

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

IN THE MATTER OF THE *COMPANIES' CREDITORS*
ARRANGEMENT ACT, R.S.C. 1985, c. C-36, AS
AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR
ARRANGEMENT OF **LAURENTIAN UNIVERSITY OF SUDBURY**

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CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS**

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Court File No.: CV-21-00656040-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

IN THE MATTER OF THE *COMPANIES'*
CREDITORS ARRANGEMENT ACT, R.S.C. 1985, c.
C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR
ARRANGEMENT OF **LAURENTIAN UNIVERSITY OF
SUDBURY**

1. The Canadian Association of University Teachers ("CAUT") supports the position of Ontario's Information and Privacy Commissioner ("IPC") in this motion. CAUT agrees with the IPC that the Stay Order should be amended so that it no longer suspends Laurentian University's ("Laurentian") statutory obligations under the *Freedom of Information and Protect of Privacy Act* ("FIPPA").
2. CAUT submits that the Stay Order should be amended in light of the following:
 - a. the principles of transparency and public accountability are too important for this Court to allow the stay order to continue as is; and,
 - b. the crisis moment for Laurentian has passed, such that compliance with freedom of information obligations cannot be reasonably expected to cause Laurentian to cease to be a going concern.

Transparency and Accountability for Publicly Funded Universities

3. Laurentian, unlike almost all other entities dealt with in the CCAA jurisprudence, is a publicly funded post-secondary education institution. As such, a large portion of its operating income comes from federal and provincial grants and payments for education and research.

4. As a national federation of academic staff associations, and the national voice of Canada's university and college educators, researchers, and librarians, CAUT is deeply concerned about the state of publicly funded post-secondary education in Canada. CAUT actively supports increased government funding for education and basic research. Government funding is critical to the quality of post-secondary education and research at all Canadian institutions of higher learning.

5. CAUT recognizes that government funding requires the responsible use of such funds. Governments are under public pressure to be judicious with spending. It is, therefore, important that universities strive to be as transparent and accountable as possible in their use of government funds. Transparent financial practices and public accountability are important to the public, and to CAUT's member associations.

6. CAUT's member associations, as bargaining agents for academic staff, rely on sound financial information in order to negotiate collective agreements. Often, this information can be obtained from the university or college employer by virtue of the governing labour laws. It is not uncommon, however, for academic staff associations and unions to have to resort to freedom of information requests to obtain specific information to support their bargaining and labour relations. See, for example, the following decisions: Nova Scotia Office of the Information and Privacy Commissioner's REVIEW

REPORT 21-02, January 29, 2021, *NSCAD University*¹; and paragraph 26 of *Laurentian University Faculty Association v. Laurentian University*, 2010 CanLII 32256 (ON LRB).

7. *FIPPA* is the most readily accessible route to obtain information that is not proactively disclosed. The statutory obligations found in *FIPPA* are important tools for collective bargaining, and for holding publicly funded universities and colleges accountable for their decisions. The Saskatchewan Court of Queen’s Bench recently articulated this with respect to the University of Regina: “The object and purpose of access to information legislation such as *LAFOIP* is to promote openness and transparency in public institutions, thereby enhancing accountability.”²

8. The stay is meant to be a temporary measure.³ Extending the stay period beyond this point risks creating an artificial status quo. Ongoing operations at Laurentian must take into account the institution’s statutory obligations as a publicly funded university.

9. Continuing intervention to shield a publicly funded university from freedom of information requests must be exercised carefully, taking into account the specific financial context of the institution and the broader context of transparency with public funds. The public has an interest in “...transparent and open governmental institutions”⁴, such as universities and colleges.

¹ Accessible at https://oipc.novascotia.ca/sites/default/files/reports/21-02%202021%2001%2029%20Review%20Report_0.pdf

² *Eaton v University of Regina*, 2021 SKQB 40 (CanLII), para 19.

³ *Montreal (City) c. Deloitte Restructuring Inc*, 2021 SCC 53, para. 50.

⁴ *Ontario (Community Safety and Correctional Services) v. Ontario (Information and Privacy Commissioner)*, 2014 SCC 31, [2014] 1 S.C.R. 674, para 66.

10. It is CAUT's submission that the factors weigh in favour of ending this immunization period. Laurentian has had one year of being able to ignore freedom of information requests.

Laurentian's Survival is Secure

11. As indicated in the CCAA, the scope and length of a stay order should be commensurate with what is needed to ensure the debtor company's ongoing existence – not what is preferred.

12. CAUT submits that this idea of necessity is at the heart of stay provisions in s. 11.02 of the CCAA. That section states:

11(3) The court shall not make the order unless

(a) the applicant satisfies the court that circumstances exist that make the order appropriate; and

(b) in the case of an order under subsection (2), the applicant also satisfies the court that the applicant has acted, and is acting, in good faith and with due diligence.

13. The Supreme Court stated that the effect of a stay order is that it, "...creates a status quo period that stabilizes the debtor company's situation by shielding it from its creditors while the restructuring process is underway."⁵ This enables the debtor company to continue operating without, "...fear of being driven into bankruptcy by its

⁵ *Montreal (City) c. Deloitte Restructuring Inc.*, para 46.

creditors.”⁶ Again, the focus of the stay order is on ensuring survival and avoiding bankruptcy.

