

**ONTARIO
SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT**

B E T W E E N:) **Court File No. 433/02**

MINISTRY OF NORTHERN DEVELOPMENT) *Sarah Blake*, for the Moving Party
AND MINES)

Applicant (Moving Party))

- and -)

TOM MITCHINSON, Assistant Commissioner and) *Shirley Senoff*, for the Responding Party,
JOHN DOE, Requester) Tom Mitchinson, Assistant Commissioner

Respondents)

B E T W E E N:) **Court File No. 25/03**

MINISTRY OF NORTHERN DEVELOPMENT) *Sarah Blake*, for the Moving Party
AND MINES)

Applicant (Moving Party))

- and -)

TOM MITCHINSON, Assistant Commissioner and) *Shirley Senoff*, for the Responding Party,
JOHN DOE, Requester) Tom Mitchinson, Assistant Commissioner

Respondents)

B E T W E E N:) **Court File No. 193/02**

MINISTRY OF TRANSPORTATION) *Sarah Blake*, for the Moving Party
Applicant (Moving Party))

- and -)

LAUREL CROPLEY, Adjudicator, CONSULTING) *Shirley Senoff*, for the Responding Party,
ENGINEERS OF ONTARIO, Affected Party and) Laurel Cropley, Adjudicator

JOHN DOE, Requester)
Respondents (Responding Parties))

B E T W E E N:) **Court File No. 224/02**

CONSULTING ENGINEERS OF ONTARIO) *Sarah Blake*, for the Moving Party, Ministry
Applicant) of Transportation

- and -)

LAUREL CROPLEY, Adjudicator, JOHN DOE,) *Shirley Senoff*, for the Responding Party,
Requester and MINISTRY OF) Laurel Cropley, Adjudicator

TRANSPORTATION)
Respondents (Moving Party))

Heard at Toronto: March 14, 2003

GROUND J.: (Orally)

[1] It appears to me that, as there is already in existence an order for the hearing of applications 193/02 and 244/02 together, the issue is whether the other two applications involving the interpretation of s.13 of the *Freedom of Information and Protection of Privacy Act* R.S.O. 1990, c.F.31 (the "Act") as in application 193/02, should be heard together with applications 193/02 and 224/02. It also appears to me that the only downside of hearing all four applications together is the delay in the hearing of application 433/02 which is now scheduled for a hearing on April 3rd, 2003 and there does not seem to be any urgency that this hearing be heard in April rather than September. There also does not appear to be any substantial inconvenience or complexity by virtue of the fact that there are confidentiality issues, sealing orders and, in one case, a requirement for a hearing or a partial hearing in-camera. I am of the view, on the basis of submissions made by Ms. Blake, that those matters can be dealt with without any substantial prejudice to any of the parties.

[2] More importantly, the three applications do involve an interpretation of the same section of the Act. Such interpretation has not previously been dealt with by the Divisional Court so far as I am aware, and it seems to me that it would be in the interests of justice to have the applications dealing with interpretation of s.13 and the question of "advice or recommendations" in different factual contexts being dealt with at the same time.

[3] Accordingly, I will order that the four applications now before this Court be heard together and that counsel make arrangements for the perfection of all applications and for a hearing at the earliest date available, which I gather is September of this year. I also would suggest that counsel try to agree on what the required time will be as Ms. Senoff has indicated that she has concerns about the three day estimate. I would ask counsel to revisit that issue before the perfection of all applications and the setting of the hearing date.

GROUND J.

Date of Reasons for Judgment: March 14, 2003

Date of Release: March 26, 2003

COURT FILE NOS.: 433/02, 25/03, 193/02 and 224/02

Date: March 14, 2003

**ONTARIO
SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT**

B E T W E E N:

MINISTRY OF NORTHERN DEVELOPMENT AND MINES
Applicant (Moving Party)

- and -

TOM MITCHINSON, Assistant Commissioner and JOHN
DOE, Requester

Respondents

B E T W E E N:

MINISTRY OF NORTHERN DEVELOPMENT AND MINES
Applicant (Moving Party)

- and -

TOM MITCHINSON, Assistant Commissioner and JOHN
DOE, Requester

Respondents

B E T W E E N:

MINISTRY OF TRANSPORTATION
Applicant (Moving Party)

- and -

LAUREL CROPLEY, Adjudicator, CONSULTING
ENGINEERS OF ONTARIO, Affected Party and JOHN DOE,
Requester

Respondents (Responding Parties)

B E T W E E N:

CONSULTING ENGINEERS OF ONTARIO
Applicant

- and -

LAUREL CROPLEY, Adjudicator, JOHN DOE, Requester and
MINISTRY OF TRANSPORTATION

Respondents (Moving Party)

ORAL REASONS FOR JUDGMENT

GROUND J.

Date of Reasons for Judgment: March 14, 2003

Date of Release: March 26, 2003