



**Information and Privacy
Commissioner/Ontario**

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

ORDER MO-1849

Appeal MA-040274-1

Toronto Community Housing Corporation



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NATURE OF THE APPEAL:

On July 6, 2004 the Toronto Community Housing Corporation (TCHC) received a request under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) for access to records concerning work orders granted to pre-qualified contractors. The request specifically stated:

At this time we wish to see a list of contractors since 1998 that have applied for their contractor Pre-Qualification, when they were approved, how much they have received, what type of work and how often (if they are on a regular rotation list). The same applies for non-rotational trades as outlined above.

In its written response dated July 14, 2004, TCHC advised the requester that in accordance with section 20 of the *Act*, it was extending the time for responding to the request beyond the 30 days prescribed in the *Act*, to September 3, 2004. TCHC advised the requester that the reason for extending the time limit was as follows:

TCHC must have time to conduct a thorough search for the records, as the scope of the request is very broad.

In a follow-up letter dated September 10, 2004, TCHC advised the requester that it was further extending the time extension to October 12, 2004, stating the same reason for the extension.

The requester, now the appellant, appealed the decision to extend the time limit to October 12, 2004.

On September 28, 2004, I sent a Notice of Inquiry to the TCHC setting out the issue in appeal and asked for written submission by October 5, 2004. No written representations were provided.

DISCUSSION:

The sole issue for me to determine in this appeal is whether the extension of time, claimed by TCHC was made in accordance with section 20(1) of the *Act*.

Section 20(1) of the *Act* states:

A head may extend the time limit set out in section 19 for a period of time that is reasonable in the circumstances, if,

- (a) the request is for a large number of records or necessitates a search through a large number of records and meeting the time limit would unreasonably interfere with the operations of the institution; or
- (b) consultations with a person outside the institution are necessary to comply with the request and cannot reasonably be completed within the time limit.

During the mediation stage of this appeal, several phone calls were made to the TCHC to discuss this appeal. Although the TCHC left one voicemail message, there was no further effort to discuss the issues on appeal, the details of the request or the type of search required. As stated earlier, TCHC did not provide written representations.

In its decision advising the appellants of the time extension, TCHC used wording found in section 20(1)(a) of the *Act*. Since I do not have the benefit of receiving representations from TCHC and no reference has been made to section 20(1)(b) in the decision letter, I will only consider whether the Board has extended the time in accordance with section 20(1)(a) of the *Act*.

The appellant's request appears to be broad as it involves records for the last six years. On my initial review, it did appear reasonable that TCHC may require additional time to conduct a detailed search and find the records responsive to the appellant's request. If TCHC had provided me with a description of the steps necessary to address the request and stated all the locations it had to search, I may have confirmed its decision to extend the time limit as set out in section 20(1)(a) of the *Act*.

But as noted previously, I received no phone calls during the mediation stage of the appeal and no written representations.

I have no evidence to support that there is a large number of records to search that would unreasonably interfere with the operations of the TCHC. Therefore, I have no evidence to support that there is a reasonable basis to extend the time limit as set out in section 20(1)(a) of the *Act*.

ORDER:

1. I order the TCHC to issue a decision letter to the appellant regarding access to the records relating to the request in accordance with the *Act* and without recourse to a time extension, no later than **October 12, 2004**.
2. In order to verify compliance with Provision 1 of this Order, I order the City to provide me with a copy of the decision letter referred to in Provision 1 by **October 12, 2004**. This should be forwarded to my attention, c/o Information and Privacy Commissioner/Ontario, 2 Bloor Street East, Suite 1400, Toronto, Ontario, M4W 1A8.

Original signed by: _____

Brian Bisson
Acting Adjudicator

October 7, 2004 _____