



SDLA NEWSLETTER

DECEMBER 2015

SDLA Legal Briefs Newsletter

MESSAGE FROM THE BENCH

I would like to thank the SDLA for the chance to introduce myself to all of you via this newsletter.

I became the Regional Senior Judge for the Ontario Court of Justice, Northeast Region, on July 15, 2015. During a very busy summer my family relocated with me to Sudbury from Kapuskasing.

Although we miss our family and friends up North (I like to joke that the watershed is the true dividing line) Sudbury has quickly made itself feel like home. We have experienced first-hand why it was voted the happiest place to live in Canada.

Sudbury offre à notre famille un milieu bilingue et vivant. Les gens sont accueillants et charmants. Nous sommes très heureux d’être ici.

Happy Holidays and best wishes for the New Year.

PATRICK BOUCHER, RSJ OCJ Northeast

MESSAGE FROM THE SDLA

As the year draws to a close, we, as Sudbury District Law Association members have much to reflect upon.

The most significant event hosted by the SDLA, the Colloquium, was a great success thanks to the devoted work of Chair Erin Cullin. It would be remiss of me not to mention the continued efforts and dedication of Justice Hennessy and Lucille Shaw who have been hard at work since the inception of the Colloquium.

There are simply not enough pages to name those who have contributed their precious time to ensure the continued success of this event. We also thank the Colloquium committee and look forward to Colloquium 2016!

The Law Ball changed its’ venue this year in an effort to make the hall more accessible to all members. A special thank you to all who came out and made the evening a special night for the 35 year honorees and our out of town guests. *Continued on page 6*

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COLLOQUIUM 2015

Many months of hard work and preparation culminated in another successful Conference, as Colloquium 2015 took place in Sudbury from October 21st to October 23rd, 2015. Many thanks and congratulations to the Organizing Committee, who have made this annual event not only an outstanding educational program, but also a wonderful and memorable social occasion for lawyers throughout Northeastern Ontario.

Colloquium's kick-start event took place at Fromagerie Elgin and was sponsored by Association des juristes d'expression française de l'Ontario (AJEFO). Many new French speaking lawyers and students from throughout Northeastern Ontario were introduced. The evening was marked by some wonderful wines, delicious hors d'oeuvres and an entertaining live jazz band.

The outstanding efforts of the Session Leaders were apparent, as they delivered very thorough and informative programs in Advocacy, Family Law, Aboriginal Law, Civil Law, Estates, Real Estate, Criminal Law, Practice Management and Appellate Advocacy. For the first time this year, sessions were offered in the French language in the areas of Criminal and Civil Litigation and Family Law. Thanks are extended to the Session Leaders and the speakers for their hard work in

organizing and executing another excellent CLE program.

The Conference's guest speakers offered participants interesting perspectives on becoming involved in activities outside of their day-to-day practice. Martha McCarthy, President of the Advocates' Society, spoke during the Thursday Luncheon about opportunities offered by the Society to become involved in networking, education and social justice activities. During the Friday luncheon, Trevor Kestle and Kevin Ludgate spoke about their involvement in the high school Mock Trial program in Sudbury; this was followed by two very impressive closing argument demonstrations from Mock Trial participants.

The social highlight of the Conference was the Thursday evening cocktail party and dinner, held this year at Science North. The Vale Cavern provided a stunning backdrop for keynote speaker The Honorable Patrick Lesage, as he took dinner guests on a journey through Northeastern Ontario's rich legal and judicial history. The evening closed with the always-popular SDLA Hospitality Suite.

As the curtain falls on Colloquium 2015, preparations are already underway for Colloquium 2016. Chief Justice Beverley McLachlin of the Supreme Court of Canada has already been confirmed as the

Conference's keynote speaker. Mark your calendars for October 19th to 21st, 2016 – you won't want to miss it!

Kathleen Erin Cullin

Comments received from Colloquium attendees:

"The panels were varied and excellent"

"Justice Ian Binnie was bright, focused and to the point — imparted logical and clear insight"

"Appellate panel meshed well together with respect to subject matter"

"By all appearances the 2015 Colloquium was a great success"

"Advocacy session speakers were very knowledgeable"

"Well done organizers!"

