

**To: David Creery, Chief Administrative Officer**

**From: Jeff Bunn, Manager of Legislative Services/Deputy City Clerk**

**Re: New Service Fee Proposal for Building Department Routine Disclosure Record Requests**

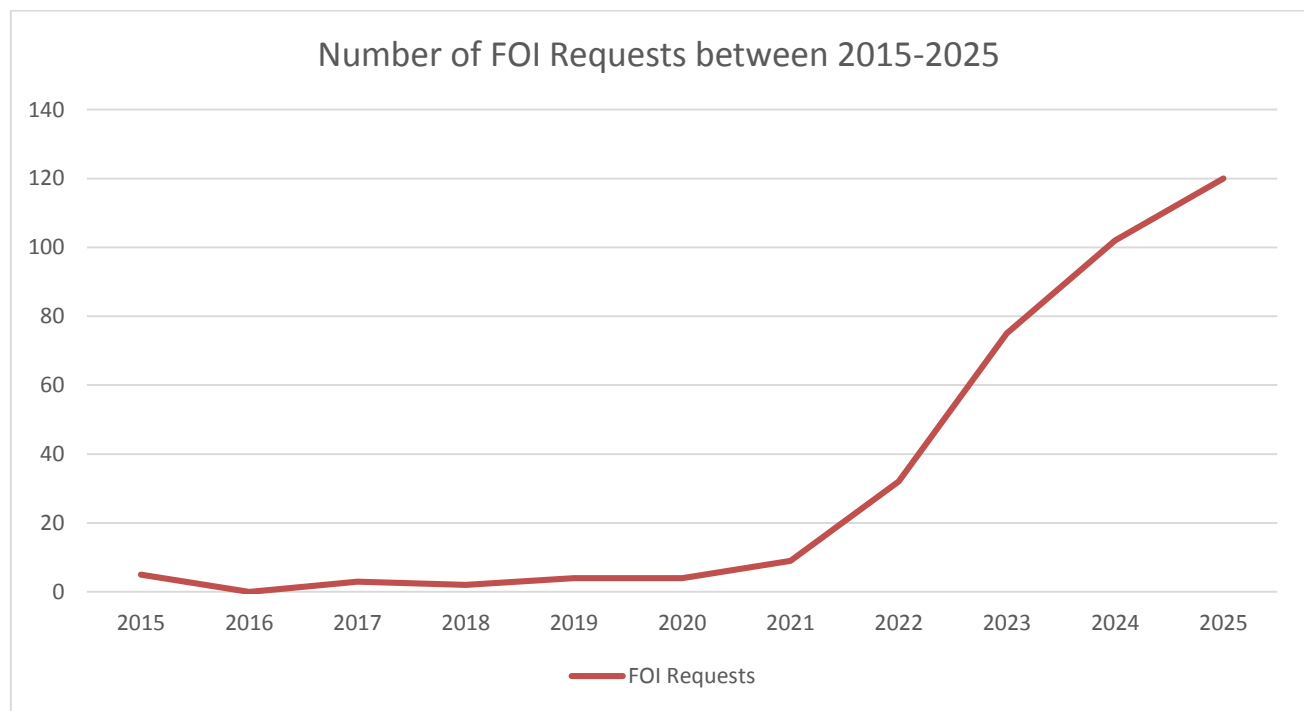
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## **AIM**

The purpose of this report is to recommend the adoption of a user fee relating to the routine disclosure of records held by the Building Department, and subject to Council's agreement, the subsequent amendment of Schedule B-1 of Chapter 0330 of the Municipal Code relating to Building Department fees and charges.

## **BACKGROUND**

As previously reported to Council during budget presentations by the City Clerk, since 2022, the City has seen a significant increase in the number of Freedom of Information (hereafter FOI) requests filed under the *Municipal Freedom of Information and Protection of Privacy Act* (hereafter MFIPPA). In fact, over a 10-year period, the growth in access requests represents an increase of 2520%, with no indication of slowing. In fact, staff anticipate a noteworthy increase in 2025 based on the volume of requests received so far.



