

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 PO-4793

Appeal PA24-00522

Ministry of Natural Resources and Forestry

March 9, 2026

**Summary:** The appellant made a request under the *Freedom of Information and Protection of Privacy Act* to the ministry for records relating the *Duffins Rouge Agricultural Preserve Act*. The ministry located records and granted the appellant partial access to them. The appellant appealed the ministry's decision, claiming additional responsive records ought to exist.

In this decision, the adjudicator upholds the ministry's search as reasonable and dismisses the appeal.

**Statutes Considered:** *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, section 24.

**Orders and Investigation Reports Considered:** Orders PO-4449-I, PO-4639-I, and PO-4638.

**Reports Considered:** "Ontario's Greenbelt: Access to Information and Government Transparency", *2024 Annual Report*, Information and Privacy Commissioner (Ontario), June 2025; *Report of the Integrity Commissioner re: Minister of Municipal Affairs and Housing*, Office of the Integrity Commissioner, August 2023; *Special Report on Changes to the Greenbelt*, Office of the Auditor General, August 2023.

### OVERVIEW:

[1] The appellant made a request under the *Freedom of Information and Protection of Privacy Act* (the *Act*) to the Ministry of Natural Resources and Forestry (the ministry or MNRF) for the following records:

1. All requests or directives from a provincial government official or body to repeal or amend the *Duffins Rouge Agricultural Preserve Act*,<sup>1</sup> and
2. All records (including reports, briefing notes, emails, text messages, and direct messages) concerning any such request or directive, including all records of the discussion mentioned in paragraph 197 of the Integrity Commissioner's August 30, 2022 report on Minister Steve Clark.<sup>2</sup>

[2] The Integrity Commissioner's Report referred to in the request was issued after an investigation conducted by the Office of the Integrity Commissioner of Ontario regarding the Ontario government's decision-making process to identify and select land for removal from the Greenbelt for development. The relevant portion of paragraph 197 of the Integrity Commissioner's Report referred to by the appellant reads as follows:

[The Assistant Deputy Minister of the Planning and Growth Division with Ministry of Municipal Affairs and Housing (the ADM)] also said they had also initially identified that Cherrywood was subject to the *Duffins Rouge Agricultural Preserve Act*, which is under the purview of the Minister of Natural Resources and Forestry. [The ADM] advised that in the case of this property, [the former chief of staff to the Minister of Municipal Affairs and Housing] spoke to his counterpart on that minister's staff, and then later "I was given direction to make connections to the officials in MNRF to dial them into our discussion" and to explain that "if this is going to happen, your ministry would need to repeal this act..." and that in time, those other officials "operationalized that."

[3] As background, the ministry submits it previously administered *DRAPA*. The *Duffins Rouge Agricultural Preserve Repeal Act, 2022*, was legislation drafted to facilitate the repeal of *DRAPA*. The ministry states *DRAPA* was repealed under Schedule 2 of the *Better Municipal Governance Act, 2022*, an act led by the Ministry of Municipal Affairs and Housing (MMAH).

[4] The ministry located approximately 1,700 pages of responsive records and issued a decision granting the appellant partial access to them.<sup>3</sup>

[5] The appellant appealed the ministry's decision to the Information and Privacy Commissioner of Ontario (the IPC). The appellant raised concerns that there were no records of discussions between the former chief of staff of MMAH and his counterpart at MNRF. Additionally, the appellant was concerned there were no records of the ADM of MMAH "making connections" to MNRF officials regarding the discussions mentioned in

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<sup>1</sup> S.O. 2005, c. 30. (*DRAPA*)

<sup>2</sup> *Report of the Integrity Commissioner re: Ministry of Municipal Affairs and Housing*, published in August 2023 following an investigation pursuant to the Members' Integrity Act, 1994, S.O. 1994, c. 38. (the Integrity Commissioner's Report).

<sup>3</sup> The ministry withheld duplicative information and some information under the exemptions in section 12 (Cabinet records), 13(1) (advice or recommendations), and 19(a) (solicitor-client privilege) of the *Act*. The ministry also withheld certain information as not responsive to the appellant's request.

the Integrity Commissioner's Report.

