do you recall what your -- I
16 assume, did you have this call with Mr. Wilson?

17 **MR. SERGE ARPIN:** Yes, I did.

18 **MR. JEAN-SIMON SCHOENHOLZ:** And do you recall
19 what that call was about?

20 **MR. SERGE ARPIN:** Broadly-speaking, I think it
21 was, again, getting a sense of if they believed they would
22 honour the deal. Would we be providing relief to the people of
23 Ottawa who were under a state of siege?

24 **MR. JEAN-SIMON SCHOENHOLZ:** So there was ---

25 **MR. SERGE ARPIN:** They had the organisational
26 ability to get the trucks to collaborate.

27 **MR. JEAN-SIMON SCHOENHOLZ:** And what was the
28 response to that?

1 **MR. SERGE ARPIN:** My best recollection is that he
2 said it was a door-to-door effort. They would knock on every
3 door, they would speak to every trucker, they would let them
4 know that they believed that this is a good thing, that it would
5 take the temperature down, and we would see the results in the
6 morning if they were successful or not.

7 **MR. JEAN-SIMON SCHOENHOLZ:** Was there a sense
8 that it would be a significant challenge to get all the trucks
9 moving out of the residential areas?

10 **MR. SERGE ARPIN:** I don't know.

11 **MR. JEAN-SIMON SCHOENHOLZ:** If we can go to
12 HRF1466.

13 **MR. SERGE ARPIN:** Sorry. If I may back up,
14 respectfully. We already understood it to be a huge
15 organisational and logistical challenge because as you know some
16 of the streets had vehicles backed up four, five blocks deep
17 with the cabs facing forward. If you can't get the first cab to
18 move, then you can't get the second cab to move, et cetera, et
19 cetera. So it required a level of collaboration and logistical
20 coordination that we could not begin to fathom, but obviously it
21 required a very high level of collaboration. I think we have
22 provided photos that show four or five city streets that were
23 cleared at least three or four blocks deep. So they appeared to
24 have some ability to deliver at least partially on their
25 commitment.

26 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Let's go to
27 HRF1466.

28 So these are some texts between yourself and

1 Mr. Wilson.

2 We can go to page 3.

3 **MR. SERGE ARPIN:** I know my mom's not happy about
4 that photo.

5 (LAUGHTER)

6 **MR. JEAN-SIMON SCHOENHOLZ:** So there's a series
7 of texts here where Mr. Wilson reaches out to you about the City
8 obtaining an injunction and some concerns around that. What do
9 you recall?

10 **MR. SERGE ARPIN:** I liaised -- well, initially,
11 again, as Mr. French was kind of like out of the picture on a
12 day-to-day basis, he shared this notion that the City was
13 surprising them with an injunction. And I went back to the City
14 Manager and verified with him whether or not that issue had been
15 raised in any of the meetings with the truck convoy
16 representatives, and Mr. Kanellakos told me that that was not a
17 surprise, that the representatives for the truck convoy,
18 including legal reps, were at least one of the meetings where
19 the City had warned that this initiative was underway and that
20 it would continue. And I shared that information back with
21 Mr. Wilson. He did not appear to challenge it.

22 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. So the -- that
23 effort, being the City itself, going out to obtain an
24 injunction?

25 **MR. SERGE ARPIN:** Correct. And I mean, I think
26 the remainder of the exchange, well, show that I relayed to him,
27 you know, what the City Manager had relayed to me about that
28 meeting, and he appeared to accept that that's how the meeting

1 had unfolded. Because we -- the City Manager named specific
2 individuals who were briefed at the meeting on the prospect of
3 an injunction.

4 **MR. JEAN-SIMON SCHOENHOLZ:** So if we can just go
5 down. Go down. Just go down.

6 So this is this passage of the text that you're
7 referring to?

8 **MR. SERGE ARPIN:** And also, because I did -- I
9 was not present at the meeting, I asked him to have an exchange
10 directly with the City Manager so that they could compare notes
11 on what had been said about the injunction. I was just an
12 intermediary.

13 **MR. JEAN-SIMON SCHOENHOLZ:** And are you aware of
14 whether they had that subsequent exchange?

15 **MR. SERGE ARPIN:** I believe they did, but I'm not
16 100 percent certain.

17 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. So the concern
18 was just that notice of the injunction had not been provided to
19 the protestors, which didn't align with the information you had?

20 **MR. SERGE ARPIN:** Correct.

21 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. If we can go
22 to -- sorry. Keep going down. Keep going down. Keep going.

23 Okay. So here, at 9:15 p.m. on February 15th,
24 you receive a text from Mr. Wilson that says:

25 "The truckers want to move 40 plus
26 trucks tomorrow starting in the
27 morning. They have the room on
28 Wellington to fit."

1 And your understanding of the room on Wellington
2 is not contrary to this?

3 **MR. SERGE ARPIN:** We had not been told that there
4 wasn't enough room for that movement.

5 **MR. JEAN-SIMON SCHOENHOLZ:** And he continues:
6 "That would just about clear...almost
7 all of the residential areas."

8 Do you know whether that was accurate?

9 **MR. SERGE ARPIN:** I do not.

10 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. All right.
11 Okay, we can take that off the screen.

12 I want to talk about some of your communications
13 with federal and provincial officials. In your interview
14 summary, you state that:

15 "The Mayor was initially hesitant to
16 contact federal and provincial
17 governments to request additional
18 resources, but that the OPS eventually
19 indicated that political pressure would
20 be necessary to obtain the resources."

21 (As read)

22 What's your understanding of the reasons that the
23 OPS put forward to ask for that political pressure to be
24 applied?

25 **MR. SERGE ARPIN:** The Chair of OPSB conveyed to
26 me in a very, very direct insistent manner that the OPS was
27 unsuccessful in its attempts to secure additional resources from
28 either the OPP or the RCMP, and she implored us to engage and to

1 write to both the Prime Minister and the Premier asking for
2 additional resources.

3 As I have mentioned earlier, I have served
4 Mayor Watson for 11 years, and 11 months, through the totality
5 of his current mandate as post amalgamation mayor. He has never
6 made request to a politician, an elected official, a minister, a
7 solicitor general for police officers. We've made requests for
8 funding, which are within Council's mandate, but the Mayor has
9 never been engaged in seeking support from another level of
10 government for a specific number of additional bodies.

11 I shared that with the Chair. They provided me
12 with a draft of what -- a letter they thought should go to the
13 Premier and -- the Prime Minister and the Premier. We redrafted
14 it. I recommended to the Mayor that it not be sent. We had a
15 good discussion around it, and after I shared with the Mayor the
16 fact that the Chair had said that the OPS would not be securing
17 these resources without her involvement, that they were
18 unsuccessful, in other words, I have to presume that they were
19 being told, "No, you're not getting these additional bodies",
20 and then she sent us a draft. We rewrote it. I sent it to her.
21 Sorry, she sent us a draft I think at 9:00 a.m. on February 7th,
22 that should be in record, I think I've seen it.

23 At 12 o'clock, we sent her a new draft that
24 identified both I think Minister Mendicino and Com Blair, and
25 the Premier of Ontario and the Solicitor General as the people
26 we'd be writing too providing a broader context for the scope
27 and scale of the crisis that residents were being subjected to,
28 seeking, you know, an additional number of bodies, which that

1 number was provided to us by the OPS, and the Mayor relented and
2 agreed to sign those two letters. We sent them out that day.

3 **MR. JEAN-SIMON SCHOENHOLZ:** So those are the
4 letters, dated February 7th; correct?

5 **MR. SERGE ARPIN:** Correct.

6 **MR. JEAN-SIMON SCHOENHOLZ:** And so your
7 understanding is that prior to that date there had been requests
8 being made by the OPS for additional resources?

9 **MR. SERGE ARPIN:** That what was conveyed to me,
10 and I think you can see that in some of the exchanges between
11 myself and Chair Deans, but I can't remember where exactly in
12 those exchanges.

13 **MR. JEAN-SIMON SCHOENHOLZ:** Do you know how long
14 those resource requests had been ongoing?

15 **MR. SERGE ARPIN:** I don't.

16 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And did she
17 provide to you an explanation for why those requests ---

18 **MR. SERGE ARPIN:** She did not.

19 **MR. JEAN-SIMON SCHOENHOLZ:** --- had been
20 unsuccessful?

21 **MR. SERGE ARPIN:** She did not.

22 **MR. JEAN-SIMON SCHOENHOLZ:** But it was felt at
23 that time that it was no longer sufficient to be making those
24 requests at the police-to-police level and that it had to be
25 escalated?

26 **MR. SERGE ARPIN:** I have no -- we cannot
27 ascertain that the requests were made -- was made police-
28 to-police. We were only told that the OPS was unsuccessful in

1 getting additional, you know, people and bodies provided to the
2 tripartite effort by the other two agencies. And the numbers
3 that we were seeing that were referred to in previous exchanges
4 seemed to corroborate the fact that no significant additional
5 resources were coming to the effort in the first 10 days of the
6 crisis.

7 **MR. JEAN-SIMON SCHOENHOLZ:** Right. Let's look at
8 OTT7429. This is an email exchange with the PMO where you
9 request, initially, to speak to his Chief of Staff, Katie
10 Telford.

11 We can scroll down all the way to the bottom to
12 the first exchange. And it's -- you wanted to speak regarding
13 Ottawa's request for additional enforcement support, as we see
14 there.

15 Why did you feel it was necessary at that time,
16 so this was two days after making the request, to engage
17 directly with the PMO?

18 **MR. SERGE ARPIN:** Two things were happening. The
19 discrepancy in the numbers being provided to OPS, relative to
20 the numbers that OPS was seeing on the ground, and what we felt
21 to be friendly fire coming from, you know, various political
22 voices federally saying, "It's up to the City to step up and do
23 their job," roughly, which we can find that text if you want.
24 But, you know, I wanted to convey to the Prime Minister's Office
25 that we needed their help, the numbers were inconsistent. We
26 wanted them to know that, that what we were being told about the
27 numbers was inconsistent.

28 And I conveyed that and I believe that there was

1 a change in tone, you know, roughly the next day, I think maybe
2 someone realized, "This will have to be a team effort. We need
3 them. It's clear that we need them to help in the insurgency
4 and the demonstration." And I guess everyone came around to the
5 conclusion it would be better to try to take a collaborative
6 approach and maybe try to reduce some of the finger pointing,
7 "You have this many. We have this many. We think you have this
8 many. We think you're only giving us this many." And then
9 people being out there saying, "We think the City's going to be
10 able to end it by themselves. They have the authority and the
11 capacity to do it."

12 **MR. JEAN-SIMON SCHOENHOLZ:** So we'll go through
13 some more of these exchanges, because there is some more of that
14 as time goes on for a few days.

15 Let's go to OTT20712.

16 So this -- these are text messages with Zita
17 Astravas. What is her role?

18 **MR. SERGE ARPIN:** Chief of Staff to Minister
19 Blair.

20 **MR. JEAN-SIMON SCHOENHOLZ:** So these -- so if we
21 can go to page 15? These are texts from the 11th of February.
22 And if you can just scroll down -- oh, so it's the last one.
23 We'll look at the last bubble there.

24 So you say:

25 "Can you please ask [...] the Chief of
26 Police, if this has not been provided to
27 him, be given [a] line of sight on the
28 additional bodies..."

1 If we could continue to the next page?

2 "...on the additional bodies he will get
3 today (number), the additional bodies we
4 will get tomorrow [...] and the same line of
5 sight for Sunday [...]. Let me know when we
6 can debrief."

7 Can I actually just -- if we could just go up to
8 the first page again? So where were you obtaining -- well
9 first, why were you asking for the Chief to be given line of
10 sight on the additional bodies he was getting?

11 **MR. SERGE ARPIN:** Because the Mayor was being
12 reassured that we would be getting additional support from the
13 RCMP and when the information was being provided to us by OPS
14 that there were no significant additional bodies being provided,
15 it was maybe in the 60 to 80 range, and the number that we were
16 being given was 250. I mean, we were really happy to hear that
17 number. It sounded like a very significant increase and we
18 wanted to make sure that it was not just being relayed to us
19 politically, as we have no role whatsoever in the, you know,
20 onboarding of these police officers, and swearing in, et cetera,
21 et cetera that had to be conveyed directly to the Chief of
22 Police to be -- you know, for them to be able to use that
23 information and operationalize it.

24 **MR. JEAN-SIMON SCHOENHOLZ:** Did someone ask you
25 to make this type of request from Minister Blair's ---

26 **MR. SERGE ARPIN:** I'd have to go back to the
27 timing of when we we're being told that we're getting 250,
28 because I was in a concurrent discussion with Mike, having a

1 debate around the numbers, which there's clearly a discrepancy
2 in -- not a disagreement, it's simply their number was
3 inconsistent with what OPS was telling us, and that ask was
4 simply, "If you have a clear number, can you give it to OPS?"

5 **MR. JEAN-SIMON SCHOENHOLZ:** Well we'll go to your
6 texts with Mike in just a moment. I want to ask you first
7 though, where, generally, were you obtaining your information on
8 the OPS numbers? How were you getting that information?

9 **MR. SERGE ARPIN:** It would have been given to the
10 Mayor as part of his regular briefings with OPS and the City
11 Manager. And those were scheduled. They're in the agenda. We
12 see documentation from those meetings.

13 **MR. JEAN-SIMON SCHOENHOLZ:** So those would have
14 been briefings with OPS leadership?

15 **MR. SERGE ARPIN:** Correct.

16 **MR. JEAN-SIMON SCHOENHOLZ:** Including Chief
17 Sloly, presumably?

18 **MR. SERGE ARPIN:** And sometimes it was the Chair
19 of the Board, sometimes it was, you know, a lower-ranked
20 individual within the OPS would provide us with a briefing that
21 they believed the resources were not forthcoming. But typically
22 it was the Chief telling us those numbers are not being
23 provided, without getting into a lot of detail.

24 And again, you'll see in my exchange with Chair
25 Deans that she's answering questions and saying, "We're not
26 seeing those additional bodies at this point in time."

27 **MR. JEAN-SIMON SCHOENHOLZ:** You obviously had no
28 direct line of sight on a number yourself?

1 **MR. SERGE ARPIN:** Absolutely not.

2 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. So let's go to
3 Document OTT30055. These are your texts with Mike Jones, who
4 again is Chief of Staff to Minister Mendicino; correct?

5 **MR. SERGE ARPIN:** Yes.

6 **MR. JEAN-SIMON SCHOENHOLZ:** And so here, you
7 introduce yourself, because it's Ms. Astravas who directed you
8 to Mike; correct?

9 **MR. SERGE ARPIN:** Right.

10 **MR. JEAN-SIMON SCHOENHOLZ:** And so you say:

11 "[Hi] Mike, can you give me a quick shout
12 before 3 pm - trying to help our Chief of
13 Police get through his board meeting at
14 3:00... this is Serge Arpin..."

15 So again, who is -- where was this request coming
16 from to help the Chief of Police get through the board meeting
17 at 3:00?

18 **MR. SERGE ARPIN:** February 11th. We're now four
19 days out from the issuance of a letter to the Prime Minister,
20 and the Federal Minister, and to the Premier of Ontario, and
21 Solicitor Jones, and we still have no line of sight on
22 additional bodies.

23 And so that's in continuity with that broad
24 effort to try to get a sense of are we getting reinforcements?
25 Are we getting additional support to put an end to the daily,
26 you know, suffering that our residents are being subjected to?
27 It was our daily -- you know, we get up in the morning, "Do we
28 have more people to help with this crisis?" The Chief was

1 telling us, "I don't have the resources," but the Chair of the
2 Board was telling us, "We're not able to secure additional
3 resources."

4 **MR. JEAN-SIMON SCHOENHOLZ:** And so was there a
5 request by Chief Sloly to help him prepare for the OPSB meeting?

6 **MR. SERGE ARPIN:** Not that I recall. My
7 recollection is we had a discussion with the Chair of the Board,
8 who was saying, you know, "Anything you can give us to help?"
9 "Are we seeing any progress?" She was asking us about whether
10 or not there would be any motions that would be detrimental to
11 herself or the Chief, and sharing with us how, you know, urgent
12 the situation was of getting more resources to help with the
13 management of the truck convoy.

14 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. So the answer
15 you receive here at the bottom of this page says:

16 "RCMP confirms they have committed approx.
17 250 members..."

18 Which is what you just relayed to us. And here
19 is the breakdown for the weekend. And so we see the numbers
20 deployed, and then the numbers still on standby.

21 And you would agree that most there are on
22 standby still?

23 **MR. SERGE ARPIN:** A big number for sure.

24 **MR. JEAN-SIMON SCHOENHOLZ:** And do you have --
25 what was your understanding of why there was -- a majority of
26 those officers were still on standby?

27 **MR. SERGE ARPIN:** My understanding is that we
28 were told by OPS that 50 had been assigned to the Governor

1 General's residence for additional protection, 50 had been
2 assigned to the Prime Minister's cottage, roughly 50 had been
3 assigned to additional protection of the Parliamentary precinct
4 within the East/West Block, Langevin, et cetera, that area, but
5 not available to OPS. And again, it perpetrated that
6 discrepancy in the numbers. And those numbers were being shared
7 with the public. The public was being told we had 250
8 additional RCMP officers on the ground managing the truck
9 convoy.

10 **MR. JEAN-SIMON SCHOENHOLZ:** And so your
11 understanding of these officers are standby is that they would
12 have been still assigned with the RCMP to protect federal
13 assets? Is that what you're saying?

