



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

# **ORDER MO-1437**

**Appeal MA-010026-3**

**Regional Municipality of Peel**



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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 Regional Municipality of Peel (the municipality) for access to files for the Etobicoke Creek Sanitary Trunk Sewer - Contract 2, Region of Peel project 99-2960 and the Etobicoke Creek Sanitary Trunk Sewer crossing Burnhamthorpe Road.

Section 19 of the *Act* requires the municipality to issue a decision within 30 days of receiving the request. The municipality issued a letter providing a time extension of 60 additional days, under section 20 (1) of the *Act*. The requester (now the appellant) appealed this time extension. During mediation, the appellant suggested a date of March 1, 2001 and the municipality agreed to provide the decision by that date. The municipality sent a letter to the appellant confirming this commitment.

On March 1, 2001 the municipality sent an interim decision letter to the appellant, citing a fee of \$600, requesting a deposit of 100% of the estimated fee, and indicating that a number of exemptions would likely apply to the records. The appellant appealed the fee decision. During mediation, the municipality reduced the requested deposit to 50% of the estimated fee, but did not revise the amount of the fee itself. The appeal is now in the adjudication stage of our process.

On April 26, 2001, the appellant paid 50% of the fee to the municipality, but has not received a final decision letter. On June 4, 2001, a letter was sent to the municipality indicating that a deemed refusal appeal had been opened, and the mediation stage would be shortened to four days. On June 5, 2001, a Notice of Inquiry was issued, stating that the municipality was in a "deemed refusal" situation because a final decision letter had not been issued to the appellant. The notice indicated that the matter would be mediated, and if settlement was not reached by June 8, an order would be issued requiring the municipality to issue a decision letter to the appellant.

On June 8, 2001, the municipality contacted the Manager of Mediation of the Municipal Team to indicate that it was likely that the municipality could issue a decision letter with an index on Friday, June 15, 2001.

## **ORDER:**

1. I order the municipality 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 **June 15, 2001**.
2. In order to verify compliance with Provision 1 of this order, I order the municipality to provide me with a copy of the decision letter referred to in Provision 1 by **June 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: \_\_\_\_\_  
Leslie McIntyre  
Acting Adjudicator

June 11, 2001 \_\_\_\_\_