

LAT Orders Affidavit Physically Destroyed and Whistleblower Gagged; Campisi LLP seeks SCC Leave after Charter Issue Unaddressed

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In an Ontario Licence Appeal Tribunal (“LAT”) proceeding, Ms. Lucia Derenzis submitted, as evidence of institutional bias, an affidavit from a former LAT adjudicator turned whistleblower. As summarized by the Divisional Court, the affidavit appears to expose internal directions and practices including:

- Vice-Chairs of the Tribunal triaging and reassigning files involving certain law firms to particular adjudicators.
- Mandatory instructions requiring adjudicators to consult a Vice-Chair before granting remedies on motions, and to specifically not reference such consultations to the parties.
- “Motions duty team” bulletins directing adjudicators how to decide motions and directing that where a party was known to be “high conflict,” the request was to be denied or forced into a specific written motion process.

Vice-Chair McGee of the Tribunal intervened before the evidence could be considered by the adjudicator assigned to decide the matter. In decisions dated September 11 and 18, 2023, the Vice-Chair then ordered the whistleblower’s affidavit and accompanying exhibits to be physically destroyed and not further disseminated in any form, including by the affiant herself (the “Destruction and Gag Orders”).

Deliberative secrecy and privilege invoked to justify destruction of Evidence

The Tribunal rationalized the Destruction and Gag Orders by invoking deliberative secrecy and solicitor-client privilege. That justification does not fit what was destroyed: file triage and reassignment are not “decision-maker reasoning,” deliberative secrecy must give way where there are serious natural justice concerns, and “solicitor-client privilege” begs the obvious question of who the lawyer was and what legal advice justified destroying sworn evidence when Vice-Chairs/adjudicators are not necessarily lawyers.

The whistleblower evidence remains shielded from public scrutiny. The Divisional Court upheld the Destruction and Gag Orders as reasonable. The Court of Appeal for Ontario refused leave to appeal without reasons.

Ms. Derenzis, through her Campisi LLP counsel Imtiaz Hosein, Joseph Campisi Jr., and Christos Kakalettris, has filed an application for leave to appeal to the Supreme Court of Canada.

Limits on openness must be justified under the Charter’s protection of open court proceedings.

At no stage leading up to the SCC application did the Tribunal or reviewing court address the constitutional question about openness and public access to court and tribunal records, protected by section 2(b) of the Charter. Court and tribunal proceedings are presumptively open. The public is ordinarily entitled to know what evidence was filed and how adjudicative power was exercised. An order

compelling the destruction of evidence filed in a proceeding, and gagging the parties, counsel, and the affiant from further use or dissemination, limits that openness.

This leave application asks whether the LAT can impose the Destruction and Gag Orders without meeting the structured constitutional requirements that govern limits on openness. In substance, *Sherman Estate v. Donovan* requires a decision-maker to identify a serious risk to an important public interest, show the order is necessary because reasonable alternatives will not prevent the risk, and show the order is proportionate because its benefits outweigh the harm to openness and public scrutiny.

Two Courts. Two Opposite Views. One Question for the SCC.

In a separate proceeding involving Ms. Derenzis and the LAT, the Superior Court took a sharply different approach to the LAT's reliance on deliberative secrecy and privilege over internal records. In *Derenzis et al. v. His Majesty the King et al.*, 2025 ONSC 2761, Mandhane J. ordered Tribunals Ontario to produce:

- adjudicators' notes,
- draft decisions, and
- hundreds of internal emails among adjudicators, counsel, and staff despite the Tribunal's deliberative secrecy and solicitor-client privilege claims.

Mandhane J. found three "uncontroversial" facts that, even on their face, raised serious concerns about adjudicator independence in Ms. Derenzis' LAT matters justifying transparency – not concealment, not destruction, including:

- the executive chair recusing a LAT panel after an adjudicator told the parties he had to take instructions from his "client";
- the executive chair later recusing a LAT adjudicator from another Derenzis matter because she had been on the earlier recused panel; and
- the executive chair filing a complaint to the Law Society of Ontario against one of Ms. Derenzis' lawyers based on materials the lawyer filed at the LAT.