14 **MR. SERGE ARPIN:** No, I'm saying there's a
15 discrepancy between the global number that was being told to the
16 public and the specific number that OPS was telling us was
17 available to them, and it was in the 25 to 30 per shift range.

18 **MR. JEAN-SIMON SCHOENHOLZ:** We can go to the next
19 page, and we can zoom that in. And here it continues:

20 "So what the Minister told the Mayor,
21 that we would be getting an additional
22 250 on top of the 150, is not factual
23 and is roughly the same number than at
24 the start of the insurrection. We'll
25 try to connect with OPS to clarify.
26 There appears to be no line of sight in
27 actual increase, unless you know more
28 about tomorrow."

1 So your assessment then is that there had been no
2 actual increase in RCMP resources since the beginning of the
3 occupation?

4 **MR. SERGE ARPIN:** Can we back up the date,
5 please? Sorry. It's my assessment based on what the OPS was
6 providing us, the City manager, Kim Ayotte, et cetera, is that
7 there was no meaningful increase in the number of RCMP being
8 deployed, and there might have been a lot of reasons for that
9 lag, and we weren't aware of those.

10 **MR. JEAN-SIMON SCHOENHOLZ:** And then you
11 continue:

12 "Not looking to jam you up, just need
13 to know if the progressive build-up is
14 underway for Minister's last exchange
15 with the Mayor. The numbers suggest no
16 increase."

17 So can you describe what had been promised to the
18 Mayor by the Minister? And is this Minister Mendicino?

19 **MR. SERGE ARPIN:** I can't recall that.

20 **MR. JEAN-SIMON SCHOENHOLZ:** And what was the
21 promise that had been made?

22 **MR. SERGE ARPIN:** An additional 250 over the
23 course of the next few days.

24 **MR. JEAN-SIMON SCHOENHOLZ:** If we go to the
25 bottom of this page:

26 "There are 187 on operational readiness
27 but haven't been given a shift."

28 And then you say:

1 "We'll have to find out if they've been
2 sworn in."

3 So I understand one of the concerns that had been
4 raised was whether these officers that had been assigned were
5 being sworn in on a timely basis. Is that correct?

6 **MR. SERGE ARPIN:** It is correct to say that we
7 were told that that could be one of the concerns, one of the
8 lags.

9 **MR. JEAN-SIMON SCHOENHOLZ:** And were you able to
10 confirm whether there was any backup in swearing in RCMP
11 officers?

12 **MR. SERGE ARPIN:** The Chair of OPSB told me that
13 they were swearing them in as quickly as they were being filed,
14 but I can't corroborate that independently.

15 **MR. JEAN-SIMON SCHOENHOLZ:** Right. And if we can
16 go -- I'll just bring up that exchange -- OTT24082. That's at
17 page 3. So we'll see in this exchange -- these are your
18 WhatsApp exchanges with Chair Deans of the OPSB; is that
19 correct?

20 **MR. SERGE ARPIN:** It appears to be, yes.

21 **MR. JEAN-SIMON SCHOENHOLZ:** So at -- so page 3 at
22 3:23, so you ask:

23 "Does a Board Meeting have to be called
24 every time you need to swear in new
25 officers?"

26 She responds:

27 "No, she has delegated authority to
28 approve and have them sworn in."

1 Then you ask:

2 "Are you aware of any backlogs in
3 approval?"

4 Skipping forward to her response:

5 "Backlogs and approval, you mean for
6 swearing in officers? No, not at all."

7 And if we jump down, 2:58:09 p.m. you say:

8 "Asking again, are there any
9 backlogs..."

10 So this was the next day.

11 "...in terms of swearing in RCMP?"

12 She responds that she left a message for Blair

13 Dunker?

14 **MR. SERGE ARPIN:** I don't know. I haven't dealt
15 with him.

16 **MR. JEAN-SIMON SCHOENHOLZ:** I believe she's the
17 CAO of the OPS.

18 And at 3:35:59, Chair Deans states:

19 "I have followed up with your specific
20 question. So far, Blair has told me
21 that officers are being sworn in twice
22 daily at 9:00 a.m. and 9:00 p.m. and she
23 is not aware of any backlog."

24 So that's the information that you received from
25 the Chair of the OPSB?

26 **MR. SERGE ARPIN:** Correct.

27 **MR. JEAN-SIMON SCHOENHOLZ:** Were you aware of any
28 backlog? I understand these appointments needs to be approved

1 by the Ontario Solicitor General's Office. Were you aware of
2 any backlog at that end?

3 **MR. SERGE ARPIN:** It was never brought to my
4 attention.

5 **MR. JEAN-SIMON SCHOENHOLZ:** That question was
6 never raised?

7 **MR. SERGE ARPIN:** No.

8 **MR. JEAN-SIMON SCHOENHOLZ:** If we can go back to
9 the text exchange with Mr. Jones at 30055 at page 4, you state:

10 "It's worse than what you and in the
11 thought..."

12 **MR. SERGE ARPIN:** "You and I", sorry.

13 **MR. JEAN-SIMON SCHOENHOLZ:** Pardon me?

14 **MR. SERGE ARPIN:** It was meant to say "you and I
15 thought".

16 **MR. JEAN-SIMON SCHOENHOLZ:** "It's 40 officers
17 available to the OPS. As of today,
18 it's 20 per shift. The 185 you
19 referred to are committed to protect
20 federal properties and assets."

21 Who provided you with that information?

22 **MR. SERGE ARPIN:** It would have to come from OPS.
23 We have no line of sight on that, unless it's provided by OPS or
24 senior management.

25 **MR. JEAN-SIMON SCHOENHOLZ:** You don't know
26 specifically who provided that number?

27 **MR. SERGE ARPIN:** No, but it's a very, very
28 specific number. Hence, it had to be provided to us by a

1 knowledgeable source.

2 **MR. JEAN-SIMON SCHOENHOLZ:** If we can go to page
3 5? So this is February 12th at 1:12 p.m. Mr. Jones says:

4 "RCMP says we've sent over three shifts
5 of 70 each."

6 You respond:

7 "They are lying to you flat out."

8 What led you to make that statement?

9 **MR. SERGE ARPIN:** Extraordinary frustration of
10 having to tell the Mayor that our residents who are now onto day
11 14 or 13 of the demonstration and we're not seeing any
12 meaningful progress in terms of additional bodies on the ground
13 assisting OPS with the operation. And that was our daily
14 reality of not being able to report any progress back to the
15 people of Ottawa in a time where they were under extraordinary
16 duress.

17 **MR. JEAN-SIMON SCHOENHOLZ:** You continue:

18 "Can you take a call with the City
19 manager because the facts are not in
20 dispute."

21 What did you mean by that? Because it seems to
22 me when I read these texts the facts are in dispute of exactly
23 what numbers were on the ground.

24 **MR. SERGE ARPIN:** Right. I think the intention
25 there was to say -- you know, there's always been this happening
26 in political offices some of the time, and if he doesn't believe
27 what I'm hearing, maybe he should speak directly to the City
28 manager who's getting these daily reports from OPS in terms of,

1 you know, is our number right? Was their number right? Maybe
2 the Commission will shed light on that, but we were being told
3 by a combination of OPS, City manager, Kim Ayotte, et cetera,
4 that we were not seeing those additional bodies on the ground
5 available to us. And it is possible that there were lags.
6 Steve was a former Chief of Police. He explained to us that,
7 you know, people coming from other jurisdictions might need two,
8 three days to travel, et cetera, et cetera. There were reasons
9 for lags. But in between the time that we were told, "You're
10 getting an additional 250," you know, four or five days had
11 elapsed and we were seeing no additional people, and obviously
12 the frustration of residents was also boiling into, you know --
13 the Mayor was wearing it. He was feeling it. He was hurt by it
14 personally, seeing our residents suffer greatly, hearing from
15 shut-in seniors, people trying to get to their homes, et cetera.
16 He was extremely unhappy, and obviously we were under tremendous
17 pressure to try to get additional police officers to come and
18 help the OPS.

19 **MR. JEAN-SIMON SCHOENHOLZ:** We can go down a
20 little bit more. You say, "You can tell him". Is "him"
21 referring to the Minister? If you can go up a little bit,
22 sorry, for context?

23 **MR. SERGE ARPIN:** I can only assume that that's
24 what I meant.

25 **MR. JEAN-SIMON SCHOENHOLZ:** So:
26 "You can tell him that he's being lied
27 to by the RCMP. Those boots are not
28 under OPS command."

1 Would you agree with me that you were quite
2 confident in the information you were receiving at that point to
3 go so far as to make that kind of statement?

4 **MR. SERGE ARPIN:** Yes, because we had broad
5 reports from, you know, miscellaneous stakeholders, media et
6 cetera, our people on the ground, and OPS, which, you know, is a
7 pretty good proxy for how many additional officers are coming
8 into a shift. If they're not coming into a shift, I think OPS
9 would know that.

10 **MR. JEAN-SIMON SHOENHOLZ:** If we can go to page 6
11 -- oh, we are at page 6. Go down a bit more. And here there's
12 kind of a further report that's provided to you, and you state
13 that that report's not factual. Those are not the numbers
14 available to OPSD. And the response you receive is, "I don't
15 know how we reconcile our numbers." And so were you ever able
16 to reconcile these numbers?

17 **MR. SERGE ARPIN:** We were not. But he also
18 acknowledges that he felt that there was a discrepancy and he
19 felt that it was frustrating as well. We were both extremely
20 frustrated.

21 **MR. JEAN-SIMON SHOENHOLZ:** If we can go to page
22 7? So -- sorry, let's just go up a little bit. I just want to
23 see the date again that we're on. If you can just go up to the
24 next timestamp, thank you. So that's on February 12th. And
25 let's go back down to page 7.

26 Here he says,

27 "Also hearing Chief Sloly has not yet
28 signed off on plan from the Integrated

1 Planning Cell [you can get a -- if] you
2 can get a status update on that."

3 Was this the first time you were hearing this --
4 that this was an issue?

5 **MR. SERGE ARPIN:** That's correct.

6 **MR. JEAN-SIMON SHOENHOLZ:** And this was now
7 February 12th. What -- as part of this exchange, what was your
8 understanding then for the lack of additional deployment by the
9 RCMP? Did you come to understand what was holding things up?

10 **MR. SERGE ARPIN:** My perception at the time was,
11 and I had noted it in words that I would like to change today if
12 I could, but I can't, that I believed that it may have played a
13 role in holding up the release of officers. It sounded like to
14 a layperson that the absence of that agreement might have been
15 holding things up. Had we known earlier, you know, we would
16 have sat down with the City Manager, with Kim, with the Chief of
17 Police to get an understanding of what we were told for the
18 first time 13, 14 days into the crisis that there was no
19 agreement on an Integrated Planning Structure. That was
20 extraordinarily frustrating for us to hear that.

21 Because we're there -- normally, we try to help.
22 We're there to try to fix things and get things resolved, and
23 obviously, we don't have all the inputs if we're -- you know, we
24 don't have the entire picture of that command structure not
25 coming together until almost two weeks after the start of the
26 demonstration.

27 **MR. JEAN-SIMON SHOENHOLZ:** So there's two things
28 that you've mentioned there and that are in the text messages.

1 There's one being that Chief Sloly has not yet signed off on a
2 plan from the Integrated Planning Cell. And the second being,
3 which you say, "It took 10 Days for us to be told that you could
4 not get agreement on a command structure..." So were those two
5 separate issues or am I misreading the text?

6 **MR. SERGE ARPIN:** In my opinion, I was responding
7 to his text with a -- with my loose understanding of it, because
8 with no sign-off on a plan, I assume we're in quicksand.

9 **MR. JEAN-SIMON SHOENHOLZ:** Okay. Did you or the
10 mayor's office check in with the OPS on this issue after these
11 texts?

12 **MR. SERGE ARPIN:** I believe we did.

13 **MR. JEAN-SIMON SHOENHOLZ:** And what was the
14 response you received?

15 **MR. SERGE ARPIN:** I can't recall.

16 **MR. JEAN-SIMON SHOENHOLZ:** That would have been
17 in a meeting. How would you -- how would that follow-up have
18 been done?

19 **MR. SERGE ARPIN:** I'd have to go back to the
20 dates. I mean, there's no world in which we would not have
21 shared that concern. I recall sharing it with the City Manager.
22 I assume that he took it up with Kim, with OPS, et cetera,
23 because without that alignment, it would be hard to see the
24 teams collaborating on the ground.

25 **MR. JEAN-SIMON SHOENHOLZ:** Do you recall whether
26 OPS acknowledged the problem or denied the problem?

27 **MR. SERGE ARPIN:** I do not.

28 **MR. JEAN-SIMON SHOENHOLZ:** Do you remember

1 whether it was addressed, whether that problem was addressed?

2 **MR. SERGE ARPIN:** I do not.

3 **MR. JEAN-SIMON SHOENHOLZ:** Okay.

4 **MR. SERGE ARPIN:** And in -- sorry, in that period
5 of time, the chair of the OPS was sending me text messages about
6 am I seeing motions about me, am I seeing motions about Peter.
7 I would say that we were at the height of the implosion of
8 confidence in our city and in the OPS. We're close to that -- I
9 would guess you could call it a crescendo of, you know,
10 collapsing confidence ---

11 **MR. JEAN-SIMON SHOENHOLZ:** Right.

12 **MR. SERGE ARPIN:** --- in all of us.

13 **MR. JEAN-SIMON SHOENHOLZ:** Let's go to page 9.
14 So this is February 13th. So in the fourth -- third bubble on
15 the left, Mr. Jones says, "Was glad to hear Sloly was able to
16 confirm the resources we've been sending through." And you
17 response, "Yes, very positive. [...] I'm trying to get your
18 support but..." Oh, sorry, this second half I think pertains to
19 the deal with the protesters.

20 **MR. SERGE ARPIN:** Yes.

21 **MR. JEAN-SIMON SHOENHOLZ:** But can you maybe
22 explain this short exchange on Sloly being able to confirm the
23 resources on the 13th? Do you recall that exchange?

24 **MR. SERGE ARPIN:** I don't.

25 **MR. JEAN-SIMON SHOENHOLZ:** No.

26 **MR. SERGE ARPIN:** But he's stating that there's
27 been -- in a previous conversation I've asked them to make sure
28 that OPS knows directly what the Minister's office was telling

1 us in terms of numbers. It would give the OPS an opportunity
2 to, you know, validate those numbers. And this seems to suggest
3 that they established a more direct line of communication to
4 share that information, as that is what Mike is reporting and I
5 had no reason to challenge it.

6 **MR. JEAN-SIMON SHOENHOLZ:** And so you're -- are
7 you aware -- because this was one day later, are you aware at
8 this time that resources actually started coming through at this
9 point, or not necessarily?

10 **MR. SERGE ARPIN:** I am not.

11 **MR. JEAN-SIMON SHOENHOLZ:** Okay.

12 **MR. SERGE ARPIN:** My reaction is if Peter Sloly
13 has confirmed that they're getting additional resources, that
14 sounds very positive. We were in the midst of finalizing, you
15 know, securing support for the movement of the trucks outside of
16 the residential district. That was our main focus at that point
17 in time and there was no significant buildup of additional
18 resources from either level of government at that point in time.
19 Maybe the OPS will contradict that with numbers and that would
20 be great that we see those numbers.

21 **MR. JEAN-SIMON SHOENHOLZ:** So in your witness
22 statement, you say that major RCMP resources began arriving on
23 February 16th or 17th. Do you have any insight into what changed
24 between February 13th and 16th that led to that influx of
25 resources?

26 **MR. SERGE ARPIN:** I do not.

27 **MR. JEAN-SIMON SHOENHOLZ:** You're not aware if
28 there was an agreement on, you know, signing off on a plan?

1 **MR. SERGE ARPIN:** I do not.

2 **MR. JEAN-SIMON SHOENHOLZ:** You're not aware if it
3 was Chief Sloly's resignation that led to that change?

4 **MR. SERGE ARPIN:** If it had a role in it, we were
5 not privy to that. We did see, after an interim chief had been
6 named, we started seeing a pickup in pace of organization, daily
7 briefings to residents. Chief -- Interim Chief Bell made a
8 statement saying this will be the last weekend that our
9 residents do not have control over their city. We started to
10 see obviously you wouldn't be making those types of statements
11 if you didn't -- you know, you weren't starting to feel an
12 influx of resources to support those, you know, the tripartite
13 effort. But we saw -- I can say -- I can't say that it's
14 causal, but we saw a definitive increase in the perceived level
15 of organization after there was a change of leadership.

16 **MR. JEAN-SIMON SHOENHOLZ:** Okay. And you're not
17 aware of any change in resourcing being attributable to the
18 emergencies -- the invocation of the *Emergencies Act* on the 14th?

19 **MR. SERGE ARPIN:** I can't say that it did not
20 contribute to it. I have no knowledge of that.

21 **MR. JEAN-SIMON SHOENHOLZ:** Thank you.

22 Let's go to OTT20712. These are your texts with
23 Zita Astravas. And I'd like to go to page 17. We can go down a
24 little bit. Down a bit more. Sorry.

25 So here you state, and this was on February 15th,
26 you state:

27 "We had just gotten off a very successful
28 call between the Mayor and Chief Sloly; I'm

1 grateful in the change of tone since
2 yesterday".

3 I'm just wondering if you recall what that's about.

4 **MR. SERGE ARPIN:** I don't. And don't -- can you
5 back up a bit, please, to see what date that's on? I don't know
6 if there's a time on that, because normally on that date I don't
7 think he was still Chief of Police, so I don't know how that
8 makes sense.

