

Application to participate and seek funding

The Terms of Reference for the Red Hill Valley Parkway Inquiry (RHVPI) are found [here](#)

All applications, including supporting materials, must be filed by text searchable and bookmarked .PDF files sent to rcenta@rhvpi.ca on or before November 29, 2019, at noon, or on any other date with leave of the Commissioner. An applicant may use this template or provide written submissions that address the topics set out below.

THE APPLICANT:

I. Individual *

Name:

Email Address:

Mailing Address:

Telephone Number:

II. Corporation or Organization *

Name:

Contact Person [name and position]

Email Address:

Mailing Address:

Telephone Number:

*** IF REPRESENTED BY COUNSEL:**

Name:

Firm:

Email Address:

Mailing Address:

Telephone Number:

STANDING TO PARTICIPATE:

1. What is the nature of your interest in the subject matter of the RHVPI?

In particular, please indicate a) whether you have a substantial and direct interest in the subject matter of the RHVPI; b) if you believe your involvement could result in you receiving a notice of alleged misconduct; c) your participation would further the conduct of the RHVPI; and/or d) your participation would contribute to the openness and fairness of the RHVPI

I have a substantial and direct interest in the subject matter of this Inquiry. My daughter, Olivia Smosarski, was fatally injured as a result of a collision which occurred on the Red Hill Valley Parkway on May 5, 2015 (See attached police Motor Vehicle Collision Report). As the mother of a young woman who may have died as a result of the alleged misconduct which is the subject of this Inquiry, I am uniquely situated to offer information and assistance to the Inquiry.

It is my belief that the condition of the pavement (or other unexplained road conditions) of the northbound lanes of the Parkway may have contributed to the loss of control by the driver of the vehicle in which my daughter was a passenger, as a result of which her vehicle left the northbound lanes, crossed over into the southbound lanes and collided with a southbound vehicle with tragic, fatal consequences for both my daughter and her friend.

It is also my belief that the non-disclosure of the reports which are the subject of this Inquiry (and the failure of the responsible parties to consider the contents thereof and make safety changes to the roads or order further studies and take such remedial action as may have been warranted in the circumstances) may have put users of the Parkway (and, in particular, my daughter), at risk and materially contributed to my daughter's death.

As a person who has suffered the most profound consequences imaginable of such alleged misconduct or negligence, notice of same ought properly to be given to me and my participation would further the conduct of the Inquiry and contribute to its openness and fairness.

2. Why do you wish to participate in the Inquiry?

The loss of my daughter has been devastating for me and my family. We continue to be tortured by questions about what caused her friend to lose control of her vehicle. The mandate of this Inquiry deals directly with those questions.

I wish to participate in this Inquiry by sharing the knowledge and perspective which I have about my daughter's collision and its aftermath, to the extent that it may be helpful to the Inquiry in its deliberations.

I also hope that, by participating in the Inquiry, I will be able to better understand the factors which may have contributed to my daughter's death.

If the alleged non-disclosure at the heart of this Inquiry was one of those factors, I believe it is reasonable and fair that I and my family be allowed to participate in the process of determining whether or not (and, if so, to what extent) that is the case.

I also believe I owe it to my daughter to participate in that process and determination.

Perhaps most importantly, my experience and my daughter's tragedy might assist the Inquiry in making findings and recommendations that help to ensure that future tragedies in similar circumstances can be prevented and that other families will not have to experience the unspeakable pain which we continue to endure.

3. How do you propose to contribute to the Inquiry? In giving your answer, please refer to the [Terms of Reference](#)

I propose to assist the Inquiry by:

- a) sharing such information and perspective as I may have which may be germane to the Inquiry, including, without limitation, as it may relate to sub-paragraphs 2(a), (xii), (xx) and (xxiv) of Appendix "B" of Report 19-008;
- b) questioning Inquiry witnesses as to the subject matter of the Inquiry, including, without limitation, the matters referred to in the said sub-paragraphs;
- c) making submissions to the Inquiry with respect to the evidence and appropriate findings and recommendations; and
- d) making such further or other contribution as may be appropriate, as advised by counsel and/or requested by the Inquiry Commissioner and/or Commission Counsel.

TYPES OF PARTICIPATION SOUGHT:

The Commissioner may permit an applicant to participate in some or all parts of the RHVPI.

4. If allowed to participate in the Public Hearings, how do you wish to participate? Check all that apply.

- a) receive access to a database of relevant documents;
- b) to comment on background materials or written evidence prepared by Commission Counsel;
- c) to propose individuals to be interviewed or to appear as witnesses at the RHVPI public hearing;
- d) to examine witnesses at the RHVPI's public hearing;
- e) to make oral or written submissions to the Commissioner; and/or
- f) other: _____

5. The Commissioner will avoid duplication and encourage efficiency. Please indicate if you have a common interest with any other individual or company that may also be seeking to participate. If so, specify their name and indicate your position on whether the Commissioner should grant joint participation status to those with whom you have a common interest.



FUNDING:

Where the Commissioner concludes that a Participant would not be able to participate in the RHVPI without receiving funding, the Commissioner may recommend to the City of Hamilton that it provide the Participant with funding to the extent of that Participant's interest. The Commissioner does not have authority to direct the City to provide funding.

