


From: James Crispo jcris021@uottawa.ca 
Subject: Re: Decision of the University's Property Development and Planning Committee (PDPC)
Date: April 11, 2017 at 10:01 PM
To: Carol McAulay cmcaulay@laurentian.ca
Cc: Brad Parkes BParkes@laurentian.ca, President/Rectorat President@laurentian.ca, Sara Kunto SKunto@laurentian.ca,
Dominique Ansell dansell@nosm.ca



Dear Ms. McAulay,

Thanks again for meeting with us today for the purposes of discussing the issues that are jointly and adversely affecting Laurentian University and our residential property.

We are disappointed to learn that the University is steadfast in its position and has elected to act in an unneighbourly fashion in these matters. As explained, we are prepared to take all necessary action to resolve these matters in a "mutually acceptable" manner, as was first proposed by the University.

Accordingly, please find attached formal written notice that we will be proceeding with necessary legal action to resolve these matters after Monday, May 29, 2017 if an agreement pertaining to the resolution of these issues has not been reached with the University by same date, or if the University has not initiated mediation processes with us by same date.

As discussed, kindly forward us the names and positions of members of the University's Property Development and Planning Committee.

If you require any further information or wish to discuss these matters with us personally, we are available at your convenience.

With best regards,

James & Dominique

Dr. James Crispo, PhD & Dr. Dominique Ansell, MD
2115 South Bay Road
Sudbury, ON
(705) 923-7085
Email: jcris021@uottawa.ca; dansell@nosm.ca

April 11, 2017

Sent via EMAIL
(to: cmcaulay@laurentian.ca)

Property Development and Planning Committee
Laurentian University
935 Ramsey Lake Road
Sudbury, ON, P3E 2C6

Re: March 29, 2017 decision of the Laurentian University Property Development and Planning Committee

Dear Property Development and Planning Committee,

This letter serves as a follow-up to the Property Development and Planning Committee's March 29, 2017 decision to not accept our proposed property boundary readjustments and refusal to work with us for the purposes of mutually resolving the aforementioned trespass and encroachment issues.

We have retained the professional services of Mr. Bob Aaron, solicitor and national expert in the resolution of property matters at Aaron & Aaron (Toronto, ON), to assist us in working with Laurentian University to resolve the matters that are jointly and adversely affecting our respective properties. Mr. Aaron was instrumental and creative in developing our proposed property boundary readjustments with the University, which would resolve all aforementioned issues at minimal cost and without loss of property area to the University.

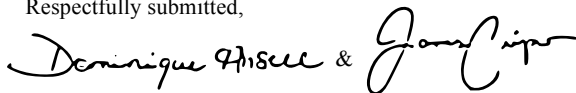
Mr. Aaron has advised that he is prepared to assist us in taking all necessary legal action to resolve these matters should the University remain steadfast in its position. This will include and not be limited to initiation of necessary action according to section 37. (1) of the *Conveyancing and Law of Property Act, R.S.O. 1990, c. C.34*, which addresses liens on lands for improvements under mistake of title:

Where a person makes lasting improvements on land under the belief that it is the person's own, the person or the person's assigns are entitled to a lien upon it to the extent of the amount by which its value is enhanced by the improvements, or are entitled or may be required to retain the land if the Superior Court of Justice is of opinion or requires that this should be done, according as may under all circumstances of the case be most just, making compensation for the land, if retained, as the court directs. R.S.O. 1990, c. C.34, s. 37 (1); 2006, c. 19, Sched. C, s. 1 (1).

Accordingly, please accept this letter as formal written notice that we will be proceeding with necessary legal action to resolve these matters after Monday, May 29, 2017 if an agreement pertaining to the resolution of these issues has not been reached with the University by same date, or if the University has not initiated mediation processes with us (shared expense) by same date.

We look forward to working with the University to resolving these issues in a timely and mutually acceptable manner. If you require any further information or wish to discuss this matter with us personally, we are available at your convenience. Kindly direct all future correspondence regarding this matter to us at the coordinates specified below.

