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## ADRO INVESTIGATION REPORT

<b>Complainant:</b>	Complainant
<b>Complaint Reference Number:</b>	MUN-12408-0121
<b>Complaint Commenced:</b>	January 12, 2021
<b>Date All Required Information Received:</b>	March 25, 2021
<b>Report Date:</b>	May 28, 2021
<b>Investigator:</b>	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. Defined terms used below have the same meaning as in the Terms of Reference.

### Complaint – History of Proceedings

The complainant (“Complainant”) is a resident of Asheville, North Carolina, and works for a company involved in data retrieval and analysis (“Complainant’s Organization”). He filed the following formal complaint against the City of Burlington (the “City”) to ADRO, on January 12, 2021:

#### *Summary of the Complaint*

*I submitted a request for an electronic report or export of all building, demo, and sub/trade permits available in the City’s system that included a variety of fields, including addresses/locations for the permitted work. The Building Dept. provided me with monthly issuance reports back to 2007 (records before then are apparently only scans, which I cannot use and let the office know I did not require) after I paid \$780.00 for these records. One such report is attached to the included email as an example. I have also attached all dated email correspondence related to this request. Unfortunately, upon review, many of the permits in these reports (upwards of 50% in some years) do not contain addresses/locations for permits or have a value of “N/A”. After reaching out to the Building Dept. about this, I have learned that permits with no or a “N/A” address/location listed in the reports have since been updated with a location/address in the City’s system since the original report was run. Therefore, the reports provided to me are outdated, incomplete, and do not accurately represent the City’s electronic permit records that I paid to receive. I have also learned that they are able to re-run the reports to provide updated*

*information, but the Building Dept. will not run such reports as a matter of policy. It would be understandable if the records going further back in years simply were more sparse in detail, and I would be more willing to accommodate in that situation, but that does not seem to be the case here. Rather, the information I am seeking exists within the City's system, and the City is simply unwilling to produce it.*

### ***Steps Taken to Resolve the Complaint***

*Upon discovering the issue above, I reached out to the Building Department to attempt to resolve the matter. After telling me they would not re-run a report and confirming that the information has changed since the report was originally run, I requested they reconsider. As I understand, the Building Dept.'s manager made the decision that no such updated information would be provided. Following this denial, I reached out to the City's Access and Privacy Coordinator to ask what recourse might be available and was then referred to the Ombudsman. Please see attached email corresponded for a full, dated listing of correspondence.*

### ***Suggested Resolution***

*In summary, I am seeking a copy of this report to be ran from 2007 to present with all addresses included in order to receive the information I originally requested, was told by the Building Dept. I would be receiving, and thus paid for with that understanding. I am hoping the Ombudsman may be able to advise me as to what recourse is available to me in terms of an appeal so that I may secure the electronic records in question. I am not requesting a particular course of action at this time, but wish to know what recourse is available in this matter.*

### **ADRO Investigation**

I reviewed the file information provided with both parties, and subsequently conducted telephone interviews with:

- Complainant
- For the City: Director – Buildings & By-Law; Manager – Building Permits; and Coordinator of Geomatics

The chain of correspondence between the parties is important background to this case. Complainant first reached out to the City of Burlington's Building Department by email on September 24, 2020:

***From:*** Complainant

***To:*** Mailbox, Building

***Sent:*** September 24, 2020 4:37 pm

***Subject:*** Public Information Request – Building & Trade Permits

*Good afternoon,*

*My name is Complainant with Complainant's Organization. I am writing today to submit a request for public records. More specifically, I'm looking for a copy of electronic records (nothing scanned or printed) containing all residential and commercial building, demo, and sub/trade (mechanical, electrical, plumbing, HVAC, etc.) permits applied for from January 1, 1990 – or as far back as electronically available – to present.*

*The information I am seeking from Burlington, ON would include, but is not limited to: permit number, issue date, address (city/province/postal code), permit type, status and a description of the work done as well as contractor details and valuations. The availability of these fields and types of permits depend on what is being tracked by your jurisdiction and can vary, but we've found information like this is often consistently tracked in Canada as well as U.S. Many times a permit management software system is used to issue and track permits. Often these systems have generic reports such as Permit History Report, Permit Activity Log, Permit Issued Report, etc. that would contain this information. Often times, IT departments can extract and export this information from the database in use. The file types we generally look for are .txt, .csv, .xls, .pdf, etc.*

