

ONTARIO
SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT
THEN, CARNWATH and LAX JJ.

B E T W E E N:)
)
ANTHONY TSAI) *In Person*
)
Applicant)
- and -)
)
)
HEALTH PROFESSIONS APPEAL AND) *Michael C.P. McCreary*, for the Health
REVIEW BOARD) Professions Appeal and Review Board
THE COLLEGE OF VETERINARIANS OF)
ONTARIO) *Lisa S. Braverman*, for the College of
INFORMATION AND PRIVACY) Veterinarians of Ontario
COMMISSIONER OF ONTARIO)
CITY OF TORONTO CORPORATE) *David Goodis*, for the Information and
ACCESS AND PRIVACY) Privacy Commissioner of Ontario
)
Respondents) *Glenn K.L. Chu*, for the City of Toronto
) Corporate Access and Privacy
)
)
) **HEARD:** November 7, 2005

CARNWATH J.: (Orally)

[1] Mr. Tsai seeks to call witnesses in the applications for review. We reject his request as we are limited to the record before the administrative boards. See *Ontario Hydro v. Ontario (Assistant and Privacy Commissioner)*, [1996] O.J. No. 4196, Court File No. 357/96.

[2] We see no reason to interfere with the Orders of Swinton J.

[3] The standard of review in the Application to Review the Decision of the Commissioner of Privacy is reasonableness. We find the decision of the Commissioner to be reasonable. The application is denied.

[4] The standard of review in the Application to Review the Decision of the Health Professions Appeal and Review Board Decision, is at least reasonableness, if not, patent unreasonableness. We find the Decision of the Board to be reasonable. The application is denied.

[5] Having regard to the extensive history of the matters disclosed in the record, the applicant's submissions in argument constitute collateral attacks on matters previously decided.

[6] We find both applications for review to be frivolous and vexatious.

THEN J.:

[7] We have noted that apart from the Privacy Commissioner, counsel are seeking costs. The endorsement on the Application Record shall read: "The application is dismissed for oral reasons by Carnwath J. on behalf of the Court. On the issue of costs, the Health Professions Appeal and Review Board seeks \$7,500, although this amount does not cover disbursements. The College of Veterinarians of Ontario seeks \$13,880.73 on a partial indemnity basis all inclusive, although a larger amount was sought on a substantial indemnity basis. The City has filed an outline of costs in the amount of \$7,567, but seeks only \$5,000. The Privacy Commissioner does not seek costs. In our view, it is fair and reasonable to award costs on a partial indemnity basis in the amount of \$7,500 to the HPARB, \$5,000 to the City of Toronto and \$10,000 to the College of Veterinarians of Ontario, all inclusive, payable within 30 days.

THEN J.
CARNWATH J.
LAX J.

Date of Reasons for Judgment: November 7, 2005

Date of Release: November 15, 2005

COURT FILE NO.: 37/05

DATE: 20051107

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Applicant

- and -

HEALTH PROFESSIONS APPEAL AND
REVIEW BOARD
THE COLLEGE OF VETERINARIANS OF
ONTARIO
INFORMATION AND PRIVACY
COMMISSIONER OF ONTARIO
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ACCESS AND PRIVACY

Respondents

ORAL REASONS FOR JUDGMENT

CARNWATH J.

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