

Information and Privacy Commissioner,
Ontario, Canada



Commissaire à l'information et à la protection de la vie privée,
Ontario, Canada

ORDER PO-3509

Appeal PA14-13-2

Ministry of Economic Development, Employment and Infrastructure

July 14, 2015

Summary: The Ministry of Economic Development and Trade, now the Ministry of Economic Development, Employment and Infrastructure (the ministry), received a request under the *Freedom of Information and Protection of Privacy Act (FIPPA)* for records pertaining to the evaluation of the costs and benefits to the Government of Ontario of the following:

1. The Craft Brewer Opportunity Fund;
2. Marketing grants or other funding to the Ontario Craft Brewers Association (the OCB);
3. The commodity tax mark-up program for craft brewers.

The ministry located the responsive records and granted access to them. Some of the records were withheld, in full or in part, by reason of the mandatory third party information exemption in section 17(1) of *FIPPA*. This order upholds the ministry's decision that the information at issue is exempt by reason of sections 17(1)(a) and (c).

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, as amended, sections 17(1)(a), (b), and (c).

Orders and Investigation Reports Considered: Order PO-2734.

OVERVIEW:

[1] The Ministry of Economic Development and Trade, now the Ministry of Economic Development, Employment and Infrastructure (the ministry), received a request under the *Freedom of Information and Protection of Privacy Act* (*FIPPA* or the *Act*) for access to the following information:

...all records for the time period January 1, 2008 to August 31, 2013 inclusive, including any correspondence, reports, statistics, summaries, analysis, briefing notes, or plans in the possession of [the ministry] or [the Ministry of Finance] pertaining to the evaluation of the costs and benefits to the Government of Ontario of the following:

1. The Craft Brewer Opportunity Fund;
2. Marketing grants or other funding to the Ontario Craft Brewers Association;
3. The commodity tax mark-up program for craft brewers; and
4. Any other Craft Brewer Incentive allowed, studied or contemplated.

[2] The request was subsequently clarified to exclude item 4 of the request.

[3] After notifying an affected party, the Ontario Craft Brewers Association (the OCB), the ministry granted partial access to the responsive records. Some of the records were withheld, in full or in part, by reason of the mandatory third party information exemption in section 17(1) of *FIPPA*.

[4] The requester, now the appellant, appealed the ministry's decision.

[5] During mediation, the appellant advised that it is only pursuing access to twelve records.

[6] As mediation did not resolve the issues in this appeal, the file was transferred to the adjudication stage of the appeal process, where an adjudicator conducts an inquiry. I sought and received representations from the parties in accordance with section 7 of the IPC's *Code of Procedure and Practice Direction 7*.

[7] In this order, I uphold the ministry's decision and dismiss the appeal.

RECORDS:

[8] The following records remain at issue in this appeal:

Ministry's Index of Records

Record #	Description	Section / Pages of Record	Release? Yes/No/Partial
46	OCB Data Bases, Models, Analysis September 2013	1 to 15	Partial
52	Special Merchandising Agreement Between LCBO & The Ontario Craft Brewers (2010)	1 to 2	No
57	Pre-Budget Submission - Grant Renewal Request - Ontario Craft Brewers (Jan 15, 2011)	1 to 12	Partial
59	Pre- Budget Submission 2008 - LCBO Margin Enhancement Program February 2008	1 to 11	Partial
69	Overview Ontario Craft Brewers' Achievement February 2008	1 to 6	Partial
79	Document - Ontario Craft Brewers Need your Help	1 to 2	Partial
83	Document re: Micro-Strategy Grant November 21, 2012	1 to 9	Partial
85	The Evolution of Ontario's Craft Brewing Industry Benchmark Report	1 to 75	Partial
88	OCB 2011 Strategic Plan May 25, 2011	1 to 9	No
89	OCB 2010 Strategic Plan January 27, 2010	1 to 9	No
90	OCB 2009 Marketing Plan Final Draft December 15, 2008	1 to 20	No
91	OCB 2008 Business Review	1 to 20	No

[9] The ministry claimed the application of sections 17(1)(a) and (c) to the withheld information. The affected party also claimed these exemptions, as well as the application of section 17(1)(b).

DISCUSSION:

Does the mandatory third party information exemption at section 17(1) apply to the records?