While it is understood that the number of FOI requests are generally increasing across Ontario public service organizations, the increase at the City of Woodstock is notable as indicated in

the data since 2015. A detailed analysis of the nature of the requests received by the City has identified that the majority of FOI requests are made by property owners looking to access copies of surveys, drawings, subdivision plans, and previously issued building permits. In 2024, the Building Department accounted for 102 of the 122 requests, or 83% of the total number of requests received. In the current year, 113 of the 120 requests received to date, or 94% of the total number of requests, are for records held by the Building Department. Most often, these requests are being made to facilitate future building/development applications such as installing a fence or making additions to homes, or business licence applications.

## **COMMENTS**

While MFIPPA offers the public a formal legislative process to access information held by public institutions, the process involves completing a formal application to seek access to records, and the Clerks Department coordinating with various departments to conduct an internal search and collection of records, and providing a response that includes a number of additional administrative steps to satisfy legislative requirements of the Act for a single request.

As an alternative process, some municipalities, including the City of Woodstock, have implemented a Routine Disclosure and Active Dissemination program in support of Open Government. The main objective of Routine Disclosure and Active Dissemination is to enable open access to public records while fulfilling the City's obligation of protecting the privacy of personal information. Routine access and active dissemination of information generally satisfies most requests from the public and third parties and should be standard practice. Formal FOI requests are usually the final step to seek access to records not typically made readily available. This would be the case for which third-party notice is required, personal privacy may need to be protected, or an individual department requires the records requested to be vetted through MFIPPA legislation and Clerk prior to release.

Routine Disclosure creates a significantly more efficient and expedient process to access information, while still protecting personal information and privacy. The City of Woodstock currently uses Routine Disclosure and Active Dissemination to provide the public with access to various City records, without the need for a formal request, including budget documents, financial statements, Council and Committee meeting records including reports and studies, and public notices, among others.

The Clerks Department has undertaken a full review of the City's existing Routine Disclosure Administrative Policy (administered by the City Clerk) and has identified several typically requested records held by the Building Department that can be subject to release under certain conditions to property owners or agents for property owners, e.g., building permits, building plans, and surveys. A detailed municipal scan has shown that it is not uncommon for municipal building departments to use a Routine Disclosure Administrative Policy to provide faster and more efficient customer service to property owners without the need for a lengthy FOI legislative process. In addition, the municipal review has identified a wide range in fees charged for routine disclosure (i.e., \$5 to \$410), as identified below:

<b>Municipality</b>	<b>Fee</b>
City of Barrie	\$5 application fee (\$15 ½ hour search)
City of Brampton	\$5.76/Page (paper files) \$35 for permit drawings (PDF)
City of Brantford	\$80
City of Burlington	\$49.39 (Property Survey) \$98.78 (combined fee for property survey and building permit records) \$27.32/30 minutes of search and processing time
City of Cambridge	\$39
City of Greater Sudbury	\$175 (Residential Properties) \$410 (Industrial, Commercial, Institutional Properties)
City of Guelph	\$30 for first ½ hour (Additional \$15 for every ¼ hour thereafter)
City of London	\$95 per address and first permit (\$15/each additional permit)
City of Markham	\$60 (\$120 for files retrieved from archives)
City of Oshawa	\$100
City of Ottawa	\$82
City of Pickering	\$25-\$56.20/hour
City of Richmond Hill	\$56 per address
City of Thunder Bay	\$5
City of Toronto	\$74.02
City of Vaughan	\$90
Town of Oakville	\$60

In keeping with the spirit of MFIPPA, fees associated with Routine Disclosures should not cause a barrier to access. In this light, staff recommend a flat rate of \$30 to cover the costs associated with locating the records and reviewing and redacting any personal information not about the requester themselves. Anecdotally, it appears as though most requests currently being fulfilled by the Building Department take approximately 30 minutes to complete. As such, it is anticipated that most of the Routine Disclosure requests would allow for cost-recovery in staff time for searching and preparing the record for dissemination.

## **ATTACHMENTS**

Draft Amending By-law for Schedule B-1 of Chapter 0330 of the Municipal Code is included in the agenda package under the By-law section of the agenda.

## **RECOMMENDATION**

That Woodstock City Council refer the report regarding New Service Fee Proposal for Building Department Routine Disclosure Record Requests to the By-law section of the meeting.

*Authored by: Jeff Bunn, Manager of Legislative Services/Deputy City Clerk*

*Approved by: Amy Humphries, Deputy Chief Administrative Officer/City Clerk*

*Approved by: David Creery, P. Eng, MBA, Chief Administrative Officer*