

CITATION: Chowdhury v. Ontario (Information and Privacy Commissioner),  
2017 ONSC 1792  
DIVISIONAL COURT FILE NO.: 098/17  
DATE: 20170320

**SUPERIOR COURT OF JUSTICE – ONTARIO  
DIVISIONAL COURT**

**RE:** MD AHASANULLAH CHOWDHURY v. INFORMATION AND PRIVACY  
COMMISSIONER OF ONTARIO and TORONTO COMMUNITY HOUSING  
CORPORATION

**BEFORE:** NORDHEIMER J.

**HEARD at Toronto:** written submissions

**ENDORSEMENT**

[1] On March 9, 2017, I directed the Registrar, pursuant to r. 2.1.01(3) of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, to give notice to Mr. Chowdhury that the court was considering making an order dismissing his appeal from on the grounds that it appears to be frivolous, vexatious or otherwise an abuse of the process of the court.

[2] Mr. Chowdhury has filed a response to the notice consisting of a ten page affidavit.

[3] Mr. Chowdhury has some issue, the nature of which is unclear, with Toronto Community Housing Corporation. He sought some records from TCHC and, when those records were not produced to him to the extent that he wished, he turned to the Information and Privacy Commissioner of Ontario. The IPCO then advised Mr. Chowdhury that they would not interfere with the decision reached by TCHC.

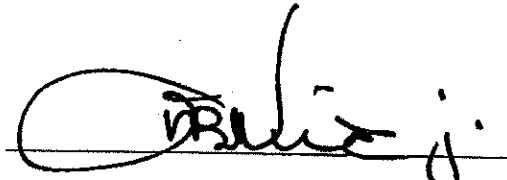
[4] Ms. Chowdhury now seeks to appeal the decision of the IPCO. The Notice of Appeal makes requests for various items of relief that would not be within the jurisdiction of the IPCO to make. Further, the grounds for any relief are largely unintelligible. None of that is made any clearer by the contents of Mr. Chowdhury's affidavit which refers to a variety of complaints involving discrimination in employment by the City of Toronto; exposure to radiation; electronic surveillance; health problems and other matters.

[5] Mr. Chowdhury's appeal faces two insurmountable obstacles. The first obstacle is that there is no right of appeal from the decision of the IPCO. At most, Mr. Chowdhury would have the right to bring an application for judicial review of the decision, but that he has not done, even though counsel for the IPCO advised him that that was his only route for recourse.

[6] However, even if I were to treat the Notice of Appeal as an application for judicial review, the second obstacle is that, on its face, the Notice of Appeal appears to be frivolous, vexatious and

an abuse of the process of the court. That conclusion is only reinforced by the contents of Mr. Chowdhury's affidavit. In particular, there is no basis upon which I could conclude that there is even an arguable case to be made regarding the reasonableness of the IPCO's decision regarding the information that Mr. Chowdhury wants and which TCHC either does not have or is not required to provide.

[7] Consequently, I make an order under r. 2.1.01(1) dismissing Mr. Chowdhury's Notice of Appeal.



NORDHEIMER J.

DATE: March 20, 2017