

**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

Carnwath, Day and Whalen JJ.

B E T W E E N :

PUBLIC GUARDIAN AND TRUSTEE

Applicant

- and -

DAVID GOODIS, Senior Adjudicator, and JOHN DOE, Requester

Respondents

E N D O R S E M E N T

We all agree the application must be dismissed.

The standard of review is reasonableness. When his expertise is engaged, the Inquiry Officer is due a high degree of deference.

He concluded the disclosure he ordered would not cause pecuniary harm within the meaning of s. 21(2)(e) or otherwise under s. 21. He also concluded there was a benefit to unknown heirs in disclosing the information he ordered disclosed. He was satisfied there was a benefit in having additional resources, outside the Public Guardian & Trustee, directed towards locating unknown heirs.

We do not find these conclusions to be unreasonable, based as they are on the evidence he accepted. In the original investigation, the subsequent reconsideration and the request for a further reconsideration, the Inquiry Officer gave detailed and careful reasons to support his conclusions.

We find no merit in the submission there was procedural unfairness, or that the Inquiry Officer fettered his discretion. All the submissions of the PG&T were received and dealt with in accordance with the mandate conferred on him by the *Act*.

Costs to Requester fixed at \$3000.

December 13, 2001

“Carnwath J.”