

CITATION: Owsianik v. Equifax Canada Co., 2020 ONSC 5761
DIVISIONAL COURT FILE NO.: 12/20
DATE: 20201006

**SUPERIOR COURT OF JUSTICE – ONTARIO
DIVISIONAL COURT**

RE: Alisa Owsianik, Plaintiff / Responding Party

AND:

Equifax Canada Co. and Equifax, Inc., Defendants / Moving Parties

BEFORE: D.L. Corbett, Fitzpatrick and Favreau JJ.

COUNSEL: *David Sterns, Louis Sokolov, Jean-Marc Leclerc and Sabrina Callaway*, for the Plaintiffs / Responding Parties

Laura F. Cooper, Sarah J. Armstrong, Alex D. Cameron and Pavel Sergeyeve, for the Defendants / Moving Parties

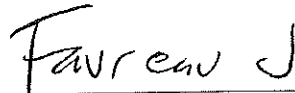
HEARD at Toronto in writing: September 23, 2020

DECISION ON MOTION FOR LEAVE TO APPEAL


1. The motion for leave to appeal from the certification order of Glustein J. dated December 13, 2019 (2019 ONSC 7110) is granted in respect to the question set out below, with costs in the discretion of the appeal panel fixed at \$11,300, inclusive.

2. The question for which leave to appeal is granted is as follows:


Did the motion judge err in finding that the tort of intrusion upon seclusion is available against collectors and custodians of private information, such as the defendants in this case, where the private information is improperly accessed by a third party, including in circumstances where the defendants are alleged to have acted recklessly?



for D.L. Corbett J.



Fitzpatrick J.



Favreau J.

Date: October 6, 2020