

Information and Privacy Commissioner,
Ontario, Canada



Commissaire à l'information et à la protection de la vie privée,
Ontario, Canada

ORDER PO-3068

Appeal PA11-61

Ministry of Community Safety and Correctional Services

March 30, 2012

Summary: The appellant sought access to information relating to her mother's death at a nursing home. The Ministry of Community Safety and Correctional Services (the ministry) denied access pursuant to section 49(a) (in conjunction with the solicitor-client privilege exemption at section 19(a)) as well as the personal privacy exemption at section 49(b). Section 49(a) in conjunction with section 19(a) as well as section 49(b) applies to some of the information in the record. The exception in section 21(4)(d) pertaining to disclosure for compassionate reasons does not apply. The ministry is ordered to disclose to the appellant the non-exempt information or information that it would be absurd to withhold.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, as amended, ss. 2(1), 2(3), 19(a), 21(2)(f), 21(3)(a), 21(4)(d), 49(a), 49(b).

Orders and Investigation Reports Considered: MO-2237

OVERVIEW:

[1] The appellant's mother died while in the care of a nursing home. The appellant sought information relating to her mother's death and made a request to the Ministry of Community Safety and Correctional Services (the ministry) for access to a "Nursing Home Report" sent to the Office of the Chief Coroner relating to her mother.

[2] After notifying a party that the ministry viewed as being affected by disclosure of the requested information under section 28 of the *Freedom of Information and*

Protection of Privacy Act (the *Act* or *FIPPA*) (the affected party), and receiving its position on disclosure, the ministry issued an access decision. The ministry granted partial access to the responsive records relying on sections 49(a) (discretion to refuse requester's own information), (in conjunction with section 19 (solicitor-client privilege)) and 49(b) (personal privacy) to deny access to the portion it withheld.

[3] The requester (now the appellant) appealed the ministry's decision.

[4] In the course of mediation, after consulting with the affected party the ministry issued a supplementary decision letter disclosing additional information to the appellant.

[5] Mediation did not resolve the matter and it was moved to the adjudication stage of the appeal process, where an adjudicator conducts an inquiry under the *Act*.

[6] Just before I began my inquiry and issued a Notice of Inquiry, the ministry provided this office with a copy of a letter from an advocacy group that provides legal services to seniors. The letter set out the advocacy group's position that its discussions and the legal advice it provides on senior's issues is subject to solicitor-client privilege. This letter is addressed in more detail in my discussion on solicitor-client privilege, below.

[7] I commenced the inquiry by seeking representations from the ministry, the affected party and the advocacy group on the facts and issues set out in a Notice of Inquiry.¹ Only the advocacy group and the ministry provided responding representations. The ministry explains in its representations that after reviewing the Notice of Inquiry it determined that additional information could be disclosed to the appellant. This was confirmed in a supplementary decision letter to the appellant. As a result this information is no longer at issue in the appeal.

[8] I then sent a Notice of Inquiry to the appellant, along with the representations of the ministry and the non-confidential representations of the advocacy group. The appellant filed extensive and detailed representations. Rather than dealing with the application of the exemptions claimed, however, her representations mostly focused on her concerns about her mother's care at the nursing home.

[9] This order only addresses the withheld portions of the records at issue.

[10] In the discussion that follows, I reach the following conclusions:

- the record contains the personal information of the appellant, her mother and other identifiable individuals

¹ I asked for representations from the advocacy group on the application of section 19 of the *Act*, only.

- the record contains information that qualifies for exemption under section 49(a) of the *Act* in conjunction with section 19(a)
- only certain portions of the record qualify for exemption under section 49(b) of the *Act*
- the exception at section 21(4)(d) does not apply
- it would be absurd to withhold certain information from the appellant

RECORDS:

[11] The record at issue in this appeal is a collection of Progress Notes found in a Record entitled "Detailed Group Report on Incidents and Progress Notes – by Unit". Remaining to be addressed in this appeal are the severances to Progress Notes on pages 66, 67, 68, 70, 71, 72 and 73 of the Record.