9 **MR. JEAN-SIMON SCHOENHOLZ:** It would have been, I
10 believe, a bit later that afternoon, but that's okay.

11 If we can go to ONT311. So I want to talk a
12 little bit about your engagement with the province. There's a
13 meeting that -- kind of a tripartite meeting at the DM level
14 which Steve Kay attends. And if we go down, you'll see there in
15 bold, so this is on -- sorry, this is on February 6th that this
16 meeting occurs, which is the day that the Mayor declared a
17 municipal state of emergency.

18 And the statement there in bold that Steve Kay
19 makes is:

20 "Ottawa Mayor Jim Watson is going to declare
21 a local Emergency in the City of Ottawa at
22 4:30. The expressed intent of this
23 declaration is to put pressure on the
24 Premier to exercise powers to resolve this."

25 Did you have discussions with the Mayor about
26 this decision to declare a local emergency?

27 **MR. SERGE ARPIN:** I did

28 **MR. JEAN-SIMON SCHOENHOLZ:** And do you agree with

1 this statement, that this was the expressed intent?

2 **MR. SERGE ARPIN:** I do not.

3 **MR. JEAN-SIMON SCHOENHOLZ:** No? What was the
4 intent in your view?

5 **MR. SERGE ARPIN:** The intent was to be seen as
6 doing something that reflected the feeling that residents felt
7 we were failing them on so many fronts and we had, you know,
8 members of Council, the advice from the City Manager to enact
9 the state of emergency even though we knew it gave exceptionally
10 limited powers to the City in terms of fast-tracking procurement
11 et cetera. It was largely symbolic but the Mayor felt it was
12 his call. He felt that we should be making that statement.

13 I personally do not recall him telling me that
14 the intent was to put pressure on the province to exercise
15 powers to resolve this. I don't recall that simply. It doesn't
16 mean he did not receive that advice; I might not have been in
17 the room when he received it.

18 **MR. JEAN-SIMON SCHOENHOLZ:** Was your view at that
19 time that it was necessary to put pressure on the province?

20 **MR. SERGE ARPIN:** Sorry, can you back up on the
21 date, please?

22 **MR. JEAN-SIMON SCHOENHOLZ:** This is February 6th.

23 **MR. SERGE ARPIN:** Right. The next day we agreed
24 to send the letter to the Premier and I had robust exchanges
25 with the Premier's Chief of Staff on that which we, you know,
26 can talk about later, but we were intending to continue to let
27 them know that we needed additional help, and the letter was
28 extremely useful.

1 They took note of the declaration of local state
2 of emergency and it may or may not have played a role in their
3 decision-making, I don't know; I have no way of gauging that.

4 **MR. JEAN-SIMON SCHOENHOLZ:** So you mentioned that
5 you had a call, I think, with the Premier's Chief of Staff on
6 February 7th; that's in your witness statement; there's a mention
7 in your witness statement that part of -- that on this issue of
8 the need for resources, it was mentioned that resources were
9 also necessary to respond to the blockade in Windsor that had
10 just begun. What's your recollection of that conversation?

11 **MR. SERGE ARPIN:** It was simply stated matter-of-
12 factly, "We're managing a lot of stuff"; it was not a rank
13 ordering; it was simply, "We have to manage this, we have to
14 manage Ottawa". And at the outset I believe that until we
15 issued that letter, I think that did play a key role in helping
16 them understand the severity of the Ottawa situation. It was
17 not a small localized demonstration against the Government of
18 Canada. It was having a huge impact on the quality of life of
19 tens of thousands of residents.

20 **MR. JEAN-SIMON SCHOENHOLZ:** Did Mr. Wallace, the
21 Premier's Chief of Staff, say anything about how they would
22 prioritize resources between Ottawa and Windsor?

23 **MR. SERGE ARPIN:** He did not. He simply said he
24 would relay -- he had relayed the Mayor's ask for additional OPP
25 officers to the head of the OPP and that the Premier was
26 favourable and supportive.

27 **MR. JEAN-SIMON SCHOENHOLZ:** In your witness
28 statement you mentioned that Mr. Wallace also expressed concerns

1 in the OPS's leadership. Was this on the February 7th call?

2 **MR. SERGE ARPIN:** I can't recall. We had more
3 than one call and they were not all documented.

4 **MR. JEAN-SIMON SCHOENHOLZ:** Do you have a sense
5 about the timing approximately when this would have occurred?

6 **MR. SERGE ARPIN:** In the February -- you know,
7 within 24 to 48 hours of sending that letter he did say to me
8 that the province was concerned about giving addition resources
9 to the City under the current leadership structure.

10 **MR. JEAN-SIMON SCHOENHOLZ:** And what
11 specifically, when you talk about under the current leadership
12 structure, what was meant by that?

13 **MR. SERGE ARPIN:** I don't know what was meant by
14 that; he left it vague and, you know, he did refer to leadership
15 at the top were concerned; we don't know if we'll get the
16 results; we don't know if we can trust the organization; it was
17 a broad-based expression of lack of confidence.

18 **MR. JEAN-SIMON SCHOENHOLZ:** So I guess one of the
19 issues that has come up is kind of the, you know, integration of
20 command structures and another issue that has come up is Chief
21 Sloly's leadership himself. And so do you have a sense of
22 whether those comments went to one of those issues, both of
23 those issues?

24 **MR. SERGE ARPIN:** I believe that the Premier's
25 office conveyed a more general concern of the Chief's
26 leadership, which we did not share at that point in time.

27 **MR. JEAN-SIMON SCHOENHOLZ:** No specific concerns?

28 **MR. SERGE ARPIN:** The Mayor had said on a number

1 of occasions that he had full confidence in the Chief of Police
2 and our dealings with him up until that point had been, you
3 know, forthright and professional and constructive and the only
4 thing that changed that is the ongoing response led the Mayor
5 to, you know, also lose confidence in the responses as it
6 evolved.

7 **MR. JEAN-SIMON SCHOENHOLZ:** Sorry, and then did
8 Mr. Wallace identify any specific concerns?

9 **MR. SERGE ARPIN:** No, he did not

10 **MR. JEAN-SIMON SCHOENHOLZ:** No.

11 **MR. SERGE ARPIN:** No.

12 **MR. JEAN-SIMON SCHOENHOLZ:** And I believe the
13 response that you received, and this is again in your text with
14 Zeta, but I won't bring you there, there was a response from the
15 Province to the request to participate in trilateral calls that
16 they would participate. Did you ever receive an explanation for
17 that refusal?

18 **MR. SERGE ARPIN:** The Mayor pointed out to me
19 that both the Solicitor-General and the Premier had told him
20 that they felt that this was a political table and that it would
21 not be a constructive use of their time. So they agreed to
22 disagree on that.

23 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. So let's go to
24 OTT10527. So these are text messages between Councillor Luloff
25 and Zita, the Chief of Staff for Mayor -- for Minister Blair and
26 he notes in this exchange that he at this point on February 12th
27 has the votes to pass a motion requesting the invocation the
28 *National Defence Act Aid to Civil Power*. We're you aware of

1 this proposed motion before City Council?

2 **MR. SERGE ARPIN:** I was aware of something along
3 those lines but this is the first time I see this text message
4 with this level of specificity, but he had mentioned to me he
5 was working on a motion. I mentioned it to the Mayor, so I was
6 aware.

7 **MR. JEAN-SIMON SCHOENHOLZ:** And he says there:
8 "I'm going to move it on Monday at a
9 special meeting of Council."

10 So that would have been, I believe, on the 14th.
11 So you were aware of this; did the Mayor's office -- or did the
12 Mayor support this motion?

13 **MR. SERGE ARPIN:** The way it was framed to us at
14 the time, it appeared to be framed as a call to the Canadian
15 Military to engage to help end the conflict. It might have been
16 a mis-communication. We had a back and forth over it, but it
17 ended up not being debated before invocation of the *Emergencies*
18 *Act*.

19 **MR. JEAN-SIMON SCHOENHOLZ:** So it became no
20 longer relevant ---

21 **MR. SERGE ARPIN:** Correct.

22 **MR. JEAN-SIMON SCHOENHOLZ:** --- at that point?
23 And you've already mentioned, and I can take you to OTT24082,
24 and I'll go to page 4 of that document. These are your texts
25 with Councillor Deans. So at 5:39, you say:

26 "We will have to work hard to defeat a
27 motion asking Peter to resign on
28 Monday. As of today I don't believe we

1 have the votes even though Council
2 cannot remove him. Only your board."

3 So your understanding is that a motion to asking
4 him to resign would also be put before City Council on that
5 February 14th; correct?

6 **MR. SERGE ARPIN:** I believed that there was a
7 significant risk that such a motion would be coming forward, and
8 it could include calls for the Chair's resignation and calls for
9 the Chief to step down, et cetera.

10 Can you scroll down a bit more, please? I'm
11 looking for a comment from a member of Council that I relayed to
12 the Board Chair that said something along the lines of, "You
13 know, if we don't start seeing better briefings on the numbers
14 out there..."

15 **MR. JEAN-SIMON SCHOENHOLZ:** Right.

16 **MR. SERGE ARPIN:** I'm looking for ---

17 **MS. ANNE TARDIF:** It's just above ---

18 **MR. SERGE ARPIN:** Above.

19 **MS. ANNE TARDIF:** --- the original.

20 **MR. SERGE ARPIN:** Okay. Thank you.

21 **MR. JEAN-SIMON SCHOENHOLZ:** So I think it's at
22 6:52. Is that text you're referring or the message you're
23 referring to?

24 **MR. SERGE ARPIN:** No.

25 **MR. JEAN-SIMON SCHOENHOLZ:** So I would like to
26 ask you about that, though. Is -- you say:

27 "'This is what we're up against. We
28 will have discuss tomorrow.'"

1 And then in quotes:

2 "If Peter is too stupid to announce
3 daily the number of OPP, RCMP, OPS..."

4 **MR. SERGE ARPIN:** That's it. Sorry. I'm sorry,
5 it's that quote.

6 **MR. JEAN-SIMON SCHOENHOLZ:** Okay, "It is his own
7 funeral." Where had you heard this comment?

8 **MR. SERGE ARPIN:** A member of Council had
9 forwarded that to me.

10 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And why did
11 you want to work with Councillor Deans to defeat this motion?

12 **MR. SERGE ARPIN:** Because the Mayor felt that it
13 would be -- sorry. The Mayor felt that it would go against our
14 efforts to end the demonstration to have a change of leadership
15 midway through the demonstration.

16 **MR. JEAN-SIMON SCHOENHOLZ:** And is that -- is it
17 to avoid this motion that the Council meeting on -- that was
18 scheduled for the 14th was delayed until the 16th?

19 **MR. SERGE ARPIN:** No, I believe it was delayed
20 because OPS was planning a special meeting and we wanted to be
21 able to hold the Council meeting after we had a better --
22 Council members had a better and more comprehensive briefing
23 from the OPS on what was unfolding.

24 **MR. JEAN-SIMON SCHOENHOLZ:** And so this sentiment
25 ---

26 **MR. SERGE ARPIN:** Sorry.

27 **MR. JEAN-SIMON SCHOENHOLZ:** --- that ---

28 **MR. SERGE ARPIN:** Yeah, sorry. There is another

1 reason as well. On that day, we had not one additional iota of
2 hope or information that we could give to the people of Ottawa
3 in terms of efforts to end the demonstration in a collaborative
4 fashion, and we hoped that waiting for the OPS meeting would
5 provide us with more information on the plans that the OPS had
6 to end the truck convoy demonstration as they had charge of the
7 operation.

8 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. So I want to
9 take you, then, to OTT17368.

10 So if we can go down. Down, down, down. Okay.

11 So below this, there's a number of redactions, my
12 understanding is because there's an exchange of legal advice,
13 and I'm not interested in what that says. But if we go up above
14 these redactions. So -- and feel free to ask to scroll down if
15 you would like kind of to situate yourself, but if we go down
16 just a little bit.

17 Councillor Fleury emails you February 5th, and
18 asks you to speak to him about presumably whatever is discussed
19 under. Do you recall that conversation?

20 **MR. SERGE ARPIN:** I would have to say vaguely.

21 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And I'd like
22 to go -- I'll ask you about that, but if you go up. You forward
23 this on to the Mayor and say:

24 "Is there anything at all out of this
25 hot mess that can be salvaged? The
26 city cannot implement a by-law that
27 would violate Charter rights... We
28 will liaise with Clerk and Legal on

1 this.'" "

2 And then James Armbruster, which again is with
3 your office, correct, responds:

4 "'Why don't we just declare a state of
5 emergency?'" "

6 So the sense I'm getting is that there was other
7 options being discussed, and I'm just wondering what those other
8 options were.

9 **MR. SERGE ARPIN:** My recollection of the motion,
10 which I cannot refer to, is that Councillor Fleury was under a
11 huge amount of personal and emotional stress in terms of the
12 attacks, verbal, and perceived risks against himself, his wife,
13 and his family members, and he had put together a -- you know, a
14 long list of things that he was hoping the City would do. An
15 example of that is that we would ban certain posters and signs
16 that demonstrators were using.

17 I gave that practical example of I think that was
18 an illustration of why I felt the motion was a hot mess and
19 there was very little in it that the City could use. James gave
20 his own advice, having been involved in the pandemic responses
21 early as on to Ottawa Public Health. He gave his own advice on
22 a -- you know, a separate time. I don't recall if it was in
23 Councillor Fleury's motion or not. But we ended working with
24 Clerk and consulting them on what, if any, aspects of this
25 motion could be salvaged, as we were trying to work
26 collaboratively with him on his concerns.

27 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And so instead
28 the Mayor has declared that municipal emergency, which was

1 mentioned as an option by James there?

2 **MR. SERGE ARPIN:** I don't think it was instead, I
3 think it was one of the measures that was ---

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

5 **MR. SERGE ARPIN:** --- being contemplated. It
6 wasn't an either/or, a choice.

7 **MR. JEAN-SIMON SCHOENHOLZ:** I just want to
8 quickly -- we expect to hear from Jason LaFace, a protestor,
9 that he had a call with the Mayor, possibly -- or possibly
10 someone at the Mayor's Office, shortly before the convoy's
11 arrival, and that he would promise to keep emergency lanes open.
12 Are you aware of any call with anyone ---

13 **MR. SERGE ARPIN:** I don't know.

14 **MR. JEAN-SIMON SCHOENHOLZ:** --- related to the
15 convoy ---

16 **MR. SERGE ARPIN:** I don't know.

17 **MR. JEAN-SIMON SCHOENHOLZ:** --- prior to their
18 arrival?

19 **MR. SERGE ARPIN:** I'm -- I have no recollection
20 of the Mayor taking a call from a protestor at all.

21 **MR. JEAN-SIMON SCHOENHOLZ:** Nor anyone in the
22 Mayor's Office?

23 **MR. SERGE ARPIN:** No. I have no recollection of
24 that.

25 **MR. JEAN-SIMON SCHOENHOLZ:** OTT20710. Let's go
26 to the bottom of page 15. That's OTT -- okay. Yes. So the
27 bottom of page 15.

28 Here -- so here, it's the text on February 9th at

1 8:11 a.m., you were having a discussion, my understanding is,
2 with Councillor Deans about postponing one of the motions she
3 might have been bringing forward. But I'm interested in the
4 statement you say in the last bubble there:

5 "There's a very significant chance we
6 will still be into the demonstration in
7 late February..."

8 I'm wondering what led you to make that
9 assessment?

10 **MR. SERGE ARPIN:** I would say desperation of
11 context, that we were seeing no progress at that point in time.
12 It was not an informed opinion, it was a statement of if all
13 things remain equal, the lack of collaboration, the numbers of
14 police officers not increasing significantly on the ground, I
15 wrote there's a very significant chance it was just my opinion.

16 **MR. JEAN-SIMON SHOENHOLZ:** In your witness
17 statement, you talk about the meeting that you and the mayor had
18 with Councillor Deans on February -- the morning of February
19 16th. The morning -- later that day, she was removed from the
20 OPSB. I'd like to go to OTT8842. So this is a draft -- what
21 looks like a draft letter to me, "Open Letter to the Residents
22 of Ottawa. Why Council Acted to Restore Confidence in the
23 Ottawa Police Services Board." You recognize this document?

24 **MR. SERGE ARPIN:** I do.

25 **MR. JEAN-SIMON SHOENHOLZ:** Did you author this
26 document?

27 **MR. SERGE ARPIN:** I did.

28 **MR. JEAN-SIMON SHOENHOLZ:** And who generated the

1 content of the document? Was it you or was it the mayor, or it
2 was a collaboration?

3 **MR. SERGE ARPIN:** Primarily, it would have been
4 me.

5 **MR. JEAN-SIMON SHOENHOLZ:** Sorry?

6 **MR. SERGE ARPIN:** Myself.

7 **MR. JEAN-SIMON SHOENHOLZ:** Yourself. And can you
8 explain what its purpose was?

9 **MR. SERGE ARPIN:** Its purpose was as the mayor
10 was no longer running, he'd announced on December 10th that he
11 was not going to be a candidate for mayor in 2022, and we were
12 concerned that the complexity of the governance issues that were
13 facing the City of Ottawa and council around the leadership of
14 the OPSB would be lost in a barrage of election style or
15 electorally motivated accusations and counter accusations, et
16 cetera, et cetera. We wanted to prepare a more comprehensive
17 overview of why the mayor supported this decision and the motion
18 to change the leadership of the board. And at the end of the
19 day, the mayor decided against issuing this open letter.

20 **MR. JEAN-SIMON SHOENHOLZ:** Okay. And why did he
21 decide against it?