Since pushing off into the swirling waters below the Norman Dam on that bright August 2015 morning, it had taken our old but trusted dull-red, 17 foot Nova Craft canoe five full paddling days – 220 kilometers – to reach her stopping point. Under a spell of hot and dry northwestern Ontario and eastern Manitoba weather, we had dragged, carried and wheeled the Thunderbird crested canoe up, over and around the remaining seven massive hydro-electric generating stations and dams located along



the length of the Winnipeg River, on its flow between Kenora and Powerview-Pine Falls, Manitoba.

But this morning – this day – would be different. Here at Sagkeeng, in Treaty 1 territory near the outlet of the Winnipeg River into Lake Winnipeg, we watched as the northwest winds blew down the long expanse of Canada’s sixth largest lake, bat-

tering the helpless shoreline into eroding submission. It was as if the wind and the waves were speaking to us, questioning our plan to commence the kayak portion of our trip, set to be launched the next morning and to continue northward along the eastern shore of the lake.

But it was not the force of the winds and waves, but rather Sarah’s community fire – located two kilometers from our vantage point and burning now for three days – that caused us to drop by, listen, reflect and offer our gift of tobacco. It had been one year since Tina Fontaine’s body was pulled from the waters of the Red River in Winnipeg. Tina’s home was here at Sagkeeng – “the outlet” – in the very community where we stood, before she left to go to Winnipeg and where she was ultimately placed into foster care. And this aboriginal community of three thousand people, located 120 kilometers northeast of Winnipeg, had the highest number of cases of unsolved missing or murdered indigenous women of any community in Canada.

As we looked into the dancing and crackling flames of Sarah’s ever-hot fire, she stated simply, but succinctly:

“They may leave here, maybe not permanently, but often they pass through or go to places of danger,

or inner-city deep poverty. Yet so many of those who do leave, will choose to return home one day.”

The eyes of our canoe’s Thunderbird logo had seen close to twenty five Aboriginal communities, on its long paddling trip between Montreal and Lake Winnipeg. The great majority of those communities were located in northeastern and northwestern Ontario. And many people along the way had asked the question:

Why do Aboriginal people live in these places where the pine trees or the spruce trees on the hills meet the waters on the shores of the lakes and rivers?

They live here because these communities are their homes. They live here for their deep and strong connection to their traditional lands and waters. They live here for the seasonal changes.

They live here, and even if they move away or are unable to move away, these places and communities – Oka, Nipissing, Wiikwemkoong, Sagamok,

—BINGIBAAYONG —

Garden River, Michipicoten, Wabaseemoong, Sagkeeng, Hollow Water and all places and communities in between - will always be home.

It was now the following Thursday. Our two kayaks had coursed their way north up the eastern shore of Lake Winnipeg, past Manigotagan and Wanipigow, to our takeout at Loon Straits, 25 kilometers south of the Bloodvein River. There commercial fisherman Edgar Bruce and his wife Doreen, members of the Peguis First Nation – and all smiles – greeted and assisted us upon our arrival. We could not have been shown or offered greater respect or hospitality. But in the end, the question “Why do people live there – why don’t they just move?” – seemed far less important than did the path towards understanding, respect and reconciliation. In Volume One of the Final Report of the Truth and Reconciliation Commission of Canada, the Commissioners put it this way:

“... we believe that reconciliation is about respect. That includes both self-respect for Aboriginal people and mutual

respect among all Canadians. All young people need to know who they are and from where they come. Aboriginal children and youth, searching for their own identities and places of belonging, need to know and take pride in their Indigenous roots. They need to know the answers to some very basic questions. Who are my people? What is our history? How are we unique? Where do I belong? Where is my homeland? What is my language and how does it connect me to my nation’s spiritual beliefs, cultural practices, and ways of being in the world? They also need to know why things are the way they are today. That requires an understanding of the history of colonization, including the residential school system and how it affected their families, communities, their people, and themselves.

Of equal importance, non-Aboriginal children and youth need to comprehend how their own identities

and family histories have been shaped by a version of Canadian history that has marginalized Aboriginal peoples’ history and experience.