ISSUES:

- A. Does the record contain personal information?
- B. Is information in the record subject to solicitor-client privilege so as to qualify for exemption under section 49(a) of the *Act*?
- C. Does section 49(b) of the *Act* apply?
- D. Is disclosure desirable for compassionate reasons?
- E. Would it be absurd to withhold certain exempt information from the appellant?
- F. Did the ministry appropriately exercise its discretion?

DISCUSSION:

A. Does the record contain personal information?

Personal Information

[12] In order to determine which sections of the *Act* may apply, it is necessary to decide whether the record contains "personal information" and, if so, to whom it relates. That term is defined in section 2(1) as follows:

"personal information" means recorded information about an identifiable individual, including,

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- (c) any identifying number, symbol or other particular assigned to the individual,
- (d) the address, telephone number, fingerprints or blood type of the individual,
- (e) the personal opinions or views of the individual except where they relate to another individual,
- (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- (g) the views or opinions of another individual about the individual, and
- (h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;

[13] Sections 2(3) and (4) also relate to the definition of personal information. These sections state:

(3) Personal information does not include the name, title, contact information or designation of an individual that identifies the individual in a business, professional or official capacity.

(4) For greater certainty, subsection (3) applies even if an individual carries out business, professional or official responsibilities from their dwelling and the contact information for the individual relates to that dwelling.

[14] To qualify as personal information, the information must be about the individual in a personal capacity. As a general rule, information associated with an individual in a professional, official or business capacity will not be considered to be “about” the individual.²

[15] Even if information relates to an individual in a professional, official or business capacity, it may still qualify as personal information if the information reveals something of a personal nature about the individual.³

[16] Having carefully reviewed the record at issue and the representations, I conclude that the record contains the deceased’s personal information, including her name, information about her medical history and the views of other individuals about her.

[17] I also find that some of the record contains the personal information of the appellant as well as other identifiable individuals, including patients of the nursing home and another member of the deceased’s family. This information includes their names and, in some cases, their views about the deceased and/or the appellant. This information meets the definition of personal information because it represents the opinions of certain individuals about the deceased and/or the appellant [paragraph (g)] and/or the names of all these individuals along with other personal information relating to them [paragraph (h)].

[18] Other portions of the record contain information about identifiable individuals in their “professional or official capacity” within the meaning of section 2(3), including their names and, in some cases, their titles. This includes the lawyer from the advocacy group. In that regard, I find that this information relates to these individuals in their professional or business capacity, and does not reveal something of a personal nature about them. In my view, based on the operation of section 2(3), this information does not qualify as the personal information of any identifiable individuals.

B. Does the record contain information that is subject to solicitor client privilege so as to qualify for exemption under section 49(a) of the *Act*?

Right of access to one’s own personal information

[19] Section 47(1) of *FIPPA* gives individuals a general right of access to their own personal information held by an institution. Sections 49(a) and (b) of *FIPPA* provide a number of exemptions to this general right of access. Section 49(a) states:

A head may refuse to disclose to the individual to whom the information relates personal information,

² Orders P-257, P-427, P-1412, P-1621, R-980015, MO-1550-F and PO-2225.

³ Orders P-1409, R-980015, PO-2225 and MO-2344.

where section 12, 13, 14, 14.1, 14.2, 15, 16, 17, 18, **19**, 20 or 22 would apply to the disclosure of that personal information [emphasis added];

[20] The ministry takes the position that information at pages 67 (Progress Notes 13 and 14), 70 (Progress Note 6), 71 (Progress Notes 7 and 8) and 73 (Progress Notes 20 and 21) contain information that is subject to solicitor-client privilege and therefore exempt under section 49(a) in conjunction with section 19(a) of *FIPPA*.

[21] Section 19(a) of the *Act* reads:

A head may refuse to disclose a record,
that is subject to solicitor-client privilege.