*If there are any fees associated with this request for electronic information, please provide a detailed invoice before providing any records. Please let me know if you have any questions or need me to fill out additional forms for this request. I thank you in advance for your help and look forward to hearing back at your earliest convenience.*

A Permit Technologist in the City's Building & By-law Department replied to Complainant the next day:

**From:** Permit Technologist  
**To:** Complainant  
**Sent:** September 25, 2020 10:45 am  
**Subject:** Public Information Request – Building & Trade Permits

*Good morning,*

*Thank you for your inquiry. Unfortunately our public records do not go back that far rather, they date back to 2015. I have attached the link below from Burlington's website with the Building Statistics and Reports. You can contact Service Burlington to inquire if a special search can be done for this information, however I am unsure if this is possible.*

...

Complainant and Permit Technologist continued corresponding over the next week:

**From:** Complainant  
**Sent:** September 25, 2020 11:26 am

*I appreciate that information. I am looking for more permit-level information for this timespan (i.e.. permit number, issue date, address (city/province/postal code), permit type, status and a description of the work done as well as contractor details and*

valuations) for each permit, rather than statistical summaries. Do you happen to have an email for the person I should contact about it if it is not your dept.? ...

**From:** Permit Technologist  
**Sent:** September 25, 2020 1:42 pm

... We have a report called an Issuance Listing which provides information on permits that have been issued that month. This information includes file number, date issued, building type, work proposed, GFA and estimated construction value. We have these reports dating back to 2004. I believe the cost per 1 month of Issuance Listing is \$5.00 or \$50.00 for the year of reports. If this is something you are interested in I can find the total fee.

You can contact Service Burlington at [city@burlington.ca](mailto:city@burlington.ca). I do not have a specific contact within that department.

**From:** Complainant  
**Sent:** September 25, 2020 1:46 pm

... Would it be possible to provide a small sample of the building permit listing? I'd like to look at it and see if it has what I need to see what I would be paying for. Just one page or a few lines of information would be fine. If it doesn't I will reach out to someone else. Thanks for your help!

Permit Technologist sent Complainant a sample Issuance Listing page on September 29, 2020 – which was the first page of the report created on February 5, 2020, respecting permits issued in January 2020. The page showed the following records for six projects:

<u>File Number</u>	<u>Date Issued</u>	<u>Location</u>	<u>Work Proposed</u>
13 021490 REV 02 IP	01/21/2020	1015 Sutton Dr. Burlington	Addition
17 013411 REV 03 GP	01/15/2020	2250 Parkway Dr. Burlington	Renovation (No ZC Reqd)
18 022411 000 00 AP	01/23/2020	N/A	Addition
18 024687 000 00 CP	01/06/2020	3410 Mainway Burlington	New
18 025291 REV 01 CP	01/21/2020	5035 South Service Rd. Burlington	Renovation (No ZC Reqd)
19 012228 000 00 CP	01/08/2020	3295 Fairview St. Burlington	Renovation

After reviewing the sample, Complainant asked Permit Technologist how far back she could run such reports, if the originals were highlightable/searchable PDFs, and if any reports were available that included the postal code in the location. Permit Technologist replied:

**From:** Permit Technologist  
**Sent:** September 29, 2020 11:24 am

*... These reports are created at the end of each months. All reports I can provide have already been created. They include all building permits, of all types, issued that month. The report does not include a postal code and I do not have any other reports already created that include that. The reports are pdf (highlightable and searchable) dating back to 2004. I have four reports from 2004, 12 reports for each year starting in 2005-2019 and 8 reports for 2020.*

After Complainant inquired about an estimate, Permit Technologist clarified:

**From:** Permit Technologist  
**Sent:** September 30, 2020 2:19 pm

*... I have opened some of our older Issuance Listing Reports. I have discovered some of them are scanned and are not highlightable however the information is still there. As well, there is only 3 for 2004, not 4 like I previously mentioned. I have attached the total I have calculated for \$805.00. ...*

Complainant asked if the City could re-run the scanned reports so that they'd be highlightable and searchable, and said he'd be happy to review a revised invoice if that'd lead to additional fees. Permit Technologist replied:

**From:** Permit Technologist  
**Sent:** October 1, 2020 10:14 am

*... We are unable to re-run these reports. You can used the scanned copy or alternatively, we can provide you with only the original pdf versions of the reports, not the scanned items. If you wish to receive only the pdfs that can be highlighted and searched, please let me know and I will adjust the fee for the reports.*

