



**Information and Privacy
Commissioner/Ontario**
**Commissaire à l'information
et à la protection de la vie privée/Ontario**

ORDER M-72

Appeal M-9200114

The Corporation of the Township of Orillia



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ORDER

On October 1, 1992, the undersigned was appointed Inquiry Officer and received a delegation of the power and duty to conduct inquiries and make orders under the provincial Freedom of Information and Protection of Privacy Act and the Municipal Freedom of Information and Protection of Privacy Act.

The Corporation of the Township of Orillia (the Township) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for "the Building Permit for the boat house that is on Lot 119, Plan 780, Concession 1." The Township located a number of records, including a building permit for the renovation of the boat house and gave the requester access to these records. The requester sought access to the original building permit issued when the boat house was first built. The Township advised the requester that the original building permit did not exist.

The requester appealed the Township's decision.

Mediation of the appeal was not successful and notice that an inquiry was being conducted was sent to the appellant and the Township. Representations were received from the Township only.

The sole issue in this appeal is whether the Township has conducted a reasonable search for the original building permit for the property in question.

In its representations, the Township outlines the steps taken by its employees to locate the requested record. These steps include:

1. A search of the computerized records management system of current records, which includes all building permits;
2. A search of the computerized records management system of all destroyed files, which includes all building permits;
3. A visual review of all existing building permits filed on the property;
4. A review of all "Building Permit Reports" submitted to the Council of the Township from 1985 to 1988;
5. A review of the "File Destruction Reports" for all records destroyed between the years 1974 to 1979, which included all residential building permits issued during that period, and

6. A review of the "File Destruction Reports" for all records destroyed between 1979 and 1990, which revealed that no building permits were listed on this list.

The representations also indicate that several additional searches were conducted by the Township's Deputy Clerk and the Records Clerk who were unable to find "any indication of the issuance of a building permit to construct a boat house on the property."

The steps taken by the Township to locate the record have been verified by affidavit evidence, sworn to by the Township's Deputy Clerk, who is also its Freedom of Information and Privacy Co-ordinator. The affidavit describes the search in detail, and provides supporting documentary evidence.

The appellant has made no representations with respect to this matter.

I have carefully considered the representations of the Township and the documentary evidence submitted. I am satisfied that the Township has taken all reasonable steps to locate records that would respond to the appellant's request, and that the search conducted by the Township is reasonable in the circumstances of this appeal.

Original signed by: _____

Asfaw Seife
Inquiry Officer

_____ December 17, 1992