22 **MR. SERGE ARPIN:** He felt that the narrative was
23 too meandering.

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

25 **MR. SERGE ARPIN:** It was too long. It was too
26 complicated. You know, it would just simply add fuel to the
27 fire instead of, you know, help us move on with tackling the
28 demonstration itself.

1 **MR. JEAN-SIMON SHOENHOLZ:** And so would you say
2 that this letter captures your perspective on the reasons why
3 Councillor Deans was removed from the OPSB?

4 **MR. SERGE ARPIN:** No, it captures our -- my
5 office's and my team's perception of our liaison with council
6 members in the hours after they had been informed that the OPSB
7 had hired a third Chief of Police in 24 hours without informing
8 council, which was a standard practice at the City. Never had a
9 Chief of Police had been selected by the OPSB since pre-
10 amalgamation Ottawa without council being advised that a
11 selection process was underway. And so this reflects the
12 dialogue that we had with members of council over the course of,
13 you know, 24, 48 hours both from the time that they found out
14 that a Chief of Police was being named, to the time that, you
15 know, four, five days later when it was a huge public debate
16 around, you know, why the person was removed. It's very
17 controversial. And this was an attempt to provide the
18 governance perspective from a high level.

19 **MR. JEAN-SIMON SHOENHOLZ:** Okay. So I think we
20 already have your -- kind of your perspective on why that
21 happened in your witness statement. We covered that during your
22 interview. But I do have kind of a few specific questions. If
23 we can go to the top of page 2? And then I'm going to wrap up.

24 Right. Sorry, let's go up a bit more. Okay. So
25 you -- well, I'm going to say you, but I understand that it's
26 your office. "At the same meeting,..." And you're referring I
27 take it to an OPSB meeting on February 15th, day prior, after
28 Chief Sloly had resigned; correct?

1 **MR. SERGE ARPIN:** Yes.

2 **MR. JEAN-SIMON SHOENHOLZ:** "...OPS Board were
3 asked to give the Chair a Mandate to
4 negotiate a contractual arrangement
5 with a firm located in Waterloo. Under
6 this contractual arrangement, a
7 consulting services firm would be asked
8 to manage the OPS effective[ly]
9 February (21) or (22)."

10 And this is the part I'm interested in.

11 "No votes were taken and no authority
12 was delegated that would allow the
13 Chair to finalize an arrangement -
14 Board members believed that they had
15 mandated the Chair to undertake a
16 search for an external Chief of Police.
17 Board members insist on the fact that
18 the Board Chair did not seek delegated
19 authority to execute a contract for a
20 new Chief of Police."

21 How did you reach this assessment of kind of the
22 lack of a mandate?

23 **MR. SERGE ARPIN:** In individual discussions with
24 Board members who wanted to share their views on what was
25 unfolding as they were being, you know, called by media outlets,
26 criticized, et cetera.

27 **MR. JEAN-SIMON SHOENHOLZ:** So you had discussions
28 with a number of other OPSB members who relayed this information

1 to you about ---

2 **MR. SERGE ARPIN:** Correct.

3 **MR. JEAN-SIMON SHOENHOLZ:** --- that meeting?

4 **MR. SERGE ARPIN:** Correct.

5 **MR. JEAN-SIMON SHOENHOLZ:** And I'm raising this
6 because I expect that Councillor Deans, who's testifying in a
7 few days may disagree with the statements.

8 **MR. SERGE ARPIN:** That's right.

9 **MR. JEAN-SIMON SHOENHOLZ:** You yourself didn't
10 have any direct insight into the workings of the Board?

11 **MR. SERGE ARPIN:** Did not.

12 **MR. JEAN-SIMON SHOENHOLZ:** And so you don't
13 actually -- you weren't privy to that meeting and exactly what
14 mandate she was providing; correct?

15 **MR. SERGE ARPIN:** That's correct.

16 **MR. JEAN-SIMON SHOENHOLZ:** Okay. I think my time
17 is up, so I think those are all my questions, Mr. Commissioner.

18 **COMMISSIONER ROULEAU:** Okay. I think we deserve
19 a short break. Well, I'll make it 15 minutes if that's
20 agreeable? And we can come back at 5:20. And it looks like
21 we're going to go quite a bit later, assuming the cross-
22 examination goes as provided and assuming our witness is able to
23 hold up.

24 **MR. SERGE ARPIN:** Thank you, Commissioner.

25 **COMMISSIONER ROULEAU:** So we should plan on
26 staying until quite late. Thank you.

27 **THE REGISTRAR:** The Commission is in recess for
28 15 minutes. La Commission est levée pour 15 minutes.

1 --- Upon recessing at 5:04 p.m.

2 --- Upon resuming at 5:19 p.m.

3 **--- SERGE ARPIN, Resumed:**

4 **THE REGISTRAR:** Order. A l'ordre. The
5 Commission has reconvened. La Commission reprend.

6 **COMMISSIONER ROULEAU:** Thank you. Merci.

7 So first up, I believe, are the convoy
8 organizers.

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

10 **MR. BRENDAN MILLER:** Good evening, sir. I'm
11 Brendan Miller. I'm legal counsel for Freedom Corp, which is
12 the entity that's representing the protestors who were here in
13 January and February of 2022. I just have a few questions for
14 you. I'm actually going to be quite quick.

15 And first, thank you for your very detailed and
16 forthright testimony already today.

17 First question is just, with respect to this
18 agreement that had been set up between the protestors and
19 truckers to relocate, I understand that relocation was supposed
20 to be of all vehicles from everywhere, except Wellington. Is
21 that correct?

22 **MR. SERGE ARPIN:** No, it is not. The broad
23 intent was to have vehicles leave the residential districts, and
24 hence the priority was those districts south of Wellington, at
25 the corner of Sussex and Rideau, and to a lesser extent,
26 Coventry.

27 **MR. BRENDAN MILLER:** Okay. Well I can tell you
28 that it's our understanding, from our clients at least, that it

1 was simply to be Wellington in the end. That was it. Do you --
2 does that change what you've just said at all? That that was
3 the intention?

4 **MR. SERGE ARPIN:** It doesn't, because I mentioned
5 that there was great fluidity in our discussions with Mr. French
6 around the notion that some could be relocating outside of
7 Ottawa to separate areas, a farmer's field in Vankleek Hill off
8 the 417, et cetera, so we had no idea where they were going, but
9 we expected the vast majority to relocate north of Wellington,
10 where we were told it would be an easier perimeter to manage.

11 **MR. BRENDAN MILLER:** Right. And I also
12 understand then that the Mayor's vision for how this would work
13 out as well, and some of the protestors and truckers, was that
14 all trucks, other than the ones on Wellington, would be moved
15 out of town, and that the protestors would just shuttle in in
16 busses from their camps outside of town on a go-forth?

17 **MR. SERGE ARPIN:** We were told that that was an
18 option, and we don't know if we had -- we had no insight into
19 whether or not the organizers were able to pull that off.

20 **MR. BRENDAN MILLER:** Right. And you agree, and
21 from your statement, that it was the police that prevented the
22 deal from being executed in the end; correct?

23 **MR. SERGE ARPIN:** My opinion is that it is a
24 broader context of circumstances and that the invocation of the
25 Act created new, you know, a new legal framework around
26 Parliament Hill in that red zone and that the authorities
27 decided to take a step back and see what was the impact of the
28 invocation of the Act.

1 **MR. BRENDAN MILLER:** Right. And -- but it's fair
2 to say that Mr. Wilson, in your dealings with him, he never
3 indicated to you that the protestors and truckers ever intended
4 to renege on the deal?

5 **MR. SERGE ARPIN:** That is correct.

6 **MR. BRENDAN MILLER:** Thank you. Those are my
7 only questions. Have a good evening, sir.

8 **MR. SERGE ARPIN:** Thank you.

9 **COMMISSIONER ROULEAU:** Okay. Next if I could
10 call on the Ottawa Police Service?

11 --- CROSS-EXAMINATION BY MR. DAVID MIGICOVSKY:

12 **MR. DAVID MIGICOVSKY:** Good afternoon, Mr. Arpin,
13 sir. My name is David Migicovsky. I'm counsel for the Ottawa
14 Police Service.

15 Mr. Arpin, you were involved, you told us, in the
16 negotiations that led to an agreement with the convoy; correct?

17 **MR. SERGE ARPIN:** Yes.

18 **MR. DAVID MIGICOVSKY:** And would it be accurate
19 to characterize the protestors as a cobbled together group of
20 desperate individuals and hard to know who is in charge? Would
21 you agree with that characterization?

22 **MR. SERGE ARPIN:** I think that's a fair
23 assessment.

24 **MR. DAVID MIGICOVSKY:** And if I can ask, please,
25 that you turn up Document OTT355, please? And that was the
26 exchange of emails that we previously saw ---

27 **MR. SERGE ARPIN:** Text messages, sorry.

28 **MR. DAVID MIGICOVSKY:** The text messages. I

1 apologize.

2 And in that text message exchange, I understand
3 that you wanted to make it clear that you would not engage with
4 the radical elements of the protest; correct?

5 **MR. SERGE ARPIN:** That is correct.

6 **MR. DAVID MIGICOVSKY:** And you understood that
7 the Sussex and Rideau group was -- would fit within that
8 characterization of a -- the radical elements?

9 **MR. SERGE ARPIN:** It had been portrayed to us in
10 briefings by OPS and the City as a very challenging group.

11 **MR. DAVID MIGICOVSKY:** And I think actually the
12 Sussex and Rideau group was characterized by you as a criminal
13 element? Would you agree with that?

14 **MR. SERGE ARPIN:** It is possible, yes. I have
15 said that, yes.

16 **MR. DAVID MIGICOVSKY:** And so even if the
17 truckers moved, it would be unlikely to clear up the
18 Rideau/Sussex intersection; correct?

19 **MR. SERGE ARPIN:** It would make it easier for the
20 combined police forces to address issues at other locations with
21 a smaller perimeter and a smaller drain on resources in the
22 Wellington perimeter.

23 **MR. DAVID MIGICOVSKY:** But the Rideau/Sussex
24 group seemed intent on staying; correct?

25 **MR. SERGE ARPIN:** I don't know that.

26 **MR. DAVID MIGICOVSKY:** And that was the access
27 point for the Rideau Centre; correct?

28 **MR. SERGE ARPIN:** It had a significant bearing on

1 the Rideau Centre, but there were multiple other access points
2 to the Rideau Centre.

3 **MR. DAVID MIGICOVSKY:** And the letter that was
4 sent by Ms. Lich, I understand that she made it very clear that
5 she did not, or her group, did not speak for all of the
6 truckers; correct?

7 **MR. SERGE ARPIN:** Yes.

8 **MR. DAVID MIGICOVSKY:** And in particular, she
9 said she did not -- her group did not represent Farfadaas, the
10 group at Rideau/Sussex; correct?

11 **MR. SERGE ARPIN:** Sorry, I don't recall that from
12 your correspondence. We would have to pull it up, or else I'll
13 have to say I don't remember that she said that.

14 **MR. DAVID MIGICOVSKY:** Is that consistent with
15 your recollection?

16 **MR. SERGE ARPIN:** It's my consistent with my
17 recollection of my discussions with Dean French, who, on
18 numerous occasions, told me, "I don't speak for Pat King. I
19 don't speak for X, Y, Z. I'm here to try to get a broad
20 majority of individuals to take part in this good will effort to
21 remove trucks from the residential district and provide relief
22 to residents."

23 **MR. DAVID MIGICOVSKY:** And those other
24 individuals like Pat King and the others were on social media at
25 the time taking positions that were not necessarily consistent
26 with the group that you were negotiating with; correct?

27 **MR. SERGE ARPIN:** Correct.

28 **MR. DAVID MIGICOVSKY:** And in fact, even the

1 group that you were negotiating with that was headed by Tamara
2 Lich, I believe Ms. Lich had put out two apparently
3 contradictory Tweets on the day after -- on the day after the
4 agreement; correct?

5 **MR. SERGE ARPIN:** Correct. I believe she cleared
6 up the misunderstanding, but yes, that's correct.

7 **MR. DAVID MIGICOVSKY:** Right. So those appeared
8 to create some confusion as well as to how this deal or whether
9 this deal was going to work; correct?

10 **MR. SERGE ARPIN:** I don't have the information to
11 corroborate that.

12 **MR. DAVID MIGICOVSKY:** The -- my understanding is
13 you did not meet with the protestors directly; correct?

14 **MR. SERGE ARPIN:** That's correct.

15 **MR. DAVID MIGICOVSKY:** And so you talked about
16 the PLT coming to meet with Mr. Kanellakos. And I take it you
17 don't know whether those were OPP PLT or OPS PLT?

18 **MR. SERGE ARPIN:** I know 100 percent certainty
19 that they were OPS because the City Manager debriefed with the
20 Mayor and myself that they were ---

21 **MR. DAVID MIGICOVSKY:** And indicated that they
22 were OPS?

23 **MR. SERGE ARPIN:** --- OPS.

24 **MR. DAVID MIGICOVSKY:** Or did he indicate that
25 they were PLT?

26 **MR. SERGE ARPIN:** He specifically pointed out
27 that they were PLT from OPS.

28 **MR. DAVID MIGICOVSKY:** And my understanding is

1 that the genesis of that meeting was that the protestors were
2 refusing to engage with the PLT and were instead asking to meet
3 with the City instead? Is that your understanding?

4 **MR. SERGE ARPIN:** I do not have a line of sight
5 on the reason for the breakdown between -- in communications
6 between the truck convoy representatives and the OPS. I believe
7 that will come out in due course.

8 **MR. DAVID MIGICOVSKY:** Was it your understanding
9 that that's how that meeting came about?

10 **MR. SERGE ARPIN:** No, my understanding is that
11 there had been a breakdown in communications and the PLT was
12 reaching out with a certain degree of urgency to have the mayor
13 and/or the City manager engage with the demonstrators with a
14 view to helping them re-establish a rapport of some kind.

15 **MR. DAVID MIGICOVSKY:** And so when the PLT came
16 to the meeting to engage, they did not come to that meeting with
17 an agreement in principle that they were simply asking to be
18 ratified. What they were asking for was a meeting to help start
19 or continue discussions; is that right?

20 **MR. SERGE ARPIN:** They sought a meeting as the
21 City manager told me, to help them re-establish a rapport
22 between the City and the demonstrators which had broken down.
23 We were told the relationship had broken down completely and
24 communication was non-existent.

25 **MR. DAVID MIGICOVSKY:** Thank you. Could I ask
26 you please -- sorry, the letter, we can call it up. It's
27 Document OTT6948, which is the letter from Ms. Lich to the
28 mayor.

1 Sorry, I've given you the letter from the mayor
2 to Ms. Lich.

3 My -- it is 6964, I believe. I apologize. It's
4 the same one. I won't ask a third time because I don't want to
5 strike out. But if ---

6 **COMMISSIONER ROULEAU:** Maybe the Commission
7 counsel can help you with the number?

8 **MR. DAVID MIGICOVSKY:** I'm looking -- I'll see if
9 I can do it this way. The agreement, the letter from Ms. Lich
10 referred to 400 vehicles, 400 trucks, correct?

11 **MR. SERGE ARPIN:** I believe it did. I'd have to
12 see it again.

13 **MR. DAVID MIGICOVSKY:** Just a sec. I'll just
14 show you the ---

15 **THE REGISTRAR:** Counsel, I believe I found the
16 document.

17 **MR. DAVID MIGICOVSKY:** Oh, thank you very much.
18 Thank you.

19 If you'd be good enough please to scroll down?

20 **MR. JOHN MATHER:** Sorry, if we could read the
21 number into the record?

22 **MR. DAVID MIGICOVSKY:** So sorry. Maybe I go back
23 to the previous letter.

24 **MS. JOHN MATHER:** It's not there.

25 **MR. DAVID MIGICOVSKY:** It's -- I'm sorry, it's in
26 the mayor's letter.

27 **MR. JOHN MATHER:** Okay.

28 **MR. DAVID MIGICOVSKY:** So if we could go back to

1 the previous one? I apologize.

2 **THE REGISTRAR:** Can you provide the number,
3 Counsel?

4 **MR. DAVID MIGICOVSKY:** Yeah, 6964. If you scroll
5 down, yeah, on the second page, the second paragraph refers to
6 the departure of the over 400 trucks from residential areas.

7 And so the 400 trucks was the concern; it wasn't
8 simply the vehicles that would move as well, but the real issue
9 was those big trucks, correct?

10 **MR. SERGE ARPIN:** Yes.

11 **MR. DAVID MIGICOVSKY:** And in terms of moving the
12 trucks, you'd agree with me that that was a very difficult task,
13 and in fact, I think in a text message exchange with Ms. Deans,
14 you suggested it would be like a Rubik's cube to ---

15 **MR. SERGE ARPIN:** I did outline the perceived
16 complexity that was being written about by various media
17 outlets, and I agreed with that analysis. It was extremely
18 complex.

19 **MR. DAVID MIGICOVSKY:** Could we please have
20 Document OTT20710?

21 And if we go to page 13, I believe that what Ms.
22 Deans suggested as the solution was, "How about arresting the
23 drivers, confiscating the keys, and have them driven out"?