Complainant asked Permit Technologist why a report for a previous month couldn't be run, to which she replied:

**From:** Permit Technologist  
**Sent:** October 1, 2020 12:26 pm

*... We are not going to re-run any reports that were already created as per the request of my Manager. The reports created are available for the public if they wish. We are not going to alter the reports or re-run them as the information is there.*

*It looks to me that the scanned versions are from 2004-2006. All reports from 2007-2020 are searchable and highlightable. If you wish to obtain the reports from 2007-2020 please let me know.*

Complainant ultimately formally requested the copies of the reports from 2007-present, for \$779.70 (\$690.00 + \$89.70 HST), and Permit Technologist sent him the Issuance Listing Reports on November 23, 2020.

Complainant reached out to Permit Technologist again a month later, and their correspondence re-engaged:

**From:** Complainant

**Sent:** December 22, 2020 12:02 pm

*... Apologies I am just now reaching out – it's taken me awhile to look through the records. Unfortunately, I have noted after viewing the reports that many permits do not have an address/location or have an N/A address or location. Could an Issuance Listing report or any other report that has a site address for all permits be run?*

*Some permits/files of the many with no address include:*

- 13 008333 000 00
- 20 448639 000 00 PL
- 14 007640 REV 02 PL
- 11 006320 000 00 SO
- 08 006510 000 00 PL

*I recall you stating your manager did not wish to re-run reports, and the reason for not re-running these reports was that all the information I am requesting is contained within. It looks like many permits did not have an address in the system when the reports were run, however, but have been updated since then. As such, and especially after paying such a sum, could your dept. run an issuance listing report for the timespan I am requesting so that I may receive all the information I requested and paid for, i.e., address information for permits? ...*

**From:** Permit Technologist

**Sent:** December 23, 2020 9:02 am

*... Unfortunately these reports cannot be ran a second time. This is because the information it pulled at the time of issuance is accurate and any further information added to the file is additional and not required to be displayed in the issuance listing. Can you confirm if the only further information you require is the address? I will need to go back manually to get you these addresses.*

**From:** Complainant

**Sent:** December 23, 2020 9:08 am

*... Yes, the address is the only thing missing from many permits in the reports. Unfortunately, there are a lot of permits (hundreds) without addresses/locations. I don't think it would be feasible to manually compile each, but if that is something your office would be willing to do, I can get a list together.*

*Otherwise, is there any other report, export, that just includes addresses? Maybe IT could just export a master list of all file numbers and their associated addresses for the timeframe?*

**From:** Permit Technologist  
**Sent:** January 4, 2021 10:54 am

*... I have spoke with my Manager this morning and the reports you have received is all we can give you. We are unable to rerun the reports as previously mentioned. These reports were all created at the end of the month they are listed as. These reports are sent out to the public as is. ...*

**From:** Complainant  
**Sent:** January 5, 2021 10:21 am

*... To be clear, is your department unable to re-run these reports with the current technical capabilities, or unwilling, as a matter of policy? Just want to be sure I understand the situation.*

*The reason I am seeking re-runs is that many permits do not have a location in the reports, and these locations have been added since the initial permit was issued. This is evidenced by some permits on this open data posting having the address: <https://navburl-burlington.opendata.arcgis.com/datasets/building-permits> This posting, however, is incomplete in other ways, which is why I sought the reports.*

*If technologically impossible, do you think another dept. may be able to export the permit information with complete location/addresses for all permits? ...*

**From:** Permit Technologist  
**Sent:** January 5, 2021 10:56 am

*... The majority of the reports you have requested were completed long ago. Once the report has been run and created we do not alter the report in any way. These reports were sent out to the public like this. We do not rerun these reports. When you requested these reports you were getting the original reports that were created.*

**From:** Complainant  
**Sent:** January 5, 2021 11:10 am

*... So it is a matter of policy, not technical inability? Still unclear – apologies for my confusion.*

**From:** Permit Technologist  
**Sent:** January 5, 2021 11:18 am

*... Yes it is a matter of policy. We do not rerun any reports. We only run it once and keep the original.*

