



**Information and Privacy  
Commissioner/Ontario**

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

# **ORDER MO-1507**

**Appeal MA-010393-1**

**District Municipality of Muskoka**



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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*).

On November 22, 2001, the requester submitted a request to the District Municipality of Muskoka (the Municipality) for records relating to “the selection of [a named company] supplied Chemical Feed System Equipment for the Ferndale Rd. Water Treatment Plant, prior to Nov. 30, 2000”. The requester specified that he is not interested in drawings or specifications. He indicated that he is interested in certain specific records:

1. “Communication by and between Muskoka and TSH dealing with the specifying of [the named company] for the supply of equipment for the project.
2. The review of alternative equipment and the results of any reviews.
3. Documents which identify all alternatives for equipment considered for this project by Muskoka or TSH.
4. Documents which show results of any comparison between [the named company] and alternative equipment.
5. Documents which identify Muskoka/TSH knowledge of [the named company] as being which of the following kinds of business; a contractor, a manufacturer, a retailer or supplier and/or broker of equipment obtained from others.
6. Documents which identify Muskoka/TSH knowledge of the source of [the named company] supplied materials and equipment, which would also identify knowledge of any brand names of equipment supplied by [the named company].”

The Municipality did not issue a decision letter to the requester as required by sections 19 and 22 within the 30 days prescribed by the Act, nor did the Municipality request a time extension to process the request under section 20(1) of the *Act*. Accordingly, the Municipality placed itself in a “deemed refusal” situation pursuant to section 22(4). The requester (now the appellant) appealed the Municipality’s deemed refusal to provide access to the records.

On January 24, 2002, a Notice of Inquiry was issued notifying the Municipality that a “deemed refusal” appeal had been opened, because a 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 February 7, 2002, an Order would be issued requiring the Municipality to issue a decision letter to the appellant.

I contacted the Municipality on a number of occasions but to date, a decision letter has not been issued.

## **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 February 15, 2002.

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 February 20, 2002. 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

February 7, 2002 \_\_\_\_\_