[10] Section 17(1) states in part:

A head shall refuse to disclose a record that reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly, where the disclosure could reasonably be expected to,

- (a) prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (b) result in similar information no longer being supplied to the institution where it is in the public interest that similar information continue to be so supplied;
- (c) result in undue loss or gain to any person, group, committee or financial institution or agency.

[11] Section 17(1) is designed to protect the confidential “informational assets” of businesses or other organizations that provide information to government institutions.¹ Although one of the central purposes of the *Act* is to shed light on the operations of government, section 17(1) serves to limit disclosure of confidential information of third parties that could be exploited by a competitor in the marketplace.²

[12] For section 17(1) to apply, the institution and/or the third party must satisfy each part of the following three-part test:

1. the record must reveal information that is a trade secret or scientific, technical, commercial, financial or labour relations information; and

¹ *Boeing Co. v. Ontario (Ministry of Economic Development and Trade)*, [2005] O.J. No. 2851 (Div. Ct.), leave to appeal dismissed, Doc. M32858 (C.A.) (*Boeing Co.*).

² Orders PO-1805, PO-2018, PO-2184 and MO-1706.

2. the information must have been supplied to the institution in confidence, either implicitly or explicitly; and
3. the prospect of disclosure of the record must give rise to a reasonable expectation that one of the harms specified in paragraph (a), (b), (c) and/or (d) of section 17(1) will occur.

Part 1: type of information

[13] The ministry submits that the records contain commercial information as the information consists of highly sensitive business and financial information relating to the operations and future business plans of the OCB and its members.

[14] The ministry also submits that the records contain financial information regarding current financials and projections that the OCB were relying upon for its operations. The ministry states that it requires a certain amount of financial data in order to implement and maintain business support grants, and the OCB had to supply this information in order to continue to receive the grants.

[15] The OCB states that the records contain commercial and financial information, such as documents regarding the marketing, forecasting, revenue, budgeting, growth and strategies of the OCB and its member breweries.

[16] The appellant does not dispute that the records may contain commercial and financial information.

Analysis/Findings

[17] I agree with the ministry and the OCB that the records contain commercial and financial information related to the marketing, forecasting, revenue, budgeting, growth and strategies of the OCB and its member breweries.

[18] These types of information listed in section 17(1) have been discussed in prior orders:

Commercial information is information that relates solely to the buying, selling or exchange of merchandise or services. This term can apply to both profit-making enterprises and non-profit organizations, and has equal application to both large and small enterprises.³ The fact that a record might have monetary value or potential monetary value does not necessarily mean that the record itself contains commercial information.⁴

³ Order PO-2010.

⁴ Order P-1621.

Financial information refers to information relating to money and its use or distribution and must contain or refer to specific data. Examples of this type of information include cost accounting methods, pricing practices, profit and loss data, overhead and operating costs.⁵

[19] Therefore, part 1 of the test has been met for the information at issue in the records.

Part 2: supplied in confidence

Supplied

[20] The requirement that the information was “supplied” to the institution reflects the purpose in section 17(1) of protecting the informational assets of third parties.⁶

[21] Information may qualify as “supplied” if it was directly supplied to an institution by a third party, or where its disclosure would reveal or permit the drawing of accurate inferences with respect to information supplied by a third party.⁷

[22] The contents of a contract involving an institution and a third party will not normally qualify as having been “supplied” for the purpose of section 17(1). The provisions of a contract, in general, have been treated as mutually generated, rather than “supplied” by the third party, even where the contract is preceded by little or no negotiation or where the final agreement reflects information that originated from a single party.⁸

[23] There are two exceptions to this general rule which are described as the “inferred disclosure” and “immutability” exceptions. The “inferred disclosure” exception applies where disclosure of the information in a contract would permit accurate inferences to be made with respect to underlying non-negotiated confidential information supplied by the third party to the institution.⁹ The immutability exception arises where the contract contains information supplied by the third party, but the information is not susceptible to negotiation. Examples are financial statements, underlying fixed costs and product samples or designs.¹⁰

[24] The ministry submits that the records originate entirely from the affected party and were transmitted to enhance the ministry's knowledge and elicit potential support

⁵ Order PO-2010.

⁶ Order MO-1706.

⁷ Orders PO-2020 and PO-2043.

