



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

ORDER PO-1895

Appeal PA-010003-1

Ontario Realty Corporation



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NATURE OF THE APPEAL:

On April 6, 2000, the requester submitted a request under the Freedom of Information and Protection of Privacy Act (the *Act*) to the Ontario Realty Corporation (ORC) for the following:

- Minutes of all Ontario Realty Corporation (ORC) board meetings since June of 1998

Sections 26 and 29 of the *Act* require the ORC to issue a decision within 30 days after receipt of the request. The ORC did not issue a decision by May 6, 2000, and accordingly, placed itself in a "deemed refusal" position pursuant to Section 29(4) of the *Act*.

The requester (now the appellant) appealed the ORC's deemed refusal to the Information and Privacy Commissioner and on March 26, 2001 this office sent a Notice of Inquiry to each of the parties. The Notice stated that the Ministry was in a "deemed refusal" situation because a decision letter had not been issued to the appellant within the time period set out in Section 26 of the *Act*. The Notice also indicated that I would attempt to settle the appeal but if a settlement was not reached by April 10, 2001, I may, in my capacity as Acting-Adjudicator, issue an order requiring the ORC to issue a decision letter to the appellant.

DISCUSSION:

In discussions with both parties I discovered that the Ministry had been writing a lengthy briefing note which it felt had to be completed and circulated before a decision letter could be issued to the appellant. I asked the Ministry to expedite the decision making process in order to meet the deadline of April 10, 2001.

As of today's date the decision letter has not been issued. Nearly one year has passed without the ORC issuing a decision letter. The issuance of a proper decision letter is critical to the integrity of the access process. In addition, until the appellant receives a decision on these records, his ability to exercise his rights of appeal on the substantive decision as stated under the *Act* is postponed. I am therefore ordering the Ministry to issue its decision letter to the appellant, without recourse to a time extension under Section 27 of the *Act*, no later than April 19, 2001.

ORDER:

1. I order the Ministry to issue a decision letter to the appellant regarding access to the records in accordance with the *Act* and without recourse to a time extension, no later than April 19, 2001.
2. In order to verify compliance with Provision 1 of this order, I order the Ministry to provide me with a copy of the decision letter referred to in Provision 1 by April 19, 2001. This should be forwarded to my attention, c/o Information and Privacy Commissioner/Ontario, 80 Bloor Street West, Suite 1700, Toronto, Ontario, M5S 2V1

Original signed by: _____
Frances Soloway
Acting Adjudicator

_____ April 10, 2001