Respectfully submitted,



Drs. Dominique R. Ansell & James A.G. Crispo
2115 South Bay Road, Sudbury, ON, P3E 6H7
Phone: (705) 923-7085
Email: dansell@nosm.ca; jcris021@uottawa.ca

From: Carol McAulay cmcaulay@laurentian.ca
Subject: Current members of the University's Property Development and Planning Committee (PDPC)
Date: April 12, 2017 at 9:46 AM
To: dansell@nosm.ca, Jcris021@uottawa.ca
Cc: Brad Parkes BParkes@laurentian.ca



Hello Dominique and James,
I received this list this morning from the University Secretary's office.

PDPC Membership:

Peter Faggioni
Fabiola Garcia
Lorella Hayes
Yves Pelletier
Jennifer Witty -ex-officio
Claude Lacroix -ex-officio
Dominic Giroux -ex-officio
Régent Dupuis -external community member
Blaine Nicholls -external community member

Best,
Carol

Carol McAulay, CPA, CA
Vice-President, Administration
Vice-rectrice à l'administration

Laurentian University
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From: James Crispo jcris021@uottawa.ca
Subject: Ansell/Crispo Property - March 29 Decision of the PDPC
Date: April 13, 2017 at 12:02 AM
To: Peter Faggioni PeterFaggioni@SolutionStream.ca
Cc: Carol McAulay cmcaulay@laurentian.ca, fabiola.garcia@avisonyoung.com, lorella.hayes@gsuinc.ca, Dominique Ansell dansell@nosm.ca



Dear Mr. Faggioni,

I sincerely thank you for taking the opportunity to speak with me this evening about the issues that are jointly and adversely affecting Laurentian University and our residential property, and appreciate your understanding of our frustration with the Property Development and Planning Committee (PDPC).

As discussed, Dr. Ansell (in cc) and I met with Ms. McAulay (in cc) and Mr. Parkes yesterday for the purposes of discussing the University's position in these matters. In consideration of the circumstances, we elected to formally notify the University that we intend to proceed with necessary legal action to resolve these matters after Monday, May 29, 2017 if an agreement pertaining to the resolution of these issues has not been reached with the University by same date, or if the University has not initiated mediation processes with us by same date.

In effort to promote conflict resolution and in light of our discussion this evening, Dr. Ansell and I agree to withhold circulating our petition and will refrain from speaking with the media about these matters until end of day Friday, April 21. We trust that this provides you with a reasonable amount of time to seek necessary counsel and make a determination as to whether you are in a position to schedule an in-person meeting with us to discuss these issues.

It is important that the PDPC understand that we are proud Laurentian University alumni, that we returned to the area to serve the community, and that we unknowingly inherited our property's defects. We have little desire in engaging in legal action with the University; however, are not prepared to accept the PDPC's recent decisions on the matters in question. Numerous stakeholders, including The City of Greater Sudbury and Health Sciences North, have invested considerable time and resources in recruiting us to the area, with the hopes that we will remain in Sudbury for years to come. Social capital would be greatly enhanced if the PDPC supported these efforts by working with us in a neighbourly fashion to resolve the aforementioned property issues.

We welcome the opportunity to meet with you and other members of the PDPC in-person, and invite you to visit our home to observe how decisions of the PDPC may affect the functionality, aesthetics, and enjoyment of our property.

If you require any further information or wish to discuss these matters with us personally, we are available at your convenience.

With best regards,

James

Dr. James Crispo, PhD & Dr. Dominique Ansell, MD
2115 South Bay Road
Sudbury, ON
(705) 923-7085
Email: jcris021@uottawa.ca; dansell@nosm.ca

From: **Carol McAulay** cmcaulay@laurentian.ca
Subject: Property matter
Date: April 13, 2017 at 4:29 PM
To: dansell@nosm.ca, jcris021@uottawa.ca
Cc: Sara Kunto SKunto@laurentian.ca



Dear James and Dominique,

I am writing to you with regard to the question of sale or transfer of land by the University to you. I thought it would be useful to provide a summary.

As I indicated in my email of February 6, 2017, the Property Development and Planning Committee (PDPC) did not support a recommendation that was before it at its meeting of January 25, 2017 that land be conveyed to you as it does not support the solution of encroachments in that manner. In that email I indicated that, if you chose to write a letter to the PDPC, I would ensure that it was included in the March 29, 2017 meeting package. Your letter and attachments dated March 18, 2017 were included in the meeting package for the PDPC. Your letter gave rise to some discussion at the Committee, but no change in direction.

