



**Information and Privacy
Commissioner/Ontario**

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

ORDER MO-2286

Appeal MA08-71

Township of North Glengarry



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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 17, 2008, the Township of North Glengarry (the Township) received a request dated January 15, 2008, for ongoing access to the following records for a further two years from the date of the request:

Records Concerning the Maxville Water-Works Project

- (a) Records with information about the Maxville Ward Water-Works Project and related proposals, and, if possible, associated costs (historic, current and projected).
- (b) Records specifically concerning the 'Foot-Frontage' formula, with attention to the following details:
 - (i) how and when the formula options were evaluated and endorsed by Council,
 - (ii) other costing options that may have been considered by Council,
 - (iii) whether expert advice and/or public consultation was sought during the process, and,
 - (iv) if formal adoption of the formula was made in open or closed sessions.
- (c) Records concerning information about Maxville Ward tax base and property frontage information for all properties within the Maxville Ward.
- (d) Records about any plans and projects, by North Glengarry Township, involving alternative and complementary water conservation techniques.

Records To Include:

- (a) by-laws and resolutions of the municipality and of its local boards;
- (b) minutes and proceedings of regular, special or committee meetings of the council or local board, whether the minutes and proceedings have been adopted or not;
- (c) records considered at a meeting, except those records considered during that part of a meeting that was closed to the public;
- (d) the records of the council;
- (e) statements of remuneration and expenses prepared under section 284. 2001, c. 25, s. 253(1) of the Municipal Act.

Section 19 of the *Act* requires the Township to issue a decision within 30 days of receipt of a request. If a decision is not issued within that time period, the Township is in a "deemed refusal" situation pursuant to subsection 22(4) of the *Act*. The 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 February 22, 2008, the requester (now the appellant) wrote to this office indicating that he had not received a response to his request from the Township. Appeal MA08-71 was opened.

On March 3, 2008, a Notice of Inquiry was sent to the Township and the appellant stating that the appellant had filed an appeal alleging that the Township was in a deemed refusal situation. The Notice also advised that if a decision was not issued by March 17, 2008, I would be in a position to issue an order requiring the Township to provide a decision letter to the appellant.

I received a telephone call from a representative of the Township on March 10, 2008, indicating that the two individuals with the authority to process the request were on vacation and not available to address the Notice of Inquiry. One individual was due to return to the Township on March 17, 2008. The representative of the Township was unable to determine what the status of the request was and if a decision letter would be forthcoming on March 17, 2008. I was advised that I should contact the Township on March 17, 2008.

I contacted the Township on March 17, 2008. The Planning Manager/Clerk indicated that he would endeavour to issue an access decision by March 20, 2008, but could not commit to that specific date. To ensure that the processing of this request is not further delayed, I am ordering the Township to issue an access decision to the appellant by March 26, 2008.

ORDER:

1. I order the Township to issue an access decision to the appellant regarding access to the records in accordance with the *Act* without recourse to any time extensions, no later than **March 26, 2008**.
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 no later than **March 26, 2008**. This should be forwarded to my attention, c/o Information and Privacy Commissioner/Ontario, 2 Bloor Street East, Suite 1400, Toronto, Ontario, M4W 1A8.

Original signed by: _____
Suzanne Brocklehurst
Intake Analyst

_____ March 17, 2008