

ONTARIO
SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT

THEN, SOMERS AND GREER JJ.

B E T W E E N:)
))
ATTORNEY GENERAL OF ONTARIO) *Dennis W. Brown, Q.C., and James Kendik*
) for the Applicant
Applicant)
))
- and -)
))
))
DAVID GOODIS, ADJUDICATOR, and) *William S. Challis and Shirley Senoff, for*
JANE DOE, REQUESTER) the Respondent
))
Respondents)
))
) **HEARD:** May 21, 2003

THEN J.: (Orally)

[1] The Attorney General applies by way of judicial review for an order quashing Order PO-2037, made on August 30, 2002 by the respondent adjudicator.

[2] The requester sought information about costs incurred in bringing witnesses from India to Canada to testify at the preliminary hearing, a first degree murder trial that ended in a mistrial and a second trial, each of which was a year apart. The requester sought the records of the costs incurred in terms of the air fare, accommodation, meals and miscellaneous expenses. With respect to all these records, the names and signatures of the witnesses were to be expunged. Alternatively, the requester expressed that it would be content with a sum or a figure for the total cost to the province in arranging for these witnesses to testify in Canada. The adjudicator held that none of the exemptions under s. 14(1)(a) and (f), s. 19, s. 2(1) and s. 21 applied and ordered the Ministry to disclose the records to the applicant, except for the names and signatures of the witnesses. The alternative relief requested by the requester was not pursued.

[3] We are all satisfied that the adjudicator, in interpreting and refusing to apply the exemptions under s. 14(1)(a) and (f) properly appreciated the Attorney General's concern that the disclosure of the requested records not undermine the rulings made by Mr. Justice Glithero in order to safeguard potential fair trial rights of the accused.

[4] We are further satisfied that the interpretations placed on s. 14(1)(a) and (f) as well as on sections 2(1) and 21, were not unreasonable and that the adjudicator was reasonable in his conclusion that the Attorney General had not discharged the burden on it to demonstrate that these exemptions were applicable.

[5] We are also satisfied that the adjudicator was correct in finding that the exemption under s. 19 did not apply in the circumstances of this case. The application must accordingly be dismissed. No costs will be ordered.

[6] The application record is endorsed as follows: "The application is dismissed for oral reasons delivered this day. No costs are sought and none are awarded. The private record is ordered resealed."

THEN J.
SOMERS J.
GREER J.

Date of Reasons for Judgment: May 21, 2003

Date of Release: May 28, 2003

COURT FILE NO.: 570/02

DATE: May 21, 2003

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B E T W E E N:

ATTORNEY GENERAL OF ONTARIO

Applicant

- and -

DAVID GOODIS, ADJUDICATOR, and
JANE DOE, REQUESTER

Respondents

ORAL REASONS FOR JUDGMENT

THEN J.

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