**From:** Complainant  
**Sent:** January 5, 2021 3:32 pm

*... That's helpful information. In that case, could you confirm if file numbers 09 011120 000 00 SO (July 2010), 11 009915 REV 01 HT (March 2012), and 12 012823 REV 04 PL (June 2013) have locations in your system now, since they did not when the report was run? Just trying to verify if some of these old permits have addresses/locations in the system now or if the N/A remains.*

**From:** Permit Technologist  
**Sent:** January 6, 2021 8:28 am

*... These building permits have a location assigned to them. When the report was generated it did not however state it. These reports cannot be fixed as they were created at the end of each month. The information on them is all I can offer.*

Complainant reached out to the City's Access and Privacy Department later that day:

**From:** Complainant  
**Sent:** January 6, 2021 2:48 pm

*... I am reaching out to ask what recourse I may have after receiving incomplete/inaccurate records I requested from the City of Burlington's Building and Bylaw Department (Building Dept.)*

*... The Building Dept. provided me with monthly issuance reports back to 2007 ... after I paid \$780 for these records. ...*

*Unfortunately, upon review, many of the permits in these reports (upwards of 50% in some years) do not contain addresses/locations for permits or have a value of "N/A". After reaching out to the Building Dept., I have learned that they are able to re-run the report with all addresses included but the Building Dept. will not run such a report as a matter of policy. ... Therefore, the reports provided to me are outdated, inaccurate, and do not accurately represent the City's electronic permit records that I paid to receive. ...*

*In summary, I am seeking a copy of this report to be ran from 2007 to present with all addresses included in order to receive the information I originally requested, was told by the Building Dept. I would be receiving, and thus paid for with that understanding. I am hoping someone at the City may be able to advise me as to what recourse is available to me in terms of an appeal so that I may secure the electronic records in question. ...*

The City's Access and Privacy Coordinator advised Complainant that he had discussed his concern with the Deputy Clerk, Manager of Records and Information, who thought that Complainant's best

recourse would be to submit a complaint to the City's external Ombudsman – which was the established process when a resident/customer is unsatisfied with a City program, service or staff member.

I reviewed an Issuance Listing report that Complainant provided as an example. It was dated August 5, 2016, respecting permits issued in July 2016, ordered sequentially by file number. The July 2016 report was 20 pages long, with each page (except the final page) containing 7 entries per page.

Three sample permits from page 1 of the report reflected the following information:

**File Number:** 15 020310 000 00 SO

**Date Issued:** 07/27/2016

**Building Type:** Accessory Building

**Work Proposed:** New

**# Units:** 0

**GFA (m<sup>2</sup>):** 35.00

**Est. Const. Value:** 35,000

**Location:** 81 North Shore Blvd. W Burlington

**Applicant:** Complete Spa & Pool, 1153 Pioneer Rd., Bldg B, Burlington, ON

**Project Description:** Construct a Timber Framed Covered Patio (18'-0" x 156'-0") – OBC 2012

**File Number:** 15 023290 000 00 SO

**Date Issued:** 07/06/2016

**Building Type:** Single Detached Dwelling

**Work Proposed:** Demolition – Building

**# Units:** (blank)

**GFA (m<sup>2</sup>):** 206.80

**Est. Const. Value:** 8,000

**Location:** 2316 No. 2 Side Rd. Burlington

**Applicant:** 546958 Ontario Ltd., 2433 No. 2 Side Rd., Burlington, ON

**Project Description:** Remove Dwelling and out building including all foundations

**File Number:** 16 001713 000 00 GP

**Date Issued:** 07/08/2016

**Building Type:** Institutional/Government Facility

**Work Proposed:** Renovation (No ZC Req'd)

**# Units:** (blank)

**GFA (m<sup>2</sup>):** 339.00

**Est. Const. Value:** 50,000

**Location:** 50 North Shore Blvd. E Burlington

**Applicant:** Kalos Engineering Inc., 875 Main St. W, Hamilton, ON

**Project Description:** Repair of existing ramp and storage room at basement level including new retaining walls and concrete finish. Addition of new exterior exit stairs

*adjacent to ramp. New guards and handrails to be installed meeting 2012 OBC requirements.*

There were occasionally listings in the Report that didn't have information for all of the categories listed, including sometimes the 'Location'. There were 16 such entries (i.e., marked "N/A" in the 'Location' field) among the 135 permits listed in the July 2016 report. I noted there were also 44 permits reflecting "N/A" in the 'Applicant' line. Some examples were as follows:

