



**Information and Privacy  
Commissioner/Ontario**

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

# **ORDER MO-1619**

**Appeal MA-030050-1**

**City of Toronto**



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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 December 16, 2002, the requester submitted twenty-one requests to the City of Toronto (the City) for copies of building permits for various properties located in and around the City.

Section 19 of the *Act* requires the City to issue a decision within 30 days of receipt of a request. If a decision is not issued within that time period, the City is in a “deemed refusal” situation pursuant to section 22(4) of the *Act*. That provision states:

A head who fails to give the notice required under section 19 or subsection 21(7) concerning a record shall be deemed to have given notice of refusal to give access to the record on the last day of the period during which notice should have been given.

The City did not issue decision letters for sixteen of the twenty-one requests within the 30 days prescribed by sections 19 and 22 of the *Act*, nor did the City request a time extension to process the requests 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*.

On February 14, 2003, the requester (now the appellant) appealed the City’s deemed refusal to provide access to the records, to the Office of the Information and Privacy Commissioner.

On February 21, 2003, a Notice of Inquiry was issued to both the appellant and the City stating that the City was in a “deemed refusal” situation as decision letters had not been issued within the time period prescribed by the *Act*. The Notice also advised that if this matter was not resolved by way of settlement by March 7, 2003, in my capacity as Acting-Adjudicator I would be in a position to issue an order requiring the City to provide decision letters to the appellant.

On February 24, 2003, I was provided with a copy of a decision letter issued by the City in response to one of the sixteen requests on appeal. The decision was issued on February 18, 2003. The appellant is satisfied with that decision.

I contacted the Freedom of Information Co-ordinator who informed me that due to a backlog of building permit requests, the City was unable to provide me with a firm date upon which decision letters could be issued in response to the remaining fifteen requests.

## **ORDER:**

1. I order the City to issue decision letters to the appellant regarding access to the records related to requests 02-3010, 02-3012, 02-3015, 02-3016, and 02-3017, in accordance with the *Act* and without recourse to a time extension, no later than March 7, 2003.
2. I order the City to issue decision letters to the appellant regarding access to the records related to requests 02-3018, 02-3020, 02-3022, 02-3024, and 02-3025 in accordance with the *Act* and without recourse to a time extension, no later than March 14, 2003.

3. I order the City to issue decision letters to the appellant regarding access to the records related to requests 02-3026, 02-3027, 02-3028, 02-3029, and 02-3030 in accordance with the *Act* and without recourse to a time extension, no later than March 21, 2003.
4. In order to verify compliance with Provisions 1 through 3 of this order, I order the City to provide me with a copy of the decision letters referred to in Provision 1 by March 7, 2003, those referred to in Provision 2 by March 14, 2003, and those referred to in Provision 3 by March 21, 2003. All decision letters should be forwarded to my attention, c/o Information and Privacy Commissioner/Ontario, 80 Bloor Street West, Suite 1700, Toronto, Ontario, M5S 1V1.

Original signed by: \_\_\_\_\_  
Catherine Corban  
Acting-Adjudicator

February 28, 2003 \_\_\_\_\_