OFFICE OF THE
INFORMATION &
PRIVACY COMMISSIONER
FOR BRITISH COLUMBIA

Order F20-31

TOWN OF GIBSONS

Ian C. Davis
Adjudicator

July 13, 2020

CanLII Cite: 2020 BCIPC 37
Quicklaw Cite: [2020] B.C.I.P.C.D. No. 37

Summary: The applicant made a request to the Town of Gibsons (Town) for access to records relating to the Town's decision to issue development permits to a company. The Town refused to disclose the records and information in dispute under s. 13(1) (advice or recommendations) of the *Freedom of Information and Protection of Privacy Act*. The adjudicator found that s. 13(1) applied to most, but not all, of the disputed information. The adjudicator also found that the Town was not authorized to refuse to disclose some of the disputed information because it is information similar to an environmental impact statement under s. 13(2)(f).

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, ss. 13(1), 13(2)(a), 13(2)(f), 13(2)(i), 13(2)(m), and 13(2)(n).

INTRODUCTION

[1] The applicant made a request to the Town of Gibsons (Town) for access to records relating to a development called the George Gibsons Marine Resort and Residences (Development). The Town disclosed some of the responsive records to the applicant, but withheld others in their entirety under s. 13(1) (advice and recommendations) of the *Freedom of Information and Protection of Privacy Act* (FIPPA). The applicant asked the Office of the Information and Privacy Commissioner (OIPC) to review the Town's decision. Mediation failed to resolve the matter and the applicant requested an inquiry.

ISSUE

[2] The issue to be decided is whether the Town is authorized under s. 13(1) to refuse to disclose the disputed information. Based on s. 57(1) of FIPPA, the burden is on the Town to show that s. 13(1) applies.

BACKGROUND

[3] The site of the Development is located on the waterfront in Gibsons harbour.[1] This location is within three areas that the Town determined require permits for development. Specifically, the site is within what the Town's official community plan refers to as the Geotechnical Hazard DPA (development permit area), the Environmentally Sensitive DPA and the Gibsons Aquifer DPA.

[4] The Town's official community plan sets out the justification for each DPA.[2] The justification for the Geotechnical Hazard DPA is to protect development from geotechnical hazards. The justification for the Environmentally Sensitive DPA is to protect environmentally sensitive areas from development. The justification for the Gibsons Aquifer DPA is, among other objectives, to protect the Gibsons Aquifer, which is a major source of the Town's drinking water.

[5] The Town is authorized to issue permits for the DPAs that include requirements and conditions or set standards for development.[3] The Town must exercise this authority in accordance with the guidelines specified in its official community plan.[4] The guidelines for each DPA require the permit applicant to submit a report prepared by a qualified professional addressing how the proposed development is consistent with the justification for the DPA.[5]

[6] A company (Developer) is planning and building the Development. The Developer applied to the Town for the required permits. The Developer hired consultants to prepare the reports required under the guidelines for each DPA and submitted these reports to the Town in support of its permit applications.

[7] The Town retained consultants to provide peer reviews of the Developer's reports. The Town's peer reviewers prepared reports for the Town. Following the peer review process, the Town issued the development permits.

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[1] The background is based on Affidavit #1 of the Town's Chief Administrative Officer (CAO) at para. 6, the Town's submissions dated January 20, 2020 at paras. 4-8, the applicant's submissions at paras. 7 and 9-17 and the *Local Government Act*, R.S.B.C. 2015, c. 1 [LGA]. I have also relied on the permits, the Town's development permit application guide, and the Town's official community plan, which were provided to me by the applicant. Although these materials were not attached as exhibits to an affidavit, the Town did not object to them or provide them. I am satisfied that the documents are authentic and reliable.

[2] Gibsons Official Community Plan at pp. 94, 100-101 and 142.

[3] LGA, *supra* note 1 at ss. 488-491.

[4] LGA, *ibid* at s. 490(2).

[5] Gibsons Official Community Plan at pp. 95, 102-104 and 143-145; Development Permit 1, 2 and 9 Application Form (see supporting materials required for all three permits).