I understand that you indicated yesterday via telephone, and today with a follow-up email to the Chair of PDPC and others, that you intend to proceed with legal action if no agreement to resolve the issues has been reached, or if the University has not initiated a mediation process by May 29, 2017. As noted above, there has been no change in direction and the University will not be initiating a mediation process. If you choose to proceed with litigation, please have your lawyer contact Ms. Sara Kunto, University Secretary and General Counsel, who is copied on this email.

Regards,
Carol

Carol McAulay, CPA, CA
Vice-President, Administration
Vice-rectrice à l'administration

Laurentian University
Université Laurentienne
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From: James Crispo jcris021@uottawa.ca 

Subject: Re: Property matter

Date: April 19, 2017 at 11:52 AM

To: Carol McAulay cmcaulay@laurentian.ca

Cc: Sara Kunto SKunto@laurentian.ca, PeterFaggioni@SolutionStream.ca, fabiola.garcia@avisonyoung.com, lorella.hayes@gsuinc.ca, jennifer.witty@vale.com, DominicGiroux@laurentian.ca, **President/Rectorat** President@laurentian.ca, BParkes@laurentian.ca

Bcc: Alexander Giletski agiletski@ombudsman.on.ca



Dear Ms. McAulay,

Thank you for summarizing the University's position regarding the sale or transfer of land by the University to us.

While your summary is factual, it conveniently omits select facts that accurately reflect the present state of affairs. To promote transparency in these matters, we have highlighted key facts below that were omitted in your correspondence of April 13, 2017.

- Since January 31, 2017, we have made multiple formal requests to make deputations at meetings of the Board of Governors and the Property Development and Planning Committee (PDPC) about the matters jointly affecting our residential property and University lands, all of which have been denied.
- On February 6, 2017, you indeed indicated that the PDPC did not support a recommendation that was before it at its meeting of January 25, 2017 that land be conveyed to us, as it does not support the solution of encroachments in that manner. However and for the record, it is important to acknowledge that it was the University (authorized by you) that first proposed that "...Laurentian University is interested in working with you toward a mutually acceptable solution for the approximate 295 s.m. encroachment. ... suggest that a formal offer be made to the University for the purchase of the lands at a fair market value..." in a formal letter provided to us by the University (dated November 2, 2016; attached for your reference). Moreover, it is also important to acknowledge that the University is presently in the process of conveying approximately 300 s.m. to the Idywyldé Golf & Country Club for the purposes of resolving a separate encroachment (materials also attached for your reference). These two facts represent blatant contradictions to your statement about the University's position regarding the resolution of encroachments.
- On Friday, March 31, 2017, we visited the office of Ms. Sara Kunto, University Secretary and General Counsel, for the purposes of kindly requesting an in-person meeting with her. At that time, we were turned away and informed that Ms. Kunto refused to speak with us, as the most recent decision of the PDPC was not a legal matter. It should be noted that Ms. Kunto is a member of the PDPC, that she actively discussed ongoing matters with our former solicitor (Mr. Mathieu Ansell) prior to March 31, 2017, and that we still welcome the opportunity to speak directly with her and other members of the PDPC about ongoing matters.
- While meeting with us in-person on April 11, 2017, you indicated that you were in no position to go against the PDPC's decision/directives, suggested that we speak directly with members of the PDPC about the issues that are jointly and adversely affecting Laurentian University and our residential property, and agreed to email us a list of PDPC member names and positions.
- On April 12, 2017, you provided us with a list of current members of the PDPC; however, did not provide us with contact information for the Committer Chair or other members.
- To date, all members of the PDPC who we have managed to contact, including Mr. Dominic Giroux, Laurentian University President, have refused to discuss matters with us, despite our willingness to work with the University in an amicable and neighbourly fashion to resolve encroachment and trespass issues.
- It is important to acknowledge that the *Board of Governor's Standing Committee Composition* has been out of date on the University's website for many months, and that *the 2016-2017 Board of Governor's Standing Committee Composition* was only updated on the University's website on April 12, 2017, after multiple requests from us for a list of members of the PDPC.
- Links to the PDPC Committee Terms of Reference (and all other Committees) on the University's website are invalid (and have been for some time), thus this information is not currently publicly available.
- Information provided to the PDPC Chair via phone and email on April 12 & 13, 2017 echoed our discussion with you and subsequent email to you on April 11, 2017, as you indicated at that time that you were unable/unwilling to share same information directly with the Chair and that you would be informing Ms. Kunto of our discussion/correspondence.
- While we have consulted with Mr. Bob Aaron on these matters, we have not initiated any formal legal action to date. We remain optimistic that the University may elect to work with us to resolve the current issues in a neighbourly, amicable, and mutually acceptable fashion. After all, such actions would coincide with the values, morals, and ethics that are routinely taught in the postsecondary environment.

