

Information and Privacy Commissioner,  
Ontario, Canada



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

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## **MEDIATOR'S REPORT**

*under the Municipal Freedom of Information and  
Protection of Privacy Act (the Act)*

**APPEAL NO.** MA18-350  
**INSTITUTION FILE NO.** FOI 2018-63  
**MEDIATOR** Lois Friedman

**PARTIES:**

**Appellant's Name**

**Institution's Name** City of Greater Sudbury

**REQUEST:**

The appellant submitted an access request to the City of Greater Sudbury, pursuant to the *Act*. The request dated April 6, 2018, read:

Please disclose current employment contracts of following employees:

1. Kevin Fowke – General manager
2. Eric Labelle – Solicitor
3. Kristen Newman – Deputy City Solicitor

**DECISION:**

The city's decision, dated May 4, 2018, was that the request is frivolous and vexatious under section 20.1 of the *Act*. The city indicated that the appellant has made a number of complaints and initiated proceedings against the city and city employees, which were not successful and that there is currently a Divisional Court application involving the appellant and the city. The city stated that in light of this and the appellant's pattern of conduct, it has determined that the request was made in bad faith and for a purpose other than obtaining access and is frivolous and vexatious pursuant to section 20.1 of the *Act*.

**APPEAL:**

The appellant appealed the city's decision.

**RESULTS OF MEDIATION:**

The mediator spoke with the parties during the mediation stage. The appeal could not be resolved through mediation and is accordingly proceeding to the adjudication stage.

**RECORDS REMAINING AT ISSUE:**

As noted above

**ISSUES REMAINING IN DISPUTE:**

**ISSUE:** Frivolous or Vexatious

**SECTION:** Section 20.1

**RELEVANT RECORDS:** As noted above



Lois Friedman  
Mediator

July 27, 2018