**File Number:** 14 008822 000 00 SO  
**Date Issued:** 07/08/2016  
**Building Type:** Single Detached Dwelling  
**Work Proposed:** Addition  
**# Units:** 0  
**GFA (m<sup>2</sup>):** 96.40  
**Est. Const. Value:** 120,000  
**Location:** 1264 Waterdown Rd. Burlington  
**Applicant:** N/A  
**Project Description:** 2 Storey addition 2012 OBC

**File Number:** 16 012745 000 00 PL  
**Date Issued:** 07/04/2016  
**Building Type:** Single Detached Dwelling  
**Work Proposed:** Backwater Valve  
**# Units:** (blank)  
**GFA (m<sup>2</sup>):**  
**Est. Const. Value:** 2,000  
**Location:** N/A  
**Applicant:** N/A  
**Project Description:** Install Mainline Backwater valve

**File Number:** 16 012788 000 00 PL  
**Date Issued:** 07/07/2016  
**Building Type:** Single Detached Dwelling  
**Work Proposed:** Septic System – New  
**# Units:** (blank)  
**GFA (m<sup>2</sup>):**  
**Est. Const. Value:** 70,000  
**Location:** N/A  
**Applicant:** Cynthia Zahouk Architect Inc, 3077 New St., Burlington, ON  
**Project Description:** New Septic 2012 OBC

I spoke with Complainant by phone. He described he was looking for building permit and sub-trade demo information, and specifically some kind of report or data export that would contain all permits from 1990-present, or as far back as electronically available. He said Complainant's Organization researches permit and construction activity for commercial purposes, to track trends and collectivize information – providing insights related to construction and permit activity.

Complainant said he hadn't dealt with the City of Burlington before, and was pretty sure it was Complainant's Organization's first interaction with them, which was partly why the request was so large – i.e., they had no records from the City, and so needed to go far back in time.

Complainant said he understood the City maintains monthly building permit reports, and a fee was calculated to purchase each year's reports. He acknowledged that the reports largely had what he was looking for, but part of the request was for accurate addresses – which looked solid in the small sample he was provided, but once he received the reports he noticed a lot of reports marked 'N/A', upwards of 50% in some years. He confirmed that the addresses were his only source of concern. Complainant said his payment was for receiving accurate information, and if the City was unable to provide accurate addresses that'd be one thing, but in the time since the reports were run, the address information had been updated – so the City could run more accurate reports, but just didn't want to, as a matter of policy. He stated that the City maintains an open data site that provides some address information, but its file numbers were incomplete, so there was no way to match the permits between the two sources – however, the open data site was indicative that the City was storing address information that could be provided.<sup>1</sup> He said if the Issuance Listing Reports could be re-run for the timespan he was requesting, it'd presumably pull in all of the data now.

Complainant said part of the value in understanding building trends is knowing where a permit took place – the location is crucial to understanding the data, and really has no value without it. He added that the permits were a matter of public record and concern, because they were issued by the City. Complainant thought that the ideal solution would be to re-run the reports as far back as the system allowed, and provide him with the updated information; but he also posited that an alternative could be updating the open data posting, so that it'd capture records as far back as electronically available, with the full file numbers.

Complainant said the core issue was that the City was technically able to provide the information – as he had confirmed the information existed elsewhere – but the Building Department's policy was the hurdle, and he assumed that public interest in the records superseded department policy, especially since he made a good faith payment that updated information would be provided. He added that he had been in touch with Coordinator of Geomatics the City's Coordinator of Geomatics on the open data team, who was apparently open to Complainant's Organization's suggestion, but he didn't know when the City would do that.

I spoke with Director – Buildings & By-Law, Manager – Building Permits, and Coordinator of Geomatics on behalf of the City. Manager – Building Permits confirmed that he was Permit Technologist's manager, and that he reports to Director – Buildings & By-Law. Coordinator of Geomatics stated that geomatics are geographic information systems; his department's role is to manage and analyze geospatial data, and web mapping of all the City's databases, somewhat like the Google Maps of the City.

