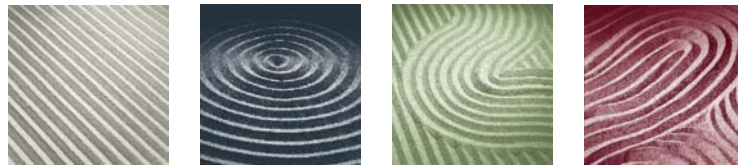


MILLER THOMSON LLP

Barristers & Solicitors
Patent & Trade-Mark Agents

Coroner Inquests

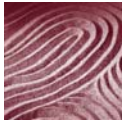
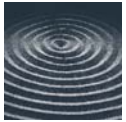


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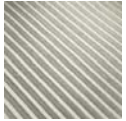
This Presentation is provided as an information service to our clients and is a summary of current legal issues. The Presentation is not meant as legal opinions and readers are cautioned not to act on information provided in this document without seeking specific legal advice with respect to their unique circumstances.



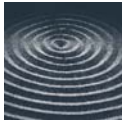
Coroners Act, R.S.O. 1990, c. C.37



- Where a coroner is notified of a death under the Act, the coroner is required:
 - to issue a warrant to take possession of the body
 - make further investigations to determine whether or not an inquest is necessary
- Where the coroner determines that an inquest is necessary, the coroner shall issue a warrant for an inquest



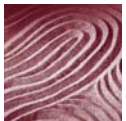
Notifying the Coroner

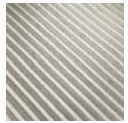


- Every person who has reason to believe that a deceased person died for one of the following causes must notify a coroner or police officer:

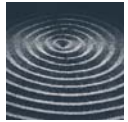


- a) As a result of violence, misadventure, negligence, misconduct, or malpractice;
- b) By unfair means;
- c) During pregnancy or following pregnancy in circumstances that might reasonably be attributable thereto;
- d) Suddenly and unexpectedly;
- e) From disease or sickness for which he or she was not treated by a legal qualified medical practitioner;
- f) From any cause other than disease; or
- g) Under such circumstances as may require investigation.





Notifying the Coroner



- Where a person dies while a resident or in-patient in:

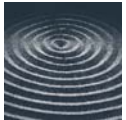


- Charitable institution;
- Children's residence;
- Facility under the Developmental Services Act;
- Psychiatric facility designated under the Mental Health Act;
- Institution under the Mental Hospitals Act; or
- *Public or private hospital to which the person was transferred from a facility, institution or home referred to above.*

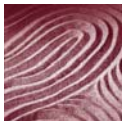




The Powers of the Coroner

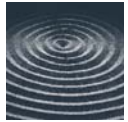


- A coroner may:
 - Inspect any place in which the deceased person was;
 - Inspect and extract information from any records or writings relating to the deceased and reproduce copies;
 - Seize anything that the coroner has reasonable grounds to believe is material to the purposes of the investigation.
- A coroner may authorize others to exercise the above powers

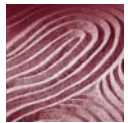




Necessary Inquests



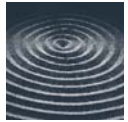
- The coroner shall consider whether the holding of an inquest would serve the public interest:



- Whether the answers to the five questions are known
- Whether it is desirable that the public be fully informed of the circumstances of the death
- The likelihood that the jury might make useful recommendations directed to the avoidance of death in similar circumstances



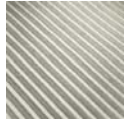
Mandatory Inquests



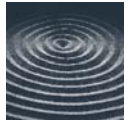
- Death of a person in custody



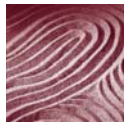
- Death of a person in the course of their employment at a construction project or mining plant or mine



The Pre-Inquest Meeting



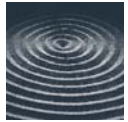
- The parties:
 - Coroner's counsel
 - The family of the deceased
 - Other parties with standing



- The inquest brief
- Where the hospital may not attend the inquest



The Five Questions

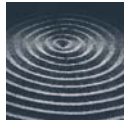


The purpose of the inquest is to determine:

1. Who the deceased was;
2. How the deceased came to his or her death;
3. When the deceased came to his or her death;
4. Where the deceased came to his or her death; and
5. By what means the deceased came to his or her death.



Procedure at the Inquest



- Less formal forum



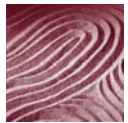
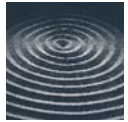
- Relaxed rules of evidence



- Open to the public unless:
 - danger to national security or
 - person charged with indictable offence,
- Five member jury
- Jurors entitled to ask relevant questions
- Verdict returned by a majority of sworn jurors



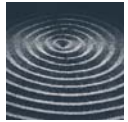
Standing at the Inquest



- Standing = substantial and direct interest in the inquest
- May make application before or during an inquest



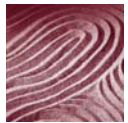
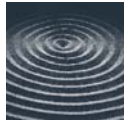
Standing at the Inquest



- A person with standing at an inquest may:
 - Be represented by counsel or an agent;
 - Call and examine witnesses and present arguments and submissions; and
 - Conduct cross-examinations of witnesses at the inquest relevant to the interest of the person with standing and admissible.



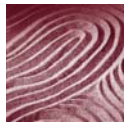
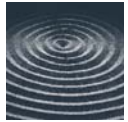
Standing & The Hospital



- Not required to attend every day, with permission
- May decide not to ask questions of every witnesses
- Permitted to participate in formulating recommendations to suggest to the jury
- Provide support for hospital employees who are called as witnesses



Recommendations of the Jury



- The jury shall not make any finding of legal responsibility or express any conclusion of law
- The jury may make recommendations directed to the avoidance of death in similar circumstances or respecting any other matter arising out of the inquest