[6] During mediation, the appellant confirmed he does not pursue access to the information withheld from disclosure. However, the appellant clarified his request to the following:

1. All requests or directives from an official of the Premier's Office or the [MMAH] to repeal or amend [*DRAPA*], and
2. All records (including reports, briefing notes, emails, text messages, and direct messages) that refer to, mention, or discuss any such request or directive, including all records of the discussion mentioned in paragraph 197 of the Integrity Commissioner's August 30, 2022 report on [the former minister of MMAH].

... part 2 of the request excludes records that simply refer to the *DRAPA* but do not refer to, mention, or discuss a request or directive from an official of the Premier's Office or the Ministry of Municipal Affairs and Housing.

[7] The ministry reviewed the records it located in response to the appellant's original request and advised him that it found two pages of records responsive to his clarified request. The ministry confirmed these pages were disclosed in full to the appellant in its original access decision.

[8] The appellant confirmed he is not satisfied with the ministry's search and claims additional records responsive to his clarified request ought to exist.

[9] Mediation did not resolve the appeal, and it was transferred to the adjudication stage of the appeal process. I sought and received representations from the ministry and the appellant. The only issue before me in this appeal is reasonable search.<sup>4</sup>

[10] In the discussion that follows, I uphold the ministry's search for records responsive to the appellant's request as reasonable and dismiss the appeal.

## **DISCUSSION:**

[11] The sole issue to be decided is whether the ministry conducted a reasonable search for records relating to "any requests or directives from a provincial government official or body to repeal or amend the *Duffins Rouge Agricultural Preserve Act*" and all records relating to any such request or directive, including records of the discussion mentioned

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<sup>4</sup> I note that, in his representations, the appellant advised he is now interested in seeking access to some of the information withheld from the records that were disclosed to him in the ministry's original access decision. This information was removed from the scope of the appeal during mediation because the appellant confirmed he did not seek access to information withheld as not responsive or exempt under the *Act*. Accordingly, the information withheld from disclosure it is no longer at issue. I will not consider whether this information is either responsive to the appellant's request or exempt under the exemptions claimed by the ministry.

in paragraph 197 of the Integrity Commissioner's Report.

[12] If a requester claims additional records exist beyond those found by the institution, the issue to be decided is whether the institution conducted a reasonable search for records as required by section 24 of the *Act*.<sup>5</sup> If the IPC is satisfied the search carried out was reasonable in the circumstances, it will uphold the institution's decision. Otherwise, it may order the institution to conduct another search for records.

[13] 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.<sup>6</sup> The IPC will order a further search if the institution does not provide enough evidence to show it made a reasonable effort to identify and locate all the responsive records within its custody or control.<sup>7</sup>

[14] I have reviewed the parties' representations and find the ministry provided sufficient evidence to demonstrate it conducted a reasonable search for records responsive to the appellant's request as required by section 24 of the *Act*. I find the ministry engaged experienced employees knowledgeable in the subject matter of the request who then made reasonable efforts to locate responsive records.

[15] The *Act* does not require the institution to prove with certainty that further records do not exist. However, the institution must provide sufficient evidence to show it made a reasonable effort to identify and locate responsive records.<sup>8</sup> Responsive records are records that are "reasonably related" to the request.<sup>9</sup> Further, the IPC has generally required an institution take a broad and liberal interpretation of a request to ensure responsive records are located.<sup>10</sup>

[16] The ministry submits that, upon receipt of the appellant's request, it held an intake meeting with staff from the Policy Division – Assistant Deputy Minister's Office, Development and Hazard Policy Branch, Natural Heritage Section, Lands Claims and Treaties Section, and Legal Services Branch. The ministry submits its staff discussed the nature of the records and which branches of the ministry were likely to have responsive records. These staff determined the Minister's Office and Deputy Minister's Office should be included in the discussion, and a second intake meeting was held to discuss the request with subject matter experts from those offices.

[17] The ministry identified the staff from the relevant program areas who conducted the searches. These were:

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<sup>5</sup> Orders P-85, P-221, and PO-1954-I.