Common law privilege

[22] The section 19(a) exemption encompasses two heads of privilege, as derived from the common law: (i) solicitor-client communication privilege; and (ii) litigation privilege. In order for section 19(a) to apply, the institution must establish that one or the other, or both, of these heads of privilege apply to the records at issue.⁴

Solicitor-client communication privilege

[23] Solicitor-client communication privilege protects direct communications of a confidential nature between a solicitor and client, or their agents or employees, made for the purpose of obtaining or giving professional legal advice.⁵ The rationale for this privilege is to ensure that a client may confide in his or her lawyer on a legal matter without reservation.⁶

[24] The privilege applies to “a continuum of communications” between a solicitor and client:

. . . Where information is passed by the solicitor or client to the other as part of the continuum aimed at keeping both informed so that advice may be sought and given as required, privilege will attach.⁷

⁴ Order PO-2538-R; *Blank v. Canada (Minister of Justice)* (2006), 270 D.L.R. (4th) 257 (S.C.C.) (also reported at [2006] S.C.J. No. 39).

⁵ *Descôteaux v. Mierzwinski* (1982), 141 D.L.R. (3d) 590 (S.C.C.).

⁶ Orders MO-1925, MO-2166 and PO-2441.

⁷ *Balabel v. Air India*, [1988] 2 W.L.R. 1036 at 1046 (Eng. C.A.).

[25] The privilege may also apply to the legal advisor's working papers directly related to seeking, formulating or giving legal advice.⁸

[26] Confidentiality is an essential component of the privilege. Therefore, the institution must demonstrate that the communication was made in confidence, either expressly or by implication.⁹

The Representations

[27] As set out in its representations, the ministry relies on a letter it received from the advocacy group in support of its position that the records qualify for exemption under section 19(a).

[28] The letter from the advocacy group states that:

In dealing with callers, our advice is generally oriented towards the protection of seniors and seniors' rights. We do not give any legal advice unless we are provided with the name of the senior and other identifying information. We keep a record of our conversation with individuals.

...

In cases where we receive calls from different parties who are in a potential conflict of interest and who are calling about the same senior, it can sometimes be difficult to navigate through the potential problems. If we have provided legal advice to the first caller, we will generally advise the second caller that we are unable to act for them because of a potential conflict of interest.

[29] In the non-confidential portion of its representations in response to the Notice of Inquiry, the advocacy group submits:

In addition to providing direct services to seniors, we are occasionally contacted by friends or relatives of seniors or by other parties who may be involved with seniors that have legal issues that need to be dealt with. In dealing with callers, our advice is generally oriented towards the protection of seniors and seniors' rights.

When a telephone call comes in about a particular senior, we ask for the name of the senior and other identifying information about the senior. We also ask for the name of the caller and other identifying information

⁸ *Susan Hosiery Ltd. v. Minister of National Revenue*, [1969] 2 Ex. C.R. 27.

⁹ *General Accident Assurance Co. v. Chrusz* (1999), 45 O.R. (3d) 321 (C.A.).

about the caller. We keep a record of any information received and any advice given.

When a senior contacts us or when any other individual contacts us about a senior and provides us with the name of the senior, we generally check to see whether there were any previous calls about the particular senior so we can avoid a conflict of interest.

[30] The appellant's representations are voluminous and quite far ranging. They focus more on the appellant's concerns about her mother's treatment at the nursing home rather than the application of the claimed exemptions. That said, the theme of the submissions appears to be the appellant's view that the ministry should not be permitted to rely on exemptions to hide what the appellant perceives to be omissions in the nursing homes' treatment and care of her mother.

[31] Specifically with respect to the claim of solicitor-client privilege, the appellant's position appears to be that the nursing home has its own lawyers and the advocacy group which provided advice is supposed to represent seniors, not the nursing home. She is concerned that by contacting the advocacy group first, the nursing home employee effectively pre-empted the appellant. She also states that a representative of the advocacy group attempted to mediate matters pertaining to her mother's care by way of a speaker phone call. No specific details of the time, date, who was present or the particulars of the call were provided.

Analysis and Findings

[32] I have reviewed the contents of the Progress Notes at issue on pages 67, 70, 71 and 73 and carefully considered the submissions. In this order I need only determine whether this information falls within the scope of section 19(a). Based on my review of the notes and the circumstances surrounding their creation, I am satisfied that the legal clinic was contacted for advice by an individual in her capacity as an employee of the nursing home. I further find that the advice related to how to address legal issues arising out of the employee's responsibility regarding the care of the appellant's mother. In my view, in all the circumstances, for the purposes of the analysis that follows I conclude that the employee effectively became the client of the advocacy group, and a solicitor-client relationship was established between them.

