



**Information and Privacy
Commissioner/Ontario**

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

ORDER MO-1529

Appeal MA-020062-1

District Municipality of Muskoka



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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*).

On January 27, 2002, the requester submitted a request to the District Municipality of Muskoka (the Municipality) for records relating to the “purchases and/or expenditures made by the Institution under the authorization, direction and/or recommendation of [two named individuals] (1) that did not follow from an advertised open public tender competition process; and (2) that are over \$5,000 in size. We would like copies of the following records:

- The purchase order or requisition to the vendor.
- The quotations or offers submitted by each vendor proponent (both successful and unsuccessful) in each instance.
- Documents authored by [two named individuals] commenting on the purchase after the offers were received and prior to the purchase order or requisition being issued to the vendors.

We are interested for the time being in the record for the years 2001, 2000, 1999, 1998 and 1997. Please estimate and quote each year and the named individual’s records separately to facilitate narrowing the request, if necessary.”

The Municipality did not issue a decision letter to the requester as required by sections 19 and 22 of the *Act* within the 30 days prescribed by the *Act*, nor did the Municipality request a time extension to process the request under section 20(1) of the *Act*. Accordingly, the Municipality placed itself in a “deemed refusal” situation pursuant to section 22(4) of the *Act*. The requester (now the appellant) appealed the Municipality’s deemed refusal to provide access to the records.

On April 4, 2002, a Notice of Inquiry was issued notifying the Municipality that a “deemed refusal” appeal had been opened, because a decision letter had not been issued to the appellant. The notice indicated that the matter would be mediated, and if settlement was not reached by April 18, 2002, an Order would be issued requiring the Municipality to issue a decision letter to the appellant.

I contacted the Municipality but to date, a decision letter has not been issued.

ORDER:

1. I order the Municipality 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 25, 2002.

2. In order to verify compliance with Provision 1 of this Order, I order the Municipality to provide me with a copy of the decision letter referred to in Provision 1 by April 29, 2002. 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: _____
Leslie McIntyre
Acting-Adjudicator

_____ April 18, 2002