

**ONTARIO COURT (GENERAL DIVISION)
DIVISIONAL COURT**

Justice Steele

ST. MARYS CEMENT COMPANY

- and -

INFORMATION AND PRIVACY COMMISSIONER/ONTARIO

E N D O R S E M E N T

The onus is upon the person objecting to the release of information on the basis under section 17.

Based on Re: Keeprite, affidavit material must go to show lack of evidence and therefor lack of jurisdiction. However, affidavits should be admitted to support arguments even if the court ultimately decides that the affidavits do not show lack of jurisdiction.

Both jurisdiction and deference arguments are to be advanced. It is not for me to determine the merits of these arguments at this stage. Whether or not the affidavits is a mere amplification of prior submissions or contains material that should have been placed before the Inquiry Officer is for the panel hearing the Judicial Review.

The motion is dismissed. No costs.

Dated: March 13, 1994

“Steele J.”