CITATION: Canadian Broadcasting Corporation v. Ontario, 2023 ONSC 4348
COURT FILE NO.: YO-23-0000021-00MO
DATE: 20230726

ONTARIO

SUPERIOR COURT OF JUSTICE

BETWEEN:	)	
	)	
CANADIAN BROADCASTING CORPORATION, CTV NEWS, a division of BELL MEDIA INC., GLOBAL NEWS, a division of CORUS TELEVISION LIMITED PARTNERSHIP, THE GLOBE AND MAIL INC., TORONTO STAR NEWSPAPERS LIMITED, ALISON CHIASSON and ANDREW BRENNAN	)	*R. Gilliland and M. Robson*, for the Applicants
Applicants	)	
– and –	)	
HIS MAJESTY THE KING, YOUNG PERSON 1, YOUNG PERSON 2, YOUNG PERSON 3, YOUNG PERSON 4, YOUNG PERSON 5, YOUNG PERSON 6, YOUNG PERSON 7, YOUNG PERSON 8	)	*M. Birdsell, and J. Stewart*, for the Respondents
Respondents	)	*S. DeFilipis*, for the Crown
	)	**HEARD:** 26 June 2023

S.A.Q. AKHTAR J.

FACTUAL BACKGROUND AND OVERVIEW

Introduction

[1] On 18 December 2022, Ken Lee, a 59-year-old Toronto resident was stabbed to death by eight teenage girls aged between 13 and 16 years old, in a swarming attack. The nature of the murder attracted public interest and widespread media attention.

[2] All of the young persons charged with the offence were initially detained. However, they were all released on conditions after their bail hearings. Two of them have since been returned to custody.

[3] On 29 December 2022, members of the media attended court for the appearance of seven of the young persons. They learned that a bail hearing for another of the young persons had been conducted the previous day when the bail decision had been reserved.

[4] Members of the media attempted to obtain a Court file from the Court Registry to determine the identity of the young persons that had been released. Their request was refused. The media was advised that there was a "judicial directive" to release only the name of the deceased and no other details.

[5] When the CBC attempted to request the court file directly from the judge who presided over the bail hearing they were advised that a formal application for access with notice to the Crown was required.

[6] On 13 January 2023, two journalists representing the CBC and CTV brought an application before O'Connell J. in the Youth Court to obtain access to the youth court records in this matter. O'Connell J. decided that the applicants would be allowed limited access to the court file which would be provided after the Crown had redacted records which might reveal the identity of any of the young persons charged.

[7] The applicants, who are members of the media, bring an application for *certiorari* asking this court to quash O'Connell J.'s decision and conduct its own review of the records to decide the question of access.

Positions of the Parties

[8] The applicants allege that:

1. The application judge failed to apply the tests set out in *Dagenais v. Canadian Broadcasting Corporation*, [1994] 3 S.C.R. 835 and *R. v. Mentuck*, [2001] 3 S.C.R. 442 when determining the issue of access to the records.

2. The application judge erred by finding that the applicants had to make an application and provide notice to the Crown when seeking records under the *Youth Criminal Justice Act*, S.C. 2002, c. 1 ("*YCJA*").

[9] The applicants also seek leave to bring a constitutional challenge to sections of the *YCJA* which restrict access to youth records. They argue that this court has the power to hear such an application and that it is desirable to do so to avoid unwanted and unjustified delay.

[10] The respondents, joined by the Crown, argue the applications should be dismissed. They submit that O'Connell J. did not fail to apply the appropriate test when releasing redacted versions

of the records sought. They also submit that even though the wording of the *YCJA* states that anyone seeking access may "request", the nature of the request must be in the form of an application so that the judge considering the request may determine whether the statutory criteria is met.

[11] With respect to the question of constitutionality, the respondents argue that this is a matter best determined in the Youth Court where a more fulsome record would be available.

LEGAL PRINCIPLES

The Availability of *Certiorari*

[12] The applicants right to bring an application for *certiorari* is not in dispute.

[13] In *R. v. Awawish*, 2018 SCC 45, [2018] 3 S.C.R. 87 at para. 12, the Court stated the required criteria:

> *Certiorari* is available to third parties in a wider range of circumstances than for parties, given that third parties have no right of appeal. In addition to having *certiorari* available to review jurisdictional errors, a third party can seek *certiorari* to challenge an error of law on the face of the record, such as a publication ban that unjustifiably limits rights protected by the *Canadian Charter of Rights and Freedoms* (see *Dagenais*), or a ruling dismissing a lawyer's application to withdraw (*Cunningham v. Lilles*), 2010 SCC 10, [2010] 1 S.C.R. 331. The order has to have a final and conclusive character vis-à-vis the third party (*R. v. Primeau*, 1995 CanLII 143 (SCC), [1995] 2 S.C.R. 60, at para. 12). [Citations in original.]