RECORDS AND INFORMATION IN DISPUTE

[8] The records that the Town is withholding under s. 13(1) are nine peer review reports prepared by the Town's consultants (Peer Reviews) and one report in which the Developer's consultant responds to one of the Peer Reviews (Response Report).[6]

SECTION 13 – ADVICE OR RECOMMENDATIONS

[9] Section 13(1) states that the head of a public body must refuse to disclose to an applicant information that would reveal advice or recommendations developed by or for a public body or a minister. The purpose of s. 13 is to allow for full and frank discussion of advice or recommendations on a proposed course of action by preventing the harm that would occur if the deliberative process of government decisions and policy-making were subject to excessive scrutiny.[7]

[10] The principles that apply to the s. 13 analysis are well-established and include the following:

- Section 13(1) applies not only to advice or recommendations, but also to information that would allow someone to accurately infer advice or recommendations.[8]
- Recommendations involve "a suggested course of action that will ultimately be accepted or rejected by the person being advised" and can be express or inferred.[9]
- "Advice" has a broader meaning than "recommendations".[10] Advice includes providing an evaluative analysis of options or an opinion that involves exercising judgment and skill, even if the opinion does not include a communication about future action.[11]
- The compilation of factual information and weighing the significance of matters of fact is an integral component of an expert's advice and informs the decision-making process. Thus, s. 13(1) applies to factual information compiled and selected by the expert using his or her expertise, judgment and skill to provide explanations necessary to the public body's deliberative process.[12]

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[6] These reports are in letter or memorandum form and one is via email.
[7] *John Doe v. Ontario (Finance)*, 2014 SCC 36 at paras. 43-44 [*John Doe*]; Order F15-61, 2015 BCIPC 67 (CanLII) at para. 28.
[8] Order 02-38, 2002 CanLII 42472 (BC IPC) at para. 135.
[9] *John Doe*, *supra* note 7 at paras. 23-24.
[10] *John Doe*, *ibid* at para. 24.
[11] *John Doe*, *ibid* at para. 26; *College of Physicians of B.C. v. British Columbia (Information and Privacy Commissioner)*, 2002 BCCA 665 at paras. 103 and 113 [*College*].
[12] *College*, *ibid* at para. 111; *Provincial Health Services Authority v. British Columbia (Information and Privacy Commissioner)*, 2013 BCSC 2322 at para. 94 [*PHSA*].

[11] The first step in the s. 13 analysis is to consider whether the disputed information is advice or recommendations under s. 13(1). The second step is to consider whether the disputed information falls within s. 13(2), which sets out various kinds of records and information that the head of a public body must not refuse to disclose under s. 13(1).[13]

Section 13(1)

[12] The Town submits that the disputed information is expert advice and recommendations that it obtained to assist it in its consideration of the Developer's permit applications and the supporting reports. The Town says s. 13(1) applies to ensure that it is able to make permit decisions without being "subject to intense public scrutiny by those politically opposed to development in the area."[14] The Town mainly relies on Order F16-30 to support its application of s. 13(1).[15] Further, the Town submits that the disputed information must be withheld in its entirety because to do otherwise would allow the applicant to accurately infer the advice or recommendations.[16]

[13] The applicant submits that s. 13(1) does not apply to the disputed information because the peer review process precedes and is distinct from the Town's deliberative process.[17] The applicant notes that the peer review process was iterative and collaborative between the various consultants. The applicant wants the disputed information to better understand why the permits were issued and to hold the Town accountable for its decisions.[18] The applicant relies on Ontario Order MO-3265 to support its claim that s. 13(1) does not apply to the disputed information.[19]

[14] I find that s. 13(1) does not apply to the entirety of the Peer Reviews and the Response Report. In particular, I find that s. 13(1) does not apply to report dates and titles, names and job titles, certain headings and sub-headings, headers and footers, page numbers, lists of documents reviewed, disclaimer language, and general descriptions of the peer reviewers' roles, the factual background to the reports and the organization of the reports.[20] In my view, none

[13] Section 13(3) does not apply in this case because the disputed information has not been in existence for 10 or more years.
[14] Town's submissions dated January 20, 2020 at paras. 22-23.
[15] Order F16-30, 2016 BCIPC 33 (CanLII).
[16] Town's submissions dated January 20, 2020 at para. 26.
[17] Applicant's submissions at paras. 19, 25, 31 and 41.
[18] Applicant's submissions at para. 8.
[19] Order MO-3265, 2015 CanLII 79063 (ON IPC).
[20] I have highlighted this information in yellow in a copy of the records that will be provided to the Town with this order.

of this information reveals any advice or recommendations directly or through inference.[21]

[15] As for the balance of the information in the Peer Reviews, I find it is advice or recommendations to the Town. In my view, this information falls squarely within the definition of "advice" set out by the BC Court of Appeal in *College of Physicians of B.C. v. British Columbia (Information and Privacy Commissioner)*. The Court held that s. 13(1) applies where an expert is "exercising judgment and skill to weigh the significance of matters of fact".[22] I find that the Town's reviewers exercised their professional expertise to provide opinions to the Town on the Developer's reports and plans. I am also satisfied that the withheld information includes some explicit recommendations.[23]

[16] I am not persuaded by the applicant's argument, relying on Order MO-3265, that the disputed information is not advice or recommendations because the Peer Reviews are disconnected from the Town's deliberative process. Order MO-3265 also dealt with peer review reports obtained by a municipality in response to a company's development application. The adjudicator found that she lacked evidence of the connection between the peer review information and the municipality's decision-making process.

