

Information and Privacy Commissioner,
Ontario, Canada



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

ORDER MO-4682

Appeal MA23-00677

County of Norfolk

July 29, 2025

Summary: An individual made a request to the County of Norfolk under the *Municipal Freedom of Information and Protection of Privacy Act* for records concerning the history of a particular property. The county provided access to the records that it located, but the requester stated that the county should have located additional responsive records, in particular records from the time that the property was assigned a civic address.

In this order, the adjudicator finds that the county conducted a reasonable search for responsive records.

Statutes Considered: *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended, section 17.

OVERVIEW:

[1] The County of Norfolk (the county) received a request under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) for records relating to a specified property. Specifically, the appellant was seeking:

The history on [the identified property], any and all information including the permit(s), purpose of original use, zoning issues in the past, pertaining to this property.

[2] The county issued a decision letter, stating that it located ten responsive records

and was providing the appellant with partial access to these records. The county denied access to the withheld information pursuant to the *Act*'s personal privacy exemptions set out in sections 14(a) and 38(b).

[3] The appellant appealed this decision to the Information and Privacy Commissioner of Ontario (the IPC).

[4] During mediation, the appellant stated that she was not seeking the information that the county had withheld but rather believed that the county should have located additional responsive records.

[5] Accordingly, the sole issue in this appeal is whether the county conducted a reasonable search for records responsive to the appellant's request.

[6] Mediation did not resolve the appeal, and it was transferred to the adjudication stage. I decided to conduct an inquiry and invited and received representations from the county and the appellant.¹

[7] In this order, I find that the county's search for responsive records was reasonable and dismiss the appeal.

DISCUSSION:

[8] If a requester claims that additional records exist beyond those found by the institution, the issue to be decided is whether the institution has conducted a reasonable search for records as required by section 17 of the *Act*.² If I am satisfied that the search carried out was reasonable in the circumstances, I will uphold the county's decision. Otherwise, I may order the county to conduct another search for records.

[9] The *Act* does not require the county to prove with certainty that further records do not exist. However, the county must provide enough evidence to show that it has made a reasonable effort to identify and locate responsive records.³

[10] A reasonable search is one in which an experienced employee knowledgeable in the subject matter of the request makes a reasonable effort to locate records that are reasonably related to the request.⁴

[11] Although a requester will rarely be in a position to indicate precisely which records the institution has not identified, they still must provide a reasonable basis for concluding

¹ These were shared in accordance with the IPC's *Code of Procedure*.

² Orders P-85, P-221 and PO-1954-I.

³ Orders P-624 and PO-2559.

⁴ Orders M-909, PO-2469 and PO-2592.

that such records exist.⁵

[12] In its representations, the county states that it began its search for responsive records by obtaining the property file from the county's Building Department. The county submits that its Records and Legislative Coordinator and the County Clerk reviewed the file and the documents within it in their search for responsive records. The county submits that it provided the appellant with an access decision relating to the responsive records it located, as well as an index of those records.

[13] The county states that it searched for the records requested as described in the appellant's request. At the adjudication stage, the county submitted that it had observed that the appellant's request appeared to have changed during the course of her IPC appeal. The county states that it determined that the appellant was now seeking:

[Permits], building records, business records, records related to the identified property obtaining a 911 number, and records related to the identified property obtaining a hydro meter.

[14] In its representations, the county noted that while it did not locate any other records responsive to the appellant's original request, it was possible that some of the county's other departments could have records relating to what if viewed to be new items that the appellant was now requesting. The county provided examples of geographic information system mapping and business licensing potentially holding records responsive to the later interpretation of the appellant's request.

[15] I asked the county to clarify if it was raising the issue of the scope of the request. If the county was not raising the scope of the appellant's request as an issue in this appeal, I noted that the county was obliged to conduct searches into any of its record holdings that may contain responsive records.

[16] The county responded via letter (the follow-up letter), stating that it had performed a further search into the property files and found no responsive records. The county also stated that it had not been provided with any business names, and was not able to search its business licensing records without this information. The county noted that if the appellant provided a business name, it could search its records. I provided the appellant with the follow-up letter, but the appellant did not include any business name in the representations she provided at the adjudication stage.

[17] The appellant's representations do not focus on the search that the county conducted. Rather, she sets out three types of records that she believes should be within the responsive records but are not. These are records relating to address numbering, connections to the hydro power supply, and a particular bylaw complaint.

[18] The appellant submits that it is the municipality's responsibility to assign a number

⁵ Order MO-2246.

address when a landowner applies for a residential or commercial building permit. The appellant appears to be referring to the process of applying for a new civic address. The county's website states that a civic address is necessary if you own a property which contains a dwelling or has a phone line and includes a process for doing so.⁶ The civic address is also used as the 911 number in cases of emergency.

[19] The appellant submits that an applicant for a civic address is required to take certain steps before the county will assign such a number to a property. The appellant says that this includes submitting an application for the civic address and providing plans related to the dwelling. Based on these requirements, the appellant states that the county should have additional information related to the property, including plans, that it did not provide to her.

