

**SUPERIOR COURT OF JUSTICE  
DIVISIONAL COURT**

*Hartt J.*

**TECTONIC INFRASTRUCTURE INC.**

- and -

**LABOURERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 183,  
INFORMATION AND PRIVACY COMMISSIONER OF ONTARIO  
and ONTARIO CLEAN WATER AGENCY**

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ENDORSEMENT

(1) This matter has somewhat of an unusual history which, along with veiled suggestions of hidden agendas, tends to complicate what would otherwise be a routine request for access.

(2) On March 5/97 the Commissioner orders certain Tectonic tender documents be produced to the Union.

On March 27/97 - Tectonic commenced J.R. application to review the Commissioner's decision.

On March 19/98 Commissioner moves before Boland J. for the following relief - an order that the Private Record relating to the Union FOI request be sealed - - an order that upon filing a confidentiality undertaking counsel to Tectonic be provided with the Private Record.

At the same time the Union moved seeking an order that the Commissioner provide counsel for the union with the private record upon filing of the appropriate undertaking.

(3) Boland J. by brief endorsement specifically denied the union request for access. No reasons were given and the formal order does not refer to the disposition at all. Under these rather atypical circumstances, all counsel seem to accept that the matter was dealt with probably on the ground that the counsel was not sufficiently independent to meet the requirements for the confidentiality provision. Despite the uncertainty involved and accepting the unique character of the request, it seems clear that the request was brought, argued and denied. No appeal of Madam Justice Boland's disposition was taken. Although details were not given, nor requested, the same general matter is before the O.L.R.B. including, I am informed, related motions concerning the material in question.

In these particular circumstances, it would not be appropriate, in my opinion, for this Court to rehear the same motion.

Motion is denied. The relief requested is denied. Costs to the motion respondent in the sum of \$1,500 payable forthwith.

September 9, 1999

“Hartt J.”