⁸ This approach was approved by the Divisional Court in *Boeing Co., cited above, and in Miller Transit Limited v. Information and Privacy Commissioner of Ontario et al.*, 2013 ONSC 7139 (CanLII) (*Miller Transit*).

⁹ Order MO-1706, cited with approval in *Miller Transit*, above at para. 33.

¹⁰ *Miller Transit*, above at para. 34.

for the craft brewing industry. It states that the agreements included among the records are not ones to which the province is a party and, therefore, cannot be said to be the result of negotiations.

[25] The OCB states that it supplied all of the records to the ministry.

[26] The appellant states that at least one of record was not supplied to the ministry, Record 52, which it describes as a contract concluded between the OCB and the Liquor Control Board of Ontario (the LCBO).¹¹ It states that this contract is presumed not to be “supplied”, and that the ministry and the OCB have not shown that either the inferred disclosure or immutability exceptions apply.

Analysis/Findings

[27] I will first address Record 52, which is the only agreement at issue in this appeal. Record 52 is entitled, “Special Merchandising Agreement Between LCBO and the Ontario Craft Brewers”. It is a marketing agreement between these two parties, not the ministry and the OCB.

[28] As stated above, the contents of a contract involving an institution and a third party will not normally qualify as having been “supplied” for the purpose of section 17(1). In this case, Record 52 is not a contract between the institution in this appeal, the ministry, and the OCB. Instead it is a contract between the OCB and another institution, the LCBO and, therefore, its terms were not mutually generated between the ministry and the OCB, but were mutually generated between the OCB and the LCBO. Therefore, I find that Record 52 was supplied to the ministry.

[29] Concerning the remaining records, I agree with the ministry that they originated entirely from the affected party and were transmitted to assist the ministry's knowledge and potential support of the craft brewing industry. Therefore, I find that all of the records were supplied by the OCB to the ministry.

In confidence

[30] In order to satisfy the “in confidence” component of part two, the parties resisting disclosure must establish that the supplier of the information had a reasonable expectation of confidentiality, implicit or explicit, at the time the information was provided. This expectation must have an objective basis.¹²

¹¹ The appellant states that the LCBO is an Ontario Government enterprise and for all purposes, an agent of the Crown, pursuant section 4.0.3(2) of the *Liquor Control Act*, R.S.O. 1990, c. L.18.

¹² Order PO-2020.

[31] In determining whether an expectation of confidentiality is based on reasonable and objective grounds, all the circumstances of the case are considered, including whether the information was

- communicated to the institution on the basis that it was confidential and that it was to be kept confidential
- treated consistently by the third party in a manner that indicates a concern for confidentiality
- not otherwise disclosed or available from sources to which the public has access
- prepared for a purpose that would not entail disclosure.¹³

[32] The ministry states that the records were provided to it by the OCB for its internal use and for the purpose of entering into discussions to consider the availability of financial assistance to support the craft brewing industry. It submits that the information provided was never intended to be made public. The ministry states that the information at issue was submitted and used only for evaluating the work of the OCB and the need for financial support of the craft brewer sector.

[33] The OCB states that it submitted this information with the expectation of confidentiality and has treated the records as confidential in all its other dealings.

[34] The appellant states that there are no indicia in the disclosed portions of the records that demonstrate a reasonable expectation of confidentiality, other than on the last page of Record 83 and in the header of Record 85. It states that both the ministry and the OCB did not provide sufficient evidence to support a finding that the records were consistently treated as confidential, or not otherwise disclosed or available to the public. It further states that the ministry has not provided evidence that in inviting the OCB to provide business or financial information, it would accept this information with the expectation of keeping it confidential. It also states that there is also no evidence that when the OCB delivered the information to the ministry, that it did so on the condition that the ministry keep it confidential, other than for Records 83 and 85. It concludes by submitting that:

Instead, it appears that the OCB's information was provided voluntarily to the ministry, in order to allow the ministry to evaluate the OCB's work and need for financial support. There is no evidence of an expectation or promise of confidentiality, other than for Records 83 and 85.

¹³Orders PO-2043, PO-2371 and PO-2497, *Canadian Medical Protective Association v. Loukidelis*, 2008 CanLII 45005 (ON SCDC); 298 DLR (4th) 134; 88 Admin LR (4th) 68; 241 OAC 346.