24 And then if you'd be good enough to scroll down
25 to -- or go to the next page please?

26 And so your description was:

27 "If you can pull that miracle off,
28 matching drivers with keys, matching

1 keys with vehicles, getting their
2 cooperation to identify the first
3 vehicle that needs to be removed on
4 streets that are blockaded with trucks,
5 I believe you'll have to start with the
6 first vehicle, then the next, then the
7 next, in that order. The logistical
8 challenge of moving those trucks out is
9 nothing short of a Rubik's cube without
10 their cooperation. The same applies if
11 you start from the back." (As read)

12 And it then goes on. I won't read the rest.

13 That represented your views of how intractable
14 the situation was, correct?

15 **MR. SWERGE ARPIN:** Yes. You raised the previous
16 text without giving me an opportunity to comment on it.

17 On the highly simplistic and shocking suggestion
18 that we would simply arrest everyone and take their keys, that's
19 why I responded with a slightly more nuanced advice to the
20 Chair.

21 **MR. DAVID MIGICOVSKY:** And I think your point was
22 it would be a very long operation without the collaboration of
23 the individual big rig owners, correct?

24 **MR. SERGE ARPIN:** Yes, which is why an agreement
25 was necessary to secure that collaboration.

26 **MR. DAVID MIGICOVSKY:** In that exchange that you
27 had with Ms. Deans in her capacity as Chair of the Ottawa Police
28 Service Board, am I correct that another piece of advice you

1 gave her was to minimize the number of OPS Board meetings
2 because they suck up huge police resources?

3 **MR. SERGE ARPIN:** I recall the context being one
4 of the meetings were appeared to be improvised, and they were
5 contributing to a sense of demoralization within the general
6 public. That was the context of that comment.

7 **MR. DAVID MIGICOVSKY:** And so perhaps we could go
8 to page 19 please? So what you said was:

9 "I would minimize the number of public
10 Board updates to maybe once a week, as
11 they suck up huge police resources and
12 serve as a lightening rod to attack
13 you, often for partisan reasons. Don't
14 do it unless there is a clear and
15 compelling need focused on major new
16 developments." (As read)

17 And so I take it you were aware of the concern
18 about sucking up police resources ---

19 **MR. SERGE ARPIN:** I was.

20 **MR. DAVID MIGICOVSKY:** --- in these meetings,
21 correct?

22 **MR. SERGE ARPIN:** Yes, and they shared that with
23 us.

24 **MR. DAVID MIGICOVSKY:** One of the people that you
25 talked about having dealt with was Dean French and also Keith
26 Wilson, correct?

27 **MR. SERGE ARPIN:** Yes.

28 **MR. DAVID MIGICOVSKY:** And Mr. Wilson was

1 involved in negotiating on behalf of the truckers?

2 **MR. SERGE ARPIN:** I don't know that.

3 **MR. DAVID MIGICOVSKY:** I'm told -- and we'll be
4 seeing this through another witness later -- but I'm told that
5 Mr. Wilson described being on the ground on February 10th as
6 negotiating in order to avoid a bloodbath. Would you agree with
7 that characterization?

8 **MR. SERGE ARPIN:** I don't have the information to
9 comment on that.

10 **MR. DAVID MIGICOVSKY:** At the end of the day, Mr.
11 Arpin, you would agree with me that the combined forces of the
12 OPP, the RCMP, and the OPS did an amazing job ---

13 **MR. SERGE ARPIN:** I do.

14 **MR. DAVID MIGICOVSKY:** --- clearing this up?
15 Thank you very much, sir. I have no further
16 questions. Thank you.

17 **MR. SERGE ARPIN:** Thank you.

18 **COMMISSIONER ROULEAU:** Okay. Mr. former Police
19 Chief Sloly, Counsel, please?

20 **--- CROSS-EXAMINATION BY MR. TOM CURRY:**

21 **MR. TOM CURRY:** Thank you. I am Tom Curry.

22 Mr. Arpin, what were you -- you've been the Chief
23 of Staff of this mayor since 2010 when he was first elected; is
24 that true?

25 **MR. SERGE ARPIN:** Correct.

26 **MR. TOM CURRY:** Prior to that, he was a minister
27 of the provincial government; am I right?

28 **MR. SERGE ARPIN:** Yes, he was.

1 **MR. TOM CURRY:** Were you with him then?

2 **MR. SERGE ARPIN:** I was not.

3 **MR. TOM CURRY:** What were you doing before 2010?
4 Did you have a background in -- well, just tell us, please.

5 **MR. SERGE ARPIN:** In a nutshell, I worked for
6 Carleton University for 10 years in a Community Relations
7 Advancement Fundraising Function.

8 **MR. TOM CURRY:** Okay.

9 **MR. SERGE ARPIN:** And I served on various
10 provincial political committees and organizations.

11 **MR. TOM CURRY:** Understood. So long time
12 resident of the City of Ottawa?

13 **MR. SERGE ARPIN:** Correct.

14 **MR. TOM CURRY:** Now, a couple of things, if I
15 can. It was obvious to you and mayor, I presume, by -- you tell
16 me the date -- but by the first weekend of this protest that you
17 were dealing with something very different than what you had
18 anticipated, right?

19 **MR. SERGE ARPIN:** It was.

20 **MR. TOM CURRY:** And was it also obvious to you
21 that the resources that would be required to deal with the
22 protest as it became an occupation far exceeded the resources
23 available to the Ottawa Police Service?

24 **MR. SERGE ARPIN:** I agree.

25 **MR. TOM CURRY:** No one should ever imagine the
26 opposite, and I presume no one ever did imagine the opposite?

27 **MR. SERGE ARPIN:** I can't put myself in people's
28 imagination, but I would concur with the depiction.

1 **MR. TOM CURRY:** And the Mayor -- am I correct
2 that the Mayor always understood that what Chief Sloly had
3 identified as the need in terms of resources -- and you'll
4 recall that he identified the number as, I think, 1,800
5 personnel, additional personnel -- am I correct that the Mayor,
6 in his conversations with you, endorsed that idea?

7 **MR. SERGE ARPIN:** The Mayor did not endorse the
8 idea. He took it at face value because it came from the OPSB
9 and the Chief of Police, and they are in charge of the
10 operation. They had the best knowledge on the resources
11 required, and hence the Mayor took the number, and we inserted
12 it in the letter. It was an action of trust.

13 **MR. TOM CURRY:** Understood.

14 Did he review it with any other members of the
15 Ottawa Police Service?

16 **MR. SERGE ARPIN:** Absolutely not.

17 **MR. TOM CURRY:** Okay. And in the end, am I right
18 that the number of personnel, additional personnel required to
19 deal with the occupation, the ongoing occupation, was
20 approximately 1,800 or maybe even higher, closer to 2,000?

21 **MR. SERGE ARPIN:** I don't have the answer to
22 that.

23 **MR. TOM CURRY:** You do not?

24 **MR. SERGE ARPIN:** It was a large number. I do
25 not. It was not provided to us.

26 **MR. TOM CURRY:** Okay. A Couple of things, if I
27 can, just about the numbers of resources that were coming to
28 Ottawa. We reviewed some of the messages that you were

1 exchanging with your political counterparties provincially and
2 federally, right?

3 **MR. SERGE ARPIN:** Correct.

4 **MR. TOM CURRY:** And you -- I won't go back
5 through it, but there was clearly an ongoing issue about whether
6 the resources that were -- had been represented as having been
7 deployed here for the City of Ottawa's benefit had actually been
8 deployed, right?

9 **MR. SERGE ARPIN:** There's an ongoing discrepancy
10 in the numbers.

11 **MR. TOM CURRY:** And the numbers, so far as you
12 are able to assist the Commissioner, the numbers that you knew
13 were correct were the numbers that were on the, if I can put it
14 this way, the Ottawa side of that discussion, correct?

15 **MR. SERGE ARPIN:** I had no way to independently
16 corroborate those numbers, but those are the numbers that were
17 given to us by the people who were managing the operation.
18 Hence, we had to trust those numbers.

19 **MR. TOM CURRY:** Yes, but more than that -- I
20 appreciate that. You were told some information and you took
21 that information at face value, but of course you were also told
22 the opposite by the political staff, the Minister of this or the
23 Minister of that, right? You had other sources of information
24 available to you, as I understood it, which corroborated -- I
25 thought you said corroborated the idea that the resources that
26 were actually here to be deployed were not the numbers of
27 resources that had been represented. Isn't that true?

28 **MR. SERGE ARPIN:** I've lost the original

1 proposition. I apologize.

2 **MR. TOM CURRY:** Let me give it to you again, or
3 did you have it?

4 **MR. SERGE ARPIN:** If the contention is that there
5 was an ongoing discrepancy in what OPS was telling us, what the
6 feds were telling us and what the Province was telling us, yes,
7 that's my assessment.

8 **MR. TOM CURRY:** Yes, but maybe put it this way,
9 your conclusion was that what OPS was telling you was actually
10 correct?

11 **MR. SERGE ARPIN:** It felt closer to reality given
12 the fact that we were walking the streets of Ottawa ourselves.
13 We live here. You know, we're going down O'Connor, Bank,
14 Metcalfe, et cetera. We're seeing no significant social media
15 reporting on it. Media outlets are reporting on it. Community
16 associations are hailing in, saying, "I see not an additional
17 officer in the last 24 hours." We had anecdotal evidence coming
18 in that suggested that the OPS assessment was closer to the fact
19 at that point in time.

20 **MR. TOM CURRY:** Understood.

21 And that remained true, did it not, until the
22 weekend, the last weekend, if I can put it that way, prior to
23 the invocation of the *Emergencies Act*; isn't that true?

24 **MR. SERGE ARPIN:** The only thing I will say is
25 that there is one point in time in which Minister Mendicino's
26 office tells us that they are informing OPS of a sizeable
27 increase without providing specificity, and I conveyed to them I
28 thought that was good news, if it was factual, and we asked them

1 to convey it to OPS. My recollection is that there had been a
2 small step up in resources.

3 **MR. TOM CURRY:** Right. Not a large step up, a
4 small step up?

5 **MR. SERGE ARPIN:** To potentially, I recall, 250
6 to 300.

7 **MR. TOM CURRY:** Right. You were never going to
8 -- you were never -- no one in the Ottawa Police Service was
9 going to mobilize a significant public order operation with an
10 additional 250 on top of OPS, right?

11 **MR. SERGE ARPIN:** I don't have the expertise to
12 answer that, but it felt like a small number. It felt like they
13 needed a bigger number ---

14 **MR. TOM CURRY:** Right.

15 **MR. SERGE ARPIN:** --- to contain and manage it.

16 **MR. TOM CURRY:** Right. And so by the time you
17 get to negotiating -- assisting in the negotiation of a solution
18 to remove vehicles from residential areas, there were no
19 adequate resources, to your knowledge and to your observation,
20 in this city to lead a public order operation, correct?

21 **MR. SERGE ARPIN:** I agree with that given the
22 magnitude of the demonstration.

23 **MR. TOM CURRY:** Right. And so you approached
24 that issue, and just one quick thing about that, if I can.
25 There was obviously -- and I think you may have used the word
26 "fluid" or maybe my friend used the word "fluid" -- there was a
27 certain degree of uncertainty about that operation of necessity,
28 right?

1 **MR. SERGE ARPIN:** I'm not sure what you want me
2 to agree to, but the situation on the ground appeared extremely
3 fluid.

4 **MR. TOM CURRY:** You didn't know where the trucks
5 were going at the time you negotiated the agreement? You knew
6 they were leaving the residential area. Their final destination
7 or final resting place was not documented initially, correct?

8 **MR. SERGE ARPIN:** We understood completely that
9 it was their aspiration to move into the parliamentary precinct.

10 **MR. TOM CURRY:** Yes, but ---

11 **MR. SERGE ARPIN:** It was completely clear.

12 **MR. TOM CURRY:** Yes. Well, I understand that,
13 but you also mentioned, didn't you, that they were going to
14 something you called SJAM, which is the Sir John A. Macdonald
15 Highway?

16 **MR. SERGE ARPIN:** I concur that we had no
17 certainty until the trucks actually moved and landed somewhere.

18 **MR. TOM CURRY:** Right. That's all I'm saying.

19 **MR. SERGE ARPIN:** Right.

20 **MR. TOM CURRY:** And you had -- there's some --
21 and I don't have the time to take you to the document -- you
22 were talking about renting farmland, right?

23 **MR. SERGE ARPIN:** I wasn't. The group was
24 talking about having access to farmland ---

25 **MR. TOM CURRY:** Right.

26 **MR. SERGE ARPIN:** --- a private -- some kind of a
27 private parking lot somewhere outside of Ottawa.

28 **MR. TOM CURRY:** And so when Chief Sloly says that

1 he didn't -- no one told him the final resting place of all of
2 the trucks was in the red zone, you, from your own observation
3 or dialogue with him directly have no reason to disagree with
4 that, correct?

5 **MR. SERGE ARPIN:** The only thing I would disagree
6 with is that it was said quite plainly in the meeting of
7 February 13th at noon that we understood that the goodwill
8 construct was that they would be primarily moving from the
9 residential district south of Wellington to north of Wellington.

10 **MR. TOM CURRY:** That was what the PLT team had
11 wished?

12 **MR. SERGE ARPIN:** No, that is what -- that was
13 the result of our ongoing discussion with Dean French.

14 **MR. TOM CURRY:** And you were present in the
15 meeting where that was discussed, or is that the Mayor and Chief
16 Sloly?

17 **MR. SERGE ARPIN:** Not the PLT meeting, if that's
18 what you mean.

19 **MR. TOM CURRY:** Right. Now, a couple of other
20 things, if I can, please. Chief Sloly, when he was hired, you
21 would not have been involved in that hiring, am I right?

22 **MR. SERGE ARPIN:** That is correct.

23 **MR. TOM CURRY:** You met him after he was hired?

24 **MR. SERGE ARPIN:** Correct.

25 **MR. TOM CURRY:** And you found him -- I think you
26 told the Commissioner you found him -- all of your dealings with
27 him to be professional, and he was good Chief?

28 **MR. SERGE ARPIN:** All of our dealings with him

1 were professional, constructive, and the Mayor had full
2 confidence in him until -- I would say until the Chief decided
3 to leave his position.

4 **MR. TOM CURRY:** Understood. One of the things
5 Chief Sloly was brought here to Ottawa to undertake was a change
6 in the way policing was done in Ottawa, correct?

7 **MR. SERGE ARPIN:** It was one of the stated goals
8 of the Board.

9 **MR. TOM CURRY:** And that had to do with the
10 circumstances of tension between racialized communities and
11 police service?

12 **MR. SERGE ARPIN:** Miscellaneous items that the
13 Board wanted to focus on, including, you know, loss of
14 confidence in certain communities.

15 **MR. TOM CURRY:** Racialized communities?

16 **MR. SERGE ARPIN:** For example.

17 **MR. TOM CURRY:** For example. Other terms have
18 been used, equity-seeking communities, correct?

19 **MR. SERGE ARPIN:** That's a fair depiction.

20 **MR. TOM CURRY:** And the force had been the
21 subject, I understand, of a gender bias human rights finding.
22 Were you here at the time when that was made?

23 **MR. SERGE ARPIN:** I don't think I was.

24 **MR. TOM CURRY:** The Mayor had spoken at the
25 funeral of a black man who had been -- who died in police
26 custody and charges had resulted; do you recall that?

27 **MR. SERGE ARPIN:** I'm sorry, I don't recall the
28 specifics of that.

1 **MR. TOM CURRY:** Abdirahman Abdi?

2 **MR. SERGE ARPIN:** Abdirahman Abdi.

3 **MR. TOM CURRY:** Were you familiar with that?

4 **MR. SERGE ARPIN:** I'm familiar with the case in
5 its entirety.

6 **MR. TOM CURRY:** Right. A very challenging time
7 for the OPS and presumably for the Mayor?

8 **MR. SERGE ARPIN:** Yes, for the City.

9 **MR. TOM CURRY:** Were you aware that the OPS had
10 in 2017 been the subject of a survey conducted by the Canadian
11 Centre for Diversity and inclusion?

12 **MR. SERGE ARPIN:** Yes.

13 **MR. TOM CURRY:** And the results of that were
14 considered to raise a number of serious issues for the OPS?

15 **MR. SERGE ARPIN:** Organizational challenges that
16 they had to overcome.

17 **MR. TOM CURRY:** All of which led to the hope
18 that in the case of Chief Sloly, a positive change could be
19 implemented?

20 **MR. SERGE ARPIN:** A fair assessment.

21 **MR. TOM CURRY:** Now, a couple of other things if
22 I can, please; are you -- were you present when Chair Deans --
23 Chair Deans obviously, Police Services Board Chair Deans,
24 described that she had asked Deputy, then Deputy Chief Steve
25 Bell, whether he would do anything differently than Chief Sloly
26 was doing in the period up to the invocation of the *Emergencies*
27 Act? Are you aware of that?

28 **MR. SERGE ARPIN:** Was I present at this specific

1 dialogue? I'm aware that she said this.

2 **MR. TOM CURRY:** Okay, good. So you know what
3 I'm talking about?

4 **MR. SERGE ARPIN:** Yes, I do.

5 **MR. TOM CURRY:** And you're aware then, you can
6 tell the Commissioner, that what Chief -- Deputy Chief Bell told
7 the Chair, was that he would not do anything differently than
8 what Chief Sloly was doing up until the time of the invocation
9 of the *Emergencies Act*; correct?

10 **MR. SERGE ARPIN:** My understanding, my limited
11 understanding of that exchange is that he indicated that he
12 would not -- in a nutshell, he would not undermine his Chief.
13 In other words, they're asking while he is under someone's
14 command if he would do something differently?

15 **MR. TOM CURRY:** Who do you have that
16 understanding from?

17 **MR. SERGE ARPIN:** From our exchange with Chair
18 Deans when she described it to us. It is her version of events,
19 that she claimed that this individual would not turn on his
20 Chief when given the opportunity to do so.

