



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

ORDER MO-1417

Appeal MA_010067_1

Township of Stone Mills



80 Bloor Street West,
Suite 1700,
Toronto, Ontario
M5S 2V1

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NATURE OF THE APPEAL:

This is an appeal under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*). The requester asked the Township of Stone Mills (the Township) for "...copies of all said correspondence in support of tree removal; also for copies of the phone records of calls made by residents in support of the tree removal of same".

Section 19 of the *Act* requires the Township to issue a decision within 30 days of receiving the request. The Township did not issue a decision, thus placed itself in a "deemed refusal" situation pursuant to section 22(4) of the *Act*.

The requester, (now the appellant) appealed the City's deemed refusal to provide access to the records.

On March 21, 2001 this office sent the Township and the appellant each a Notice of Inquiry. The Notice stated that the Township was in a "deemed refusal" situation because a letter had not been issued to the appellant within the time period set out in section 19 of the *Act*. The Notice also indicated that I would attempt to settle the appeal but if a settlement was not reached by April 4, 2001, I may, in my capacity as Acting-Adjudicator, issue an order requiring the Township to issue a decision letter to the appellant. On March 22, 2001 I commenced mediation with the parties.

During mediation, the Township assured me they would issue a decision letter within the week. In a conversation with the appellant, he confirmed that he was still interested in pursuing the request. On March 29, 2001 the appellant confirmed that he had not yet received a decision from the Township. I was unable to contact the Township to determine whether a decision had been issued. During a recent conversation with the Township, I confirmed that a decision still had not been issued. Therefore, I am ordering the Township to issue its decision letter to the appellant, without recourse to a time extension under section 20 of the *Act* no later than April 20, 2001.

ORDER:

1. I order the Township to issue a decision letter to the appellant regarding access to the records in accordance with the *Act* and without recourse to a time extension, no later than April 20, 2001.
2. In order to verify compliance with Provision 1 of this order, I order the Township to provide me with a copy of the decision letter referred to in Provision 1 by April 20, 2001. This should be forwarded to my attention, c/o Information and Privacy Commissioner/Ontario, 80 Bloor Street West, Suite 1700, Toronto, Ontario M5S 2V1.

Original signed by: _____

April 11, 2001

Jeannine Morin
Acting Adjudicator



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