



**Information and Privacy  
Commissioner/Ontario**

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

# **ORDER MO-1601**

**Appeal MA-020376-1**

**City of Toronto**



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## **NATURE OF THE APPEAL:**

On November 1, 2002, the City of Toronto (the City) received a request under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) for access to all records relating to an internal investigation conducted by a named Municipal Licensing and Standards District Manager, concerning an alleged assault of a named individual by a named City Property Standards Officer.

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

On December 13, 2002, a Notice of Inquiry was issued notifying the City that an appeal had been opened. The Notice indicated that attempts would be made to mediate the matter, and if settlement was not reached by December 30, 2002, an order would be issued requiring the City to issue a decision letter to the appellant.

I contacted the City on three occasions, most recently on January 2, 2003. The City informed me that responsive records had not as yet been collected. Furthermore, the City could not provide a date by which a decision would be issued. Accordingly, I am issuing this order.

## **ORDER:**

1. I order the City to issue an access decision to the appellant, in accordance with the *Act* and without recourse to a time extension, no later than January 22, 2003.
2. In order to verify compliance with Provision 1, I order the City to provide me with a copy of the decision letter referred to in Provision 1 by January 27, 2003. 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: \_\_\_\_\_  
Alex Kulynych  
Acting-Adjudicator

\_\_\_\_\_  
January 6, 2003