



Information and Privacy  
Commissioner/Ontario  
Commissaire à l'information  
et à la protection de la vie privée/Ontario

# **ORDER M-43**

**Appeal M-9200209**

**The Corporation of the City of Oshawa**



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# ORDER

## BACKGROUND:

The Corporation of the City of Oshawa (the city) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to the name of the individual or individuals who filed a complaint with the city regarding property owned by the requester. The city denied access to the name of the complainant (the affected person), citing sections 8(1)(b), 8(1)(d), 14(1) and 14(2)(h) of the Act. The requester appealed the city's decision.

The record is a Complaint Input Form, which is used by the city's Department of Planning and Development to record complaints received in connection with possible contravention of a city by-law.

Orders M-4, M-16, M-20, and M-31, issued by Commissioner Tom Wright, all dealt with requests to this municipality for the same type of information. In those orders, Commissioner Wright upheld the decision to deny access to the name of a complainant, pursuant to section 8(1)(d) of the Act. He found that the city's process of by-law enforcement qualified as "law enforcement" under the Act, and that there was "a reasonable expectation of confidentiality within the institution's process of by-law enforcement". In all of these orders, Commissioner Wright found that release of the record would disclose the identify of a confidential source of information.

Settlement of this appeal was not achieved, and the matter proceeded to inquiry. A Notice of Inquiry was sent to the appellant, the city and the affected person. The appellant was also provided with a copy of Order M-4, and was invited to make representations on any circumstances which would distinguish her appeal from the appeal which resulted in Order M-4. Written representations were received from the city and the affected person, but not from the appellant.

In its representations, the city outlines the circumstances of the complaint involving the appellant's property, and indicates that it also wishes to rely on representations made in the previous appeal that resulted in Order M-16. The affected party submits that he was assured by the city that his identity would be kept confidential.

Having reviewed the record and representations, I find that the name and address of the affected person are properly exempt under section 8(1)(d) of the Act. The information at issue in this appeal is the same type of information that was at issue in the previous appeals referred to earlier in this order, and the appellant has not identified any circumstances or raised any arguments which would distinguish this appeal from the others.

I find nothing improper in the city's decision to exercise discretion under section 8 to deny access to the exempt information, in the circumstances of this appeal.

Because I have found that the name and address of the affected person qualifies for exemption under  
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section 8(1)(d), it is not necessary for me to consider sections 8(1)(b), 14(1) and 14(2)(h) of the Act.

**ORDER:**

I uphold the head's decision.

Original signed by: \_\_\_\_\_  
Tom Mitchinson  
Assistant Commissioner

\_\_\_\_\_ October 5, 1992