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November 12, 2014

[REDACTED]

Dear [REDACTED]

Re: Access to Information Request – [REDACTED]

Thank you for your access to information request, which was received in our office on September 16, 2014. This request was not processed until receipt of the \$5.00 request fee, which was received on October 15, 2014.

You requested records “as to claim made to Part Lot [REDACTED] not in the possession of [REDACTED] Part Lot [REDACTED] was applicable to Legal aid as to application made in fraud by [REDACTED]. In a letter attached to the request form, you advised that a claim had been made against the property by the Ontario Legal Aid Plan, and included a Notice of Sale under Mortgage, dated [REDACTED] indicating that Legal Aid had a lien on the property.

I am unable to confirm or deny whether records exist which are responsive to your request. That is so because disclosure of that information, should it exist, would disclose the nature of the client’s retainer as being a legal aid retainer. I have concluded that The *Legal Aid Services Act* prohibits any disclosure in the circumstances of this request. Section 89 of the *Legal Aid Services Act* provides as follows:

89.(1) All legal communications between the Corporation, an officer or employee of the Corporation, an area director or member of an area committee and an applicant for legal aid services are privileged in the same manner and to the same extent as solicitor-client communications.

(2) All legal communications between a lawyer, student or service-provider at a clinic, student legal aid services society or other entity funded by the Corporation, or any other member, officer or employee of a clinic, student legal aid services society or other entity funded by the Corporation and an applicant for legal aid services are privileged in the same manner and to the same extent as solicitor-client communications.

(3) Disclosure of privileged information to the Corporation that is required under this Act does not negate or constitute waiver of privilege.

I can advise you, however, based on information available to the public, that the lien on Part Lot [REDACTED] was removed on or about [REDACTED], and that Legal Aid did not receive payment in relation to the [REDACTED] Power of Sale by the [REDACTED]

I am responsible for the decision to deny you access to the records. You may ask for a review of this decision within 30 days of receiving this letter by writing to: The Information and Privacy Commission/Ontario, 2 Bloor Street East, Suite 1400, Toronto Ontario M4W 1A8, Telephone 1-800-387-0073.

If you decide to request a review of this decision, please provide the Commissioner's office with the following: the file number listed at the beginning of this letter; a copy of this decision letter; and a copy of the original request for information you sent to our institution.

In addition, you must send an appeal fee to the Commissioner's office. That appeal fee for information other than personal information is \$25.00.

Yours truly,

Robert W. Ward  
President/CEO