21 **MR. TOM CURRY:** Well, it's a little different
22 than that, isn't it Mr. Arpin, isn't it simply this, that she
23 asked Deputy Chief Bell whether he would have pursued a
24 different strategy?

25 **MR. SERGE ARPIN:** I have to say I'm sorry, I
26 wasn't in that conversation so I don't know; it's just hearsay
27 now.

28 **MR. TOM CURRY:** Well, there's a lot of that

1 around here, but that's fine. The point is -- the point is that
2 you were interested; how did it come to your attention; how do
3 you even know about it?

4 **MR. SERGE ARPIN:** Because she raised it with us.

5 **MR. TOM CURRY:** Right. And the reason she did,
6 isn't it because any suggestion from anyone that all of this
7 should be laid at the feet of Chief Sloly, she regarded as
8 unfair?

9 **MR. SERGE ARPIN:** It is possible but she did not
10 make that inference to us.

11 **MR. TOM CURRY:** But you agree with me though,
12 that it would be unfair to suggest that what occurred here
13 should be laid at the feet of Chief Sloly?

14 **MR. SERGE ARPIN:** To lay the totality of the
15 blame on one individual I think would be completely unfair.

16 **MR. TOM CURRY:** Right. Counsellor, McKenney --
17 you know Councillor McKenney?

18 **MR. SERGE ARPIN:** I do,

19 **MR. TOM CURRY:** A very active member of your
20 Council?

21 **MR. SERGE ARPIN:** Yes.

22 **MR. TOM CURRY:** And I understand a candidate for
23 Mayor?

24 **MR. SERGE ARPIN:** You know that as well as
25 everyone else.

26 **MR. TOM CURRY:** And she told the Commissioner
27 and told your Council, and you were probably present, that she
28 felt Chief Sloly was being scapegoated; were you there for that?

1 **MR. SERGE ARPIN:** Yes, I was.

2 **MR. TOM CURRY:** And it would be unfair, as
3 you've suggested, for anyone to form the conclusion in your
4 opinion that one person's command led to any of these outcomes;
5 right?

6 **MR. SERGE ARPIN:** I don't have enough information
7 to comment on Councillor McKenney's allegation that the Chief
8 was scapegoated.

9 **MR. TOM CURRY:** Okay.

10 **MR. SERGE ARPIN:** It's a very personal and deeply
11 held opinion.

12 **MR. TOM CURRY:** Council at one time along the
13 way, and I'm not going to get the date, but you might remember
14 it, considered a motion to request the Federal Government to
15 invoke the *Emergencies Act*; do you recall that?

16 **MR. SERGE ARPIN:** Council; I don't think it made
17 its way to Council; there was a discussion around the
18 possibility and I think it was pre-empted by the invocation of
19 the *Emergencies Act*.

20 **MR. TOM CURRY:** Well, you're thinking -- maybe I
21 can help your recollection. Do you recall there was a motion
22 brought; it did not advance because it was 7-7. Does this ring
23 a bell?

24 **MR. SERGE ARPIN:** I'd have to see it; I
25 apologize.

26 **MR. TOM CURRY:** Okay. I won't pull it up, but
27 -- when the *Emergencies Act* was invoked, did you understand what
28 additional powers were available to OPS members, OPP members,

1 RCMP; did you know what that meant?

2 **MR. SERGE ARPIN:** The Mayor and his team were
3 briefed on it within, I would say, 24 hours.

4 **MR. TOM CURRY:** Were you part of the briefing?

5 **MR. SERGE ARPIN:** Yes, I was.

6 **MR. TOM CURRY:** And did you understand that the
7 powers that were granted under the *Emergencies Act* made a
8 significant change in the ability of this integrated police
9 force?

10 **MR. SERGE ARPIN:** I did.

11 **MR. TOM CURRY:** Yes. And that until the
12 invocation of the *Emergencies Act* and the arrival on that last
13 weekend before that date, of sufficient resources, your own
14 forecast was that this occupation could have taken until the end
15 of February?

16 **MR. SERGE ARPIN:** Yes, the Mayor supported the
17 invocation of the *Act* because he thought it might continue for
18 days and weeks as well.

19 **MR. TOM CURRY:** Understood. And on matters such
20 as that, does the Chief of Staff, you in this case, give advice
21 to the Mayor?

22 **MR. SERGE ARPIN:** I'm sorry, that's too general,
23 "on matters such as that".

24 **MR. TOM CURRY:** Okay. Well, tell me then, did
25 you give advice to the Mayor that he should support the
26 invocation of the *Emergencies Act*?

27 **MR. SERGE ARPIN:** I did not have to; we were
28 informed of it after it was invoked and the Mayor expressed his

1 immediate support for the invocation of the Act. So there was
2 no debate, there was no opportunity to provide guidance and,
3 hence, the Mayor had made -- you know, had decided to support it
4 and we supported him.

5 **MR. TOM CURRY:** Understood. Your issue about --
6 with -- I think we reviewed some of the -- you had a long series
7 of text messages or "Whatsapp" messages exchanged with the
8 Former Chair, Chair Deans, of the Police Services Board.

9 Until the issue arose of her seeking another
10 outside police chief without what was concerned to be the right
11 authority, until that time did Chair Deans enjoy the support of
12 the Mayor as Chair of the Police Services Board?

13 **MR. SERGE ARPIN:** We did not. The decision of
14 Council was not supported by an argument of lack of authority,
15 it was supported by an argument of lack of moral authority. So
16 can you restate the other point, please?

17 **MR. TOM CURRY:** Yes, I'm not -- I'll take moral
18 authority, if you want to make it moral authority. Is that the
19 issue over which the Mayor lost confidence in Chair Deans?

20 **MR. SERGE ARPIN:** It is because the Chair told
21 the Mayor in a 1:1 conversation, with people present, that if he
22 did not support the hiring of an external police chief, in the
23 midst of the occupation, that she would not sign the contract
24 and that led to the loss of confidence.

25 **MR. TOM CURRY:** Right. Up until that time
26 should the Commissioner understand that the Mayor was confident
27 in the composition of the Police Services Board?

28 **MR. SERGE ARPIN:** Broadly speaking, we were

1 working collaboratively to ensure, you know, effective competent
2 liaison between the Mayor's office and the Board. As you can
3 tell by the almost, you know, every five, ten minutes there's
4 something being exchanged, conveyed, advice being given, even if
5 it's not taken, but there was a -- yes, the Mayor still had
6 confidence up until that point. Yes, the Mayor still had
7 confidence up until that point.

8 **MR. TOM CURRY:** And if I've understood some of
9 the text messages that you were exchanging with Chair Deans,
10 some of Council members had it in their minds that they should
11 try to depose either the Chair of the Police Services Board or
12 the Chief of Police?

13 **MR. SERGE ARPIN:** They were faced with the
14 extraordinary outpouring of public anger and fear over the
15 ongoing protracted demonstration and, hence, they were
16 responding by saying we're not seeing progress; something has to
17 change. That's how I interpret that.

18 **MR. TOM CURRY:** Right. And you tried to dampen
19 their enthusiasm for that because it was a matter that they
20 should stay out of; right?

21 **MR. SERGE ARPIN:** When discussing it internally,
22 we would talk about removing the Chief of, you know, Fire
23 Services during a major -- you know, if there's a fire, the
24 house is burning, we're taking out people, and all of a sudden
25 we take out the police -- the Chief of Fire Services during the
26 emergency. The Mayor felt it would not assist in the attainment
27 of the goal of ending the demonstration to remove the Chief
28 during the truck convoy demonstration.

1 **MR. TOM CURRY:** Particularly without the
2 resources needed?

3 **MR. SERGE ARPIN:** That's a fair statement.

4 **MR. TOM CURRY:** I don't have any other questions
5 for you. Thank you.

6 **COMMISSIONER ROULEAU:** Thank you.

7 Next, I'll call on the Government of Canada.

8 **--- CROSS-EXAMINATION BY MS. ANDREA GONSALVES:**

9 **MS. ANDREA GONSALVES:** I'm Andrea Gonsalves. I'm
10 counsel for the Government of Canada and I have just one short
11 area of questioning for you.

12 You have testified under questions from a couple
13 of my friends as to some confusion at the time as to the number
14 of RCMP resources that were deployed under OPS command; right?

15 **MR. SERGE ARPIN:** Correct.

16 **MS. ANDREA GONSALVES:** And in particular, there
17 was a discrepancy, as you described it, between what the Mayor's
18 office was being told by OPS and Chief Sloly, versus what you
19 understood from federal officials; right?

20 **MR. SERGE ARPIN:** That's correct.

21 **MS. ANDREA GONSALVES:** Just to be clear, at the
22 time, you were trying to get answers to make sense of
23 information that on both sides you were receiving second or
24 third hand; right?

25 **MR. SERGE ARPIN:** Correct.

26 **MS. ANDREA GONSALVES:** And you said you had no
27 direct line of sight into exactly what numbers were being
28 provided or how they were being deployed?

1 **MR. SERGE ARPIN:** That's fair.

2 **MS. ANDREA GONSALVES:** And your evidence today is
3 simply by way of explaining your questions, communications,
4 actions, and frustrations at the time; right?

5 **MR. SERGE ARPIN:** That's fair.

6 **MS. ANDREA GONSALVES:** And to get clarity on the
7 actual numbers beyond anecdotal observations, you'll agree with
8 me that the Commission really needs to hear from the individuals
9 who were involved from the agencies who were?

10 **MR. SERGE ARPIN:** Absolutely.

11 **MS. ANDREA GONSALVES:** And that would also apply
12 to any reasons for any delay or lag?

13 **MR. SERGE ARPIN:** Absolutely.

14 **MS. ANDREA GONSALVES:** Okay. Thank you.

15 **COMMISSIONER ROULEAU:** Okay. The Ottawa
16 Coalition.

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

18 **MR. PAUL CHAMP:** Good evening now, Mr. Arpin. My
19 name is Paul Champ. I'm counsel for the Ottawa Coalition of
20 Residents and Businesses. I just have a few questions for you.

21 The first thing I'd like to know, Mr. Arpin, is
22 what were you told about why commercial trucks were allowed to
23 enter downtown and park and get entrenched?

24 **MR. SERGE ARPIN:** In our first briefing with the
25 Chief, as we were heading into -- and City Management, Steve K,
26 et cetera, when the Mayor challenged the assertion that the City
27 had the authority to stop trucks from coming into the downtown
28 core, the Chief provided a very, very strong opinion that he had

1 reviewed the matter internally and he told the Mayor that the
2 OPS had determined that the Charter would prevent -- Charter
3 Rights would prevent the City from allowing the trucks to come
4 in for this demonstration, hence the assumption was they had the
5 right to come in.

6 **MR. PAUL CHAMP:** Okay. And Mr. Arpin, you've
7 given us testimony earlier today that the Mayor and yourself had
8 communications with people at the Federal Government level,
9 Ministers, and their Chiefs of Staff, as well as at the
10 Provincial level in Solicitor Jones' office, and Mr. Wallace,
11 the Premier's office, where those other levels of government
12 were expressing concerns with the Ottawa Police plans, or lack
13 of plan, for -- their operational plans for dealing with the
14 protestors, and that was some of the reasons why the OPP and
15 RCMP were delayed in their deployment. Is that fair?

16 **MR. SERGE ARPIN:** I can't say that I know that
17 that's why they were delayed. It's ---

18 **MR. PAUL CHAMP:** But what were they telling you?
19 That's what you told us earlier today.

20 **MR. SERGE ARPIN:** They were telling us ---

21 **MR. PAUL CHAMP:** Yeah?

22 **MR. SERGE ARPIN:** --- that -- well, you've
23 conflated the Feds, the province, Jamie, et cetera. The
24 Province of Ontario, as I mentioned, expressed a lack of
25 confidence in the leadership of the OPS. I was not present in
26 any exchanges where the Government of Canada expressed a lack of
27 confidence in the OPS leadership.

28 **MR. PAUL CHAMP:** Okay. But -- okay. Sorry. But

1 the Federal Government did express that they were hearing that
2 there was a lack of confidence in the OPS plan?

3 **MR. SERGE ARPIN:** They did express to the Mayor
4 lack of confidence in the plan.

5 **MR. PAUL CHAMP:** Okay. And did you communicate
6 this to Ms. Deans, the Chair of the Ottawa Police Services
7 Board?

8 **MR. SERGE ARPIN:** Yes. She was aware of that and
9 we were in constant contact, almost an hour -- probably once an
10 hour during the crisis.

11 **MR. PAUL CHAMP:** And when did you communicate
12 that to her? Like, shortly after hearing it?

13 **MR. SERGE ARPIN:** I don't recall. It was an
14 ongoing banter, "This is what we're hearing." And she would
15 say, "I'm aware of that. I've heard that too."

16 **MR. PAUL CHAMP:** And I'll just move to the
17 negotiations with the organizers. So it's my understanding that
18 on February the 10th, there was an initial meeting with yourself,
19 the Mayor, and Mr. Kanellakos, where Mr. Kanellakos was
20 explaining that the Police Liaison Team was suggesting ---

21 **MR. SERGE ARPIN:** No.

22 **MR. PAUL CHAMP:** --- perhaps ---

23 **MR. SERGE ARPIN:** It was February 8th, sorry.

24 **MR. PAUL CHAMP:** Pardon me?

25 **MR. SERGE ARPIN:** It was February 8th, sorry.

26 **MR. PAUL CHAMP:** Sorry, February 8th. Where
27 perhaps there should be some discussions or negotiations between
28 the Mayor or the Mayor's Office and the organizers, and Mayor

1 Watson was reluctant? Is that fair?

2 **MR. SERGE ARPIN:** Backing up. The City Manager -
3 - we bumped into the City Manager at the end of the business day
4 on the 8th in the foyer. And it's a big word to use "a meeting".
5 It was an impromptu, ---

6 **MR. PAUL CHAMP:** Okay.

7 **MR. SERGE ARPIN:** --- you know, gathering,
8 whether the City Manager informed us that he had been approached
9 by the PLT team, who had informed him that their communications
10 had broken down with the truck convoy and that they were seeking
11 the City's help to try to re-establish that relationship. And
12 the City Manager consulted with myself and the Mayor and I
13 voiced the opinion that I -- we knew none of the players, we
14 knew none of the organizations. I did not feel comfortable
15 including the Mayor in such a meeting. I recommended he not
16 attend it until Mr. Kanellakos had had an opportunity to meet
17 with the organizers and to see if the dialogue gave us hope, you
18 know, some intelligence that there were groups within the
19 broader truck convoy that we could have a respectful and
20 intelligent discussion with.

21 **MR. PAUL CHAMP:** So in that first interaction or
22 that first discussion with Mr. Kanellakos, you and the Mayor
23 left it open that if Mr. Kanellakos, after speaking with them,
24 thought there was some constructive dialogue, that perhaps that
25 was an avenue that could be explored and the Mayor meeting could
26 ---

27 **MR. SERGE ARPIN:** Yes, and that he would report
28 back, because the -- my understanding is that the PLT he met

1 opened the door to either the City Manager, or the Mayor, or
2 both, playing some kind of a role to try to re-establish this
3 rapport.

4 **MR. PAUL CHAMP:** Right. And then it was a day or
5 two later that there was the -- you had got the contact with Mr.
6 Dean French and then the negotiations moved forward? Is that
7 fair?

8 **MR. SERGE ARPIN:** Sorry, my understanding is that
9 the City Manager met with the group on February 8th for the first
10 time. We were given feedback about that meeting the next day.
11 Probably, you know, 7:00/8:00 a.m. And after that point, the
12 next day, which would be February 10th, the Mayor got a call from
13 Mr. French saying, "Hey, I'm here to help. I'd like to help."
14 And we believed that that was a credible call, and the Mayor
15 asked me to call him back, and the rest I've testified on.

16 **MR. PAUL CHAMP:** So Mr. French called Mayor
17 Watson directly?

18 **MR. SERGE ARPIN:** Correct.

19 **MR. PAUL CHAMP:** He had his number?

20 **MR. SERGE ARPIN:** That's right.

21 **MR. PAUL CHAMP:** And then that led to the
22 negotiations of meetings with the protestors, not with -- but
23 with Mr. Kanellakos on behalf of the Mayor?

24 **MR. SERGE ARPIN:** I'm sorry, those are two
25 separate tracks. I'm not aware of another meeting between the
26 City Manager and other parties until I had wrapped up the, you
27 know, the broad strokes of the agreement with Mr. French.

28 **MR. PAUL CHAMP:** Right.

1 **MR. SERGE ARPIN:** And then, again, I was told by
2 the City Manager that the PLT team had made the suggestion that
3 we would approach them -- as an opening proposition, we would
4 approach them to see if they were prepared to remove trucks from
5 the residential district as a show of good faith. We would
6 never make that suggestion. If you can imagine the fraught --
7 the risk with which that was fraught ---

8 **MR. PAUL CHAMP:** Sure.

9 **MR. SERGE ARPIN:** --- for an elected official to
10 insert themselves when, you know, the police operation was being
11 directed by OPS. So we did not engage until we had a clear
12 guidance from the City Manager that he had had his own meeting,
13 and he thought that the representatives he met with were
14 straight shooting and reliable to the best of his knowledge.

15 **MR. PAUL CHAMP:** And you felt then that there was
16 also a green light from the Ottawa Police for you to work with
17 Mr. French to try to come up with a deal?

18 **MR. SERGE ARPIN:** A green light's a very, very
19 big word, because in our understanding of municipal governance,
20 the police authority is still downstream from the civilian
21 authority.

