



**Information and Privacy
Commissioner/Ontario**

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

ORDER MO-1685

Appeal MA-030295-1

City of Toronto



80 Bloor Street West,
Suite 1700,
Toronto, Ontario
M5S 2V1

80, rue Bloor ouest
Bureau 1700
Toronto (Ontario)
M5S 2V1

416-326-3333
1-800-387-0073
Fax/Télééc: 416-325-9195
TTY: 416-325-7539
<http://www.ipc.on.ca>

NATURE OF THE APPEAL:

This is an appeal under the *Municipal Freedom of Information and Protection and Privacy Act* (the *Act*).

On July 17, 2003, the requester submitted a request to the City of Toronto (the City) for access to various records concerning a development project at a specific property.

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 the time limit, 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 required notice 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 a decision within the 30 days prescribed by sections 19 and 22 of the *Act*, nor did the City advise the appellant in writing that it required a time extension 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*.

On August 19, 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 August 25, 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 a letter had not been issued within the time period described by the *Act*. The Notice also advised that if this matter was not resolved by way of settlement by September 8, 2003, in my capacity as Acting-Adjudicator I would be in a position to issue an order requiring the City to provide a decision letter to the appellant.

After several conversations, I was advised by the City that a decision would not be released by the September 8, 2003 deadline. The City was unable to provide me with a definitive date as to when the decision would be issued.

ORDER:

1. I order the City to issue a decision letter to the appellant regarding access to the records outlined in his request letter dated July 17, 2003, in accordance with the *Act* and without recourse to a time extension, no later than **September 18, 2003**.

2. In order to verify compliance with the terms of Provision 1, I order the City to provide me with a copy of the decision letter by **September 18, 2003**. The decision letter 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: _____
Brian Bisson
Acting Adjudicator

_____ September 11, 2003