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ADRO INVESTIGATION REPORT

Complainant:	Complainant
Complaint Reference Number:	MUN-12408-0121
Complaint Commenced:	January 12, 2021
Date All Required Information Received:	March 25, 2021
Report Date:	May 28, 2021
Investigator:	Ben Drory

Terms of Reference

This report has been prepared pursuant to the ADR Chambers Ombuds Office (ADRO) Terms of Reference, which describe the scope of ADRO's mandate, its process upon receiving Complaints, and the authority and responsibilities of an ADRO Investigator.

ADRO Analysis

I am satisfied from the evidence that the City wasn't under any legal obligation to provide Complainant with the information he has asked for, and that the City provided the Issuance Listing Reports to Complainant as a service, which he paid for. I accept at face value that Complainant's request would require substantial man-hours to complete, which are beyond the City's capacity and outside the Building Department's standard business. I can understand why compiling information for a single property is different from doing so for hundreds of matters.

I do think there was a miscommunication in one of Permit Technologist's emails to Complainant. On January 5, 2021, she told Complainant that the reason the City couldn't re-run the Issuance Listing Reports was a matter of policy; that is technically incorrect. There does not seem to be any policy covering such matters – Manager – Building Permits confirmed that the City simply doesn't re-run Issuance Listing Reports after they've been issued, as a matter of conventional practice. Nevertheless, matters of day-to-day practice are still significant, and the City is under no obligation to change them where there is no legal issue.

Ultimately, I don't accept Complainant's suggestion that the City had the technical capacity to do what he was asking. Manager – Building Permits specifically denied it, and Coordinator of Geomatics said he would need to take three months to investigate what could be achievable, and made no promises. The evidence I found suggests that there is no technological link between the City's Issuance Listing Reports and its open data.

I understand that Complainant is disappointed with the records that he received, as they are insufficient for what he had in mind. But my review of the correspondence showed that the City neither misled Complainant nor promised him something different from what it provided. On September 29, 2020, Complainant asked Permit Technologist for a sample page of an issuance listing report – to which she provided one, that itself had an “N/A” in one of the entries. In spite of the “N/A” having been present in the sample, Complainant then asked for the 13-year set of listing reports, which Permit Technologist provided. I noted that Permit Technologist also repeatedly told Complainant that the City would not re-run the issuance listing reports.

I am aware that Complainant’s exchange with Coordinator of Geomatics remains unresolved, and the City’s geomatics department is free to address it however it wishes.

Conclusion and Recommendation

I find that that the City followed its policies and procedures appropriately in this case. Accordingly, I make no recommendations against the City.

Respectfully submitted,

Ben Drory
ADRO Investigator