<sup>6</sup> Orders M-909, PO-2469, and PO-2592.

<sup>7</sup> Order MO-2185.

<sup>8</sup> Orders P-624 and PO-2559.

<sup>9</sup> Order PO-2554.

<sup>10</sup> See Order PO-4638.

- Ministry's Office: Chief of Staff (Natural Resources), Chief of Staff (Forestry), two Directors of Communications
- Deputy Minister's Office: Executive Advisor
- Policy Division – ADMO: Assistant Deputy Minister, Executive Assistant, Administrative Assistant, Senior Policy Advisor
- Legal Services Branch: Deputy director, Senior Counsel, A/Senior Counsel
- Development and Hazard Policy Branch: Director, Manager, Divisional Business Planning Advisor, Senior Policy Advisor (Acting), Senior Policy Advisor

[18] The ministry submits these individuals located approximately 1,700 pages of responsive records, using the key words "Duffins Rouge Agricultural Preserve Act" and "DRAPA" to search for responsive records from the requested time frame. The ministry submits these individuals searched their Outlook email folders and branch shared drives, where they believed potentially responsive records could be located. The ministry submits staff in the Legal Services Branch also searched paper records.

[19] The appellant submits the ministry did not provide evidence that its search was informed by staff with knowledge of the *DRAPA* repeal request. I do not agree. Based on my review, I find the ministry engaged experienced employees with knowledge of the subject matter to determine the appropriate program areas that would have responsive records. I also find experienced employees conducted searches for responsive records. I find the evidence supports a finding that the ministry engaged high level staff members from a wide range of relevant program areas to conduct searches for records responsive to the appellant's request.

[20] The ministry submits it did not conduct a second search for responsive records when the appellant clarified his request. The ministry claims the original request was broad enough to encompass any records that would be responsive to the narrower, clarified request. The ministry submits the clarified request narrowed the scope of the original request and would not result in additional, unique records being located as responsive. I agree with the ministry that the records located in response to the original request would contain records responsive to the clarified request.

[21] The appellant also takes issue with the ministry's use of search terms. The appellant submits the ministry ought to have included additional search terms such as "Cherrywood" or "CW", or "Greenbelt", "GB", "Special Report", or "SP" in conducting its searches. The appellant submits the ministry conducted an overly narrow search by limiting the search to "DRAPA" or "Duffins Rouge Agricultural Preserve Act."

[22] The appellant refers to the IPC's Special Report<sup>11</sup> regarding the Greenbelt in his

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<sup>11</sup> IPC, "Ontario's Greenbelt: Access to Information and Government Transparency", *2024 Annual Report* (12 June 2025), online at: <https://www.ipc.on.ca/en/2024-annual-report/ontarios-greenbelt-access-information-and-government-transparency>. (Special Report)

representations. In the Special Report, the IPC noted the use of code words by the Premier's Office and MMAH when referring to the Greenbelt project made it "unduly difficult" for the government to locate responsive records using standard search methodology.<sup>12</sup> I acknowledge this was the case for searches conducted by Cabinet Office for Premier's Office records and by MMAH. However, the appellant has not provided me with evidence to show MNRF used code words such as "SP" when referring to the proposed repeal or amendment of the *DRAPA*. Further, given the wording of his request, I do not find it was reasonable for the appellant to expect the ministry would search for terms such as "SP" or "Special Project" or "GB" without the appellant identifying them explicitly in his request.

[23] I find the appellant's request was clear and unambiguous and it was the ministry's duty to adopt a broad and liberal interpretation of the appellant's request when conducting the search. Based on my review, I find the ministry took a broad and liberal approach in responding to the appellant's request. Specifically, I accept the ministry's evidence that it did not limit its search terms to "Duffins Rouge Agricultural Preserve Act" and "DRAPA." Rather, the ministry submits its staff, who were knowledgeable in the subject matter of the request, conducted fulsome searches "using the key words relevant to their work." The ministry also submits the keywords used by other ministries or government offices do not necessarily reflect those used by the MNRF. Given the subject of the appellant's request (requests or directives to repeal or amend the *DRAPA*), I find the key words identified by the ministry would have encompassed the records responsive to the appellant's request. I am also satisfied the ministry demonstrated its staff adopted a broad interpretation of the request given the number of records located and its claim that staff did not limit their searches to only the key words identified.

