



**Information and Privacy  
Commissioner/Ontario**

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

# **ORDER MO-1502**

**Appeal MA-010377-1**

**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 October 26, 2001, the requester submitted a request to the District Municipality of Muskoka (the Municipality) for records relating to payments made by the Municipality to a list of eleven claimants who had registered liens and claim money owing from a named construction company, including records disclosing all such payments, and any documents exchanged relating to such payments.

On November 2, 2001, the requester expanded his definition of “any documents exchanged” to include records of communication to others such as a named company and any solicitors representing others advising or disclosing that such payments had been made, records executed with the payment recipient such as settlement documents or agreements including drafts and revisions, and records of the institutions with instructions to their own solicitors relating to the payments.

The Municipality did not issue a decision letter to the requester as required by sections 19 and 22 of the *Act* 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) of the *Act*. The requester (now the appellant) appealed the Municipality’s deemed refusal to provide access to the records.

On January 10, 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 January 24, 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 was informed that the request had not yet been processed. 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 1, 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 6, 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

January 24, 2002 \_\_\_\_\_