[17] In this case, I have the kind of evidence that was lacking in Order MO-3265. I find the Town clearly considered the peer reviewers' expert advice in deciding whether to issue the development permits and under what conditions. Accordingly, I find that the disputed information was connected to the Town's deliberative process and is advice or recommendations to the Town.

[18] I am also satisfied that the information in the Response Report (except for the specific types of information listed above) would reveal advice or recommendations to the Town. I find the Response Report directly quotes some of the advice provided to the Town in one of the Peer Reviews. As such, it would reveal that advice. I am also satisfied that the balance of the Response Report would reveal through inference the advice provided to the Town. This is because the discussion in the Response Report responds to the peer reviewer's advice and would therefore reveal that advice.

Section 13(2)

[19] The next step is to consider whether the disputed information falls within s. 13(2), which sets out various kinds of records and information that the head of a public body must not refuse to disclose under s. 13(1). The Town addressed

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[21] For similar conclusions, see e.g. Order F19-39, 2019 BCIPC 44 (CanLII) at para. 37; Order F14-44, 2014 BCIPC 47 (CanLII) at para. 31.
[22] *College*, *supra* note 11 at para. 113.
[23] For example, Records at pp. 7, 13, 18, 23, 28, 40 and 72-73.

ss. 13(2)(a), (f), (i), (m) and (n) in its submissions. The applicant only addressed s. 13(2)(m). In what follows, I set out each of these sections and analyze whether they apply. I am satisfied that all of the subsections of s. 13(2) that the parties did not address clearly do not apply in this case.

Factual material – s. 13(2)(a)

[20] Section 13(2)(a) provides that a public body must not refuse to disclose under s. 13(1) "any factual material". This section applies to "source materials" accessed by an expert or "background facts not necessary to the expert's 'advice' or the deliberative process at hand".[24] However, s. 13(2)(a) does not apply to information that is selected and compiled by an expert or integral to the expert's opinion.

[21] The Town submits that the disputed information is not "factual material" under s. 13(2)(a), but rather information integral to the experts' opinions that would reveal the advice given.[25]

[22] I accept that the disputed information includes some factual information relevant to the experts' opinions, such as technical background information or descriptions of the other consultants' comments. However, I find it is not "factual material" under s. 13(2)(a) because it is intermingled with the advice and, therefore, constitutes part of the advice and would reveal the advice.

Environmental impact statement or similar information – s. 13(2)(f)

[23] Section 13(2)(f) states that a public body must not refuse to disclose under s. 13(1) "an environmental impact statement or similar information". Relying on Order F16-30, the Town submits that the Peer Reviews and the Response Report are not environmental impact statements or similar information.[26] The Town argues that s. 13(2)(f) does not apply because the withheld information is about engineering and construction issues rather than the environmental impact of the work, as was the case in Order F16-30.

[24] The term "environmental impact statement" is not defined in FIPPA. However, past OIPC orders provide some insight and guidance into the interpretation of s. 13(2)(f). The Town referred to the following definition of "environmental impact statement", which the adjudicator adopted in Order F16-30:

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[24] *PHSA*, *supra* note 12 at para. 94.
[25] Town's submissions dated January 20, 2020 at para. 32.
[26] Town's submissions dated January 20, 2020 at paras. 35-37. Although the Town's submissions on this issue were brief, s. 13(2)(f) is a mandatory exception to s. 13(1) so I must address it fully.

> 1. A document required of federal agencies by the National Environmental Policy Act for major projects or legislative proposals significantly affecting the environment. A tool for decision making, it describes the positive and negative effects of the undertaking and cites alternative actions. 2. A documented assessment of the environmental consequences and recommended mitigation actions of any proposal expected to have significant environmental consequences, that is prepared or procured by the proponent in accordance with guidelines established by a panel. 3. An environmental impact assessment report required to be prepared under [provincial environmental protection statute]. 4. A detailed written statement of environmental effects as required by law.[27]

[25] I accept that this definition provides helpful guidance in this case.

