



**Information and Privacy  
Commissioner/Ontario**

**Commissaire à l'information  
et à la protection de la vie privée/Ontario**

# **ORDER M-270**

## **Appeal M-9300136**

### **The Corporation of the Improvement District of Gauthier**



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# ORDER

On January 4, 1994, 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 Improvement District of Gauthier (the District) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to all records in the District's possession relating to lands held by the requester's deceased father. The request referred to several numbered land parcels, and indicated that access was sought to records dealing with municipal land tax, including land tax assessments, billings, correspondence and other documents.

The requester appealed when no written decision letter was forthcoming from the District within the 30 day time limit specified in section 19 of the Act.

During mediation of this appeal, the District contacted the appellant to obtain further information to assist in its search for responsive records. The appellant supplied business names his father might have used, which (in addition to his father's name) were then used in the search. After completing its search, the District issued a decision letter to the appellant, disclosing copies of records relating to two of the parcels. The decision letter also quoted information contained in the assessment rolls for a third property, and stated that no files could be located for the other properties mentioned in the request.

After receiving the decision letter, the appellant indicated that he wished to continue the appeal, stating that more records must exist. To substantiate this position, the appellant sent the Appeals Officer copies of a tax bill and a Notice of Assessment. However, a review of these documents indicates that they relate to the same property whose information from the District's assessment rolls was quoted in the decision letter. Prior to the issuance of this order, the District forwarded actual copies of this material, taken from the assessment rolls, to the appellant.

Notice that an inquiry was being conducted to review the District's decision was sent to the District and the appellant. Representations were received from the District only.

The sole issue in this appeal is whether the District has conducted a reasonable search for responsive records.

Before submitting its representations, the District conducted a second search and no further records were found. In a sworn affidavit provided in response to the Notice of Inquiry, the Secretary-Treasurer of the District confirms that a search was conducted on two occasions and no records responsive to the request, other than those disclosed to the appellant, could be found.

The District's representations also indicate that its files which could contain responsive records consist of tax files stored in alphabetical order by owner's name, and the assessment rolls.

The District further states that the alphabetical tax files were searched on both occasions, using the appellant's father's name, as well as the business names provided by the appellant. In addition, the District indicates that in both searches, its entire assessment rolls were reviewed for references to the parcel and mining claim numbers listed in the request, and all names provided by the appellant.

Where a requester provides sufficient details about the records to which he is seeking access and the District indicates that no further responsive records can be located, it is my responsibility to ensure that the District has made a reasonable search to identify any records which are responsive to the request. In my view, the Act does not require that the District prove to the degree of absolute certainty that such additional records do not exist.

After having reviewed the affidavit and representations submitted to me, I am satisfied that the search conducted by the District for records responsive to the appellant's request was reasonable in the circumstances.

**ORDER:**

I uphold the District's decision.

Original signed by: \_\_\_\_\_  
John Higgins  
Inquiry Officer

\_\_\_\_\_ February 17, 1994