

COURT OF APPEAL FOR ONTARIO

CITATION: Olumide v. Ottawa (City), 2014 ONCA 703

DATE: 20141015

DOCKET: M44093 (C58839)

MacFarland, LaForme and Lauwers JJ.A.

BETWEEN

Ade Olumide

Appellant

and

City of Ottawa

Respondent

Ade Olumide, acting in person

Jeremy Wright, for the respondent

Heard and released orally: October 7, 2014

On appeal from the order of Justice Robert L. Maranger of the Superior Court of Justice, dated April 29, 2014.

ENDORSEMENT

[1] This is an appeal from the order of Justice Maranger dated April 29, 2014.

[2] The appellant moved before the Superior Court to compel the City and provincial politicians to disclose information to him concerning their interactions and conversations in relation to the City of Ottawa transit system and the “Presto Card” payment system. In addition, he made allegations of misconduct against

the Mayor. Those sorts of allegations cannot be made, of course, in an application, but must be advanced in an action commenced by statement of claim.

[3] Justice Maranger concluded that the matter was beyond the court's jurisdiction essentially for two reasons:

- 1) that if the applicant was dissatisfied with the City's response to his requests for information, his remedy at this stage was to appeal to the Information and Privacy Commissioner; and
- 2) that the City had already responded to his request in any event.

[4] We agree that the motion before Maranger J. was in essence, an application for judicial review of the decision of the Municipality in relation to the material it had or had failed to provide.

[5] The *Municipal Freedom of Information and Protection of Privacy Act* sets out the procedure to be followed where an applicant is dissatisfied with the response of a municipal body.

[6] At this early stage before the remedies under that statute are exhausted any application for judicial review is premature.

[7] In any event, absent leave to appeal, this court is without jurisdiction to entertain the appeal and the appeal is quashed.

[8] The moving party does not seek costs and none are awarded.

“J. MacFarland J.A.”

“H. S. LaForme J.A. ”

“P. Lauwers J.A.”