...Even if the dominant purpose was not to have the Appeal Records disseminated to the general public, considering that the Appeal Records supported the OCB's application for government grants, subsidies, tax incentives, or other financial support, the ministry and OCB must have contemplated that this information could be subject to public scrutiny. If anything, it is more reasonable to expect disclosure of this information to the public, to allow the public to understand the government's evaluation of these programs, rather than expecting the government process to be clouded in secrecy.

Analysis/Findings

[35] The records at issue are documents filed with the ministry by the OCB concerning:

1. The Craft Brewer Opportunity Fund;
2. Marketing grants or other funding to the OCB; and,
3. The commodity tax mark-up program for craft brewers.

[36] The ministry provides funds and tax credits to the OCB, which are directed towards OCB's marketing initiatives and training activities that are undertaken on behalf of the entire craft beer industry. In addition, breweries may be eligible for funding under a range of regional, and agri-food related funding programs. The ministry reviews the effectiveness of these programs on a regular basis and recipients often make submissions¹⁴ to the provincial government regarding their sector and areas of opportunity for provincial support.¹⁵

[37] Based on my review of the parties' representations and the records, I find that the records were supplied in confidence to the ministry as they were:¹⁶

- communicated to the ministry on the basis that they were confidential and were to be kept confidential
- treated consistently by the OCB in a manner that indicates a concern for confidentiality
- not otherwise disclosed or available from sources to which the public has access
- prepared for a purpose that would not entail disclosure.¹⁷

¹⁴ Such as the records in this appeal.

¹⁵ From ministry's representations.

¹⁶ As set out above.

[38] I note the appellant's concern that only two records, Records 83 and 85 contain the word "Confidential". However, as set out above, the information must have been supplied to the institution in confidence, either implicitly or explicitly. Just because a record is not marked confidential does not necessarily mean that it was not supplied in confidence. The information may have been implicitly supplied with a reasonable expectation of confidentiality.

[39] I also note the appellant's position that the OCB must have contemplated that this information could be subject to public scrutiny. However, this position conflicts with the OCB's position that it supplied the information at issue in the records to the ministry in confidence.

[40] Based on all the evidence, I find that part 2 of the test under section 17(1) has been met as the OCB has supplied the information at issue to the ministry with a reasonable expectation of confidentiality.

Part 3: harms

[41] The party resisting disclosure must provide detailed and convincing evidence about the potential for harm. It must demonstrate a risk of harm that is well beyond the merely possible or speculative although it need not prove that disclosure will in fact result in such harm. How much and what kind of evidence is needed will depend on the type of issue and seriousness of the consequences.¹⁸

[42] The failure of a party resisting disclosure to provide detailed and convincing evidence will not necessarily defeat the claim for exemption where harm can be inferred from the surrounding circumstances. However, parties should not assume that the harms under section 17(1) are self-evident or can be proven simply by repeating the description of harms in the *Act*.¹⁹

[43] In applying section 17(1) to government contracts, the need for public accountability in the expenditure of public funds is an important reason behind the need for "detailed and convincing" evidence to support the harms outlined in section 17(1).²⁰

Representations

¹⁷Orders PO-2043, PO-2371 and PO-2497, *Canadian Medical Protective Association v. Loukidelis*, 2008 CanLII 45005 (ON SCDC); 298 DLR (4th) 134; 88 Admin LR (4th) 68; 241 OAC 346.

¹⁸*Ontario (Community Safety and Correctional Services) v. Ontario (Information and Privacy Commissioner)*, 2014 SCC 31 (CanLII) at paras. 52-4.

¹⁹ Order PO-2435.

²⁰ Order PO-2435.

[44] With respect to section 17(1)(a), the ministry submits that disclosing the records at issue would cause prejudice to the OCB and its members' competitive position in the marketplace, which would be directly contrary to the purpose for which it supports the OCB. It states that as some of these documents were confidentially submitted with the objective of highlighting some of the existing weaknesses and vulnerabilities of craft brewers and the OCB, their release would imperil these parties' competitive positions.

[45] The ministry also submits that disclosure of the redacted information, which was created and shared to present craft brewers' market challenges, would prejudice the OCB's members' competitive position in the marketplace with respect to their reputation and customers.

