



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

ORDER M-70

Appeal M-9200224

City of Etobicoke



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ORDER

The City of Etobicoke (the City) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to the name of the individual or individuals who filed a complaint with the City regarding property owned by the requester, as well as the details of such complaints. The City granted access to the only responsive record, subject to the severance of the names of any complainants, pursuant to section 8(1)(d) of the Act. The requester appealed the City's decision.

The record is a Departmental Memorandum from the Chief Property Use Officer to the Councillor who received the complaint. It contains the names of any complainants and confirms the finding by a Property Use Officer of a contravention of a City by-law.

Orders M-4, M-16, M-20, M-31, and M-43 all dealt with requests to a municipality for the same type of information. In those orders, the decision to deny access to the name of a complainant, pursuant to section 8(1)(d) of the Act, was upheld. In each case, it was found that the City's process of by-law enforcement qualified as "law enforcement" under the Act, and that there was "a reasonable expectation of confidentiality within the institution's process of by-law enforcement". In all of these orders the decision-makers found that release of the record would disclose the identity of a confidential source of information.

Settlement of this appeal was not successful, and notice that an inquiry was being conducted to review the City's decision was sent to the appellant, the City and the complainant(s) (the affected person(s)). The appellant was also provided with a copy of Order M-4, and was invited to make representations on any circumstances which would distinguish his appeal from the appeal which resulted in Order M-4. Written representations were received from all parties.

In their representations, the City and the affected person(s) outline the circumstances of the complaint involving the appellant's property. The City submits that the Councillor who received the complaint assured the complainant(s) of confidentiality. The affected person(s) confirm this exemption of confidentiality at the time the complaint was submitted.

Having reviewed the record and the various representations, I find that the name(s) of the affected person(s) are properly exempt under section 8(1)(d) of the Act. The information at issue in this appeal is the same type of information that was at issue in the previous appeals referred to earlier in this order, and the appellant has not identified any circumstances or raised any arguments which would distinguish this appeal from the others.

I find nothing improper in the city's decision to exercise discretion under section 8(1)(d) to deny access to the exempt information, in the circumstances of this appeal.

ORDER:

I uphold the City's decision.

Original signed by: _____

Tom Mitchinson
Assistant Commissioner

_____ December 7, 1992