

Information and Privacy Commissioner,
Ontario, Canada



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

ORDER PO-4660

Appeal PA23-00440

Ministry of Children, Community and Social Services

May 30, 2025

Summary: An individual submitted a request to the Ministry of Children, Community and Social Services under the *Freedom of Information and Protection of Privacy Act* for general information relating to arrears owed to the Family Responsibility Office (FRO).

The ministry issued a fee estimate and declined to grant a fee waiver. The individual appealed the ministry's fee estimate and fee waiver decisions, seeking a fee waiver on the basis of financial hardship and that dissemination of the records would benefit public health or safety.

In this order, the adjudicator upholds the ministry's fee estimate and fee waiver decisions. The appeal is dismissed.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, as amended, sections 57(1) and 57(4); Regulation 460, sections 6 and 8.

Orders Considered: Order PO-3590.

OVERVIEW:

[1] The Ministry of Children, Community and Social Services (ministry) received an access request pursuant to the *Freedom of Information and Protection of Privacy Act* (the *Act*) which was clarified to the following:

What is the number of females in arrears and what is the number of males in arrears through the Family Responsibility Office in Windsor Ontario Canada as of December 31 2018, 2019, 2020, and 2021?

[2] Following discussions with the requester, the ministry issued a fee estimate and interim access decision in which it provided the requester with two fee options:

Fee Estimate, option 1: "What is the number of females in arrears (of any type) and what is the number of males in arrears (of any type) through the Family Responsibility Office in Windsor Ontario Canada as of December 31 2018, 2019, 2020, and 2021?"

The fee estimate is based on the following costs:

Search time: 3.5 hours @ \$30.00/hour: \$105.00

Fee Estimate, option 2: "What is the number of females in arrears (for child support) and what is the number of males in arrears (for child support) through the Family Responsibility Office in Windsor Ontario Canada as of December 31 2018, 2019, 2020, and 2021?"

Search time: 300 hours @ \$30.00/hour: \$9000.00

[3] The requester, now the appellant, appealed the ministry's fee estimate to the Information and Privacy Commissioner of Ontario (IPC).

[4] During mediation, the appellant confirmed that he was seeking access to the information set out in Option 2. The appellant also submitted a fee waiver request to the ministry, which the ministry denied.

[5] As mediation did not resolve the appeal, the file was transferred to the adjudication stage of the appeal process, where an adjudicator may conduct an inquiry under the *Act*.

[6] The adjudicator originally assigned to the appeal sought and received representations from the ministry. The appeal was subsequently transferred to me to complete the inquiry. I sought and received representations from the appellant and determined that I did not need to hear from the parties further before issuing this decision.

[7] For the reasons that follow, I uphold both the ministry's fee estimate decision and their decision not to grant a fee waiver. I dismiss the appeal.

ISSUES:

A. Should the ministry's fee estimate be upheld?

B. Should the ministry's fee be waived?

DISCUSSION:

Issue A: Should the ministry's fee estimate be upheld?

[8] Institutions are required to charge fees for requests for information under the *Act*. Section 57 governs fees charged by institutions to process requests.

[9] Under section 57(3), an institution must provide a fee estimate where the fee is more than \$25. The purpose of the fee estimate is to give the requester enough information to make an informed decision on whether or not to pay the fee and pursue access.¹ The fee estimate also helps requesters decide whether to narrow the scope of a request to reduce the fee.²

[10] The institution can require the requester to pay the fee before giving them access to the record.³ If the estimate is \$100 or more, the institution may require the person to pay a deposit of 50 per cent of the estimate before it takes steps to process the request.⁴

[11] Where the fee is \$100 or more, the fee estimate can be based on either the actual work done by the institution to respond to the request, or a review of a representative sample of the records and/or the advice of an individual who is familiar with the type and content of the records.⁵

[12] In all cases, the institution must include a detailed breakdown of the fee and a detailed statement as to how the fee was calculated.⁶

[13] Section 57(1) sets out the items for which an institution is required to charge a fee:

A head shall require the person who makes a request for access to a record to pay fees in the amounts prescribed by the regulations for,

- (a) the costs of every hour of manual search required to locate a record;
- (b) the costs of preparing the record for disclosure;

¹ Orders P-81, MO-1367, MO-1479, MO-1614 and MO-1699.