[14] Other examples of third party applications include: *R. v. Amiri*, 2021 ONSC 7961, at paras. 30-35; *Stoughton v. Canada*, 2021 BCSC 638; and *Energy Probe v. Canada (Atomic Energy Control Board and Hydro One)*, 1984 F.C. 227, at paras. 29-36 which demonstrate that standing is acquired where a non-party is "aggrieved" by the lower court order.

The Dagenais/Mentuck/Sherman Estates Test

[15] In *Dagenais*, the Supreme Court of Canada held that publication bans ordered under common law authority were subject to the confines of the *Charter of Rights and Freedoms*, particularly the right of freedom of expression (s. 2(b)) and the presumption of innocence (s. 11(d)). The Court held that a publication ban should only be ordered "when (a) such a ban is necessary in order to prevent a real and substantial risk to the fairness of the trial, because reasonably available alternative measures will not prevent the risk; and (b) the salutary effects of the publication ban outweigh the deleterious effects to the free expression of those affected by the ban": at p. 839 (emphasis added).

[16] The test was broadened in *R. v. Mentuck*, 2001 SCC 76, [2001] 3 S.C.R. 442, where the Court, at para 32, held that a publication ban should only be imposed if it was necessary to prevent

"a serious risk to the proper administration of justice, because reasonable alternative measures will not prevent the risk; and when the salutary effects of the publication ban outweigh the deleterious effects on the rights and interests of the parties and the public, including the effects on the right to free expression, the right of the accused to a fair and public trial, and the efficacy of the administration of justice." The Court also made clear that the party bringing the application has the burden of displacing the presumption of openness: see also *Vancouver Sun (Re)*, 2004 SCC 43, [2004] S.C.R. 332, at para. 31. That party must also establish a sufficient evidentiary basis to allow the judge to make an informed application of the test, and to allow for review.

[17] There was a further evolution in *Sierra Club of Canada v. Canada (Minister of Finance)*, 2002 SCC 41, [2002] 2 S.C.R. 522 where the Court, at para. 53, reformulated the test to include any serious risk to an "important interest, including a commercial interest, in the context of litigation". However, the Court explained that "to qualify as an 'important commercial interest', the interest in question cannot merely be specific to the party requesting the order; the interest must be one which can be expressed in terms of a public interest in confidentiality": at para. 55. In other words, a private entity could not seek the order on the basis that publication would result in a loss of business but would have to demonstrate that exposure would impact a general principle of public interest such as a breach of a confidentiality agreement.

[18] Finally, in the most recent decision of *Sherman Estates v. Donovan*, 2021 SCC 25, 458 D.L.R. (4th) 361, at para. 38, the Court once more reset the grounds for justifying a restriction on the open court principle. The party seeking to limit the openness would be obliged to establish that:

> (1) court openness poses a serious risk to an important public interest;
> (2) the order sought is necessary to prevent this serious risk to the identified interest because reasonably alternative measures will not prevent this risk; and,
> (3) as a matter of proportionality, the benefits of the order outweigh its negative effects.

[19] There is no dispute that the so-called *Dagenais/Mentuck/Sherman Estates* test applies to all discretionary decision adjudicating on the question of openness in the judicial system: *Sherman Estates*, at para. 43; *Canadian Broadcasting Corporation v. The Queen*, 2011 SCC 3, [2011] S.C.R. 65, at para. 13, citing *Vancouver Sun (Re)*, 2004 SCC 43, [2004] 2 S.C.R. 332, at para. 31; *Toronto Star Newspapers Ltd. v. Ontario*, 2005 SCC 41, [2005] 2 S.C.R. 188, at para. 7; *Named Person v. Vancouver Sun*, 2007 SCC 43, [2007] 3 S.C.R. 253, at para. 35; *Toronto Star Newspapers Ltd. v. Canada*, 2010 SCC 21, [2010] 1 S.C.R. 721, at paras. 15-16; *R. v. Canadian Broadcasting Corporation*, 2010 ONCA 726, 102 O.R. (3d) 673, at para. 21.

