



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

# **ORDER MO-1183**

**Appeal MA-980254-1**

**City of Toronto**



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## **BACKGROUND:**

The City of Toronto (the City) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to:

any paper work you may have on file regarding any storm sewer and water service done at [a named address]. I specifically need to know when the first storm sewer or water service was done at this address.

The City's Building Department responded to the request by providing the requester with access to its entire file relating to the subject property, with the exception of two severances to two inspection reports. The requester then clarified that the information he was seeking was located in the City's Public Works Department. He was granted access to the complete file maintained by that Department relating to the subject property. After a further clarification from the requester, the City determined that he was seeking information relating to an insurance claim which he had made against the City. Access to the entire insurance claim file maintained by the Public Works Department claims office was also provided to him.

The requester, now the appellant, appealed the City's decision, maintaining that additional records, a letter and an invoice which he claimed to have submitted to the City in November 1995, should exist. Severances had been made to two of the inspection reports which were provided to the appellant in response to the initial request. The City's Freedom of Information and Protection of Privacy Co-ordinator provided the appellant with another copy of the inspection reports, inserting in writing the information which had been severed from these records on the copies which were initially disclosed. The appellant continues to maintain that he was not granted access to all of the information contained in these records.

A Notice of Inquiry was provided to the City and the appellant. Representations were received from the City only.

## **PRELIMINARY ISSUE:**

### **SEVERED INFORMATION**

The appellant maintains that the records which were originally disclosed to him were severed and that the information which was inserted in handwriting on the copy provided to him is incomplete.

The City has provided me with an explanation as to why the information was originally severed from the copies provided to the appellant. It advises that the names of two City supervisors were not disclosed in the original versions of the inspection reports which were provided to the appellant. The City remedied this situation by including all of the severed information in the copies of the inspection reports which it later disclosed to him. The City confirms that the information provided in handwriting on the copies provided to the appellant is identical to the information which was severed in the initial disclosure and has provided me with copies of the original documents to substantiate this. The appellant's concerns about the information which was originally severed could have been addressed by simply providing him with copies of the same unsevered versions of the inspection reports which were provided to me.

Based on the submissions of the City, I am satisfied that the information included in the second disclosure of the inspection reports is identical to that which was originally severed from these documents. In my view, the appellant has now received access to all of the information contained in these records. This issue is, accordingly, moot and I will not address it further in this order.

## **DISCUSSION:**

### **REASONABLE SEARCH**

The appellant maintains that he sent the City of North York, as it was then, a letter with an invoice attached in November 1995 and that he has not received access to either document.

The City indicates that it has no record of receiving any correspondence from the appellant respecting the subject property, other than a letter and attachments dated June 8, 1998.

In cases where a requester provides sufficient details about the records which he or she is seeking and the City indicates that records do not exist, it is my responsibility to insure that the City has made a reasonable effort to identify and locate any records that are responsive to the request. The Act does not require that the City prove with absolute certainty that records do not exist. However, in my view, in order to properly discharge its obligations under the Act, the City must provide me with sufficient evidence to show that it has made a **reasonable** effort to identify and locate responsive records.

The City has provided me with an explanation as to the nature and extent of the searches for the requested records which it has undertaken in the files maintained by its Building and Public Works Departments, as well as the Insurance Office of the Department of Finance. The City indicates that, in addition, the Building Department's Manager conducted a search of its' mail register for the period October 1995 to December 1996. All correspondence received by the Department is logged into the mail register. None of these searches succeeded in locating the letter and attachment which the appellant claims to have sent to the City in November 1995.

In my view, based on the information provided by the City, I am satisfied that the City made a reasonable effort to locate the records identified by the appellant. Accordingly, I find that the searches which it undertook for records responsive to the request were reasonable in the circumstances.

## **ORDER:**

The City's search for records responsive to the request was reasonable and I dismiss this appeal.

Original signed by: \_\_\_\_\_

Donald Hale  
Adjudicator

\_\_\_\_\_ January 20, 1999