[24] I find the ministry also properly considered whether responsive records could have been deleted inadvertently. Specifically, the ministry submits no responsive records would have once existed and now no longer exist. The ministry submits any responsive records would have retention periods of at least the current calendar year plus four years. In other words, because the appellant requested records from 2022, their earliest disposition would not be until 2027.

[25] In his representations, the appellant referred to a report by the Auditor General regarding the Greenbelt,<sup>13</sup> in which she found that emails had been regularly deleted by political staff. The appellant then referred to Order PO-4449-I in which the adjudicator ordered MMAH to take steps to ensure the preservation and recovery of responsive records, including email records. The appellant submits that, given the "extensive evidence of the regular deletion of emails related to the Greenbelt", the ministry should similarly take steps to preserve email records that may relate to *DRAPA* or Greenbelt.

[26] In response, the ministry submits the default settings for all ministry employees' email accounts automatically search the "deleted" folder for their inboxes when they

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<sup>12</sup> Special Report, referring to Orders PO-4634, PO-4611-I, and PO-4644.

<sup>13</sup> *Special Report on Changes to the Greenbelt*, published in August 2023 following an audit pursuant to the Auditor General Act, R.S.O. 1990, c. A.35, at page 67. (the Auditor General's Report)

complete a keyword search. As such, the ministry submits that if any emails were deleted, they would have been located in an email search. The appellant refers again to Order PO-4449-I in which the adjudicator explained the process through which an employee could manually and irretrievably delete items from their "deleted" folder and the "Recover Deleted Items" folder that stores items deleted from the "deleted" folder and submits I should require the ministry to take steps to preserve all deleted emails. However, the appellant has not provided me with evidence to demonstrate that staff from MNRF engaged in this practice. In the absence of such evidence, I will not order the ministry to further preserve all emails that may have been deleted.

[27] The appellant also submits the ministry failed to search personal accounts for records responsive to his request. The appellant refers to the Auditor General's Report which described the use of personal accounts by political staff to discuss the Greenbelt project.<sup>14</sup>

[28] The IPC will not usually require government staff to search their personal devices or accounts unless there is credible evidence to demonstrate they used such personal devices or accounts for government-related purposes. As I stated in Order PO-4638, it is expected for government staff to conduct their government business using their government accounts or devices and to store all government-related records on government property, accounts, or servers. It is also expected that government records will be located on government property, or in government accounts and servers.

[29] In Order PO-4638, I ordered Cabinet Office to require certain former staff from the Premier's Office to search their personal records for records relating to the proposed removal of lands from the Greenbelt. I made this order because there was clear evidence that personal accounts were used for government purposes. Specifically, the appellant provided me with a copy of a Teams meeting invitation sent to the personal account of the former Executive Director of the Premier's Office. There is no similar evidence before me demonstrating that members of MNRF staff used their personal accounts to conduct government work relating any requests or directives to repeal or amend the *DRAPA*.

[30] In his submissions, the appellant notes the IPC found the former chief of staff of MMAH used his personal accounts and devices in discussing changes to the Greenbelt. The appellant refers to Order PO-4639-I in which the adjudicator accepted evidence that the former chief of staff of MMAH used his personal accounts to conduct ministry business. The appellant submits that, "if [the former chief of staff] communicated with [MNRF staff] about the repeal of *DRAPA*, there is a reasonable likelihood that he may have used personal accounts to do so."

