

IN THE YOUTH JUSTICE COURT OF ONTARIO

Sitting under the provisions of the
Youth Criminal Justice Act, SC 2002, c. 1

IN THE MATTER OF an application by Warwick Brown, representative plaintiff in a class action bearing Superior Court File No. CV-25-742100-CP (the "**Class Action**"), on behalf of the members of the class he represents (the "**Class Members**"), for an Order, pursuant to paragraph 119(1)(s) and section 123 of the *Youth Criminal Justice Act*, S.C. 2002, c.1, ("**YCJA**"), for access to, disclosure of and use of records.

AND IN THE MATTER OF certain records retained or prepared pursuant to, or which are otherwise subject to, the *YCJA* or predecessor statutes, specifically section 116 records, relating to members of the above-mentioned Class Action held in the custody and control of His Majesty the King in Right of the Province of Ontario ("**HMKO**").

ORDER

WHEREAS, pursuant to the Order of the Ontario Superior Court of Justice dated December 4, 2018 (the "**Certification Order**"), the class represented by the Applicant was certified to include "all persons who were alive as at December 8, 2015 who resided at any of the Training Schools between January 1, 1953 and April 2, 1984 during the time period set out for each facility" (the "**Class**" or "**Class Members**").

AND WHEREAS an application has been made by the Applicant, Warwick Brown, on behalf of the Class Members he represents in the Class Action, for an Order pursuant to paragraphs 119(1)(s) and (6) and section 123 of the *YCJA*, that Class Members, and others as specified in this Order be permitted to have access to, disclosure of and be permitted to use copies of records as defined by subsection 2(1) and kept pursuant to section 116, including records made pursuant to section 34 of the *YCJA* (or any similar records under predecessor legislation), created pursuant to or otherwise subject to the *YCJA* arising from or related to their attendance, detention or residency at any of the Training Schools included in the Certification Order (the "**Records**").

AND WHEREAS an Order is necessary to ensure timely access to the Records for Class Members who wish to rely on them in submitting a claim pursuant to the claims process established pursuant to a settlement reached by the parties in the Class Action ("**Settlement**"), which was approved by the Ontario Superior Court of Justice in reasons dated May 21, 2026.

AND WHEREAS the representative plaintiff does not have access to this information about himself or other Class Members.

AND WHEREAS I am satisfied that the persons to whom access to these Records would be given have a valid and substantial interest in these Records or are necessary recipients in order to produce Records to the Class Members.

AND WHEREAS I am satisfied that it is desirable and necessary that these Records be made available in the interest of the proper administration of justice.

AND WHEREAS I am informed that these Records will not be used in any public proceeding in the Class Action bearing Ontario Superior Court of Justice Court File No CV-25-742100-CP without further application to this Court.

1. **IT IS ORDERED** that in accordance with the provisions of paragraph 119(1)(s) and (6) and section 123 of the *YCJA*, the Records may be accessed and disclosed to the persons identified in paragraph 3 below, subject to the following conditions:
 - a) the Records are to be accessed, disclosed, and copied only for the purpose of permitting Class Members to submit a claim pursuant to the claims process pursuant to the Settlement in the Class Action bearing Ontario Superior Court of Justice Court File No. CV-25-742100-CP, and for the consideration and administration of such claim;
 - b) the Records shall be maintained in conditions of strict confidentiality and shall not be reproduced, disclosed, or published in any way except as provided for in this Order or as authorized under the *YCJA*; and
 - c) within 120 days of the conclusion of the administration process pursuant to the Settlement, the recipients of the Records under this Order, except for Class Members, shall ensure that all copies of the Records are destroyed.

2. **IT IS FURTHER ORDERED** that in accordance with subsection 123(4) of the *YCJA*, the requirement that the Applicant give notice to the individuals to whom the Records relate is hereby waived.

3. **IT IS FURTHER ORDERED** that the following persons are permitted access, disclosure and may use the Records for the sole purpose of carrying out the terms of the Settlement:
 - a) each Class Member who requests his or her records for the purpose of making a claim in the claims process prescribed by the Settlement as approved by the Superior Court of Justice in the Class Action;
 - b) the solicitors for the Applicant herein and their employees;
 - c) HMKO and its employees, legal representatives and insurers;
 - d) third party document management service providers retained by either HMKO or Class Counsel; and

- e) the claims administrator as appointed by the Superior Court of Justice in accordance with the Settlement in the Class Action.

4. **IT IS FURTHER ORDERED** that there will be no costs ordered on this application.

DATE: June 10, 2026



JUSTICE L. MONTAGUE

IN THE MATTER OF an application for an Order, pursuant to paragraph 119(1)(s) and section 123 of the *Youth Criminal Justice Act*, SC 2002, c 1, for access to, disclosure of and use of records.

AND IN THE MATTER OF certain records retained or prepared pursuant to, or which are otherwise subject to, the *YCJA* or predecessor statutes, specifically s. 116 records.

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