² Order MO-1520-I.

³ Regulation 460, section 9.

⁴ Regulation 460, section 7(1).

⁵ Order MO-1699.

⁶ Orders P-81 and MO-1614.

(c) computer and other costs incurred in locating, retrieving, processing and copying a record;

(d) shipping costs; and

(e) any other costs incurred in responding to a request for access to a record.

[14] More specific fee provisions are found in sections 6 and 6.1 of Regulation 460. Section 6 applies to general access requests and reads as follows:

6. The following are the fees that shall be charged for the purposes of subsection 57(1) of the *Act* for access to a record:

1. For photocopies and computer printouts, 20 cents per page.
2. For records provided on CD-ROMs, \$10 for each CD-ROM.
3. For manually searching a record, \$7.50 for each 15 minutes spent by any person.
4. For preparing a record for disclosure, including severing a part of the record, \$7.50 for each 15 minutes spent by any person.
5. For developing a computer program or other method of producing a record from machine readable record, \$15 for each 15 minutes spent by any person.
6. The costs, including computer costs, that the institution incurs in locating, retrieving, processing and copying the record if those costs are specified in an invoice that the institution has received.

[15] The IPC can review an institution's fee and can decide whether it complies with the *Act* and regulations.

Representations

The ministry's representations

[16] The ministry provides detailed representations in support of its position that its fee estimate is reasonable. To start, the ministry explains the role of FRO and the definition of a "support order" pursuant to the *Family Responsibility Support Arrears Enforcement Act*, 1996 (*FRSAEA*). The ministry explains that in any FRO case, a support order can provide for child support alone, spousal support alone, or both child and spousal support, and that there may be several support orders made over the history of a case with different types of support obligations. The ministry states that FRO currently has approximately 130,000 active cases.

[17] The ministry states that it consulted the Performance Reporting and Analysis Unit of the Strategic and Operational Effectiveness Branch at FRO to produce the two fee estimates. According to the ministry, the Performance Reporting and Analysis Unit is responsible for providing business intelligence to FRO and has knowledge and expertise regarding the data and structure of the information in FRO's case management system.

[18] The ministry submits that FRO's case management system does not record and/or break down statistical information by types of arrears (e.g. child, spousal, both) because the ministry does not have a legislative or business need for this sort of differentiation. As a result, the ministry submits that producing the requested statistical information would require ministry staff to dedicate significant time to manually compiling the information.

[19] Specifically, the ministry estimates that processing the appellant's request will take approximately 300 hours to complete and would likely involve "1 full-time staff from the Performance Reporting and Analysis Unit, with the assistance of an IT staff, working approximately 2.5 months". The ministry submits that the process would likely involve the following steps:

1. Searching all cases with support arrears as of December 31 2018, 2019, 2020, and 2021;
2. Of the responsive cases from step 1, identifying cases where the support payor resides in the City of Windsor;
3. Of the responsive cases from step 2, searching and reviewing the history of the support obligation (start and end date) for each case:
 - a. For cases opened before April 2013, searching both the current case management system and the previous case management system;
 - b. Identifying and excluding spousal support cases. The remainder of the cases would be cases with child support alone, or blended cases with child and spousal support;
 - c. Of the blended cases from step 3(b), applying the "application of payment principle" in section 19 of the *O. Reg. 167/97: General* to determine whether the support arrears for the identified periods relate to child support alone; and
4. Categorizing the responsive child support arrears cases in step 3(b) and (c) by the support payors' gender: male, female, or unknown.

