



Information and Privacy  
Commissioner/Ontario

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

# ORDER M-589

Appeal M\_9500238

Town of Collingwood



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## **NATURE OF THE APPEAL:**

This is an appeal under the Municipal Freedom of Information and Protection of Privacy Act (the Act). The Town of Collingwood (the Town) received a request for access to copies of documents which would "prove the validity or invalidity of structures" located on named properties in the Town of Collingwood. The requester did not receive a reply from the Town within the thirty days specified in the Act and he appealed the deemed refusal to this office.

The appellant clarified his request, indicating that assessment records, building permits and building inspection reports relating to the named properties were the records being sought. As a result of this clarification, the Town released a number of documents to him. The Town further indicated that responsive records for all of the properties created prior to January 1, 1994 are held by the Township of Clearview. The Town also determined that no additional records responsive to the request exist beyond those which it disclosed. The requester appealed this decision.

The sole issue in this appeal is whether the Town's search for responsive records was reasonable in the circumstances.

A Notice of Inquiry was sent to the Town and the appellant. Representations were received from the Town only.

## **DISCUSSION:**

### **REASONABLENESS OF SEARCH**

As a result of the reorganization of Simcoe County which took effect on January 1, 1994, the Town and the Township of Clearview assumed jurisdiction over parts of the former Township of Nottawasaga. Several of the properties about which the appellant seeks information are located within the boundaries of the new Township of Clearview while others fall within the Town.

The Town indicates that all records responsive to the appellant's request as clarified which concern properties located within its boundaries have been provided to him. For records relating to the named properties which were created prior to January 1, 1994, the appellant was asked to direct his requests to the Township of Clearview, which continues to maintain all records of the former Township of Nottawasaga. The Town further submits that, to the best of its knowledge, all records responsive to the appellant's request which are in its custody and control have either been provided to him or do not exist.

Where a requester provides sufficient details about the records which he is seeking and the Town indicates that such records do not exist, it is my responsibility to ensure that the Town has made a reasonable search to identify any records which are responsive to the request. The Act does not require the Town to prove with absolute certainty that the requested records do not exist. However, in my view, in order to properly discharge its obligations under the Act, the Town

must provide me with sufficient evidence to show that it has made a **reasonable** effort to identify and locate records responsive to the request.

I have reviewed the representations of the Town. Based on the evidence which it has provided, and in the absence of any evidence to the contrary, I am satisfied that the efforts made by the Town to locate records responsive to the request were reasonable in the circumstances.

**ORDER:**

I uphold the decision of the Town.

Original signed by: \_\_\_\_\_  
Donald Hale  
Inquiry Officer

\_\_\_\_\_ August 28, 1995