[33] I have reviewed the content of the Progress Notes at issue and in my view, in all the circumstances, disclosing Progress Notes 13 and 14 on page 67 and a portion of Progress Note 6 on Page 70 would reveal the substance of confidential communications between a solicitor and client directly relating to the provision or seeking of legal advice. Accordingly, that information qualifies for exemption under section 49(a) of the *Act*, in conjunction with section 19(a). I am also satisfied that there has been no waiver of privilege with respect to this information.

[34] I do not make the same finding with respect to the balance of Progress Note 6 on page 70, (starting at the first sentence in the seventh line of the Note) and the information at issue in Progress Note 7 on page 71 and Progress Notes 20 and 21 on page 73. This is because, as set out in the withheld portion of Progress Note 6 on Page 70,¹⁰ the circumstances of the initial solicitor-client relationship changed at that time. I find that based on the position taken by the lawyer with respect to any ongoing relationship, from that time onward there was no reasonable expectation that any of the communications with the solicitor would be privileged. Accordingly, further communication with the lawyer, in light of the changed circumstances, were no longer privileged.

[35] Accordingly, I find that only Progress Notes 13 and 14 on page 67 and a portion of Progress Note 6 on Page 70 qualify for exemption under section 19(a) in conjunction with section 49(a) of the *Act*.

C. Does the discretionary exemption at section 49(b) apply to the information at issue?

[36] Section 47(1) of the *Act* gives individuals a general right of access to their own personal information held by an institution. Section 49 provides a number of exceptions to this general right of access, including section 49(b). Section 49(b) introduces a balancing principle that must be applied by institutions where a record contains the personal information of both the requester and another individual. In this case, the ministry must look at the information and weigh the appellant's right of access to her own personal information against another identifiable individual's right to the protection of their privacy.

Section 49(b)

[37] Section 49(b) states:

A head may refuse to disclose to the individual to whom the information relates personal information,

Where the disclosure would constitute an unjustified invasion of another individual's personal privacy

[38] In determining whether the exemption in section 49(b) applies, sections 21(1), (2), (3) and (4) of the *Act* provide guidance in determining whether disclosure of personal information would result in an unjustified invasion of the affected person's personal privacy. Section 21(2) provides some criteria for the ministry to consider in

¹⁰ The exact content of which I cannot set out in the order as that would reveal the information that the ministry claimed was subject to section 19(a).

making this determination; section 21(3) lists the types of information whose disclosure is presumed to constitute an unjustified invasion of personal privacy; and section 21(4) refers to certain types of information whose disclosure does not constitute an unjustified invasion of personal privacy.

[39] I have found above that information severed from Progress Note 20 on Page 73 is not subject to exemption under section 19(a). In addition, in accordance with section 2(3), in the circumstances of this appeal, the lawyer's name and title does not fall within the ambit of the definition of personal information in section 2(1). Accordingly, disclosure of this information would not result in an unjustified invasion of an individual's personal privacy under section 49(b). As a result, I will order that this information be disclosed to the appellant. Finally, withheld portions of the last sentences in Progress Note 6 on page 70 and Progress Note 7 on page 71 pertain to certain steps taken by (or to be taken by) the lawyer, which I have also found not to be subject to section 19(a) of the *Act*. In my view, disclosing these portions, which do not contain any personal information, would not result in the unjustified invasion of another individual's personal privacy under section 49(b) of the *Act*. Accordingly, I will order that this information be disclosed to the appellant. I have highlighted the information to be disclosed to the appellant in green on a copy of the record provided to the ministry with this order.

[40] I will now address the information remaining at issue. For the purpose of the analysis that follows, I find that:

- The withheld portion of Progress Note 7 on Page 66 contains the personal information of another nursing home resident
- The withheld portion of Progress Note 18 on Page 68 includes the personal information of the appellant's mother and an identifiable individual
- Progress Note 19 on page 68, which was withheld in full, includes the personal information of the appellant, her mother and an identifiable individual
- The withheld portion of Progress Note 20 on page 68 is the personal information of an identifiable individual
- The remaining withheld portion of Progress Note 6 on page 70 contains the personal information of the appellant and her mother
- Progress Note 8 on page 71, which was withheld in full, consists of the personal information of the appellant and her mother
- The withheld portion of Progress Note 14 on page 72 represents the personal information of another nursing home resident

- Progress Note 21 on page 73, which was withheld in full, represents the personal information of the appellant and her mother

Sections 21(3)(a) and 21(2)(f)

[41] The ministry refers to the factor in section 21(2)(f) in support of its decision to withhold information. My review of the information in the Progress Notes that remain at issue indicates that the presumption at section 21(3)(a) may also be applicable in the circumstances of this appeal.