[20] The ministry submits that the search and calculation required in step 3 will likely take up the majority of the estimated time as it is complicated and/or time-consuming. However, the ministry states that it does not anticipate additional fees associated with

the items set out in sections 57(1)(b) through (e) of the *Act*.

[21] The ministry cites Order PO-3590, which involved a request to FRO for different types of gender-based statistical information over a 10-year period. In Order PO-3590, the adjudicator largely upheld the ministry's \$3,700 fee estimate, with the exception of a small portion which was disallowed. The ministry submits that the IPC should similarly uphold its fee estimate in this appeal. The ministry also cites Order M-583 to argue that it is not obligated to maintain records to accommodate the various ways in which an access request may be framed.

The appellant's representations

[22] The appellant disputes the ministry's claim that FRO's case management system does not differentiate between types of arrears. The appellant submits pages from his own case file and argues that the number of fields that appear in his case file is an indication that FRO keeps extremely detailed and precise records. The appellant notes that the words "child support" appear in his case file and argues that this suggests that the ministry can differentiate between different types of arrears, contrary to its claim that it cannot separate them.

[23] The appellant also disputes the relevance of the ministry's statement that FRO currently has approximately 130,000 active cases. The appellant reiterates that he is only seeking access to information about Windsor, Ontario, which had a population of 229,660 in the year 2021. The appellant submits that the ministry does not adequately explain how the total number of active cases is relevant to the fee estimate for his request, which concerns only a subset of those cases.

Analysis and findings

[24] As indicated above, where the fee is \$100 or more, the fee estimate can be based on either a review of a representative sample of the records and/or the advice of an individual who is familiar with the type and content of the records.⁷ In this case, I accept that the Performance Reporting and Analysis Unit of the Strategic and Operational Effectiveness Branch of FRO is familiar with FRO's records and has knowledge and expertise regarding FRO's case management system.

[25] The ministry submits that its case management system "does not record and/or break down statistical information by types of arrears". I understand this to mean that FRO's case management system cannot filter or sort files by "types of arrears" for the purpose of conducting a search, not that this information is not recorded at all. In my view, the fact that the appellant's case file contains references to "child support" does not necessarily contradict the ministry's statements about the limitations of its case management system. Based on the information before me, I accept that FRO's case management system does not "record and/or break down" information by types of arrears

⁷ Order MO-1699.

and that it would need to dedicate time to manually compile the requested information.

[26] The ministry provides detailed representations on the steps that would be required in order to compile the requested information. Although the appellant does not comment directly on the enumerated steps, it is clear that he takes issue with the ministry's fee estimate. As previously indicated, the appellant also disputes the relevance of the ministry's claim that the FRO currently has approximately 130,000 active cases.

[27] I have considered whether the ministry has calculated its fee estimate based on an overly broad conception of the information at issue, as the appellant seems to suggest. Despite the ministry's detailed explanation of the steps that would be required to process the appellant's request, it is not entirely clear how many cases the ministry expects to review at each step of the process or how long each step is expected to take. While this information may have contributed to a better understanding of how the ministry calculated the 300 hours of estimated search time, I nevertheless uphold the ministry's fee estimate for the reasons below.

[28] First, I do not interpret the ministry's reference to FRO's 130,000 active cases to mean that all of these cases would need to be searched. In my view, this information was provided as context and does not necessarily represent the starting point of the ministry's search, especially given the appellant's specified timeframe of 2018, 2019, 2020, and 2021. Second, although the ministry does not indicate how long each step of the aforementioned process is expected to take, the ministry states that it anticipates that the work involved in searching and reviewing the history of the support obligation for each relevant case (step 3) will take up the majority of the estimated 300 hours as it is "complicated and/or time-consuming". The other steps, which include filtering cases by year and geographic location (steps 1 and 2) and categorizing payor by gender (step 4) are also discussed and implied to be more straightforward or less time-consuming. Based on my review of the ministry's representations, I am satisfied that it has carefully considered all of the work that is required to respond to the request and has provided sufficient justification for its fee estimate.