Manager – Building Permits said Complainant purchased the monthly issuance reports, and the information they showed was what was pulled when they were developed. He said that if an

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<sup>1</sup> A sample of the open data site can be found here:  
<https://navburl-burlington.opendata.arcgis.com/datasets/building-permits>

item is marked as “N/A” on those reports, then it stays that way (i.e., “N/A”) in their records forever, and he directly disputed Complainant’s claim that the City had updated information on the N/A records. He added that the N/A records aren’t an impediment to the City being able to do its required work, and that sometimes items are marked “N/A” for confidentiality purposes – for which they would need to get approvals from people to publish. Manager – Building Permits said the City would share the Issuance Listing Reports with people who people requested it, but they wouldn’t re-run them because those were the documents – they’re run once and then kept as records, but they aren’t re-run – he said that was based on the Department’s practice, and not any specific written policy, it’s just the way they’ve been doing it.

Director – Buildings & By-Law said the Building Department must adhere to the provincial *Building Code Act* (the “Act”), and meet its timelines for the issuance of permits, but nothing in the Act requires the City to share the information that Complainant asked for, although he said Complainant asked for all records from 2007–2020, and the City gave him thousands of records in response. Director – Buildings & By-Law said that to meet Complainant’s request would require revising thousands of records back to 2007, which would divert his team from issuing building permits and slow down assessment and growth in the construction industry – he said it just didn’t make sense from a business and legal perspective, and wasn’t aligned to best practices of the Building Department. He emphasized that under Act, they’re required to publish building permit fees (and any updates to them), and provide information to the government regarding building permit reserve funds – but nothing in the Act requires a municipality to publish the permits it issues. He thought this question should more appropriately be directed to the City Clerk – i.e., as a Freedom of Information request, regarding items that could be routinely disclosed. He said the City is obligated to disclose some records (if it has them) under Freedom of Information laws, but in this case the City produced the record as a service.

Coordinator of Geomatics added that the service wasn’t open data. He said he had one email exchange with Complainant, in which Complainant asked the City to pull data for all building permits issued by the City from its open data, back to 2007. Coordinator of Geomatics said he replied that he’d need to check how to best do that, and asked Complainant for three months to look into it. Following our call, he sent me his exchange with Complainant:

**From:** *Complainant*  
**To:** *Coordinator of Geomatics + 1 other*  
**Date:** *January 5, 2021, 4:21 pm*  
**Subject:** *New Response Completed for Burlington Maps Feedback Form*

*... I am reaching out to ask about the Building Permits Open Data posting here:*  
<https://navburl-burlington.opendata.arcgis.com/datasets/buidling-permits/data>

- 1. Is there any chance this posting could be updated to include older information back to say 2007 or earlier?*
- 2. Could the “File No” field be modified to include the full file numbers, including revisions? For example, File No 17-006626 from open data has a full File No of 17 006626 000 00 PL in other records I have. Same for permit revisions, such as 18-*

*001670 (File No in Open Data posting), which has a full File No of 18 001670 REV 01 PL.*

*Thanks for any insight or assistance you can provide!*

**From:** *Coordinator of Geomatics*  
**To:** *Complainant*  
**Date:** *January 13, 2021, 10:49 am*

*... Thank you and I appreciate your feedback on expanding the Building Permit Open Data set. With all inquiries we receive City staff need to evaluate the complexity and timing to complete such improvements.*

*Since your inquiry, I've had some internal discussions with staff to see what can be accomplished. Some of your suggested improvements do require processes to change. This means we need to evaluate and assign this work to a staff member. With many tasks currently being worked on I have added this to our workplan however I cannot give you a definitive answer if and when this will be accomplished.*

*I would ask that you reach out to me in three months and I can provide an update of how far along we are. I hope this is a reasonable timeline for you.*

I asked the three City staff what Complainant would need to do to achieve what he was seeking. Director – Buildings & By-Law said that what Complainant was requesting was an enormous task, from a staffing capacity, for something that the City wasn't obligated to provide. He said the Building Department is obligated to adhere to the Act and provide services to building holders, but the monthly issuance reports didn't fall into that parameter, and Complainant's request would require going through each report, figuring out which permits had "N/A"'s in the location field, why they were there, and then updating them. He reiterated there was no legal obligation to do this. He said the City sometimes shares information with the public as a goodwill gesture, but usually for individuals and businesses regarding their own properties – and requests regarding single properties were reasonable from time and capacity perspectives, but not for a generic request for thousands of records for all the building permits on a street – it didn't fit within the City's parameters. He said the City would be open to improvements in the way it collects and shares data, but to go back to 2007 was a different request. He reiterated that the City is usually very open in sharing information, drawings, and permit files with property owners and consultants, through Freedom of Information requests.

### **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 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