The Youth Criminal Justice Act

[20] Part VI of the *YCJA* sets out a regime protecting the privacy of young persons in the justice system by regulating the publication of their identities and placing restrictions on access to any

records created in the youth justice system process. Sections 110 to 112 deal with the prohibition of publication of anything that might identify a young person involved in *YCJA* proceedings.

[21] The access to records provisions that are in dispute in this case can be found in ss. 118 and 119 of the *YCJA*.

[22] Section 118 of the *YCJA* reads as follows:

> 118 (1) Except as authorized or required by this Act, no person shall be given access to a record kept under sections 114 to 116, and no information contained in it may be given to any person, where to do so would identify the young person to whom it relates as a young person dealt with under this Act.

[23] Section 119(1)(a) to (r) of the *YCJA* sets out the class of persons to whom access is permitted by stating that these persons "on request" shall be given access to records kept under the *YCJA*. These include the young person who is the subject of the record, their counsel, a judge for the purpose relating to proceedings against the young person and the victim of the alleged offence.

[24] The media is not included in this list but s. 119(1)(s) adds a qualified route of access by identifying the following class of persons:

> (s) any person or member of a class of persons that a youth justice court judge considers has a valid interest in the record, to the extent directed by the judge, if the judge is satisfied that access to the record is
>
> > (i) desirable in the public interest for research or statistical purposes, or
> >
> > (ii) desirable in the interest of the proper administration of justice.

[25] There can be no dispute between the parties that the applicants fall within the class of persons that have a valid interest in the record.

[26] The regime set out in ss. 118 and 119 of the *YCJA* is the exclusive route to access of *YCJA* records: *S.L. v. N.B.* (2005), 252 D.L.R. (4th) 508 (Ont. C.A.), at para. 55. There is also no dispute that the youth court has exclusive jurisdiction over the issue of access to records under the *YCJA*: *S.L. v. N.B.*, at paras. 58-61.

DID THE APPLICATION JUDGE COMMIT AN ERROR ON THE FACE OF THE RECORD?

Did the Application Judge Apply the Correct Test When Restricting Access?

[27] O'Connell J. granted partial access to the records sought in this case. The applicants were permitted to receive the information charging the young persons, the bail orders, the age of each

young person, the dates of each appearance, and the court file number. Each of the records were redacted to preserve the anonymity of the young persons.

[28] The applicants argue that O'Connell J.'s error is rooted in her finding that the *Sherman Estates* test did not apply to her exercise of discretion under s. 119(1)(s)(ii) of the *YCJA*. They submit that rather than applying the *Sherman Estates* test, O'Connell J. applied a common law test "that requires the media to demonstrate that it has a valid interest in the court records and that media access is in the interests of the administration of justice". This test, say the applicants, reversed the onus set out in *Dagenais/Mentuck/Sherman Estates* which specified the burden was borne by the party opposing access.

[29] I cannot agree. O'Connell J.'s judgment reflects her understanding of the *Sherman Estate* principles. She set out the test in para. 58 of her reasons when acknowledging the applicants' position on access. However, at para. 61, she indicated that the principles were "relevant" to the application of s. 119(1)(s)(ii) but were not the "only" test to be applied.

[30] In my view, she was correct. *Sherman Estates* is concerned with preserving and protecting the open court principle which is the starting point in all justice proceedings. However, the *YCJA* starts from a different default: s. 118 mandates no one shall be given access to information which would identify the young person in the *YCJA* proceedings. The importance and mandatory nature of this prohibition was emphasised by Doherty J.A. in *S.L. v. N.B.*, at para. 45.

[31] The applicants' position is that the *Sherman Estates* test overrides all other considerations. That is simply not the case. Where Parliament has set out legislative criteria and limits on access to records in the way that it has in the *YCJA*, *Sherman Estates* plays a guiding role but not one that overwhelms the statutory conditions to the point that they are ignored.

[32] O'Connell J. was correct in concluding that under s. 119(1)(s) the applicants initially had to show they have a valid interest in the records. Once that threshold was satisfied, it was for the applicants to demonstrate that access was desirable in the interest of the proper administration of justice. Using this approach, the *Sherman Estates* principles are put into effect when determining whether s. 119(1)(s)(ii) is met in each case.