[20] The county conducted further searches into its property records at the adjudication stage but stated that it was not able to determine when the civic address was assigned and/or locate any additional records regarding the civic address. The county was able to provide a date range for when the civic address was assigned, stating:

[The county] can advise that in 1978 the property was only assigned the municipal address of 4 [street name]. In 1998, the property shows two municipal addresses of 4 and 8 [street name]. This would lead us to believe that the municipal address of 8 [street name] was assigned sometime during 1978 and 1998 by the Township of Delhi. Unfortunately, we have no records of this. The County was amalgamated in 2000.

[21] From the information provided by the county, it appears that the county may have possessed additional records relating to the creation of the civic address at some point. However, these records would have been created sometime between 27 to 47 years ago. Given the age of the records and the fact that the county was amalgamated since that time, I do not find that the appellant has provided a reasonable basis to conclude that records from the application for the civic address currently exist at the county.

[22] The appellant also raises the question of records relating to the hydro connection to the property. The appellant states that to get a hydro connection, the utility requires "project information, site plan, proposed electrical drawing, building permits, zone certificate certifications and local calculations." Of these documents, the appellant states that the county must approve the building permit, zone certification, and site plan, and is required to keep these available at the county. The appellant also states that the hydro utility must have received a 911 instruction to connect.

[23] The county states that it does not have records relating to hydro meters, as it is not responsible for issuing hydro meters. The county referred the appellant to her hydro

⁶ <https://www.norfolkcounty.ca/home-property-and-neighbourhood/roads-parking-and-traffic/civic-addressing-and-street-naming/>

provider for such information.

[24] From my review of the appellant's representations, it does not appear that she is stating that the county keeps its own records of hydro meters, and that the county has failed to search those record holdings. Rather, the appellant appears to be stating that the hydro provider required certain records before it would install a hydro connection. The appellant presents this as evidence that records such as permits and plans – the records she is seeking – must have either been created by the county or provided to the county at some point prior to the hydro connection being put in place.

[25] These appear to be the same type of records as those that the appellant says the county requires before assigning a civic address. As discussed above, the county states that it searched for those records, and was not able to locate them, finding only a date range for when the civic address was assigned. The appellant's hydro provider may well have required such records to put a hydro connection in place, but that does not provide a reasonable basis to conclude that these records currently exist at the county.

[26] Finally, the appellant states that in October 2000, someone made a bylaw complaint regarding garbage piling up at the buildings on the property at issue. The appellant states that the county should have records of its investigation into that complaint, and that she has not been provided with such records. In her representations, the appellant sets out her expectations as to what information relating to that bylaw complaint she should be provided with:

Did the [county] investigate the complaint, and what was the final decision?
Did the municipality find both buildings legal or illegal or number 8 illegal?
What work order was issued? Where are the findings and the issued order?
This information must be issued to me.

[27] The appellant's initial request was for records relating to the property's history, asking for information pertaining to the property, including permits, the purpose of the property's original use, and zoning issues. The county contends that the appellant later expanded this request to include "[permits], building records, business records, records related to the identified property obtaining a 911 number, and records related to the identified property obtaining a hydro meter."

[28] It is not necessary for me to address the matter of whether the appellant changed the scope of her request during the appeal process. The county chose not to pursue the issue of whether the appellant's request changed and instead conducted further searches for the records that the appellant asked for, such as the records relating to civic addresses/911 numbers and hydro meters. Neither version of the appellant's request mentions bylaw complaints, investigations, or orders. The appellant asked for these records in her representations provided at the adjudication stage. There is no evidence before me indicating that the appellant asked for those records at any time before that. Given this, the fact that the county did not provide the appellant with records relating to

the investigation of that bylaw complaint – which are not records that the appellant requested – does not establish a reasonable basis that records responsive to her request exist at the county.

[29] In summary, the county conducted a search for records responsive to the appellant's request, searching the property file related to the property at issue and locating ten responsive records. The county later conducted at least one additional search of its records, seeking the types of records that the appellant had specified she was seeking as part of that request. The county states that it did not locate additional records but was able to determine a date range when the civic address had been assigned to the property.

[30] As previously noted, a reasonable search is one in which an experienced employee knowledgeable in the subject matter of the request expends a reasonable effort to locate records which are reasonably related to the request.⁷ I am satisfied that the county has provided sufficient evidence to establish this.

[31] I have reviewed the appellant's representations, and for the reasons set out above I am not persuaded that she has established a reasonable basis for concluding that further responsive records exist. A requester will rarely be able to indicate precisely which records the institution has not identified but still must provide a reasonable basis for concluding such records exist.⁸ In this case, the appellant has identified the records that she believes should exist at the county. However, while it is possible that the county (or the Township of Delhi, prior to amalgamation) may once have possessed plans related to the property at issue, the appellant has not established a reasonable basis for why these records should currently exist at the county.

[32] For the reasons stated above, I find that the county conducted a reasonable search for responsive records.

ORDER:

I uphold the reasonableness of the county's search for responsive records and dismiss the appeal.

Original Signed by: _____

Jennifer Olijnyk
Adjudicator

July 29, 2025

⁷ Orders M-909, PO-2469 and PO-2592.

⁸ Order MO-2246.