

Information and Privacy Commissioner,  
Ontario, Canada



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

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## ORDER MO-4680

Appeal MA25-00168

Corporation of the Town of Caledon

July 21, 2025

**Summary:** On December 5, 2024, an individual asked the town for access to records about a specific property and specific company names. They appealed because the town did not issue a decision within the prescribed time limit. The decision-maker finds that the town has not issued a decision, and the request is deemed to have been refused. The town is ordered to issue a final decision by August 11, 2025.

**Statutes Considered:** *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended, sections 19, 20 and 22.

### BACKGROUND:

[1] On December 5, 2024, an individual (the appellant) asked the Corporation of the Town of Caledon (the town) for access under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) to:

- a. any and all documentation and correspondence since January 1, 1960 pertaining or in reference to [a specific property];
- b. any and all documentation and correspondence since January 1, 2006 pertaining or in reference to [specific company names];
- c. any and all applications made under the *Planning Act*, R.S.O. 1990, c. P.13 as amended or its predecessor since January 1, 1974 relating to [a specific property],

including any and all documentation, materials, and correspondence relating...to approvals, comments made by the [town] staff, staff reports, Committee of Adjustment decisions made in relation to any such applications and any Council resolutions or decisions; and

- d. any and all building permit records since January 1, 1974 relating to [a specific property].

[2] On December 12, 2024, the appellant paid the \$5 fee required to process the request, which was acknowledged by the town on December 13, 2024.

[3] On December 13, 2024, the town accepted clarifications from the appellant and advised that a decision would be issued by January 13, 2025.

[4] On January 14 and February 11, 2025, the appellant asked the town when a decision would be issued in response to the request.

[5] On February 13, 2025, the appellant filed an appeal with the Information and Privacy Commissioner of Ontario (the IPC) when the town failed to issue a decision to the appellant within 30 days of the access request. File MA25-00168 was opened.

[6] On March 25, 2025, the town issued a time extension, extending the time to respond to the request for an additional 45 days until May 29, 2025 due to the "volume of search".

[7] On May 30, 2025, the IPC asked the town whether a final access decision had been issued and for a copy of the decision letter. On this same day, the town advised that the request was being processed by staff, and that it would respond by June 5, 2025.

[8] On June 5, 2025, the town issued a letter, indicating that a search was undertaken and a preliminary search had returned 550 records responsive to the request. It advised that a decision had been made to grant access to the records in part claiming section 12 (solicitor-client privilege) and section 14 (personal privacy) exemptions.<sup>1</sup> It provided an interim fee for processing the request in the amount of \$870, with the following breakdown:

- \$270 for search time based on 9 hours @ \$7.50 per 15 minutes; and
- \$600 for preparation time based on 20 hours @ \$7.50 per 15 minutes.

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<sup>1</sup> The town appears to have decided to provide partial access to responsive records and applied exemptions even though it has only completed a preliminary search for records.

In addition, it indicated that the deposit of \$870 would be deducted from the total fee.<sup>2</sup> It further stated that “The records will be prepared and made available to [the appellant] upon receipt of the outstanding balance of \$870.00.”

[9] On June 6, 2025, I sought clarification from the town on whether the fee was a final fee or a fee estimate and whether the appellant paid any prior deposits. The town advised that the fee was an estimate and that no deposits had been paid to date.

[10] On June 24, 2025, I decided to conduct an expedited inquiry and issued a Notice of Expedited Inquiry, encouraging the town to issue a final decision by July 8, 2025.

[11] On July 3, 2025, the appellant paid the \$870 deposit to the town, who confirmed receipt on July 4, 2025.

[12] To date, no records have been released to the appellant.

[13] In this order, I find that the town has not issued a final access decision, and the request is deemed to have been refused. To ensure no further delays in processing this access request, I will order the town to issue a final access decision to the appellant.

## **DISCUSSION:**

[14] Section 19 of the *Act* states:

Where a person requests access to a record, the head of the institution to which the request is made or if a request is forwarded or transferred under section 18, the head of the institution to which it is forwarded or transferred, shall, subject to sections 20, 21 and 45, within thirty days after the request is received,

(a) give written notice to the person who made the request as to whether or not access to the record or a part thereof will be given; and

(b) if access is to be given, give the person who made the request access to the record or part thereof, and where necessary for the purpose cause the record to be produced.

[15] The circumstances giving rise to a deemed refusal are set out in section 22(4) of the *Act*. This section states:

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<sup>2</sup> Section 45(3) of the *Act* states an institution shall give a person requesting access to records a reasonable estimate of any amount that will be required to be paid over \$25. Additionally, section 7(1) of Regulation 823 states that an institution may request a deposit equal to 50% of the estimated fee before taking any further steps to process the request. It appears that the respondent has requested the full amount of the fee estimate. See also the IPC’s guide [Fees, Fee Estimates and Fee Waivers](#).

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.

[16] Once a time extension has been issued, it is expected that, prior to the expiry of the extension, subject to sections 21 and 45 of the *Act*, written notice will be given to the requester as to whether access to the record or a part thereof will be given and for access to the record to then be given to the requester. This is referred to as a final access decision. If a final access decision is not issued prior to the expiry of the time extension, the institution would be in a "deemed refusal" pursuant to section 22(4) of the *Act*.

[17] The town confirmed that its letter of June 5, 2025, is a fee estimate. I note the letter indicates that a 'decision' has been made based on a preliminary search for records; however, records have not been released to the appellant, despite paying the requested fee.

[18] A final access decision is made after an institution has completed all the work necessary to respond to a request.<sup>3</sup> This does not appear to be the case. I find that the town's letter of June 5, 2025 is not a final access decision because it does not meet the requirements of section 19 of the *Act*.

[19] Accordingly, I find that the town has not issued its final access decision in response to the appellant's access request. I note that, despite issuing a time extension, which was done after the initial 30-day time limit, the town did not issue a final access decision by the extended time limit; instead, it issued a fee estimate, after the initial 30-day time limit and after the extended time limit. As a final access decision was not issued to the appellant within 30 days of the access request or by the extended due date (if the time extension was properly claimed), the town is deemed to have refused the access request.

[20] Therefore, I find the town to be in a deemed refusal situation under section 22(4) of the *Act*.

[21] To ensure that there are no further delays, I will order the town to issue a final access decision to the appellant.

## ORDER:

1. I order the town to issue a **final** access decision to the appellant regarding access to the records in accordance with the *Act* and without recourse to a time extension, by **August 11, 2025**.

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<sup>3</sup> [\*Fees, Fee estimates and Fee waivers\*](#) at page 6.

2. To verify compliance, the town shall provide me with a copy by email of the decision referred to in provision 1 by **August 11, 2025**.

Original Signed by: \_\_\_\_\_

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July 21, 2025

Asma Mayat  
Case Lead