14. It is now over one year since the initial application was granted to Laurentian. Significant changes have taken place to ensure Laurentian’s continued survival. Laurentian currently enjoys much more stability and support than it did one year ago. The most important pillar of Laurentian’s stability is the emergence of increased funding from the Provincial Government.

15. The Province of Ontario will provide \$35 million in order to satisfy the debtor-in-possession loan – essentially becoming the debtor-in-possession. The Province is also providing \$6 million in COVID relief funding, and ongoing performance funding that will not be reduced despite the drop in enrollment and incoming student applications.⁷ All of this is to underwrite Laurentian’s ongoing survival. It is clear that the Province does not want Laurentian to close.

16. Courts must scrutinize the circumstances surrounding the request for the stay order. This is to ensure that the stay order is, “...restricted to what is reasonably necessary for the continued operations of the debtor company...” [emphasis added]⁸ CAUT encourages this Court to exercise such scrutiny in this instance.

17. There is no evidence before this Court that complying with its statutory obligations under *FIPPA* would jeopardize Laurentian’s survival. The only evidence we have is that responding to freedom of information requests will take work, and that many

⁶ *Ibid*, para 47.

⁷ *Tenth Report of the Monitor*, Motion Record of the IPC, Tab 12, para 97.

⁸ *Lydian International Ltd. (Re)*, 2019 ONSC 7473, para 32.

of the staff are already engaged with other tasks.⁹ Respectfully, this is always the case for public institutions when complying with freedom of information requests.

18. CAUT submits that concern about increased workload is not the threshold to issue or extend a stay under s. 11.02 of the CCAA. Considering that Laurentian is facing only four requests from the past year, any claim that Laurentian's survival would be undermined by responding to them lacks credibility.

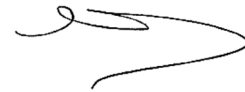
19. For the reasons articulated above, CAUT supports the IPC's motion to vary the Stay Order by removing the portions applicable to *FIPPA*.

20. CAUT does not seek costs, and asks that costs not be ordered against it.

All of which is respectfully submitted this 11th day of March, 2022.



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⁹ Haché Affidavit of August 20, 2021, Motion Record of the IPC, Tab 9, paras 99-100.

SCHEDULE “A”

LIST OF AUTHORITIES

1. Nova Scotia Office of the Information and Privacy Commissioner's REVIEW REPORT 21-02, January 29, 2021, *NSCAD University* - https://oipc.novascotia.ca/sites/default/files/reports/21-02%202021%2001%2029%20Review%20Report_0.pdf
2. *Laurentian University Faculty Association v. Laurentian University*, 2010 CanLII 32256 (ON LRB) - <https://www.canlii.org/en/on/onlrb/doc/2010/2010canlii32256/2010canlii32256.html?resultIndex=1#document>
3. *Eaton v University of Regina*, 2021 SKQB 40 (CanLII) - <https://www.canlii.org/en/sk/skqb/doc/2021/2021skqb40/2021skqb40.html?resultIndex=1#document>
4. *Montreal (City) c. Deloitte Restructuring Inc.*, 2021 SCC 53 - [https://www.canlii.org/en/ca/scc/doc/2021/2021scc53/2021scc53.html?autocompleteStr=Montreal%20\(City\)%20c.%20Deloitte%20Restructuring%20Inc%2C%202021%20SCC%2053&autocompletePos=1](https://www.canlii.org/en/ca/scc/doc/2021/2021scc53/2021scc53.html?autocompleteStr=Montreal%20(City)%20c.%20Deloitte%20Restructuring%20Inc%2C%202021%20SCC%2053&autocompletePos=1)
5. *Ontario (Community Safety and Correctional Services) v. Ontario (Information and Privacy Commissioner)*, 2014 SCC 31, [2014] 1 S.C.R. 674 - [https://www.canlii.org/en/ca/scc/doc/2014/2014scc31/2014scc31.html?autocompleteStr=Ontario%20\(Community%20Safety%20and%20Correctional%20Services\)%20v.%20Ontario%20\(Information%20and%20Privacy%20Commissioner\)%2C%202014%20SCC%2031%2C%20%5B2014%5D%201%20S.C.R.%20674&autocompletePos=1](https://www.canlii.org/en/ca/scc/doc/2014/2014scc31/2014scc31.html?autocompleteStr=Ontario%20(Community%20Safety%20and%20Correctional%20Services)%20v.%20Ontario%20(Information%20and%20Privacy%20Commissioner)%2C%202014%20SCC%2031%2C%20%5B2014%5D%201%20S.C.R.%20674&autocompletePos=1)
6. *Lydian International Ltd. (Re)*, 2019 ONSC 7473 - <https://www.canlii.org/en/on/onsc/doc/2019/2019onsc7473/2019onsc7473.html?autocompleteStr=Lydian%20%2C%202019%20ONSC%207473&autocompletePos=1>

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED
AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF **LAURENTIAN UNIVERSITY OF SUDBURY**

Court File No. CV-21-00656040-00CL

**ONTARIO
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Proceedings commenced at: Toronto

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