They need to know how notions of European superiority and Aboriginal inferiority have tainted mainstream society’s ideas about, and attitudes towards, Aboriginal peoples in ways that have been profoundly disrespectful and damaging. They too need to understand Canada’s history as a settler society and how assimilation policies have affected Aboriginal peoples. This knowledge and understanding will lay the groundwork for establishing mutually respectful relationships.”

After enjoying Doreen’s baking and her freshly brewed coffee, we loaded our kayaks onto our vehicle’s rooftop. We briefly assisted Edgar by moving his heavy commercial ice-making machine into his fish storage facility. We then waved our goodbyes as we headed down the long and dusty gravel road towards the paved highway to the south, and towards our own home communities.

Bingibaayong — Where We Come From

Stephen O’Neill, SCJ

Originally published in the Nov. 2015 Ontario Superior Court Judges Newsletter

SDLA Legal Briefs Newsletter

Two Truths From the North

**Holiday Bench & Bar Event:
2015**

The timing could not have been better, or worse. Just one month before Justice Colin McKinnon announced that the Fall Newsletter would be devoted to issues impacting and involving our two northern court regions, Statistics Canada released its data from the General Social Survey and the Canadian Community Health Survey, taken between 2009 and 2013.

As explained by Statistics Canada, in its publication entitled: *How's Life in the City? Life Satisfaction Across Census Metropolitan Areas and Economic Regions in Canada* (April 2015):

“... based on a pooled sample of almost 340,000 survey respondents aged 15 or older who reside in one of the 10 provinces ...”

the question was asked:

“Using a scale of 0 to 10 where 0 means “Very dissatisfied” and 10 means “Very satisfied”, how do you feel about your life as a whole right now?”

With the annual data from these surveys, Statistics Canada was for the first time able to prepare and publish comparable community level measures of life satisfaction for 33 census metropolitan areas (CMAs) and 58 economic regions (ERs) across the country.

Chart 2 of 5 ranked and outlined the following:

Percent of individuals rating their life satisfaction as 9 or 10, by census metropolitan area, 2009 to 2013.

Members of our court - at this juncture, understanding that I am one of a relatively small group of northeast and northwest region judges, I ask that you

hold your applause, and rather reflect on the top five census metropolitan areas ranked in the study:

**Greater Sudbury
Thunder Bay
St. John's
St. John
Saguenay**

Further, and if possible, I suggest that some or perhaps many of you might wish to refrain from obtaining and examining the full publication and ranking of results, lest it shall prove to “not make your day”, or truth be told “knock you off your stride”.

But yes, it is true. The Toronto Star in its headline dated April 21, 2015, stated it best

“The happiest city in Canada is... Sudbury.”

Those who read the full census report will now know that our two northern regions metropolitan cities, Sudbury and Thunder Bay, are indeed the two happiest cities in the country. The five year study did not rank or profile a specific level of happiness or satisfaction in relation to our justice system in Ontario or in the north.

It was Sophie and my pleasure to host the annual holiday bench and bar event held at Oscars on Thursday, December 10, 2015 and, with well-over 50 attendees, I am glad to say that the event was a marvellous success.

It was great to see so many of our members and members of the judiciary attend the event, even if Sophie and I were concerned that we did not order enough food.

Too often our busy practices and hectic social calendar prevent us from catching up with colleagues and friends within the Bar or meeting new (or, at least, new to us) members of the Bar and I believe that events like this one are essential to fostering the strong sense of community, which, in my experience, has always typified the Sudbury and District Law Association and its members. The current Executive is committed to maintaining that sense of community and, we hope, that these social events aid in maintaining the collegiality of the Bar.

From the boisterous conversations, the quickly consumed appetizers, and the many well wishes uttered by the attendees on leaving, I am fairly confident that the event was well received by the attendees this year and we can count on an even larger turn-out next year.

Sophie and I would like to take a moment to provide a heartfelt thank you to Rannah, Nina, Helen and the staff at Oscars for all the hard work that made the event a success again this year.

From the entire Sudbury and District Law Association, I would like to extend our warmest wishes to all of our members and their families over this holiday season.