We trust that our above facts provide useful supplementary information that more accurately summarize the current state of affairs. Kindly let us know if you dispute any above-listed facts or wish to supplement the summary of events with additional information.

With best regards,

James & Dominique

Dr. James Crispo, PhD & Dr. Dominique Ansell, MD
2115 South Bay Road
Sudbury, ON
(705) 923-7085

From: James Crispo jcris021@uottawa.ca

Subject: Follow-up

Date: May 9, 2017 at 7:35 PM

To: fabiola.garcia@avisonyoung.com

Cc: Sara Kunto SKunto@laurentian.ca, Peter Faggioni PeterFaggioni@SolutionStream.ca, Dominique Ansell dansell@nosm.ca



Dear Ms. Garcia,

Thanks again for speaking with me this afternoon.

It is unfortunate that you are unwilling to discuss specifics pertaining to the matters that are jointly affecting our residential property and Laurentian University with us. As discussed, Ms. Sara Kunto (in cc), University Secretary and General Counsel, has also refused to discuss these matters with us.

As members of the Laurentian University Board of Governors appointed by the Ontario Public Appointments Secretariat and Board representatives on the University's Property Development and Planning Committee (PDPC), both you and Mr. Faggioni (in cc) are expected to uphold explicit standards of ethical and professional conduct, which are outlined in a provincial Code of Conduct. In addition to other outlined expectations in the Code of Conduct, you are expected to execute Board duties "...in a manner that is transparent and seen to be fair, and would bear close public scrutiny" and "...professionally conduct themselves in a manner consistent with the nature of their responsibilities and the maintenance of public confidence".

We are of the opinion that, 1) by refusing to speak with us about recent PDPC decisions and matters that are jointly affecting our residential property and Laurentian University and 2) by contributing to PDPC decisions without affording us the opportunity to make a formal deputation to the PDPC, both you and Mr. Faggioni are failing to respect the established provincial Code of Conduct, and are therefore unjustly representing the Ministry of Advanced Education and Skills Development.

We have discussed our concerns with the Office of the Ontario Public Appointments Secretariat this afternoon, who recommended that we file formal complaints about your actions with the Office of the Ontario Public Appointments Secretariat and the Ministry of Advanced Education and Skills Development.

We would like to provide both you and Mr. Faggioni with the opportunity to reconsider your position and work with us in a fair, transparent, and professional manner to resolve existing property matters in a mutually acceptable fashion, which would negate the need for us to submit any complaints pertaining to your actions. As such, you are welcome to contact us at the undersigned coordinates to discuss these matters. Should we not hear from you by end of day Monday, May 15, 2017, or we continue to be of the opinion that you are not respecting the standards of ethical and professional conduct that you are expected to uphold by same date, we will proceed with submitting necessary complaints to the appropriate bodies.

With best regards,
James

Dr. James Crispo, PhD & Dr. Dominique Ansell, MD
2115 South Bay Road
Sudbury, ON
(705) 923-7085
Email: jcris021@uottawa.ca; dansell@nosm.ca

From: Sara Kunto SKunto@laurentian.ca
Subject: Re: Follow-up
Date: May 15, 2017 at 3:54 PM
To: fabiola.garcia@avisonyoung.com, James Crispo jcris021@uottawa.ca
Cc: Dominique Ansell dansell@nosm.ca, PeterFaggioni@SolutionStream.ca

SK

Dear Drs. Crispo and Ansell:

This is in response to your most recent email correspondence of May 9, 2017 below, addressed to some members of the Property Development and Planning Committee ("PDPC") of the Laurentian University Board of Governors, and copied to me as University Secretary and General Counsel. In this email, you continue to allege that Laurentian University of Sudbury (the "University") has not worked with you in a fair, transparent, and professional manner to resolve the matter of your property encroachment on University owned land.