[29] Finally, previous IPC orders have found that where a request is broad and involves records that are likely to be dispersed throughout an institution, and where a search generates a significant number of responsive records which require a considerable amount of work to process by a number of different staff in a number of different departments, a high search fee may apply.⁸ These orders have found that in these cases, it is the breadth or scope of the request rather than the method of calculation that results in the significant fee estimate. I agree with this reasoning and adopt it for the purposes of this appeal. I find that this appeal similarly involves a broad request that is expected to generate a significant amount of responsive records and that a considerable amount of work will be required to process it, resulting in a higher search time and fee.

⁸ Order MO-4415. See also, Orders MO-3502, MO-3501, PO-3375, PO-3379 and PO-3716.

[30] Under section 57(1)(a) and the Regulation, search time for manually searching a record can only be charged for general requests, not requests for the requester's own personal information.⁹ Section 6 of Regulation 460 states that an institution shall charge \$7.50 for each 15 minutes spent by any person manually searching a record. As this is a request for general records, and given the ministry's estimated 300 hours of search time, I find that the ministry's fee estimate of \$9,000 is in compliance with the Regulation.

[31] As a result, I uphold the ministry's fee estimate of \$9,000 based on an estimated 300 hours of search time.

Issue B: Should the ministry's fee be waived?

[32] The fee provisions in the *Act* establish a "user-pay" principle. The fees referred to in section 57(1) and outlined in sections 6 and 6.1 of Regulation 460 are mandatory unless the requester can show that they should be waived.¹⁰

[33] The *Act* requires an institution to waive fees, in whole or in part, if it is fair and equitable to do so. Section 57(4) of the *Act* and section 8 of Regulation 460 set out matters the institution must consider in deciding whether to waive a fee. Those provisions state:

57. (4) A head shall waive the payment of all or any part of an amount required to be paid under subsection (1) if, in the head's opinion, it is fair and equitable to do so after considering,

(a) the extent to which the actual cost of processing, collecting and copying the record varies from the amount of the payment required by subsection (1);

(b) whether the payment will cause a financial hardship for the person requesting the record;

(c) whether dissemination of the record will benefit public health or safety; and

(d) any other matter prescribed by the regulations.

8. The following are prescribed as matters for a head to consider in deciding whether to waive all or part of a payment required to be made under the *Act*:

1. Whether the person requesting access to the record is given access to it.

⁹ Regulation 460, sections 6 and 6.1.

¹⁰ Order PO-2726.

2. If the amount of a payment would be \$5 or less, whether the amount of the payment is too small to justify requiring payment.

[34] A requester must first ask the institution for a fee waiver and provide detailed information to support the request. If the institution either denies this request or chooses to waive only a portion of the fee, the IPC may review the institution's decision, and can uphold or modify the institution's decision.¹¹

[35] An institution must also consider any relevant factors when deciding whether it would be fair and equitable to waive the fee. Relevant factors may include:

- the manner in which the institution responded to the request
- whether the institution worked constructively with the requester to narrow the scope of the request
- whether the requester worked constructively with the institution to narrow the scope of the request
- whether the request involves a large number of records
- whether the requester has offered a compromise that would reduce costs
- whether the institution has provided any records to the requester free of charge, and
- whether the waiver of the fee would shift an unreasonable burden of the cost from the requester to the institution.¹²

Representations

The ministry's representations

[36] The ministry submits that the appellant did not provide sufficient evidence to support a fee waiver. The ministry indicates that the appellant did not contact them about a fee waiver until the mediation stage of the appeal process and that in the appellant's initial email to the ministry, he merely asked for the fee to be waived.