[46] The ministry relies on Order PO-2734, where it states that the IPC held that disclosing the details of the insurers' financial position, company marketing strategy, experience and assumptions would prejudice the position of the insurers relative to their competitors.

[47] With respect to section 17(1)(c), the ministry submits that the benefit that resulted through the process of providing information to the ministry to assist the government make a determination on its investment could be undermined if competitors were to find out confidential commercial and financial information about the OCB and its members' business that would effectively make it difficult for OCB to compete in the marketplace.

[48] It is also the ministry's position that disclosure of the records would result in undue gain to OCB's members' competitors, and an undue loss to OCB members, because it would enable competitors to more fully understand the OCB's financial outlook and potentially impact the growth of the craft brewing sector.

[49] The OCB provided representations on each severance in each record. It submits that if known to competitors, the records would cause irreparable harm to the OCB as well as the position of the individual craft beer companies in the Ontario market. Specifically, it states that disclosure would:

- significantly prejudice the competitive position of the OCB and its individual members [s. 17(1)(a)];
- cause certain commercial and financial information to not be supplied to the ministry in the future contrary to the public interest [s. 17(1)(b)]; and
- result in undue loss to the OCB and its individual members as well as undue gain to the requester and competing entities [s. 17(1)(c)].

[50] The OCB states that it gives Ontario's craft brewers the opportunity to compete with national and multinational breweries. It states that without the OCB, small brewers would not have the resources to carry out marketing, government relations and strategic planning. It states that:

Competitors with access to the Appeal Records would unfairly undermine the initiatives of the OCB and its members. For example, the OCB relies on tax structures and grant programs that its competitors may seek to undercut or lobby against. In addition, knowledge of the OCB's strategic plans would allow competitors to become significantly more advantaged than is already the case with The Beer Store controlled by the big three foreign brewers.

[51] The appellant submits that the ministry and the OCB did not provide sufficient evidence to meet part 3 of the test under section 17(1). It states that the OCB, which is in the best position to assess any harm that is reasonably expected to result from disclosure, provided no detailed and convincing evidence of harm.

[52] The appellant states that none of the ministry's and OCB's statements are supported with details or evidence and none of these claims are tied to specific records. It states that the OCB has not shown what harm would result, why it would result, or that it has created some information that would have proprietary value to a competitor. It disputes the representations made by the OCB on each record and submits that the OCB has not provided sufficient evidence in its representations in support of the claimed exemptions.

[53] The appellant submits that the ministry's statements that access to the records could influence the OCB's competitors' public relations and lobbying strategies, open the OCB's data to criticism, and damage the OCB members' reputation with customers are also speculative and unsupported. It states that these "harms" are not harms that *FIPPA* is intended to protect against.

[54] Insofar as section 17(1)(b) is concerned, this exemption was claimed by only by the OCB. The appellant states that without any support from the ministry, there is insufficient evidence to find that this exemption applies. The appellant also states that nowhere does the OCB definitively state it would not supply information to the ministry in the future, specify what commercial or financial information it would decline to supply, or explain why this would be contrary to the public interest. The appellant states:

The OCB also does not confirm that it would refuse to submit information to the Ministry even if supplying this information were a condition of receiving financial support in the future. The OCB is entirely silent on why

not supplying information to the Ministry would be contrary to the public interest, or what the public interest is.

Analysis/Findings

[55] Based on my review of the records, I agree with the OCB in its specific representations on each record that the records contain information about sales, pricing, industry data, internal sales and growth forecasts, purchasing quality and business models, budget information, branding and customer information, OCB's activities and accomplishments based on grants, internal budget allocations and strategies, marketing, internal budget data, and other confidential financial and business information.

[56] I find that disclosure of this information could reasonably be expected to significantly prejudice the competitive position of the OCB and its members under section 17(1)(a) or result in undue loss to the OCB's members or gain to the OCB's members' competitors under section 17(1)(c).

[57] The OCB is an association of 48 Ontario-based craft brewers which control less than 5 percent of the provincial beer market. These craft brewers primarily compete with the three major foreign owned breweries which own The Beer Store where over 89 percent of beer in Ontario is sold. The Government of Ontario has supported the craft brewing industry through direct small business grants and loans, as well as reduced taxes on products.²¹ I agree with the ministry that disclosure could reasonably be expected to:

- prejudice the OCB's and its members' competitive position by enabling competitors to more fully understand the OCB's financial outlook,
- allow criticism of data relied upon by the OCB for its advocacy and public positioning;
- prejudice the OCB members' competitive position in the marketplace by damaging their reputation with customers.

