

Justices of the Peace Review Council

IN THE MATTER OF A HEARING UNDER SECTION 11.1 OF THE *JUSTICES OF THE PEACE ACT*, R.S.O. 1990, c. J.4, AS AMENDED

Concerning a Complaint about the Conduct of Justice of the Peace Errol Massiah

Before: The Honourable Justice Deborah K. Livingstone, Chair
Justice of the Peace Michael Cuthbertson
Ms. Leonore Foster, Community Member

Hearing Panel of the Justices of the Peace Review Council

Requests after the Deadline for Submissions on the Compensation Request

Counsel:

Ms. Marie Henein
Mr. Matthew Gourlay
Henein Hutchison LLP
Presenting Counsel

Mr. Ernest J. Guiste
E. J. Guiste Professional Corporation
Mr. Jeffry A. House
Counsel for Mr. Errol Massiah

Mr. James Morton
Morton Karrass LLP
Counsel for the Association of Justices of the Peace
of Ontario (Intervenor)

PUBLICATION BAN:

On June 11, 2014, this Panel made an order that the names of all witnesses who appear in any of the *facta* or motion materials or application records in this hearing shall not be published, nor shall any information that might identify them be published. Names of witnesses have been redacted.

Requests after the Deadline for Submissions on the Compensation Request

1. On April 28, 2015, this Hearing Panel made the following orders: Co-counsel Mr. Guiste and Mr. House had until May 15, 2015, just over two weeks, to file a Statement of Account and any submissions in writing in respect of the request for compensation made by Mr. Massiah. Presenting Counsel was given until May 22, 2015 to provide the Panel with any written response to the issue of compensation. The Panel stated that it would provide written reasons in relation to the request for compensation in due course, once we've had an opportunity to consider the submissions and the Statements of Account from Mr. Guiste and Mr. House.
2. On May 14, 2015, Mr Guiste, co- counsel for Mr. Massiah, requested an extension of time until May 19, 2015 to file the submissions. That request for an extension was granted by the Panel. The time for Presenting Counsel to file submissions was extended accordingly to May 26, 2015.
3. On May 19, 2015 submissions were filed by Mr. Guiste and Mr. House, co-counsel for Mr. Massiah. Subsequently, Mr. Guiste filed various pieces of correspondence on different dates, including two letters, a more particularized Bill of Costs, a copy of an email exchange with a translator, another copy of an email, a page that appears to be a revised page of his submissions, and additional case law. There was no indication of the relevance of the case law.
4. Presenting Counsel filed written submissions on May 25, 2015.
5. Mr. Massiah was already granted an extension of time to file submission on his request for compensation. The process must have an end date and reach a point of finality. We are not accepting the additional materials that were filed late except for the more detailed Bill of Costs that Mr. Guiste undertook to Mr. Gourlay, Presenting Counsel, to provide in order to facilitate adjudication of the compensation issue by the Hearing Panel.
6. There are no persuasive submissions that warrant this Panel ordering that the public should pay for the cost of translating case law. The Panel notes that one of the two

cases enclosed with the request is not referenced in the written submissions. The other case that was enclosed is in English.

7. The Panel will not entertain a reply to Presenting Counsel's submissions on compensation. On April 23, 2015, the dates and processes of making submissions on compensation were set. No request for filing a reply was made then. No authority was provided in support of a request to make a further reply on the request for a recommendation for compensation. No reply will be accepted.

Date: May 27, 2015

Hearing Panel: The Honourable Deborah K. Livingstone, Chair

His Worship Michael Cuthbertson

Ms. Leonore Foster, Community Member