As was outlined to you by the University's Vice-President, Administration, Ms. Carol McAulay, in writing on February 6, 2017, April 3, 2017 and April 13, 2017, and in person on April 11, 2017, the University will not be proceeding with a conveyance or sale or exchange of land with you and Dr. Ansell. The University has no obligation to rectify the matter of your property encroachment on University owned land in this manner. The University considered the materials you submitted, via PDPC, on two (2) separate occasions and the direction, as communicated to you above by Ms. McAulay who is the administrative resource person to PDPC, has not changed. I would also like to take this opportunity to remind you that I also personally communicated with your legal counsel, Mr. Matthew Ansell, on February 17, 2017 and February 23, 2017 regarding the matter of your property encroachment on University owned land and the PDPC decision. I have since been informed by Mr. Matthew Ansell that he has removed himself as counsel of record on this matter.

On a related note, while the University values its relationships with its neighbours and respects your right to disagree with an institutional decision for which you were hoping a different outcome might have been achieved, we have received multiple complaints from members of PDPC regarding your aggressive and disrespectful approach in your repeated interactions with them. The University, and members of its Board of Governors, will not be bullied into reconsidering a position taken during an open, transparent, and public PDPC meeting, despite your approach and your threats of bringing complaints forward to the Public Appointments Secretariat about individual PDPC members, approaching media, and circulating a petition. You have also threatened legal action against the University on multiple occasions, and in fact, provided the University with written notice that you intend to proceed with legal action should the University not be willing to rectify the issue of your property encroachment on University owned land by May 29, 2017. I take this opportunity to reiterate Ms. McAulay's comment of April 13, 2017, that the University will not be initiating a Mediation process. Should you choose to proceed with litigation, please have your legal counsel contact me directly so that we might discuss your intent to pursue legal action.

Respectfully,

Sara D. Kunto
University Secretary and General Counsel

Sara D. Kunto, B.A. (Hons), LL.B.
University Secretary and General Counsel | Secrétaire de l'université et
conseillère juridique

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From: James Crispo jcris021@uottawa.ca

Subject: Re: Follow-up

Date: May 15, 2017 at 6:27 PM

To: Sara Kunto SKunto@laurentian.ca

Cc: Dominique Ansell dansell@nosm.ca, fabiola.garcia@avisonyoung.com, PeterFaggioni@SolutionStream.ca, ian.wood@greatersudbury.ca, cathy.modesto@nouvelon.ca, matkins@laurentianmedia.com, rmbayer@weaversimmons.com, [Carol McAulay cmcaulay@laurentian.ca](mailto:CarolMcAulay@laurentian.ca), jennifer.witty@vale.com



Dear Ms. Kunto,

We thank you for your response to our correspondence of May 9, 2017.

As indicated to the University on April 11, 2017, we have retained the professional services of Mr. Bob Aaron, solicitor and national expert in the resolution of property matters at Aaron & Aaron (Toronto, ON), to assist us in working with the University to resolve the matters that are jointly and adversely affecting our respective properties. In consideration of Mr. Aaron's expertise with property related issues, Mr. Mathieu Ansell kindly agreed to remove himself as our counsel in these matters. Despite having counsel, we would prefer to resolve these matters in a neighbourly manner with the University and without involvement of legal action, the media, or the need to file formal complaints to the appropriate overseeing bodies.

It's unfortunate that members of the University's Property Development and Planning Committee (PDPC) have complained about us reaching out to them for the purposes of discussing the Committee's recent decisions. Kindly note that 1) it was Ms. McAulay who recommended on April 11, 2017 that we contact individual PDPC members to discuss the Committee's decisions; and 2) we made our best effort to speak with PDPC members about these matters in a very respectful and courteous fashion.

Maintaining our respectful and courteous approach, we spoke with select members of the Laurentian University Board of Governors today, including Mr. Ian Wood (in cc), Mrs. Cathy Modesto (in cc), Mr. Martin Bayer (in cc), and Mr. Michael Atkins (in cc), all of whom graciously afforded us the time and courtesy of hearing our position. The actions of these Board members speak volume relative to those of PDPC members, as the majority of PDPC members have refused to listen to our position via phone, and we have been denied the opportunity to make formal deputations to the PDPC and Board.