[58] The information at issue in the records in this appeal was provided to the ministry by the OCB in relation to the evaluation of the costs and benefits of the Ontario government's advancing funds and providing tax incentives to the OCB.

[59] In Order PO-2734, Senior Adjudicator Frank DeVries considered the application of section 17(1)(a) to similar types of records. In that order, the records were required

²¹ From OCB's representations.

to be filed by insurance companies with the Financial Services Commission of Ontario (FSCO) and included details of insurance companies' financial position, marketing strategy, experience and assumptions. In that order, Senior Adjudicator DeVries stated:

In my view the disclosure of the detailed information contained in these sections, which is required to be filed with FSCO to describe and support an insurer's request for approval to modify the insurer's rates and/or risk classification system, could reasonably be expected to prejudice significantly the competitive position of the insurers. These sections contain the rationale, actuarial support, and economic justification for any changes in rates and/or risk classification systems that are requested by the insurer, and I accept the Ministry's position that disclosing the details of the insurers' financial position, company marketing strategy, experience and assumptions would prejudice the position of the insurers relative to their competitors.

I also accept the affected parties' arguments that price and service are the two major ways in which insurers compete and that, due to the competitive nature of the industry, disclosure of information relating to planned price changes, marketing plans, and costs on a product line or geographic basis would be harmful to the company whose data is disclosed. I also accept that the processes used by the companies in the setting of base rates and differentials are not standardized, are confidential products of the company's business strategies based on proprietary data with respect to loss experiences, represent a strategic asset of each company and that disclosure could cause specific harm to the company.

[60] Similarly, I find that disclosure of the records in this appeal, which is information required by the ministry in support of the OCB's funding and tax credits and includes pricing and marketing information, could reasonably be expected to prejudice significantly the competitive position of Ontario's craft brewers. Therefore, I find that section 17(1)(a) applies. I accept the ministry's and the OCB's position that disclosing the confidential commercial and financial information of the OCB, including its marketing strategy, would prejudice the competitive position of craft brewers relative to their competitors, the large foreign-owned beer companies.

[61] I also find that section 17(1)(c) applies as disclosure of the confidential pricing, marketing, and other business and financial information of the OCB could reasonably be expected to result in undue loss to the OCB and its individual member craft breweries, as well as undue gain to competing entities. I agree with the OCB that competitors with access to the information at issue could seek to undercut or lobby against tax structures and grant programs.

[62] In addition, I agree with the OCB that knowledge of the OCB's strategic plans would allow competitors to gain a more significant commercial and financial advantage than is already the case with The Beer Store controlled by the big three foreign brewers.

[63] The OCB is responsible for a variety of marketing and sales initiatives that promote Ontario craft beer and is a vehicle through which small Ontario breweries can engage the provincial and federal governments on topics such as job creation, tax programs and levelling the playing field for small brewers. In making my determination under section 17(1), I disagree with the appellant's position that influencing the OCB members' competitors public relations and lobbying strategies, and damaging the OCB members' reputation with its customers, could not reasonably be expected to prejudice significantly the OCB members' competitive position under section 17(1)(a) or cause the OCB members undue loss or their competitors undue gain under section 17(1)(c).

[64] Accordingly, I find that part 3 of the test has been met for both sections 17(1)(a) and (c), and that the information at issue in the records is exempt under section 17(1).

[65] Although it is not necessary to decide on the application of sections 17(1)(b), I will do so. I agree with the appellant that, based on the lack of representations from the ministry on section 17(1)(b), I do not have sufficient evidence to determine that this section applies and that disclosure of the records could reasonably be expected to result in similar information no longer being supplied to the ministry. I also agree with the appellant that the OCB did not confirm that it would refuse to submit information to the ministry, even if supplying this information were a condition of receiving financial support in the future. As a result, I conclude that section 17(1)(b) has no application to the records at issue.

ORDER:

I uphold the ministry's decision and dismiss the appeal.

Original Signed By:
Diane Smith
Adjudicator

July 14, 2015