[37] The ministry submits that in response, it asked the appellant to clarify whether he was relying on section 57(4)(a), (b), (c), or (d) of the *Act* as the basis for his fee waiver request. The ministry submits that it also provided the appellant with an explanation of the supporting documentation and/or information that would be necessary for the ministry to properly assess the request. For example, the ministry stated that if the appellant was relying on section 57(4)(b) (financial hardship) as the basis for the fee

¹¹ Section 57(5), Orders M-914, MO-1243, P-474, P-1393 and PO-1953-F.

¹² Orders M-166, M-408 and PO-1953-F.

waiver, he should provide a copy of his most recent income tax return, any and all bank statements for accounts in his name for the past six months, and any and all credit card statements in his name for the past six months.

[38] The ministry submits that although the appellant later identified sections 57(4)(b) (financial hardship) and (c) (public health or safety) as the bases for his fee waiver request, he did not provide sufficient evidence to support a fee waiver. According to the ministry, the appellant only submitted a copy of his T4 for the 2022 taxation year. The ministry submits that it was not able to determine whether the fees associated with the request would cause the appellant financial hardship on the basis of this evidence alone.

[39] The ministry submits that while the appellant cited section 57(4)(c) as another basis for his fee waiver request, he stated in correspondence to the ministry that a fee waiver was warranted because disclosure is "in the public interest". The ministry submits that the appellant failed to provide an adequate rationale for how the disclosure of the records would specifically benefit public health or safety. The ministry also submits that it would not be fair or equitable to grant a fee waiver, in full or in part, as doing so would shift an unreasonable burden of the cost from the requester to the ministry.

The appellant's representations

[40] The appellant submits that he previously provided the IPC with a copy of his T4 and banking information, which he asked to be kept confidential. The appellant also submits that FRO is aware that he has paid more than one year's salary in compliance with a court order, and that it is evident that these amounts (i.e. the payment and the estimated fee) would cause financial hardship. The appellant states that he has had negative experiences with the FRO and describes it as "insulting" for the FRO to request further "intrusive" financial information from him.

[41] The appellant submits that the information that is he requesting is of the utmost importance to the public interest and directly relates to public health and safety. The appellant submits that the family law system discriminates on the basis of gender and that mothers and fathers are "not equal before the law". As an example, the appellant points to statistics from the Department of Justice Canada about custody orders (specifically, those indicating that there are a greater proportion of cases where children live primarily with the mother), which the appellant interprets as confirmation that discrimination is taking place.

[42] The appellant states that the purpose of his request is to uncover the extent of this alleged discrimination. The appellant states that even though statistics clearly show that children experience better outcomes with both parents, the ministry and its programs continue to discriminate on the basis of gender and that this has a direct impact on public health and safety. The appellant submits that it is in the public's interest to be informed, and by withholding these statistics, the ministry is putting the public's health and safety at risk.

Analysis and findings

[43] A fee must be waived, in whole or in part, if it would be “fair and equitable” to do so in the circumstances.¹³ Section 57(4) makes it clear that all of the factors must be considered.

[44] The appellant relies on the following factors that must be considered in deciding whether it would be fair and equitable to waive the fee:

- the payment will cause a financial hardship for the person requesting the record [section 57(4)(b)], and
- dissemination of the record will benefit public health or safety [section 57(4)(c)].

[45] The ministry discusses and relies on the following factor:

- the waiver of the fee would shift an unreasonable burden of the cost from the requester to the institution [other factors].

[46] I will consider these factors below.

