



**Information and Privacy
Commissioner/Ontario**

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

ORDER MO-1582

Appeal MA-020288-1

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 July 2nd, 2002, the requester (now the appellant) submitted a request to the Township of Stone Mills (the Township) for:

...copies of all such written requests received by the Township of Stone Mills, on or since 19 March '01 to the present...from whatever requester, with regard to whatever tree(s) within the Township of Stone Mills.

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 appellant appealed the Township's deemed refusal to provide access to the records.

On October 7, 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 a settlement was not reached by October 22, 2002, an Order would be issued requiring the Township to issue a decision letter to the appellant.

I contacted Township and discussed the issue of preparing a decision letter. The Township indicated that they would seek advice in this regard. Since this discussion, I have left messages on two occasions but to date, no decision letter has 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 **November 6, 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 **November 8, 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: _____
Warren Morris
Acting-Adjudicator

October 30, 2002 _____