[33] This form of interplay between the *Sherman Estates* test and s. 119(1)(s)(ii) in this way is underscored by the Supreme Court of Canada's decision in *Re: F.N.*, [2000] 1 S.C.R. 880 where the Court discussed the openness principle in the context of the *YCJA*'s predecessor, the *Young Offender's Act*, R.S.C., 1985, c. Y-1. At paras. 10-12, Binnie J., for a unanimous court wrote:

> It is an important constitutional rule that the courts be open to the public and that their proceedings be accessible to all those who may have an interest. To this principle there are a number of important exceptions where the public interest in confidentiality outweighs the public interest in openness. This balance is dealt with explicitly in the relevant provisions of the *Young Offenders Act*, which must be interpreted in light of the Declaration of Principle set out in s. 3. These principles

were described in *R. v. T. (V.)*, [1992] 1 S.C.R. 749, per L'Heureux-Dubé J., as "attempting to [page894] achieve disparate goals" (p. 767). A certain ambivalence created by these disparate goals (or competing objectives) is inherent in the scheme of the Act itself, as L'Heureux-Dubé J. explained at p. 766, quoting Bala and Kirvan in The Young Offenders Act: A Revolution in Canadian Juvenile Justice (1991), at pp. 80-81:

> It is apparent that there is a level of societal ambivalence in Canada about the appropriate response to young offenders. On the one hand, there is a feeling that adolescents who violate the criminal law need help to enable them to grow into productive, law-abiding citizens... . On the other hand, there is a widespread public concern about the need to control youthful criminality and protect society.
>
> The non-disclosure provisions of the Act reflect this ambivalence. Confidentiality assists rehabilitation, but the safety of society must be protected, and those involved in the youth criminal justice system (or with the young offender in other settings) must be given adequate information on a "need-to-know" basis to do their jobs.
>
> The youth courts are open to the public, and their proceedings are properly subject to public scrutiny. The confidentiality relates only to the "sliver of information" that identifies the alleged or convicted young offender as a person in trouble with the law. This narrow focus was emphasized in *Re Southam Inc. and The Queen* (1984), 48 O.R. (2d) 678 (H.C.), aff'd (1986), 53 O.R. (2d) 663 (C.A.), leave to appeal to the Supreme Court of Canada refused, [1986] 1 S.C.R. xiv. In that case, the media challenged the constitutionality of the publication ban and the Crown conceded an infringement of s. 2(b) of the *Canadian Charter of Rights and Freedoms*, but argued that the legislation was justified under s. 1 of the *Charter*. In upholding the constitutionality of the non-disclosure provision, Holland J. (whose reasons were [page895] approved by MacKinnon A.C.J.O. on appeal) pointed out, at p. 698, that:
>
> > Section 38(1) does not contain an absolute ban... . The press is entitled to be present (subject to s. 39(1)(a)) and can publish everything except the identity of a young person involved. Admittedly, there may be other information which the press cannot publish because it may tend to reveal the identity of a young person, <u>but the essence of the provision is that the press is entitled to publish all details except one</u>. Counsel for the Attorney-General of Canada termed the identification of the young person a "sliver of information", and submitted that this is not an essential detail for the making of responsible judgment by a democratic electorate.... [Emphasis added.]

[34] In *R. v. G.D.S.*, 2007 NSCA 94, 258 N.S.R. (2d) 185, a young offender sentenced as an adult applied for a publication ban to protect his anonymity lost when an adult sentence was found to be appropriate, pending the Court of Appeal's decision on his sentence appeal. The court dismissed his appeal but Fichaud J.A., at para. 38, citing *F.N. (Re).* 2000 SCC 35, [2000] 1 S.C.R.

880, and *R. v. R.C.*, 2005 SCC 61, [2005] 3 S.C.R. 99, para. 45, held that any analysis seeking to strike a balance between the appellant's need for confidentiality and the open court principle should be undertaken "through the lens of the applicable youth criminal justice legislation."

[35] O'Connell J. followed this approach. Her conclusion, at paras. 65-66, that the onus lay with the applicants to show they satisfied the s. 119(1)(s)(ii) criteria, was correct. Accordingly, the applicants needed to demonstrate that access to the records is desirable in the interest of the proper administration of justice.

[36] On review, it is clear that O'Connell J. applied this test in a careful and thoughtful manner. She balanced the rights of the young person's privacy against the applicants' rights to report on the judicial process in the most fulsome way possible.

[37] That privacy is essential in the scheme of the *YCJA*. One aspect of the protection is to ensure young persons a fair trial and appropriate treatment during their sojourn through the legal process.

