

**ONTARIO COURT (GENERAL DIVISION)  
DIVISIONAL COURT**

White, Jenkins and Dunnett JJ.

**CORPORATION OF THE TOWNSHIP OF MAIDSTONE**

- and -

**KATHLEEN STARZACHER et al.**

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E N D O R S E M E N T

The applicant argues that the Inquiry Officer failed to conduct a full and proper inquiry because he did not seek clarification or elaboration of the position taken by the head of the municipality. That position as stated in Reeve Walstedt's letter to the Inquiry Officer dated November 16, 1992 was that the information was a plan and thus met the criteria set out in s. 11(f) of the statute justifying the municipality from [not] disclosing the information. In our opinion the municipality had every fair opportunity to present its case. The fact that it failed to do more than baldly state its position does not detract from the fairness of the Inquiry Officer's conduct of the hearing. The hearing conformed to all requirements of fairness set out in the statute.

The application is dismissed.

The costs of the respondent Kathleen Starzacher are fixed at \$1,500 and the costs of the respondent Information and Privacy Commissioner are fixed at \$2,500 and said costs are to be forthwith paid by the applicant.

Dated: January 10, 1994

"J.G.M. White J."