



**Information and Privacy  
Commissioner/Ontario**

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

# **ORDER MO-1777**

**Appeal MA-040086-1**

**Municipal Property Assessment Corporation**



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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 23, 2004, the requester made a request to the Municipal Property Assessment Corporation (MPAC) for access to information pertaining to a June 30, 2003, assessment of his residential property in Ottawa under the provisions of the *Act*.

Section 19 of the *Act* requires MPAC to issue a decision within 30 days of receipt of a request. If a decision is not issued within that time period, MPAC is in a "deemed refusal" situation pursuant to subsection 22(4) of the *Act*. That provision states:

A head who fails to give the notice required under section 19 or subsection 21(7) concerning a record shall be deemed to have given notice of refusal to give access to the record on the last day of the period during which notice should have been given.

On March 19, 2004, the requestor (now the appellant) wrote to this office indicating that MPAC had not replied to his request under the *Act*.

On March 24, 2004, this office sent a Notice of Inquiry to both the appellant and MPAC stating that MPAC were in a deemed refusal situation. The Notice also advised that if a decision was not issued by April 7, 2004, I would be in a position to issue an order requiring MPAC to provide a decision letter to the appellant.

I contacted MPAC regarding the status of a decision letter. MPAC advised that on April 6, 2004, a notice had been issued to the appellant extending the time for responding to the request to June 11, 2004, pursuant to section 20 of the *Act*.

Barring exceptional circumstances, which are not present here, when assessing the time and resources it will need to properly respond to a request, an institution must decide and provide written notice within the initial 30-day time limit for responding to the request, the length of any time extension it will need pursuant to section 20 of the *Act* (Orders P-234, M-439 and M-581, MO-1748). In this case, notice of the time extension for responding to the request was not issued until more than two months after the request was made, which is clearly not in accordance with the direction provided by these previous orders. To ensure that there are no further delays in processing this request, I am ordering MPAC to issue a decision regarding access.

## **ORDER:**

1. I order MPAC 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, 2004**.

2. In order to verify compliance with Provision 1 of this Order, I order MPAC to provide me with a copy of the decision letter referred to in Provision 1 by April 20, 2004. 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: \_\_\_\_\_

Lucy Costa  
Intake Analyst

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April 14, 2004