



**Information and Privacy
Commissioner/Ontario**

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

ORDER MO-1979

Appeal MA-050335-1

Toronto Community Housing Corporation



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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 August 8, 2005, the requester made the following access requests to the Toronto Community Housing Corporation (TCHC):

Request # 1

Copies of everything in my legal file including police reports, legal reports, complaint letters from tenants, photographs, medical reports, complaint letters from anyone.

Request # 2

Copies of all complaint letters against me including the ones from (individual A - apt #), (individual B - apt #). I would also like copies of the letters that (individual C and individual D) wrote to support my eviction in 2003. There is a letter from (individual E - apt #) that I would like also. In your section 14, you did not specify which sub-section you were referring to.

I also want copies of letters with advice and comments made about me by Toronto Housing Personnel.

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

A head who fails to give 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.

On September 17, 2005, the requestor (now the appellant) wrote to this office indicating that the TCHC had not replied to her request under the *Act*.

On September 22, 2005, this office sent a Notice of Inquiry to both the appellant and the TCHC stating that the TCHC was in a deemed refusal situation. The Notice also stated that if a decision was not issued by October 6, 2005, I would be in a position to issue an order requiring the TCHC to provide a decision letter to the appellant.

I attempted to contact the Freedom of Information Co-ordinator for the TCHC on September 27, and 29, 2005, and again on October 4 and 6 and 11, 2005, leaving a voice mail message on each occasion. The TCHC has failed to return my calls.

To ensure that there are no further delays in processing this request, I am ordering the TCHC to issue a decision regarding access.

ORDER:

1. I order the TCHC 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 **October 20, 2005**.

2. In order to verify compliance with Provision 1 of this Order, I order the TCHC to provide me with a copy of the decision letter referred to in Provision 1 by **October 20, 2005**. This should be forwarded to my attention, c/o Information and Privacy Commissioner/Ontario, 2 Bloor St. East, Suite 1400, Toronto, Ontario, M4W 1A8.

Original signed by: _____
Jim Palmer
Intake Analyst

_____ October 12, 2005