We respectfully disagree with your allegations that we are bullying the University and statements that PDPC meetings were open, transparent, and public. To the contrary, we are of the perspective that the University is bullying two of its Alumni and that recent PDPC meetings were not open, transparent, and public. To support our position, note that 1) the University's 2016-17 Board of Governors Standing Committee Composition was only updated on April 12, 2017, after multiple requests from us for a list of members of the PDPC; 2) that PDPC meeting minutes are not publicly available or available without the submission of Freedom of Information Request; 3) that prior and future PDPC meeting dates/times were/are not publicly advertised; 4) that our requests to make deputations at meetings of the PDPC and Board have been denied; and 5) PDPC members have refused to openly speak with us about recent PDPC decisions and matters that are jointly affecting our residential property and Laurentian University.

As publicly appointed members of the Laurentian University Board of Governors, Mrs. Garcia and Mr. Faggioni are expected to conduct themselves in a manner that is transparent and seen to be fair, and would bear close public scrutiny. We remain of the perspective that Mrs. Garcia, Mr. Faggioni, and the PDPC have not treated us professionally, respectfully, or in a neighbourly fashion in these matters. Therefore, we maintain our position that we will take all necessary steps to see these matters resolved in a transparent and mutually acceptable manner.

In closing, we again respectfully ask that you, Mrs. Garcia, Mr. Faggioni, and other members of the Laurentian University Board of Governors copied on this email reconsider our request to make a deputation regarding these matters at an upcoming meeting of the Board.

We kindly ask that you understand our position, take the context of the current situation into consideration, and treat us as you would like to be treated.

With best regards,
James & Dominique

Dr. James Crispo, PhD & Dr. Dominique Ansell, MD
2115 South Bay Road
Sudbury, ON
(705) 923-7085
Email: jcris021@uottawa.ca; dansell@nosm.ca

From: James Crispo jcris021@uottawa.ca
Subject: Re: Follow-up
Date: May 23, 2017 at 9:42 AM
To: Sara Kunto SKunto@laurentian.ca, Carol McAulay cmcaulay@laurentian.ca
Cc: Dominique Ansell dansell@nosm.ca




Dear Ms. Kunto & Ms. McAulay,

May you please provide us with the date, time, location, and agenda of the next meeting of the Laurentian University Property Development and Planning Committee?

With best regards,
James & Dominique

Dr. James Crispo, PhD & Dr. Dominique Ansell, MD
2115 South Bay Road
Sudbury, ON
(705) 923-7085
Email: jcris021@uottawa.ca; dansell@nosm.ca

From: Sara Kunto SKunto@laurentian.ca 
Subject: Re: Follow-up
Date: May 24, 2017 at 10:59 AM
To: Carol McAulay CMcAulay@laurentian.ca, James Crispo jcris021@uottawa.ca
Cc: Dominique Ansell dansell@nosm.ca

SK

Dear Drs. Crisp and Ansell:

The next meeting of the Property Development and Planning Committee is being held this evening at 4:30 p.m. in the Executive Learning Centre (FA-386) at Laurentian University. The Agenda has been attached as requested.

Respectfully,

Sara D. Kunto, B.A. (Hons), LL.B.
University Secretary and General Counsel | Secrétaire de l'université et
conseillère juridique

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**MEETING OF THE
PROPERTY DEVELOPMENT AND PLANNING COMMITTEE**

Wednesday, May 24, 2017
4:30 p.m., Executive Learning Centre, 3rd flr, Fraser Bldg

AGENDA

Teleconference: 1-866-279-1594
Participant Code: 418846

No.	ITEM	PG	LEAD
ACTION ITEMS			
1.	Adoption of Agenda	-	<i>P. Faggioni</i>
2.	Declaration of Conflicts of Interest	-	<i>P. Faggioni</i>
3.	Adoption of Minutes of the Meeting of March 29, 2017	1-7	<i>P. Faggioni</i>
4.	Business Arising from the Minutes	-	<i>P. Faggioni</i>
5.	Combined Heat and Power District Energy System – Project Location	8-13	<i>C. McAulay</i>
INFORMATION ITEMS			
6.	Chair's Items	-	<i>P. Faggioni</i>
7.	Project Status Update – CFRIE Building	14-15	<i>C. McAulay</i>
8.	Other Business	-	<i>P. Faggioni</i>
ADJOURNMENT			
9.	Adjournment	-	<i>P. Faggioni</i>
Next meeting: TBD, Fall 2017			

If you have not already done so,
please confirm your attendance via email or by telephone at 705-675-1151, x3400.