[38] Another, as has been recognised in cases such as *S.L. v. N.B.*, at para. 35, is to ensure that young persons are rehabilitated and reintegrated into society. Part of that re-integration requires the anonymity afforded to those charged and found guilty under the *YCJA* so that when they mature and reach adulthood, their past acts, committed during a period of youth and immaturity do not act as a permanent stain on their history preventing them from reaching their full potential as members of society. Their youthful criminality remains unknown so that their adult achievements can materialise and the stigma that may keep them in a life of crime is eliminated: see also: *F.N. (Re)*, at para. 14.

[39] In balancing the open court principle and the young persons' rights, O'Connell J. provided a significant amount of material to the applicants stopping short of a complete unrestricted access to avoid any potential harm that may arise if there was an inadvertent release of that information. She conducted the analysis that she was required to conduct. I would also hold that the principles set out in *Dagenais/Mentuck/Sherman Estates* largely encompasses the test set out s. 119(1)(s)(ii): both hold that the paramount objective is the interests in the proper administration of justice determined by whether the benefits of access outweigh its negative effects.

[40] For these reasons, I find no error committed by O'Connell J. in making the order that she did.

Is an Application Required?

[41] The applicants also argue that O'Connell J. erred by finding that a written application was necessary when seeking access to youth records. They submit that s. 119(1) makes clear that access shall be given access "on request" which contrast with other *YCJA* sections that reference an "on application" process.

[42] I disagree. The words "on request" applies to all parties specified in s. 119(1) of the *YCJA*. The classes of persons enumerated in subsections (a) to (r) must be given access to the records. However, s. 119(1)(s)(ii) creates a subset of a class where, as discussed, there is no mandatory access entitlement. Instead, that class, as in this case, must persuade a youth court judge that they meet the s. 119(1)(s)(ii) criteria. This becomes a question requiring judicial consideration with potential arguments from both an applicant and the young person involved.

[43] This distinction means that unlike s. 119(1)(a)-(r), where the parties have mandatory access to records and "shall" be given the records they seek, those persons that fall within subsection (s) must make an application setting out their grounds for access and why it is in the best interest of the administration of justice for access to records to be provided.

[44] In *S.L. v. N.B.*, Doherty J.A. referred to this distinction where he said, at para. 47:

> S.L. is a victim. Counsel for the L. could have gone to the Ontario Court of Justice immediately upon commencing this action in September 2002 and requested access to the court's records. This procedure does not require a formal motion to the court or notice to any individuals. It involves a simple request to the court office, presumably directed to a court administrator. If the court administrator is satisfied that counsel acts for the victim and that the application is made within the access period, then subject to the narrow exceptions referred to above, the court administrator would be obligated to allow counsel access to the court records. [Emphasis added.]

[45] However, at para. 51, he commented on what might happen if a "request" for access was refused by pointing out the existence of the mechanism contained in s. 119(1)(s)(ii):

> This subsection allows any person, including the victim, to bring a motion before a youth justice court judge for an order allowing access to any of the records made and kept under the Act. A victim could first request access to the records in the court and in the possession of the Crown Attorney. If dissatisfied with the access granted pursuant to those requests, counsel for the victim could bring a motion under s. 119(1)(s) for more complete access. Counsel for the respondents could have followed that procedure. [Emphasis added.]

[46] See also: *R. v Mosa*, 2016 ABQB 336, at paras. 24-27.

[47] The applicants argue that interpreting s. 119(1)(s)(ii) to require an application creates an unnecessary impediment to media access to court records and promotes inefficiencies. This claim is answered by para. 54 and 56 of *S.L. v. N.B.*:

> The access provisions of the Act are a comprehensive scheme designed to carefully control access to young offender records. The language of s. 118 and the comprehensiveness of the scheme itself demonstrate that Parliament intended that access to the records could be gained only through the Act. Using the words of

> Cory J.A. in Cook, Parliament in "clear and unambiguous terms" has placed the responsibility for determining access to records on the shoulders of the youth justice court judges. This makes sense. Youth justice court judges are familiar with the principles and policies animating the Act. They are also familiar with the terms of the Act and the specific provisions sprinkled throughout the Act that touch on access issues. Youth justice court judges also know what records are generated by the youth justice court system, and have daily experience in considering and balancing the competing interests which may clash on access applications.
>
> …
>
> Counsel for the respondents argue that the interpretation of the Act advanced by the Attorney General creates practical problems, adds procedural hurdles for plaintiffs like the respondents, and increases the costs associated with litigation. Even if I agreed with this submission, it could not alter the intention of Parliament as expressed in the clear language used by it. In any event, I do not agree that the interpretation I favour creates significant practical difficulties. As outlined above, the procedures in the Act allow for access by a victim to records by way of a simple request. The procedures also allow the youth justice court judge to decide questions of access arising out of that Act while still permitting the Superior Court to determine whether a non-party should be compelled to produce documents under rule 30.10. The procedures provided by the Act would have been at least as efficient as those used by the respondents in this case. [Emphasis added.]