Financial hardship of the appellant: section 57(4)(b)

[47] For section 57(4)(b) to apply, the requester must provide evidence regarding their financial situation, including information about income, expenses, assets, and liabilities.¹⁴ The fact that the fee is large does not necessarily mean that payment of the fee will cause financial hardship.¹⁵

[48] In the Notice of Inquiry, the appellant was asked to provide evidence regarding his financial situation and to explain how payment of the fee would cause financial hardship. In his representations, the appellant stated that he has “previously and on file with IPC given them a copy of [his] T4 as well as banking information which [he has] asked to be confidential”. After being informed that the IPC cannot refer to evidence submitted in the context of another matter, the appellant provided a copy of his T4 for the 2022 taxation year and a 2023 balance alert from a financial institution regarding an unspecified account. In its representations, the ministry confirmed that it only received a copy of the appellant’s 2022 T4 and did not consider it sufficient to establish financial hardship. I have considered both the appellant’s 2022 T4 and the balance alert and similarly find that these two documents are not sufficient for me to conclude that the payment would cause the appellant financial hardship.

[49] The appellant also states that he has recently had to pay a large amount of money in compliance with a court order. He submits that it is evident that this amount, combined

¹³ See *Mann v. Ontario (Ministry of Environment)*, 2017 ONSC 1056.

¹⁴ Orders M-914, P-591, P-700, P-1142, P-1365 and P-1393.

¹⁵ Order P-1402.

with the estimated fee, will cause him financial hardship. However, beyond the appellant's claim that the amount he paid in compliance with the court order was more than one year's salary, I have not received any additional details about this payment or the appellant's income, expenses, assets, and liabilities.

[50] While I understand that the appellant is reluctant to provide sensitive financial information to the ministry, the appellant bears the onus of demonstrating that the fee estimate will cause him financial hardship. I find that the appellant has not provided sufficient evidence of his financial situation despite having had multiple opportunities to do so, including at the request stage (to the ministry), at the mediation stage, and again at the inquiry stage when I sought his representations.

[51] As a result, I find that I do not have sufficient evidence to conclude that payment of the fee will cause the appellant financial hardship. Therefore, I find that this is not a relevant factor supporting a fee waiver in this appeal.

Public health and safety: section 57(4)(c)

[52] The focus of section 57(4)(c) is "public health or safety." It is not enough to show that there is a "public interest" in the records or that the public has a "right to know" – there must be some connection between the public interest and a public health and safety issue.¹⁶

[53] The following factors may be relevant in determining whether distribution of a record will benefit public health or safety:

- whether the subject matter of the record is a matter of public rather than private interest,
- whether the subject matter of the record relates directly to a public health or safety issue,
- whether distribution of the record once disclosed would yield a public benefit:
 - a. by disclosing a public health or safety concern, or
 - b. by contributing meaningfully to the development of understanding of an important public health or safety issue, and
- the probability that the requester will share the contents of the record with others.

[54] I have considered the parties' representations on the application of section 57(4)(c) to the present case. In the circumstances, I am not convinced that dissemination of the information relating to the appellant's request would benefit public health or safety.

¹⁶ Orders MO-1336, MO-2071, PO-2592 and PO-2726.

[55] I agree with the ministry that the appellant has “failed to provide a rationale as to how the disclosure of the requested records would specifically benefit public health or safety”. The appellant alleges that the ministry and its programs (and the family law system more generally) discriminate on the basis of gender and that the requested information would reveal the extent of this discrimination. However, I am not convinced that having access to the “number of females in arrears (for child support)” and the “number of males in arrears (for child support)” for four specified years, without more, would prove this alleged discrimination or reveal anything about a public health or safety issue more generally.

[56] In support of his argument that section 57(4)(c) applies, the appellant refers to statistics which have “unequivocally” shown that “children are better off living in society with both sets of parents”. Even if I were to accept this general claim, I find that the appellant has not adequately explained how his request, which is for information about child support arrears differentiated on the basis of gender, contributes to this issue in a meaningful way.

[57] In Order PO-3590, which the ministry references in its representations, the appellant similarly requested a fee waiver on the basis that the requested gender-based statistical information would “benefit the public”.¹⁷ The adjudicator noted that the appellant’s arguments were based on his speculation that the requested information may reveal that FRO is “unfairly targeting males”¹⁸ and ultimately found that the appellant failed to demonstrate how the requested information would benefit public health or safety. I agree with this reasoning and adopt it for the purposes of this appeal.

