

Ottawa Light Rail Transit Commission

Learn about Ontario's independent inquiry into Stage 1 of the Ottawa Light Rail Transit system.

Overview

The Ottawa Light Rail Transit (LRT) system has experienced several issues that have raised concerns about the project, including safety concerns. The provincial inquiry was established to look into the commercial and technical circumstances that led to the breakdown and derailment with Stage 1 of the Ottawa Light Rail Transit (LRT) project.

The commission released its final report on November 30, 2022.

Read the commission's final report
(<https://www.ottawalrtpublicinquiry.ca/documents/final-report/>) .

Commission members

- Honourable Justice William Hourigan, Commissioner
 - As former Chair of the Litigation Department at Fasken Martineau, Justice Hourigan specialized in complex commercial litigation while in practice. Justice Hourigan previously served as a judge of the Ontario Superior Court of Justice, and was later elevated to the Court of Appeal for Ontario in 2013.
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About the inquiry

Mandate

- Having regard to section 5 of the *Public Inquiries Act, 2009* (<https://www.ontario.ca/laws/statute/09p33#BK7>) , the commission shall inquire into the commercial and technical circumstances that led to the OLRT1 breakdowns and derailments, including:
 - a. The decisions and actions that were taken in determining:
 - i. the procurement approach the city selected for the OLRT1 Project;
 - ii. the selection of the Rideau Transit Group (“Concessionaire”); and
 - iii. the award of the alternative financing and procurement (AFP) contract for the OLRT1 Project to the Concessionaire;
 - b. Whether the city-led procurement process had an impact on the technical standards applied for the OLRT1 Project and the design, building, operation, maintenance, repair and rehabilitation of the OLRT1 Project;
 - c. Whether the AFP contract between the city and the Concessionaire (“Concession Agreement”) was adequate to ensure that the design, building, operation, maintenance, repair and rehabilitation of the OLRT1 Project was carried out in accordance with all applicable laws and industry standards, including performance and safety;
 - d. Whether the Concessionaire and its subcontractors did carry out the design, building, operation, maintenance, repair and rehabilitation of the OLRT1 Project in accordance with applicable laws and industry standards; and
 - e. Whether the city’s oversight of the Concession Agreement and the OLRT1 Project, including its audit, evaluation, inspection and monitoring of the OLRT1 Project, was adequate to ensure compliance with the Concession Agreement and any applicable laws and industry standards. The above includes an inquiry into the decisions that led to the declaration that the OLRT1 Project had reached substantial completion and any associated testing carried out to support such declaration.
- The Commission shall perform its duties without expressing any conclusion or recommendations regarding the potential civil or criminal liability of any person or organization. The Commission shall further ensure that the conduct of the inquiry does not in any way interfere or conflict with any ongoing investigation or legal proceeding related to these matters.
- Where the Commission considers it essential and at its discretion, the Commission may engage in any activity appropriate to fulfilling its duties, including:

- a. conducting research and collecting information, including conducting interviews and undertaking surveys;
 - b. conducting inter-jurisdictional research to identify practices in other jurisdictions that are relevant to this inquiry;
 - c. consulting with, or seeking submissions from, key stakeholders and sector experts;
 - d. consulting with the general public, including consulting prior to making its rules or determining who may participate in the public inquiry; and
 - e. receiving oral and written submissions.
- The Commission shall, as much as practicable and appropriate, refer to and rely on the matters set out in section 9 of the *Public Inquiries Act, 2009*. In particular, the Commission shall review and consider any existing records or reports relevant to its mandate. Further, the commission shall rely wherever possible on overview reports submitted to or created or written by the inquiry. The commission may consider such reports and records in lieu of calling witnesses.
 - Pursuant to section 14 of the *Public Inquiries Act, 2009*, the commission shall hold public hearings.
 - The commission may exercise the powers provided in section 13 of the *Public Inquiries Act, 2009*.
 - The commission shall, wherever practicable, rely on representative witnesses on behalf of institutions and may convene or consult, or both, with panels of representative witnesses to fulfill its mandate in a timely manner.
 - In accordance with the *Public Inquiries Act, 2009*, the commission shall obtain all records necessary to perform its duties and, for that purpose, may require the provision or production of information that is confidential or inadmissible under any act or regulation, other than confidential information which is described in sections 19 and 27.1 of the *Auditor General Act* (<https://www.ontario.ca/laws/statute/90a35>) . Where the Commission considers it necessary, it may impose conditions on the disclosure of information to protect the confidentiality of that information.
 - The commission shall follow Management Board of Cabinet directives and guidelines and other applicable government policies unless, in the commission's view and having regard to its mandate, it is not possible to follow them.
 - The commission shall promote accessibility and transparency to the public through the use of technology, including establishing and maintaining a website and holding

virtual hearings where the Commissioner deems it appropriate.

Designated minister

- The Minister of Transportation is designated as the minister responsible for the commission under clause 3(3)(f) of the *Public Inquiries Act, 2009*.

Funding

- The commission may make recommendations to the Minister of Transportation regarding funding to participants in the inquiry to the extent of that participant's interest where, in the commissioner's view, the participants would not otherwise be able to participate in the inquiry without such funding. Such funding shall be in accordance with Management Board of Cabinet directives and guidelines.

Final report

- The commission shall conclude its mandate and deliver a final report to the Minister of Transportation containing its findings and conclusions and including any recommendations on or before August 31, 2022 or, if the Minister of Transportation agrees in writing, no later than November 30, 2022.
- In delivering its final report to the Minister of Transportation, the commission shall ensure that:
 - a. in so far as practicable, the final report is in a form appropriate for public release, and consistent with the requirements of the *Freedom of Information and Protection of Privacy Act* (<https://www.ontario.ca/laws/statute/90f31>) and other applicable legislation
 - b. any electronic version of the report is in at least one accessible format, satisfactory to the Minister of Transportation
- The Commission shall be responsible for translation and printing and shall ensure that its final report is delivered in English and French, at the same time, in electronic and, upon written request of the Minister of Transportation, printed versions.
- The Minister of Transportation shall make the commission's final report available to the public as soon as practicable after receiving those.

Financial and administrative matters

- The financial and administrative support necessary to enable the commission to fulfill its mandate shall be provided in accordance with sections 25, 26 and 27 of the

Public Inquiries Act, 2009.

- All ministries and all boards, agencies and commissions of the Government of Ontario shall, subject to any privilege or other legal restrictions assist the commission to the fullest extent possible, including producing documents in a timely manner, so that the Commission may carry out its duties.

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