



Ulli S. Watkiss
City Clerk

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January 23, 2007

Rami Tabetlo
359 Palmerston Boulevard
Toronto, Ontario
M6G 2N5

Dear Mr. Tabetlo:

Re: Access Requests File 06-4944, 4945, 4946, 4947, and other recent requests

Section 4(1) of the *Municipal Freedom and Protection of Privacy Act* states:

Every person has the right of access to a record or part of a record in the custody or under the control of an institution unless...

(b) the head is of the opinion on reasonable grounds that the request for access is frivolous or vexatious.

After careful consideration, I am of the view that the most recent requests you have made are frivolous and/or vexatious within the meaning of section 5.1(a) of Regulation 823 of the *Act*. To date you have submitted some 625 access requests of which 338 have been completed. This large volume of requests forms part of a pattern of conduct that amounts to an abuse of the right of access and has caused a burden on the City's systems of operations including those of Toronto Building, City Planning, Municipal Licensing and Standards and the Corporate Access and Privacy Office.

"A pattern of conduct" requires "recurring incidents of related or similar requests on the part of the requester (or with which the requester is connected in some material way)." An example of the meaning of "abuse" is a situation where a process is used more than once, for the purpose of revisiting an issue or issues that have previously been addressed.

On November 28, 2006, City Directors, Jim Laughlin (Toronto Building), Gary Wright (Community Planning), Lance Cumberbatch (Municipal Licensing and Standards) and Managers from Toronto Building met with you to discuss the nature of your complaints that formed the basis for your reason to file numerous access requests and to determine if there was an opportunity to work cooperatively with you and your group to streamline the numerous requests for information with the incoming complaint letters that you had forwarded across the three divisions of the City. At that time, you provided two letters outlining 229 signs located on 184 properties without a permit or where major deviations had been made to the signs originally

erected without a permit, as well as information about 7 permits for which you believed false or mistaken information had been provided.

At that time, City staff of Toronto Building and Municipal Licensing and Standards assured you that your complaints would be taken seriously and that appropriate action was already being contemplated to address the concerns you raised in your complaints. Following the meeting with you, the City took steps to discuss and detail an appropriate strategy for investigating the allegations that you put forward in your complaints and proceeding with the development of a new enforcement policy for the Sign By-Law and Building Code Act. City officials also undertook to proceed with a proactive strategy to regulate illegal third party signs and to report to City Council when further direction is required.

We believe that because of the issues you raised in discussions and meetings with City staff from Toronto Building and Municipal Licensing and Standards, what you are raising are matters of enforcement and policy in reference to City Council's direction. The City has undertaken steps to resolve the broader enforcement policy issues that you have brought to the City's attention. However, the changes to the City's enforcement policy and the development and approval of the new Sign By-Law must follow specific processes through the appropriate committees and City Council. Enforcement and policy direction cannot be resolved through the Freedom of Information process.

Filing a large volume of access request on individual properties does not shed further light on the matters that you have brought to the City's attention respecting your complaints about enforcing the City's Sign By-law. The Freedom of Information process that you are utilizing will not assist the City in resolving the broader issues of enforcement policy for signs nor will it assist in expediting the approval processes prescribed by statutes and City by-laws. The City must follow a prescribed decision-making process enshrined in the *City of Toronto Act, 2006*. The high volume of your requests appears to be for the sole purpose of revisiting enforcement policy matters that City enforcement staff have already addressed with you. The continued filing of access to information requests for copies of sign plans for individual properties creates an unsustainable burden on the operations of the City. We understand that you have established a working relationship with the staff in the enforcement policy program areas and through your discussions with these staff, you have been made aware of the fact that the City is actively pursuing a change in the Sign By-Law and the accompanying enforcement policy.

It is for these reasons that I consider your requests to be frivolous and vexatious within the meaning of the *Act*.

You may request that the Information and Privacy Commissioner review this decision. The Commissioner is located at 2 Bloor Street East, Suite 1400, Toronto, Ontario M4W 1A8. Please provide the Commissioner with a copy of this letter and a copy of your most recent requests.

Please note that you have 30 days from receipt of this decision to request a review.

In addition, you must send an appeal fee to the Commissioner's office. Please be advised that the

fee to appeal a request for general records is **\$25.00**. Please include the fee in your letter of appeal.

Appeal fees should be in the form of either a cheque or a money order, made payable to the *Minister of Finance*.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ulli S. Watkiss', with a large, sweeping flourish extending to the right.

Ulli S. Watkiss
City Clerk

Encl.