[42] Section 21(2)(f) reads:

A head, in determining whether a disclosure of personal information constitutes an unjustified invasion of personal privacy, shall consider all the relevant circumstances, including whether,

the personal information is highly sensitive;

[43] Section 21(3)(a) reads:

A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy where the personal information,

relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation,

[44] The ministry states that the personal information remaining at issue consists of highly sensitive personal information within the meaning of section 21(2)(f).

[45] The appellant's representations do not specifically address the application of section 49(b) or the factor at section 21(2)(f).

[46] I have carefully reviewed the withheld portions of the Progress Notes. As indicated above, all of the withheld portions contain the personal information of identifiable individuals other than the appellant. Furthermore, disclosure of the severed portions of the records would reveal the identity of the persons to whom the information relates.

[47] In my view, the information remaining at issue falls within the presumption at section 21(3)(a) and/or is of such a character and quality to be "highly sensitive" within the meaning of section 21(2)(f). Accordingly, I find that this information is exempt under section 49(b) as its disclosure would result in an unjustified invasion of another individual's personal privacy.

[48] I will now go on to decide if the exception to the exemption in section 21(4)(d) applies to information which I have found to be exempt under section 49(b).

D. Is disclosure desirable for compassionate reasons?

[49] Section 21(4)(d) states:

Despite subsection (3), a disclosure does not constitute an unjustified invasion of personal privacy if it,

discloses personal information about a deceased individual to the spouse or a close relative of the deceased individual, and the head is satisfied that, in the circumstances, the disclosure is desirable for compassionate reasons.

[50] The compassionate reasons exception was first applied by Assistant Commissioner Brian Beamish in Order MO-2237, in which he applied the municipal Act equivalent of section 21(4)(d). In determining the scope of the section, he reviewed the relevant legislative history. He came to the following conclusion regarding the application of the section:

...by using the words "in the circumstances" the Legislature intended that a broad and all encompassing approach be taken to the consideration by this office of whether or not disclosure is "desirable for compassionate reasons." In my view, by enacting this amendment to the *Act*, the Legislature intended to address an identified gap in the access to information legislation and increase the amount of information being provided to bereaved family members. ***It is recognized that, for surviving family members, greater knowledge of the circumstances of their loved one's death is by its very nature compassionate.*** [Emphasis added]

[51] This approach has been consistently adopted in similar cases.¹¹ I adopt this approach in determining whether the information remaining at issue in this case should be disclosed to the appellant.

[52] The ministry submits that it has given careful consideration to the appellant's request and has provided the appellant with total access to most of the requested responsive nursing home records in relation to her deceased mother.

¹¹ See, for example, Orders MO-2245, MO-2420, MO-2515 and PO-2850.

Steps to follow in applying section 21(4)(d)

[53] In Order MO-2237, Assistant Commissioner Beamish determined that the application of this section requires a consideration of the following questions, all of which must be answered in the affirmative in order for the section to apply:

1. Do the records contain the personal information of a deceased individual?
2. Is the requester a spouse or "close relative" of the deceased individual?
3. Is the disclosure of the personal information of the deceased individual desirable for compassionate reasons, in the circumstances of the request?

[54] These steps have been followed in subsequent orders issued by this office. I agree with and adopt this approach in determining the application of section 21(4)(d) in this appeal.

Step 1 – Personal Information of the Deceased

[55] All of the Progress Notes remaining at issue contain the personal information of the appellant's deceased mother. As set out above, the withheld portions also contain the personal information of other nursing home residents, the appellant or other identifiable individuals, as the case may be. I am satisfied that the first requirement for the application of section 21(4)(d) has been satisfied.