22 **MR. PAUL CHAMP:** M'hm.

23 **MR. SERGE ARPIN:** So a suggestion was made to us
24 that the communications had broken down. And sorry, and I meant
25 and not the other way around. Civilian authority does not -- is
26 not downstream from the police authority in our country. And I
27 think you know that. So we were asked to engage in a discussion
28 with these groups, which normally we would never have engaged

1 in, had the PLT team not made that suggestion to the City
2 Manager. After that point, we were not constrained or shackled
3 in any way by someone sending us a memo saying you can talk
4 about, you know, if they're willing to remove trucks from the
5 residential district but you can't talk about whether or not
6 they're going to backfill it. There was not that level of
7 detail, as you remember, because we were in a time of great
8 crisis.

9 **MR. PAUL CHAMP:** Right. So on February the 8th,
10 the PLT says, you know, maybe some contact or possible
11 negotiations with the mayor would be a good idea, but then after
12 that, you never had any direct communications with the PLT or
13 the Ottawa Police ---

14 **MR. SERGE ARPIN:** Sorry.

15 **MR. PAUL CHAMP:** --- on that matter; correct?

16 **MR. SERGE ARPIN:** Neither before, during nor
17 after.

18 **MR. PAUL CHAMP:** Right. And so when you worked
19 out a deal with Mr. French, that was without any direct input or
20 guidance from the Ottawa Police; correct?

21 **MR. SERGE ARPIN:** That is correct. My ---

22 **MR. PAUL CHAMP:** And ---

23 **MR. SERGE ARPIN:** --- input and guidance ---

24 **MR. PAUL CHAMP:** --- and ---

25 **MR. SERGE ARPIN:** --- was from the City Manager
26 and his senior management team.

27 **MR. PAUL CHAMP:** Right. And when you were coming
28 up with Mayor Watson's letter to Ms. Leach, you in fact shared

1 that with Mr. French, so he could give you some input on what
2 should be in it; correct?

3 **MR. SERGE ARPIN:** No, I shared it with him, so
4 that they could understand what the basis -- what the ground
5 rules would be for a potential agreement.

6 **MR. PAUL CHAMP:** So you had time to share with
7 Mr. French but you did not have time to share it with Chief
8 Sloly or anyone at the Ottawa Police; correct?

9 **MR. SERGE ARPIN:** The City Manager was kept
10 informed on a daily basis with our conduit to the PLT team, who
11 was kept informed of the ongoing discussion.

12 **MR. PAUL CHAMP:** So you had time to share with
13 Mr. French, but you did not have time to share with the Ottawa
14 Police or Chief Sloly; correct?

15 **MR. SERGE ARPIN:** I disagree with that.

16 **MR. PAUL CHAMP:** But you didn't share it;
17 correct?

18 **MR. SERGE ARPIN:** I shared it with the City
19 Manager, who served on the two coordinating committees that
20 worked with PLT and all other police forces.

21 **MR. PAUL CHAMP:** And so you're saying that you
22 directed Mr. Kanellakos to share it with the Ottawa Police?

23 **MR. SERGE ARPIN:** No, I did not. It's not my job
24 to direct him to share it. I shared it with the City Manager.
25 The City Manager was in discussions with the PLT team based on
26 their initial approach to him.

27 **MR. PAUL CHAMP:** Right.

28 **MR. SERGE ARPIN:** And that's why they met a

1 second time on ---

2 **MR. PAUL CHAMP:** And so when you're negotiating
3 on the residential areas that they should be removed, what
4 residential areas did you understand that the trucks would be
5 moving from?

6 **MR. SERGE ARPIN:** All.

7 **MR. PAUL CHAMP:** And by all, what did you
8 understand that to mean?

9 **MR. SERGE ARPIN:** Every area where residents were
10 being impacted by the truck convoy and that includes Sussex and
11 Rideau, the residential districts north of the Raymond Chabot
12 Grant Thornton Baseball Stadium and all of the residential
13 districts impacted in the downtown core from Elgin to Wellington
14 to -- past to Bronson to almost Gladstone.

15 **MR. PAUL CHAMP:** I think some of the documents
16 we're going to see later, or it's my understanding the
17 Organizers will be testifying that their understanding was that
18 it was just the areas south of Slater Street on Metcalf and
19 south of Slater on Lyon, and that there needed to be an
20 emergency lane on Kent, because up until then there had been no
21 emergency ---

22 **MR. SERGE ARPIN:** We had no involvement in that
23 whatsoever.

24 **MR. PAUL CHAMP:** So you had ---

25 **MR. SERGE ARPIN:** No line of sight.

26 **MR. PAUL CHAMP:** Right. So when you had your
27 negotiations with Mr. French, is that what you're saying
28 everywhere -- every other location except for Wellington?

1 **MR. SERGE ARPIN:** The number that was given to us
2 by Mr. Ayotte and the City Manager's office was 400 trucks city-
3 wide in the residential districts.

4 **MR. PAUL CHAMP:** So you wanted all 400 trucks
5 gone?

6 **MR. SERGE ARPIN:** We wanted the 400 trucks
7 removed from the residential districts.

8 **MR. PAUL CHAMP:** Right. And so when Councillor
9 McKenney attended that City Council meeting on February the 16th
10 broadcasting, showing on Kent that their trucks didn't seem to
11 have moved one inch from that street, that was still the case --
12 -

13 **MR. SERGE ARPIN:** I think that we have evidence
14 that will corroborate that a number of trucks did leave the
15 residential district. And ---

16 **MR. PAUL CHAMP:** Well, I ---

17 **MR. SERGE ARPIN:** --- now in fairness to her, she
18 has other evidence, I'm sure she'll be supplying it or has
19 supplied it.

20 **MR. PAUL CHAMP:** So you were -- no. On the
21 removal of the Chair of the Ottawa Police Services Board, you --
22 the Council cannot remove a Chief of Police; correct, the City
23 Council?

24 **MR. SERGE ARPIN:** That is correct.

25 **MR. PAUL CHAMP:** So when you were communicating
26 with Ms. Deans that there might be a motion by City Council to
27 remove Chief Sloly, they couldn't remove Chief Sloly; correct?

28 **MR. SERGE ARPIN:** No, but if you're an observer

1 of politics, you would know that it would be a huge vote of non
2 confidence in him that in any jurisdiction might lead to his
3 resignation.

4 **MR. PAUL CHAMP:** And on February the 16th, you
5 said that there -- this is when there was this call with Mayor
6 Watson and yourself and Ms. Deans, when Ms. Deans informed the
7 mayor about the plan going forward, that Sloly had resigned and
8 that they'd reached an agreement with Mr. Torigian to be the
9 Interim Chief; is that right?

10 **MR. SERGE ARPIN:** Sorry, can you repeat the
11 question?

12 **MR. PAUL CHAMP:** There was the -- February 16th is
13 the date that the Chair was removed, and the Police Services
14 Board was largely -- all City Councillor members removed;
15 correct?

16 **MR. SERGE ARPIN:** No, not all City Councillors
17 were removed. Two chose to resign and one was removed.

18 **MR. PAUL CHAMP:** Right. And it was then started
19 -- the process started in the morning with a phone call with
20 Mayor Watson and Ms. Deans and yourself; correct?

21 **MR. SERGE ARPIN:** No, it started the day before
22 when the Chair of OPSB made three different public statements
23 announcing that a -- that the OPS was in the process of hiring a
24 new Police Chief, which is I believe in the record. And within
25 two hours of those statements, I contacted the Chair, asking her
26 if a Chief of Police was being hired, which could not be gleaned
27 from the documents. It was not transparent. I asked if she
28 felt it would be beneficial to give the mayor a heads up about

1 that hiring and she agreed to it. She asked us to call her
2 office in the morning of the 16th, which we did, and we set up
3 that call at our suggestion.

4 **MR. PAUL CHAMP:** Okay. That's helpful, Mr.
5 Arpin, because that's not in your statement, so I could not have
6 known that. And in the meeting on the morning you're ---

7 **COMMISSIONER ROULEAU:** You're going to have to
8 sort of be a little bit shorter. I'm giving you a little more
9 time, but it's ---

10 **MR. PAUL CHAMP:** Thank you. Thank you,
11 Commissioner.

12 You've told us that Ms. Deans said in that phone
13 call with Mayor Watson that she had not reached an agreement
14 with Mr. Torigian; is that right?

15 **MR. SERGE ARPIN:** She said that if the mayor did
16 not support it, she would not sign it.

17 **MR. PAUL CHAMP:** Right. And then in your -- it's
18 my understanding you're saying that later in the day you learned
19 that in fact she had signed a contract. How did you learn that?

20 **MR. SERGE ARPIN:** That is correct. I was
21 informed by a member of senior management.

22 **MR. PAUL CHAMP:** Who is that?

23 **MR. SERGE ARPIN:** Two people by the way.

24 **MR. PAUL CHAMP:** Who is that?

25 **MR. SERGE ARPIN:** Firstly, I started liaising
26 with members of Council on what they knew about the announcement
27 that had been made the day before, and I found out that the
28 Chair had started lobbying members of Council on the hiring of

1 the new Chief. So that information was being shared with
2 members of Council before a decision was made on a motion
3 respecting the Chair. Secondly, too, I believe that either the
4 City solicitor, or the City clerk, or both told me that a
5 contract had been signed in early afternoon of the 16th.

6 **MR. PAUL CHAMP:** But, Mr. Arpin, you gave
7 instructions to the City solicitor, Mr. White, to start
8 preparing a motion to remove Ms. Deans that morning; didn't you?
9 Right after the call with ---

10 **MR. SERGE ARPIN:** I did.

11 **MR. PAUL CHAMP:** Right after the call.

12 **MR. SERGE ARPIN:** Sorry, we had ---

13 **MR. PAUL CHAMP:** I apologize. I don't have the
14 document number, but there's the emails of Mr. White and the
15 other City Council -- or the other City solicitors preparing the
16 motion at around 11 a.m. that same morning.

17 **MR. SERGE ARPIN:** That is not what happened.

18 **MR. PAUL CHAMP:** Well, that's when they prepared
19 it, so when did you -- it was you that gave instructions to Mr.
20 White ---

21 **MR. SERGE ARPIN:** You're not giving ---

22 **MR. PAUL CHAMP:** --- to prepare the ---

23 **MR. SERGE ARPIN:** --- any opportunity to respond
24 to it?

25 **MR. PAUL CHAMP:** If I can finish my question,
26 thank you, sir.

27 **MR. SERGE ARPIN:** Please.

28 **MR. PAUL CHAMP:** And if you could, sir, just

1 please answer my questions yes or no. Did you give instructions
2 to Mr. White to prepare the motion to remove Ms. Deans?

3 **MR. SERGE ARPIN:** No, I did not.

4 **MR. PAUL CHAMP:** Who did, Mr. -- Mayor Watson?

5 **MR. SERGE ARPIN:** I assembled a group of senior
6 civil servants to prepare a motion that might be required, as we
7 do at almost every Council meeting where there's a controversial
8 or challenging issue being discussed that morning on the basis
9 of the announcement the Chair had made the previous day. The
10 mayor was highly, highly skeptical that the Board of the OPSB
11 might have hired, vetted, negotiated with, interviewed a new
12 Chief of Police in a one-hour meeting on February 15th. The
13 mayor was so skeptical that he said, you know, let's set up a
14 call for the 16th, which I did. In the meantime, it is my job to
15 anticipate any required motions that the mayor and members of
16 Council might meet as the situation is emerging from a
17 governance or any other perspective that creates risks for
18 Ottawa residents, Ottawa taxpayers, that might have influence on
19 public confidence in our city and in our institutions.

20 And the Mayor felt, after having been -- having
21 had the confirmation from Chair Deans that he was very, very
22 skeptical that this was proceeding, that this hiring was
23 proceeding, the third Chief in 24 hours, he was so skeptical
24 that he said, "Do what you want. Prepare for a motion, if you
25 need to. I don't believe it, I need to hear it from my own --
26 on my own."

27 The call was set up, but in the morning, a
28 pre-emptive meeting was set up for the purpose of preparing a

1 motion should the confirmation come forward that a new Chief had
2 been hired at the height of the truck convoy insurrection, which
3 the Mayor disagreed with. He felt it would demoralise our
4 troops significantly, he thought it was a very bad error in
5 judgement. He shared that with the Chair, and the Chair said,
6 "If you do not support this I will not sign it."

7 **MR. PAUL CHAMP:** So at the time of the call
8 between Mayor Watson and Ms. Deans, you had already
9 pre-emptively discussed with City Council staff to prepare a
10 motion to remove Ms. Deans?

11 **MR. SERGE ARPIN:** Sorry, not with City Council
12 staff, with senior staff who are normally involved in the
13 writing of complex motions from the Clerk, et cetera, et cetera.
14 It happens all the time.

15 **MR. PAUL CHAMP:** And Commissioner, I apologise.
16 If I could just have two more minutes. It's getting to the --
17 one of the key points for us here.

18 **COMMISSIONER ROULEAU:** Okay.

19 **MR. PAUL CHAMP:** So Mr. Arpin, it's true that
20 Ms. Deans did not have Mayor Watson's phone number; correct? If
21 she ever wanted to communicate with him it had to be through
22 you; correct?

23 **MR. SERGE ARPIN:** Entirely irrelevant.

24 **MR. PAUL CHAMP:** Sir, it's not for you to
25 determine what's irrelevant, it's for your to answer my
26 question, sir. Did she not have his phone number? When she
27 wanted to communicate with him it was through you; correct?

28 **MR. SERGE ARPIN:** Which is the case for

1 99 percent of interactions between chairs and leaders in the
2 Mayor's Office. That's how it works on almost every file.

3 **MR. PAUL CHAMP:** Well, I'll ask Mayor Watson
4 tomorrow about which city councillors have his phone number.
5 But it's also the case Councillor McKenney does not have his
6 phone number, just cannot ---

7 **MR. SERGE ARPIN:** I don't know the answer to
8 that.

9 **MR. PAUL CHAMP:** --- speak to him directly;
10 correct?

11 **MR. SERGE ARPIN:** I don't know the answer to
12 that. I have seen them exchange notes at various times.

13 **MR. PAUL CHAMP:** Of Councillor McKenney's ward,
14 harassment of her constituents, fires at every intersection, so
15 forth, did you discuss with Mayor Watson perhaps giving them a
16 call to offer some moral support or any other assistance that
17 Councillor McKenney may need? Because Councillor McKenney has
18 testified that they never heard once from the Mayor throughout
19 that. Did you discuss that issue with the Mayor?

20 **MR. SERGE ARPIN:** I did not.

21 **MR. PAUL CHAMP:** So you don't know why the Mayor
22 -- did you consider advising the Mayor it might be a good idea
23 or a demonstration of leadership to reach out to
24 Councillor McKenney, whose ward was experiencing this
25 unprecedented occupation of their ward?

26 **MR. SERGE ARPIN:** My understanding is that they
27 did speak during the demonstration. You're saying they don't --
28 they didn't.

1 **MR. PAUL CHAMP:** Because you know, Mr. Arpin,
2 there is a little bit of animosity between Mayor Watson and
3 Councillor McKenney; correct?

4 **MR. SERGE ARPIN:** That's a fact of life in
5 politics for sure ---

6 **MR. PAUL CHAMP:** It is indeed.

7 **MR. SERGE ARPIN:** --- that some people have
8 disagreements.

9 **MR. PAUL CHAMP:** It is indeed.

10 **MR. SERGE ARPIN:** Not on the same team.

11 **MR. PAUL CHAMP:** Not on the same team. That's
12 fair. And similar with Ms. Deans, also a little bit of
13 hostility, not on the same team, correct, sir?

14 **MR. SERGE ARPIN:** I can't corroborate that
15 because Chair Deans was Chair of Transit in the Mayor's first
16 term, Chair of Community of Protective Services on the second
17 term, invited by the Mayor to Chair the OPSB, which is an
18 extremely complex, demanding file. She was given high profile
19 leadership roles in many governments. The leader and ministers
20 disagreed, but they still ended up on the same team and worked
21 together, and they did so extremely well for many years.

22 **MR. PAUL CHAMP:** Mr. Arpin, during the occupation
23 of Ottawa for three weeks, were we not all on the same team?

24 **MR. SERGE ARPIN:** Yes, absolutely, and Councillor
25 -- the Chair and the Mayor took part in numerous phone calls
26 together, and the record will show that.

27 **MR. PAUL CHAMP:** I'm not sure if Ms. Deans will
28 testify to that since she has ---

1 **MR. SERGE ARPIN:** She has to because she was on
2 the first ---

3 **MR. PAUL CHAMP:** For Councillor McKenney, were we
4 not all on the same team as well?

5 **MR. SERGE ARPIN:** Absolutely, 100 percent. The
6 fact that they weren't on the same team politically, you know,
7 provincially, et cetera, in past history had no bearing on how
8 the Mayor managed his involvement in the truck convoy, which is
9 24/7 caring, 24/7 bringing the hurt home of residents from
10 across the city, and specifically in the affected zones. He did
11 care about our city very, very much, and we saw it, we witnessed
12 it in our office every single day.

13 **MR. PAUL CHAMP:** And -- but he knew better than
14 the other councillors, that's why ---

15 **MR. SERGE ARPIN:** I didn't say that.

16 **COMMISSIONER ROULEAU:** Thank you. Okay, the next
17 is the Democracy Fund, Citizens for Freedom, and JCCF.