The leave materials highlight the inconsistency the SCC is being asked to resolve: in one court, disclosure is ordered so independence can be tested; in another, a former adjudicator's affidavit describing alleged institutional practices is struck, suppressed, and ordered destroyed.

To read the Leave Materials in full, click here:

- <http://www.fairassociation.ca/wp-content/uploads/2026/04/Factum-Derenzis-SCC.pdf>
- <http://www.fairassociation.ca/wp-content/uploads/2026/04/Leave-To-Appeal-FULL.pdf>
- http://www.fairassociation.ca/wp-content/uploads/2026/04/42120_-_Memorandum-of-Argument-Respondent-Gore-Mutual-Insurance-Company.pdf
- <http://www.fairassociation.ca/wp-content/uploads/2026/04/42120-REPLY-TO-THE-RESPONSES-OF-GORE-MUTUAL-INSURANCE.pdf>

42120 Lucia Derenzis v. Gore Mutual Insurance Company, et al. For SCC information see:
<https://www.scc-csc.ca/cases-dossiers/search-recherche/42120/>

List of cases associated with the SCC 42120 Lucia Derenzis v. Gore Mutual Insurance Company, et al:

Law Society of Ontario v Campisi and Murray, 2026 ONLSTH 16 (CanLII), <<https://canlii.ca/t/khw02>

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Derenzis v. Ontario, 2025 ONCA 893 (CanLII), <<https://canlii.ca/t/kh80f>

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Derenzis v Gore Mutual Insurance Company, 2025 CanLII 116984 (ON LAT), <<https://canlii.ca/t/kggzp>

—
Derenzis v. Gore Mutual Insurance Co., 2025 ONSC 2732 (CanLII), <<https://canlii.ca/t/kbzwh>

—
Derenzis et al v. His Majesty the King et al, 2025 ONSC 2761 (CanLII), <<https://canlii.ca/t/kbzwc>

—
Derenzis v Gore Mutual Insurance Company, 2025 CanLII 16016 (ON LAT), <<https://canlii.ca/t/k9scf>

—
Derenzis v. Gore Mutual et al, 2024 ONSC 5367 (CanLII), <<https://canlii.ca/t/k7244>

—
Derenzis v. Gore Mutual Insurance Company, 2024 ONSC 1226 (CanLII), <<https://canlii.ca/t/k356p>

—
Derenzis v Gore Mutual Insurance Company, 2024 CanLII 2662 (ON LAT), <<https://canlii.ca/t/k2blq>

—
Derenzis v Gore Mutual Insurance Company, 2024 CanLII 2670 (ON LAT), <<https://canlii.ca/t/k2blz>

—
Derenzis v. Gore Mutual Insurance Company, 2023 ONSC 6266 (CanLII), <<https://canlii.ca/t/k14ng>

—
Derenzis v Gore Mutual Insurance Company, 2024 CanLII 2670 (ON LAT), <<https://canlii.ca/t/k2blz>

—
Derenzis v. Gore Mutual Insurance Company, 2023 ONSC 6266 (CanLII), <<https://canlii.ca/t/k14ng>

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Derenzis v Gore Mutual Insurance Company, 2023 CanLII 58532 (ON LAT), <<https://canlii.ca/t/jz04b>

—
Derenzis v Gore Mutual Insurance Company, 2022 CanLII 46845 (ON LAT), <<https://canlii.ca/t/jp12h>

—
Derenzis v. Ontario et al., 2021 ONSC 5355 (CanLII), <<https://canlii.ca/t/jhd3m>

—
Derenzis v. Ontario, 2021 ONSC 3164 (CanLII), <<https://canlii.ca/t/jfnch>