[31] I find it is speculative to rely on evidence relating to the MMAH's former chief of staff's use of personal devices and accounts to argue MNRF staff also used their personal devices or personal accounts to conduct ministry business and should therefore be required to search their personal accounts. There is no evidence before me to suggest MNRF staff were using their personal devices or personal accounts to conduct government

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<sup>14</sup> Auditor General's Report, page 67.

business. Further, there is no evidence showing the former chief of staff of MMAH was sending emails from his personal account to the personal accounts of MNRF staff. Moreover, there is no evidence before me to suggest that emails sent by the former chief of staff of MMAH from his personal account to MNRF staff would not have been caught by the searches conducted of MNRF staff's government accounts. In the absence of compelling evidence, I will not order the ministry to require staff to search their personal devices or personal accounts for responsive records in this case.

[32] Finally, the appellant submits that ministry staff conducted or participated in discussions regarding the repeal or amendment of the *DRAPA* and given these discussions, there must be records of those discussions. To support his claim, the appellant refers to the following:

- Paragraph 197 of the Integrity Commissioner's Report (quoted in the appellant's request) in which the ADM of MMAH was given directions to connect with MNRF officials regarding discussions between the chiefs of staff of the ministry regarding the *DRAPA*
- The ADM of MMAH's sworn testimony before the Standing Committee on Public Accounts<sup>15</sup>, in which he referred to the direction from MMAH's former chief of staff to repeal the *DRAPA*
- The Standing Committee testimony in which the Secretary of the Cabinet explained how conversations between ministry staff involving inter-ministry requests such as repealing the *DRAPA* generally occur

[33] The ministry claims all the records responsive to the appellant's original and amended request were provided to the appellant, in whole or in part.

[34] Although a requester will rarely be able to indicate precisely which records the institution has not identified, they must still provide a reasonable basis for concluding that such records exist.<sup>16</sup>

[35] It is unclear the types of "records of discussions" the appellant seeks in addition to the 1,700 pages of records located by the ministry in response to his original request. In his representations, the appellant refers to a redacted portion of an email that he believes "should have been found in a reasonable search and disclosed." It is my understanding this portion was withheld under the Cabinet records exemption in section 12 of the *Act*. I cannot determine whether this redacted portion was properly withheld because the only issue before me is reasonable search. Regardless, I do not agree with the appellant that the ministry located no records of discussions. Further, I do not agree the appellant has provided sufficient evidence to demonstrate additional responsive records exist beyond those he has already received.

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<sup>15</sup> [Committee Transcript 2024-May-06 | Legislative Assembly of Ontario.](#)

<sup>16</sup> Order MO-2246.

[36] The appellant submits the ministry failed to find any records of MMAH's communications with MNRF, including the directive from the Premier's Office that was communicated to the ministry via MMAH. The appellant submits these records should have been located in a reasonable search.

[37] While I accept the appellant's argument that ministry staff participated in discussions or conversations regarding the repeal or amendment of the *DRAPA*, the appellant has not provided me with evidence to suggest that staff produced records of these discussions. For example, the appellant has not pointed to evidence to show there were "meeting notes" or other "contemporaneous notes" taken during these discussions.<sup>17</sup> Therefore, I find the appellant has not provided evidence to support a finding that there is a reasonable basis for his belief that additional responsive records ought to exist.

Overall, I find the ministry provided sufficient evidence to demonstrate experienced employees knowledgeable in the subject matter of the request expended a reasonable effort to locate records responsive to the appellant's request. I find the ministry engaged staff from various program areas with expertise in the subject matter to conduct searches of their Outlook accounts, which included deleted emails, branch shared drives, and paper records, where relevant. I am satisfied ministry staff applied relevant key words ("DRAPA" and "Duffins Rouge Agricultural Preserve Act") and applied their subject matter expertise to adopt a broad interpretation of the request. Finally, I find the appellant has not provided sufficient evidence to demonstrate a further search is warranted.

[38] In conclusion, I find the ministry has fulfilled its obligations under section 24 of the *Act* and I uphold the ministry's search as reasonable.

**ORDER:**

I dismiss the appeal.

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

Justine Wai  
Adjudicator

\_\_\_\_\_ March 9, 2026

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<sup>17</sup> See Order PO-4611-I in which the adjudicator found evidence of meeting notes created by MMAH staff in the Integrity Commissioner's Report and ordered MMAH to conduct another search for records based on this evidence.