[48] For these reasons, I find that an application is required when a party seeks access under s. 119(1)(s)(ii) of the *YCJA*.

SHOULD THIS COURT HEAR THE CONSTITUTIONAL CHALLENGE?

[49] There is a second application before this court to challenge the constitutionality of ss. 114, 118, 119 and 129 of the *YCJA*. The respondents oppose the hearing of this application on the grounds that constitutionality was not argued before the Youth Court judge and that such an application cannot be made in the context of a motion for *certiorari*. They ask that this court decline to entertain the argument.

[50] I agree with the respondents that an application for *certiorari*, which reviews jurisdictional errors or errors on the face of the record cannot be the basis on which to launch a constitutional challenge. However, that is not the case here: the applicants' constitutional challenge is an application separate and apart from the motion *certiorari*.

[51] The real question is whether this is the appropriate forum to hear this challenge. For the following reasons, I conclude that it is not.

[52] First, contrary to the applicant's position, the Youth Court can hear a constitutional argument. Whilst it cannot strike down legislation, it can decline to apply any statutory sections it

finds unconstitutional. The position was explained in *R. v. Lloyd*, 2016 SCC 13, [2016] 1 S.C.R. 130, at para. 15:

> The law on this matter is clear. Provincial court judges are not empowered to make formal declarations that a law is of no force or effect under s. 52(1) of the Constitution Act, 1982; only superior court judges of inherent jurisdiction and courts with statutory authority possess this power. However, provincial court judges do have the power to determine the constitutionality of a law where it is properly before them. As this Court stated in *R. v. Big M Drug Mart Ltd.*, 1985 CanLII 69 (SCC), [1985] 1 S.C.R. 295, at p. 316, "it has always been open to provincial courts to declare legislation invalid in criminal cases. No one may be convicted of an offence under an invalid statute." See also *Cuddy Chicks Ltd. v. Ontario (Labour Relations Board)*, 1991 CanLII 57 (SCC), [1991] 2 S.C.R. 5, at pp. 14-17; *Douglas/Kwantlen Faculty Assn. v. Douglas College*, 1990 CanLII 63 (SCC), [1990] 3 S.C.R. 570, at p. 592; *Re Shewchuk and Ricard* (1986), 1986 CanLII 174 (BC CA), 28 D.L.R. (4th) 429 (B.C.C.A.), at pp. 439-40; K. Roach, *Constitutional Remedies in Canada* (2nd ed. (loose-leaf)), at p. 6-25. [Citations in original.]

[53] Given this well-established principle, it is unclear why the constitutional question was not raised before the Youth Court judge.

[54] Secondly, as the respondents point out, the full record required to address the argument is not before this court and remains with the Youth Court. I agree with the respondents that such an argument requires a complete and comprehensive record. Accordingly, the Youth Court is the more appropriate place to hear the applicant's argument.

[55] Finally, any decision regarding the constitutional validity of the access sections of the *YCJA* will have a profound impact on youth justice proceedings. As pointed out by Doherty J.A. in *S.L. v. N.B.*, the Youth Court holds a special position in *YCJA* proceedings and has exclusive jurisdiction over access issues. It is more than desirable that the initial inquiry and decision on these matters be argued, heard and decided in the court that administers youth justice.

[56] For these reasons, the applicants request is denied.

S.A.Q. Akhtar J.

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CANADIAN BROADCASTING CORPORATION, CTV NEWS, a division of BELL MEDIA INC., GLOBAL NEWS, a division of CORUS TELEVISION LIMITED PARTNERSHIP, THE GLOBE AND MAIL INC., TORONTO STAR NEWSPAPERS LIMITED, ALISON CHIASSON and ANDREW BRENNAN

Applicants

– and –

HIS MAJESTY THE KING, YOUNG PERSON 1, YOUNG PERSON 2, YOUNG PERSON 3, YOUNG PERSON 4, YOUNG PERSON 5, YOUNG PERSON 6, YOUNG PERSON 7, YOUNG PERSON 8

Respondents

REASONS FOR JUDGMENT

S.A.Q. Akhtar J.