Step 2 – Spouse or "Close Relative"

[56] The term "close relative" is defined in section 2(1) of the *Act* as follows:

"close relative" means a parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew or niece, whether related by blood or adoption;

[57] I am satisfied that the appellant is the deceased's daughter and, as a result, a child of the deceased whose personal information is contained in the records at issue. Accordingly, as a child of the deceased, I am satisfied that the appellant qualifies as a close relative as defined in the *Act*. I find that the second requirement for the application of section 21(4)(d) is satisfied.

Step 3– Desirable for Compassionate Reasons

[58] The appellant is distraught about the circumstances surrounding her mother's death while she was a resident at the nursing home. I accept that she seeks the

information at issue in the hopes of gaining insight into her mother's treatment at the nursing home.

[59] In my view, however, the information that is remaining at issue would not shed light on the circumstances surrounding the deceased's death, nor would it shed light on her treatment at the nursing home. The information remaining at issue is mixed with concerns voiced by residents at the home about the conduct of the appellant affecting them or their observations of the interaction between the appellant and her mother, discussions with another relative of the deceased regarding the appellant or the nursing home's own concerns about the appellant's conduct in relation to her mother. In my view, therefore, the information at issue relates mostly to the conduct of the appellant rather than the nursing home's treatment of her mother. I am therefore satisfied that disclosure of this information would not be desirable for compassionate reasons.

[60] Accordingly, I find that section 21(4)(d) has no application to this personal information and it remains exempt under section 49(b) subject to my review of the application of the absurd result principle and the ministry's exercise of discretion.

E. Would it be absurd to withhold certain exempt information from the appellant?

[61] Where the requester originally supplied the information, or the requester is otherwise aware of it, the information may be found not exempt under section 49(b), because to find otherwise would be absurd and inconsistent with the purpose of the exemption.¹²

[62] The absurd result principle has been applied where, for example:

- the requester sought access to his or her own witness statement¹³
- the requester was present when the information was provided to the institution¹⁴
- the information is clearly within the requester's knowledge¹⁵

[63] If disclosure is inconsistent with the purpose of the exemption, the absurd result principle may not apply, even if the information was supplied by the requester or is within the requester's knowledge.¹⁶

¹² Orders M-444, M-451, M-613, MO-1323, PO-2498 and PO-2622.

¹³ Orders M-444 and M-451.

¹⁴ Orders M-444, P-1414 and MO-2266.

¹⁵ Orders MO-1196, PO-1679, MO-1755 and MO-2257-I.

¹⁶ Orders MO-1323, PO-2622 and PO-2642.

[64] I have carefully reviewed the information remaining at issue and find that it would be absurd to withhold the name severed in two places at line 6 of Progress Note 18 on Page 68 and in Progress Note 20 on page 68, which, in light of the information already disclosed by the ministry, would be clearly within her knowledge.

F. Did the ministry appropriately exercise its discretion?

[65] The section 49(a) and 49(b) exemptions are discretionary and permit the ministry to disclose information, despite the fact that it could be withheld. On appeal, this office may review the ministry's decision in order to determine whether it exercised its discretion and, if so, to determine whether it erred in doing so.¹⁷

[66] I have reviewed the circumstances surrounding this appeal and the ministry's representations on the manner in which it exercised its discretion. Based on this information, as well as on the fact that a great deal of information in the record was disclosed to the appellant, and that additional information will be disclosed to the appellant as a result of this order, I am satisfied that the ministry has not erred in the exercise of its discretion not to disclose to the appellant the information that I have found to qualify for exemption under sections 49(a) or 49(b), as the case may be.

ORDER:

1. I order the ministry to disclose the portions of the record that I have highlighted in green on a copy of the record provided to the ministry with this order by sending it to the appellant by **May 7, 2012** but not before **May 2, 2012**.
2. I uphold the ministry's decision to deny access to the balance of the information at issue in the record.
3. In order to verify compliance with provision 1 of this order, I reserve the right to require the ministry to provide me with a copy of the portions of the record as disclosed to the appellant.

Original signed by: _____
Steven Faughnan
Adjudicator

_____ March 30, 2012

¹⁷ Orders PO-2129-F and MO-1629.