

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

GENERAL ACCIDENT ASSURANCE CO. et al.

- and -

TOM MITCHINSON et al.

E N D O R S E M E N T

We are in complete agreement with Order P-341. The necessary implication of the finding that the head chose to exercise his or her discretion against claiming an exemption under section 19 is that the Ministry chose to waive any privilege that might have attached to the record.

The Sealed Record of the Assistant Commissioner will be re-sealed. The Factum of the Assistant Commissioner filed on February 16, 1994, will also be sealed, but will be replaced with a Replacement Factum in which paragraphs 16 and 19 will be deleted.

Dated: March 8, 1994

SOUTHEY J.

P.S. The respondents will have their costs in the amount of \$1,250 to each group of respondents.