

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

O'Leary J.

**L & V POULTRY PROCESSING LTD.**

- and -

**TOM MITCHINSON, ASSISTANT INFORMATION  
AND PRIVACY COMMISSIONER et al.**

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E N D O R S E M E N T

The applicant has failed to participate when the Assistant Commissioner made his order entirely through an honest mistake. It thought its solicitor was putting in its dispute to the order being made, but the solicitor when about to prepare the dispute was mistakenly told that one officer of the applicant had looked after the matter before he went on a trip to Greece. This proved only to have been the instructions given to the solicitor, but through error was understood as terminating the problem, but the solicitors did nothing. When the vacationer returned from Greece and the order was received by the applicant, the solicitors applied for judicial review, spelling out the error made by the applicants in its defence namely prejudice if the information be released. I therefore order the stay requested so the judicial review will not be defeated before it is heard.

No order as to costs.

Dated: December 7, 1992

“O'Leary J.”