



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

ORDER MO-1418

Appeal MA_010077_1

Township of Stone Mills



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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 requester asked the Township of Stone Mills (the Township) for "...correspondence that may have occurred (including surface correspondence, email and phone records) between the Township, Hydro One, Forestry Unit and Kingston and between the Township and Hydro One, Forestry Unit and Toronto from the days just prior to November 28, 2000 to present. Also, names, their relevant professional qualifications and contact information for all Hydro One personnel who provided the Township with the expert assessment of trees which resulted in the marking for removal of seven trees ..."

Section 19 of the *Act* requires the Township to issue a decision within 30 days of receiving the request. The Township did not issue a decision, thus placed itself in a "deemed refusal" situation pursuant to section 22(4) of the *Act*.

The requester (now the appellant) appealed the City's deemed refusal to provide access to the records.

On March 21, 2001 this office sent the Township and the appellant each a Notice of Inquiry. The Notice stated that the Township was in a "deemed refusal" situation because a letter had not been issued to the appellant within the time period set-out in section 19 of the *Act*. The Notice also indicated that I would attempt to settle the appeal but if a settlement was not reached by April 4, 2001, I may, in my capacity as Acting-Adjudicator, issue an order requiring the Township to issue a decision letter to the appellant. On March 22, 2001, I commenced mediation with the parties.

During mediation, the Township assured me they would issue a decision letter within the week. In a conversation with the appellant, he confirmed that he was still interested in pursuing the request. On March 29, 2001 the appellant confirmed that he had not yet received a decision from the Township. I was unable to contact the Township to determine whether a decision had been issued. During a recent conversation with the Township, I confirmed that a decision still had not been issued. Therefore, I am ordering the Township to issue its decision letter to the appellant, without recourse to a time extension under section 20 of the *Act* no later than April 20, 2001.

ORDER:

1. I order the Township 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 20, 2001.

2. In order to verify compliance with Provision 1 of this order, I order the Township to provide me with a copy of the decision letter referred to in Provision 1 by April 20, 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: _____

Jeannine Morin

Acting Adjudicator

_____ April 10, 2001