James Ross

Continued from page 1

The Holiday gathering at Oscar's on December 10 was once again well received by all who attended. We certainly appreciate the members of the Judiciary who took time from their busy schedule to speak with the new, young and senior members of the Bar.

The date for our Annual General Meeting has been set to February 9th, 2016. Keep an eye on your email for official notice with guest speaker, time and venue.

Ian Sinclair has provided his insight into the revision of the SDLA by-laws and your executive members are currently working to incorporate the suggested revisions into the SDLA bylaws.

We hope these revisions are ready for circulation before the AGM.

Earlier in my term as your president I had great ambitions of securing funds from the MAG to renovate the Barrister's Lounge. I have spoken with various individuals who advise that the Ministry simply has no money to spend on this type of project. I will continue to work with the incoming President and executive to see if the renovations can become a reality.

It has been my privilege to serve as your President. It has provided me with great insight as to the hard work of my predecessors and an appreciation of the important role that our Association plays within the community as well as for our members. I encourage all of you to actively participate in our events. Sometimes, we unfortunately forget that behind the scenes our colleagues have spent their own time and energy in organizing various activities.

I wish all of you a Safe and Happy Holiday.

Edmond J. Paquette

**Residential Development
Charges – Deferral Program**

CAROLYN DAWE

In accordance with a decision of City Council, applicants for building permits for certain categories of residential development may now apply to defer payment of development charges (DCs) otherwise payable at the building permit stage for a period up to 6 months.

Only applicants for building permits for single detached dwellings; semi-detached dwellings; or multi-residential buildings which do not have more than 4 units potentially qualify for deferral of DCs. Developments within these categories that trigger site plan control will not be eligible for deferral. Landowners applying for approval to defer payment of development charges must also meet certain eligibility criteria as set out in By-law 2015-141.

The maximum deferral period is 6 months. However, the approval of occupancy or sale/transfer of the property prior to the 6 month period will trigger payment. This latter requirement will be protected by the registration on title to the property of a restriction on transfer without the City's consent. You may contact the City's accounts receivable department for a payout amount to permit the discharge of the restriction. The City will work with you to discharge the restriction upon satisfactory arrangements for payment of any outstanding development charges. If you have clients that wish to apply to defer payment of development charges on an eligible development, application forms and further particulars will be available from the City's website under Development Charges.



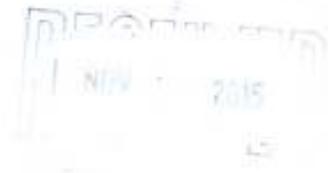
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November 5, 2015

Mr. Edmond Paquette, President
Sudbury District Law Association
Court House, 155 Elm St.
Sudbury Ontario P3C 1T9



Dear Mr. Paquette,

Please accept my sincere thanks for Sudbury District Law Association's generous \$2,650 donation made in memory of Mr. Leo P. Arseneau.

Your support means more Canadians will get to the specialized healthcare they need to get better and thrive. It means fewer days away from home and quicker recovery times thanks to fewer missed medical appointments. It also means less worry. We would like to pass along a note of appreciation from Breanna, mom of Noah, a five-month old boy with a rare kidney disorder:

It's hard to express what this meant to us. To think that there are people out there who don't even know you, who are willing to help you – it gives you a glimmer of hope when there's so much darkness around you and things don't seem fair. Hope Air was amazing. It was as if they gave us a light, and said 'Here's one thing we can help you with. It will be ok – we'll get you there.' We are extremely grateful.

We are very thankful for your thoughtful gift. You give families like Noah's a glimmer of hope that resonates beyond the direct beneficiary to touch their family, friends, and community.

If you have any questions, feel free to contact me at 416-222-6335 ext. 229 or at dgriffin@hopeair.ca.

Best regards,

Danielle Griffin
Development Manager

Our Mission: To arrange free flights for Canadians who are in financial need and must travel to healthcare.

SDLA EXECUTIVE 2015

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"Look at it this way: books don't crash, they don't get viruses, and they don't need screensavers."

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SHARE OFFICE SPACE

The law firm of Arseneau Poulson has office space available for a lawyer and assistant. The shared arrangement would include reception, boardroom and kitchen facilities.

For further inquiries please contact Barry Poulson at 705-674-6497.

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