

Source name

The Hamilton Spectator (ON)

Source type

Press • Newspapers

Periodicity

Daily

Geographical coverage

Regional

Origin

Hamilton, Ontario, Canada

Red Hill inquiry costs to climb as high as \$20M

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It is now expected to cost up to \$20 million to solve the mystery of Hamilton's slippery Red Hill Valley Parkway.

Council voted in March 2019 to ask a Superior Court judge to probe how a troubling safety report on the collision-prone parkway was inexplicably hidden for five years. The controversy spurred emergency repaving of the parkway and a planned \$250-million class-action lawsuit that is separate from the inquiry.

Two and a half years later, the city has so far spent \$11 million on the pandemic slowed inquiry - but costs "will increase significantly" once public hearings begin in early 2022, suggests a new city report.

The report estimates the city will likely spend another \$7 million by the end of next August and assumes public hearings - which will be held virtually, because of COVID - will begin by April, if not sooner.

The latest estimate on final inquiry costs is between \$18 million and \$20 million. City lawyers originally predicted the judicial probe could cost between \$2 million and \$11 million - but also warned council has no control over the bill.

Some councillors Wednesday expressed

The judicial inquiry is being led by Commissioner Justice Herman Wilton-Siegel. It could cost up to \$20 million. Barry Gray Hamilton Spectator file photo

shock over the rising price tag. "It's out of control," said Coun. Lloyd Ferguson, who originally pushed for an auditor-general probe.

Others argued the independent probe is the price of restoring trust in government. "I can't think of anything that money would be better spent on," said Coun. Terry Whitehead.

Costs for judicial probes in Ontario have varied widely, noted Ed Ratushny, a longtime University of Ottawa law professor and author of a book on public inquiries. The probe of a deadly E. coli outbreak in Walkerton cost around \$10 million, while a four-year inquiry into child sexual abuse in Cornwall topped \$50 million.

"There can be very heavy costs," said Ratushny, who equated starting a public inquiry with sending a ship out to sea. "You don't know where it will go, how long it will take, how much it will cost or what it will bring back."

The law requires Hamilton to cover all judicial inquiry costs other than expenses of formal parties like the province of Ontario or parkway builder Dufferin

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news-20211209-THS-20211209-63022626

Construction. Council voted earlier this year to ask the province for inquiry funding aid, but it's unclear whether that request is being considered.

At one point, the inquiry was expected to hold in-person public hearings featuring witness testimony and cross-examination as early as fall 2020.

But the inquiry has been slowed by the COVID-19 pandemic and delays in the handover of documents requested by the inquiry that left the commissioner, Justice Herman Wilton-Siegel, "disappointed" last year.

Lawyer Robert Centa, counsel for the commissioner, could not say Tuesday exactly when the public hearings will begin or if more documentary delays are anticipated. But he said the inquiry legal team has so far reviewed 130,000 Red Hill-related documents and interviewed more than 100 people. "We are mindful of wanting to start the public hearings as soon as reasonably possible," he said, adding an announcement on specific dates will hopefully come before the end of the year.

Separate from the inquiry, family members of parkway collision victims are pursuing a \$250-million class-action lawsuit against the city as a result of the buried safety report.

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