[58] For the reasons above, I find that the appellant has not established that public health and safety is a relevant factor supporting a fee waiver in this appeal.

Other factors

[59] As previously noted, I am required to consider the factors listed in the *Act* and the Regulation, as well as any other relevant factors.¹⁹

[60] The ministry indicates that upon receiving the request, it corresponded at length with the appellant to clarify the request. The ministry also submits that before issuing the fee estimate, it communicated the fee estimate to the appellant and discussed ways that it could help the appellant narrow the request to reduce the estimated fee.

[61] As an example, the ministry indicates that it learned from the Performance Reporting and Analysis Unit that generally, child support arrears make up approximately 90% of FRO’s total cases, while the remaining 10% are composed of spousal support

¹⁷ Order PO-3590 involved a multi-part request for gender-based statistical information, including for “number of male versus female defaulting payors for FRO cases for the years 2002-2011”.

¹⁸ Order PO-3590.

¹⁹ Orders M-166, M-408 and PO-1953-F.

arrears or combined child and spousal support arrears. The ministry submits that it conveyed this information to the appellant, along with its view that the information that the appellant would receive in response to Option 1 would likely still be responsive to his request, as these statistics would mostly reflect child support arrears.

[62] Previous orders of this office have established that whether the institution worked constructively with the requester to narrow and/or clarify the request and whether the requester worked constructively with the institution to narrow the scope of the request are both relevant factors in deciding whether it would be fair and equitable to waive a fee. Based on the information before me, I accept that the ministry worked constructively with the appellant to clarify the request and made efforts to work with the appellant to narrow the scope of the request and reduce the cost. Conversely, the appellant has not provided evidence to indicate that he worked with the institution to narrow the scope of the request. I find that this is a relevant factor that weighs against a fee waiver.

[63] Finally, I also consider as a relevant factor whether a fee waiver would shift an unreasonable burden of the cost from the appellant to the ministry. The ministry submits that the request involves a large number of records and that it would need to incur significant time and cost to manually search for and produce the requested information. Given the cost of processing the request and considering the user-pay principle that is established in the *Act*, I find that it would be unreasonable to order a fee waiver in the circumstances of this appeal because it would shift an unreasonable burden of the cost from the appellant to the ministry.

Conclusion

[64] Considering all of the relevant factors, and in light of the user-pay principle articulated above, I find that on balance, it would not be fair and equitable to grant a fee waiver.

ADDITIONAL ISSUES

[65] In his representations, the appellant raises concerns with the ministry's decision in response to another access request. I do not address these concerns in this order, which dispenses with the fee estimate and fee waiver issues arising from the appellant's present request (for information about arrears).

[66] The appellant also makes allegations against FRO's conduct and details the numerous complaints that he and his family have filed with various agencies, including the Human Rights Tribunal, the Canadian Department of Justice, the Ombudsman, and various police agencies. As I do not have jurisdiction to review FRO's conduct, I do not address or make any findings about these allegations.

[67] Finally, the appellant argues that the ministry, its programs, and the "family law system" more generally (including family courts and the *FRSAEA*) violates his section

15(1) equality rights under the *Charter*. I find that the appellant references the *Charter* in the context of his interactions with FRO and the “family law system” more generally, and not in the context of the ministry’s fee estimate and fee waiver decisions. The appellant does not allege that his *Charter* rights are violated by any provision of the *Act*, nor did he file a Notice of Constitutional Question with the IPC and the Attorneys General of Canada and Ontario. With this context in mind, I have not considered the appellant’s arguments about section 15(1) of the *Charter* in reaching my determination on the issues of fee and fee waiver in this appeal.

ORDER:

The appeal is dismissed.

Original Signed by: _____

Anda Wang
Adjudicator

May 30, 2025