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

19 **MR. ROB KITTREDGE:** Good evening, Mr. Arpin. My
20 name is Rob Kittredge, and hopefully I'll be able to get in and
21 out of here pretty quickly on a tangent that you haven't touched
22 yet tonight.

23 We haven't had a whole lot of opportunities to
24 understand exactly what efforts were made by the City and by
25 Ottawa Police to obtain towing services, and I don't mean the
26 logistical problems of getting tow trucks in, but I mean just
27 the refusal of towing services to honour their contracts and the
28 difficulties trying to find once that was an issue, the

1 difficulties trying to find towing services elsewhere.

2 So I gather you were aware of this issue at the
3 time?

4 **MR. SERGE ARPIN:** I was.

5 **MR. ROB KITTREDGE:** Was the Mayor's Office
6 involved in resolving these issues?

7 **MR. SERGE ARPIN:** The Mayor's Office was involved
8 in liaising with the City Manager to get a better understanding
9 of why, you know, multiple providers would not engage in this
10 conflict.

11 **MR. ROB KITTREDGE:** And maybe I'll just let you
12 tell me why multiple providers wouldn't engage in the conflict.

13 **MR. SERGE ARPIN:** Well, what we were told by the
14 City Manager, by Kim Ayotte, et cetera is that some feared for
15 their equipment, some feared for their safety, some feared for
16 the future long term impact on their business with a very, very
17 important segment of their income.

18 **MR. ROB KITTREDGE:** Right. But there were at
19 least some tow truck operators operating during the protests. I
20 mean, we know about I think something like 30 trucks being towed,
21 or vehicles I should say being towed from the zone downtown. So
22 some tow truck providers ---

23 **MR. SERGE ARPIN:** That has been reported.

24 **MR. ROB KITTREDGE:** Pardon me?

25 **MR. SERGE ARPIN:** That has been reported.

26 **MR. ROB KITTREDGE:** Right. Are you aware of what
27 efforts the City made to persuade its standing order contractors
28 to honour their contract?

1 **MR. SERGE ARPIN:** I am not.

2 **MR. ROB KITTREDGE:** You're not. You don't --
3 you're not aware of whether ---

4 **MR. SERGE ARPIN:** I know that they tried, that's
5 my understanding, that the City Manager briefed the Mayor on the
6 attempts to try to get them to honour their contract.

7 **MR. ROB KITTREDGE:** Right. Are you aware of any
8 -- whether they offered to cover any damage to vehicles?

9 **MR. SERGE ARPIN:** I'm not.

10 **MR. ROB KITTREDGE:** You're not.

11 **MR. SERGE ARPIN:** I'm not.

12 **MR. ROB KITTREDGE:** So details are not within
13 your personal knowledge ---

14 **MR. SERGE ARPIN:** They are. Actually, you can't
15 imagine how many details we get to manage, but not this one.

16 **MR. ROB KITTREDGE:** Well ---

17 **MR. SERGE ARPIN:** The City Manager ---

18 **MR. ROB KITTREDGE:** --- I ---

19 **MR. SERGE ARPIN:** --- had complete command of
20 this issue and was working through this issue with his staff.
21 My own involvement in that issue, I did raise it with the
22 Premier's Office that we were having difficulty securing tow
23 trucks. He told me he would relay it to MTO to try to see if
24 they would be in a position to supply us with some tow trucks.
25 Came back 24 hours later, the answer was no. It was a
26 collaborative effort. People were making calls to different
27 contacts.

28 **MR. ROB KITTREDGE:** And do you have any sense of

1 how many people were approached, like how many different ---

2 MR. SERGE ARPIN: I do not.

3 MR. ROB KITTREDGE: --- service providers or ---

4 MR. SERGE ARPIN: I do not.

5 MR. ROB KITTREDGE: --- how many different
6 branches of government?

7 MR. SERGE ARPIN: I do not.

8 MR. ROB KITTREDGE: Right. And are you aware of
9 whether the City considered purchasing tow trucks?

10 MR. SERGE ARPIN: I am not.

11 MR. ROB KITTREDGE: You're not. All right.
12 Well, in that case, I guess I'll just wrap up and let you get
13 out of here as quickly as possible. Thank you very much.

14 MR. SERGE ARPIN: Thank you.

15 COMMISSIONER ROULEAU: Thank you.

16 Next is the National Police Federation.

17 MS. LAUREN PEARCE: Hi there. I'm appearing
18 remotely.

19 MR. SERGE ARPIN: Hi there.

20 MS. LAUREN PEARCE: Hi. I have good news for
21 everybody. My questions have been canvassed by the previous
22 witnesses, so I have no questions for this witness.

23 COMMISSIONER ROULEAU: Okay.

24 MR. SERGE ARPIN: Thank you.

25 COMMISSIONER ROULEAU: Thank you. To the point.

26 Next is the City of Ottawa.

27 --- CROSS-EXAMINATION BY MS. ALYSSA TOMKINS:

28 MS. ALYSSA TOMKINS: Alyssa Tomkins, counsel for

1 the City. The good news is most of my questions have also been
2 canvassed.

3 Mr. Arpin, one of the things you mentioned was
4 evidence of -- that trucks had moved, so I just want to take you
5 to some photos and have you identify them for the Commissioner.

6 So if we could bring up document OTT00030060.

7 Perhaps while it's coming up, Mr. Arpin, can you
8 explain what these photos are and who took them?

9 **MR. SERGE ARPIN:** After the agreement had been
10 concluded over the weekend of February 12th we sought from the
11 City manager's office through Kim Ayotte, could he help us get
12 an understanding of whether or not any trucks were being moved
13 out of the residential precinct because people who were not in
14 the precinct were reporting on the issue. We had no way of
15 finding out whether or not trucks were moving. And I asked him
16 if there was a way to get that information in the morning.
17 Obviously, there was a huge amount of pressure on the Mayor, on
18 all members of Council, on the City at large to get some
19 progress. And by around 10, 11 o'clock, as we were having no
20 success in getting any basic intel, I would ask Mr. Ayotte, "Can
21 you tell me how many trucks are moving?" And he would say,
22 "Well, 12 trucks have moved." And I said, "Only 12 trucks?"
23 Well, he said, "I'm not sure, people are sending me text
24 messages from the field." Okay, great. But we sent an employee
25 of our office to take pictures that morning because there was
26 just so much politics going around in relation to the removal of
27 trucks, and these pictures will show that there are large swots
28 of the downtown core that were being cleared, and

1 notwithstanding the Rubik's cube that had been described. Well,
2 clearly they got Truck A to move, and Truck B, and C, D, E, F,
3 G, and from what we could tell from photos from the media from
4 before, there were 25-30 trucks in the precinct. Mr. Ayotte
5 contacted me, I think maybe around noon, saying, "Well,
6 unfortunately we only moved 40 trucks." And I said, "Well, from
7 the photographic evidence, there seems to have been a lot, lot
8 more that were removed." And then he came back to me, saying,
9 "I'm sorry, apparently the people doing the count were only
10 counting big rigs." So, you know, the mid-size, delivery vans,
11 the CANPAR type vehicle, the small Duravan type vehicle was not
12 being counted. That's all I can say.

13 We had poor intel. He had poor intel. The Mayor
14 was being asked, being bombarded on media, "This is failing."
15 From what we could tell, from the amount of time that they had
16 to move trucks, if someone was stopping it, it could not be
17 discerned from what we were provided in terms of intel.

18 There are other streets where we see -- is this
19 O'Connor? I think that's ---

20 **MS. ALYSSA TOMKINS:** I think that looks like
21 Bank, personally.

22 **COMMISSIONER ROULEAU:** If nobody knows, nobody
23 can identify ---

24 **MR. SERGE ARPIN:** We do have a record of that.

25 **MS. ALYSSA TOMKINS:** The ---

26 **COMMISSIONER ROULEAU:** If you could just let me
27 finish, please?

28 **MS. ALYSSA TOMKINS:** Apologies.

1 **COMMISSIONER ROULEAU:** I think what we would need
2 is to know what time these pictures were taken, where they were
3 taken from, what they depict, by someone who knows. I'm just
4 trying to make sure. That's what would be useful for the
5 Commission.

6 **MS. ALYSSA TOMKINS:** Mr. Arpin, can you provide
7 further clarification for the Commissioner on the timing of the
8 pictures?

9 **MR. SERGE ARPIN:** I believe that that was
10 provided to counsel when the pictures were provided on a street-
11 by-street basis, time and location.

12 **MS. ALYSSA TOMKINS:** Yes, that's helpful. Just
13 in terms of if you can situate the Commissioner, and I think
14 what he's referring to is the metadata will in fact reveal the
15 dates that these pictures were taken.

16 I'm asking the witness to provide evidence to the
17 Commissioner on his knowledge as to when these pictures were
18 taken.

19 **MR. SERGE ARPIN:** Commissioner, is that
20 acceptable.

21 **COMMISSIONER ROULEAU:** Do you know when they were
22 taken?

23 **MR. SERGE ARPIN:** I do.

24 **COMMISSIONER ROULEAU:** Yeah, we're trying to get
25 -- understand.

26 **MR. SERGE ARPIN:** Absolutely. They were taken
27 the morning of -- the Monday, roughly an hour and a half into --
28 I would say around 10:45 to 11:15, the morning that the truck

1 convoy representatives were expected to start honouring their
2 commitment to start moving trucks. And we sent someone
3 physically to take photos because we could not get a
4 corroboration of how many trucks were being moved on a street-
5 by-street basis. So if we can see another one, I think I'll
6 recognize the street. And my impression is that -- I mean, we
7 provided the street names, Commissioner.

8 **MS. ALYSSA TOMKINS:** Can we scroll to the next
9 photo, please? Can you identify where this is, Mr. Arpin?

10 **MR. SERGE ARPIN:** I believe that that's O'Connor,
11 looking north to Parliament. We can see the parliamentary
12 precinct, and my recollection is that that is Albert Street.
13 Everyone knows where the National Bank is located. So we could
14 see that there was some progress. We can't see south of Albert.
15 We were seeing there were no trucks left between Albert and
16 Parliament, when the day before, there were trucks side by side,
17 blocking that entire street. And so the contention that it
18 failed, I just think is premature. We don't know. We can't say
19 it failed because it unfolded over too short a period of time.

20 **MS. ALYSSA TOMKINS:** Can we look at the next
21 photo, please? Can you identify ---

22 **MR. SERGE ARPIN:** It's my understanding that that
23 is Bank north to -- you can see the corner of the Confederation
24 block on the left, upper left, and that is Bank completely
25 cleared of vehicles and we can see a police vehicle now that is
26 at the pilon, and that is showing no trucks from the corner of
27 Meridian to Wellington. There are no trucks. There are no
28 convoy trucks on that strait on the morning of February 15th.

1 **MS. ALYSSA TOMKINS:** Next page, please?

2 **MR. SERGE ARPIN:** I believe that's the right
3 date.

4 **MS. ALYSSA TOMKINS:** Can you identify this photo,
5 Mr. Arpin?

6 **MR. SERGE ARPIN:** Metcalfe at Queen and Albert,
7 looking north, there's not a single truck from the truck convoy
8 between that street and Parliament.

9 **MS. ALYSSA TOMKINS:** Next photo, please. Mr.
10 Arpin, can you identify this location?

11 **MR. SERGE ARPIN:** I'm sorry, I cannot, but I'm
12 sure that we -- that OPS can corroborate what street that is.

13 **MS. ALYSSA TOMKINS:** I think that's all the
14 photos and all of my questions for you, Mr. Arpin. Thank you
15 very much.

16 **COMMISSIONER ROULEAU:** Okay. Any re-examination?

17 **MR. JEAN-SIMON SCHOENHOLZ:** No, Mr. Commissioner.

18 **COMMISSIONER ROULEAU:** Okay. I just have a
19 couple of short questions, Mr. Arpin. One is the -- and I'm
20 just trying to understand about the 400 trucks. Your
21 understanding, I just want to confirm, is that there were 400
22 trucks that would be moving pursuant to the agreement that you
23 negotiated or that was negotiated?

24 **MR. SERGE ARPIN:** Our understanding is that there
25 were 400 between the various locations. The initial expectation
26 and hope is that they would leave the most affected district,
27 which is Somerset.

28 **COMMISSIONER ROULEAU:** And they could all be

1 accommodated, if need be, on Wellington?

2 **MR. SERGE ARPIN:** The GM Kim Ayotte had shared
3 that view that they could be.

4 **COMMISSIONER ROULEAU:** The 400, okay.

5 And then the other thing I wanted to ask is you
6 mentioned, I think you called it a temporary solution that you
7 were negotiating between the 8th and the 13th. Was there a plan
8 for a permanent solution at that time by the City?

9 **MR. SERGE ARPIN:** There was not. We were
10 completely realistic about the fact that this accomplished what
11 PLT asked us to engage about, which was taking the temperature
12 down, re-establishing a connection and getting our residents
13 some relief, not a permanent solution, because obviously there
14 would still be trucks in the core, but at least they would be
15 outside of the residential district.

16 **COMMISSIONER ROULEAU:** So there was no plan to
17 resolve the problem?

18 **MR. SERGE ARPIN:** There was because concurrently,
19 Commissioner, we were working with all levels of government to
20 try to get more police officers to reinforce the OPS, and that
21 was -- that had already started. On February 7th, we had sent a
22 letter to both the Premier and the Prime Minister, asking for
23 more resources. The next weekend, we worked in an interim
24 fashion to try to provide some relief to residents, but the
25 long-term plan was the truck convoy had to be -- had to end.

26 **COMMISSIONER ROULEAU:** This lack of police
27 resources, what was the plan if they didn't materialize? As I
28 understand it, you had the discussions with who you reviewed,

1 but did you see anyone as being responsible for coming up with a
2 solution?

3 **MR. SERGE ARPIN:** I saw the three levels of
4 government having to agree to partner together slightly more
5 quickly. That was the solution we needed, a very, very strong
6 influx of additional bodies. The perimeter to be managed was
7 extraordinary, and you may recall that when OPS, in conjunction
8 with OPP and the RCMP in the week of February 16th, I believe,
9 when we started to see the mobilization and the erection of a
10 new perimeter that went all the way from Elgin, Wellington, all
11 the way down to Catherine Street, all the way down to Bronson
12 and North, back up to Parliament, you know, I think that's when
13 we started to get a greater sense of the magnitude of the
14 perimeter that would have to be controlled and defended to
15 remove them, and then ensure that they don't come back and
16 forth. And I believe that once the cooperation started, which
17 the Mayor sought, and was thankful to both the Province and the
18 Feds for engaging when they did, belatedly; everyone engaged
19 belatedly and imperfectly. But the Mayor does believe that
20 bringing these resources together in massive numbers was
21 required to end this very, very, very large demonstration that
22 was now unruly.

23 **COMMISSIONER ROULEAU:** You use the term,
24 "Belatedly"; what do you mean by that?

25 **MR. SERGE ARPIN:** A lot of time for the parties
26 to -- you know, I pointed out in my evidence that, you know, we
27 found out 10 days into the crisis that there was no alignment on
28 the plan. You know, maybe this is a lesson to all parties, that

1 we are now -- are we prepared for the next emergency that we
2 would be day one ready to go and work collaboratively? That's
3 the Mayor's only aspiration, that the people of Ottawa would not
4 be put through this again, and it would take less time next
5 time.

6 **COMMISSIONER ROULEAU:** To work collaboratively?

7 **MR. SERGE ARPIN:** Correct.

8 **COMMISSIONER ROULEAU:** So you're -- I can try and
9 summarize; you had no plan in that period, 8th to 13th. No plan
10 was possible, in your view, without cooperation, and
11 collaboration was late in coming. Is that a fair summary?

12 **MR. SERGE ARPIN:** It's a very, very fair summary.
13 And may I respectfully add that I believe that, you know,
14 there's a lot of armchair quarterbacking, and in hindsight --
15 I'll give one example, a member of Council was tweeting, "No
16 mass arrests". That was at the start. The Chief of Police was
17 telling us, the Charter rights, he told the Mayor -- the Mayor
18 has no authority to overrule the Chief of Police on police
19 operations. He told the Mayor, the Charter dictates that we
20 allow this demonstration. Clearly we have learned, all --
21 everyone, the City, OPS, our partners have learned that the
22 world of policing has changed, and this ended up being almost an
23 immovable armada. It wasn't just individual trucks coming to
24 Ottawa; it was the collective potential impact of all of those
25 trucks, you know, in the Parliamentary precinct, bleeding into
26 the residential district that, you know, made it so complex and
27 unprecedented.

28 **COMMISSIONER ROULEAU:** Okay, thank you. And

1 thank you for coming to testify, appreciate it. We're all
2 trying to get to those solutions.

3 So that's, we'll end for today. And we'll be
4 back tomorrow morning at 9:30. I want to thank counsel, and in
5 particular our interpreters and staff for staying late. That
6 may be a regular event, but it still means that they deserve
7 thanks.

8 Merci à tous, et bonsoir.

9 **THE REGISTRAR:** The Commission is adjourned. La
10 commission est ajournée.

11 --- Upon adjourning at 6:43 p.m.

12

13 **C E R T I F I C A T I O N**

14

15 I, Sandrine Martineau-Lupien, a certified court reporter, hereby
16 certify the foregoing pages to be an accurate transcription of
17 my notes/records to the best of my skill and ability, and I so
18 swear.

19

20 Je, Sandrine Martineau-Lupien, un sténographe officiel, certifie
21 que les pages ci-hautes sont une transcription conforme de mes
22 notes/enregistrements au meilleur de mes capacités, et je le
23 jure.

24

25



26 Sandrine Martineau-Lupien

27

28