6. Will you be asking the Commissioner to recommend that you receive funding for legal counsel from the City of Hamilton in order to be able to participate in the RHVPI?

- a) Yes
 b) No

If you answered yes, complete the questions 7 to 9. If you answered no, proceed to question 10.

7. Why do you require funding from the City of Hamilton to participate in the RHVPI?

8. Is there any documentation or other evidence that the Commissioner should consider in support of your application for funding?

- a) Yes
 b) No

9. If you answered yes to question 8, please list the documentation or other evidence you would like the Commissioner to consider below and attach copies of all supporting materials to your application.

**CONFIDENTIALITY:**

All materials filed in support of an application to participate, and all updates regarding the applications, will be posted on the Inquiry's website at www.rhvpi.ca, subject to any confidentiality order made by the Commissioner.

10. Do you request that any portion of your application, including supporting materials, be kept confidential?

a) Yes

b) No

11. If you answered yes to question 10, please specify which portions of your application should be kept confidential and why.

ORAL HEARINGS:

The Commissioner will review your applications and determine whether or not he will permit oral submissions to be made in support of the applications.

12. Do you wish to make oral submissions in support of your application?

a) Yes

b) No

Signature

Date (month/day/year)

Ver 1

Use Template Ver. 1 with this report



Ontario

Motor Vehicle Collision Report

Ver 1

Collision Number 15-596572 Page 1 of 1
Collision Date 150505TUES 03:27

1 01

Time Officer Arrived or Police Service Reported to: 2327 HRS
Emergency Equipment in Attendance: EMS

Name of Investigating Officer: MATT HEWKO
Police Station: 817 RECON A/C

2 01
3 02

Name of Submitting Police Service: HAMILTON P.S.

4 01

Location R1: RESTHILL VALLEY PARKWAY
R2: GREENHILL AVENUE

5 01

City: HAMILTON

6 07

Driver: [Redacted]

7 110

Vehicle: [Redacted]

8 04

CVOR No.: [Redacted]

9 02

Owner (Last Name First): [Redacted]

10 01

Address: [Redacted]

11 01

Insurance Company and Policy No.: [Redacted]

12 01

Trailer: [Redacted]

13 01

Trailer: [Redacted]

14 01

Trailer: [Redacted]

15 01

Trailer: [Redacted]

16 01

Trailer: [Redacted]

17 01

Trailer: [Redacted]

18 01

Trailer: [Redacted]

19 01

Trailer: [Redacted]

20 01

Trailer: [Redacted]

21 01

Trailer: [Redacted]

22 01

Trailer: [Redacted]

23 01

Trailer: [Redacted]

24 01

Trailer: [Redacted]

25 01

Trailer: [Redacted]

26 01

Trailer: [Redacted]

27 01

Trailer: [Redacted]

28 01

Trailer: [Redacted]

29 01

Trailer: [Redacted]

30 01

Trailer: [Redacted]

31 01

Trailer: [Redacted]

32 01

Trailer: [Redacted]

33 10

Describe Damage to Other Property

34 01

Involved Persons - Injured (List to B)

35 01

Involved Persons - Injured (List to B)

36 01

Involved Persons - Injured (List to B)

37 01

Involved Persons - Injured (List to B)

38 01

Involved Persons - Injured (List to B)

39 01

Involved Persons - Injured (List to B)

40 01

Involved Persons - Injured (List to B)

CONFIDENTIAL
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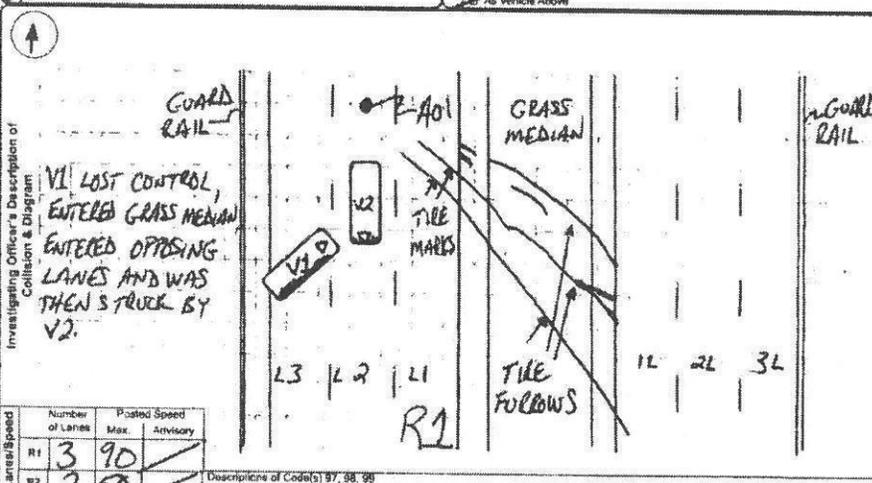


Table with columns: Lanes/Speed, Number of Lanes, Max, Posted Speed, Antivary

Describe Damage to Other Property

Involved Persons - Injured (List to B)

Press firmly you are making 5 copies

All boxes must be completed by officers submitting Report. Specify all codes 97, 98, 99 on this Report