



**Information and Privacy
Commissioner/Ontario**

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

ORDER MO-1580

Appeal MA-020251-1

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*).

On June 6, 2002, the requester submitted a request to the Township of Stone Mills (the Township) for access to the following:

...copies of all records of Roads Department activities with regard to trees in the road allowances within and throughout the Municipality of Stone Mills (TSM), from 01 June '01 to the present (being the time at which the TSM responds to this information request).

This includes, but is not restricted to, copies of (O'Brien) invoices for tree assessment, for stump removals, for tree removals; as well as copies of (O'Brien) tree assessments, and the relevant excerpts from Roads Department journal(s) and records regarding (TSM) tree assessments, trimming and removal activities, contacts with adjacent property owners with regard to the dispositions of particular trees, notes on the intended disposition of particular trees, discussions with other institutions, agencies, or officials with regard to trees, or information about trees, in the TSM road allowances, etc., as these records may apply to these issues, anywhere throughout the effective jurisdiction of the TSM.

The Township 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 Township request a time extension to process the request under section 20(1) of the *Act*. Accordingly, the Township placed itself in a "deemed refusal" situation pursuant to section 22(4) of the *Act*. The requester (now the appellant) appealed the Township's deemed refusal to provide access to the records.

On September 25, 2002, a Notice of Inquiry was issued notifying the Township 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 October 9, 2002, an Order would be issued requiring the Township to issue a decision letter to the appellant.

I contacted the Township on three occasions with respect to this matter. To date, a decision letter has not been issued.

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 October 28, 2002.

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 October 28, 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: _____
Andrea Schwartz
Acting-Adjudicator

_____ October 22, 2002