[26] Further, in Order 215-1999, former Commissioner Flaherty found that s. 13(2)(f) did not apply to a record because it did not contain "a technical assessment or similar information on the impact on the environment of specific projects or activities, such as buildings, highways, mining, or timber harvesting."[28] The record in dispute was a draft copy of a discussion paper entitled "Protecting Wildlife, Fish and Their Habitats: The Need for Legislation".

[27] I also find it appropriate to take interpretive guidance from BC's *Environmental Management Act*[29] [EMA] and *Environmental Impact Assessment Regulation*[30] [EIAR] because they deal with related subject matter. When interpreting a statute, it is appropriate to refer to similar language or provisions in other statutes dealing with related subject matter. [31]

[28] Under the EMA, the minister may require a person to provide an environmental impact assessment for a project that the minister considers will have a detrimental environmental impact.[32] The EIAR provides that the environmental impact assessment must be in writing and must contain "identification of all anticipated environmental impacts attributable to the proposal and of measures to be implemented to mitigate or avoid adverse environmental impacts and maximize environmental benefits."[33]

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[27] Town's submissions dated January 20, 2020 at paras. 35.
[28] Order 215-1998, 1998 CanLII 956 (BC IPC) at p. 3 (cited to CanLII).
[29] S.B.C. 2003, c. 53 [EMA].
[30] B.C. Reg. 330/81 [EIAR].
[31] See e.g. *Thermo-O-Comfort Co. Ltd. v. Canada*, 1998 CanLII 8210 (FC) at para. 10; *Blue Star Trailer Rentals Inc. v. 407 ETR Concession Company Limited*, 2008 ONCA 561 at paras. 33-35, leave to appeal ref'd 2008 CanLII 63493 (SCC).
[32] EMA, *supra* note 29, s. 78. The minister must also be satisfied that the environmental impact cannot be assessed from information available to the minister.
[33] EIAR, *supra* note 30, s. 3(d).

[29] In my view, the EIAR definition is similar to the definition quoted above in Order F16-30 and, as such, provides additional guidance on the meaning of an "environmental impact statement" under s. 13(2)(f) of FIPPA.

[30] Having regard to the above, I find that an appropriate working definition of "environmental impact statement" under s. 13(2)(f) is: A written analysis or assessment, required by law or policy, about the anticipated effects on the environment of a project or activity and/or environmental harm mitigation strategies for the project or activity. Generally, the statement will be prepared by a professional qualified to opine on the environmental impact of the project or activity. Whether information is "similar information" under s. 13(2)(f) will depend on the extent to which the disputed information shares the main characteristics of an environmental impact statement.

[31] In light of the above and having scrutinized the records, I find, for the following reasons, that some of the information in the Peer Reviews and the Response Report is information similar to an environmental impact statement.[34]

[32] First, the disputed records were prepared by hydrogeological and geotechnical engineers. Second, the disputed records assess or supplement the materials the Developer was required to submit under the DPA guidelines. Third, I find that the disputed records include written assessments of the anticipated environmental effects of the Developer's plans. I find there are numerous instances in the disputed records where the reviewers discuss the anticipated environmental impact of construction and/or engineering aspects of the Developer's plans or the Developer's consultant responds to these concerns.[35] I find the experts' opinions on environmental impact are based on construction and/or engineering analysis that is integral to, and forms part of, the environmental impact opinions. I also find that the disputed records include several explicit discussions of environmental harm mitigation strategies.[36]

[33] I disagree with the Town that all of the disputed information is similar to the information at issue in Order F16-30. That case involved permit applications to alter driveways. It appears the permits were required because the proposed driveway alterations encroached upon a public highway right of way and potentially created safety hazards. The public body sought advice from two engineers regarding construction and what steps it should take based on a review of a geotechnical report. The adjudicator found that s. 13(2)(f) did not apply because the expert advice was about engineering and construction requirements rather than the environmental impact of the work.

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[34] I have highlighted this information in blue in a copy of the records that will be provided to the Town with this order.
[35] For example, Records at pp. 2, 5, 7, 12, 16-18, 21-22, 24-26, 28, 37, and 60.
[36] For example, Records at pp. 6-7, 12, 16-18, 22-23, 26, 34, 68-70, and 75.

[34] I see no indication in Order F16-30 that the engineers' advice regarding the driveway alterations addressed environmental concerns or that the primary requirement for the permits was protection of the environment. In this case, however, the development permits were required specifically to protect the environment and especially the Gibsons Aquifer. I accept that some of the information in the Peer Reviews and Response Report relates to construction and engineering issues only. However, as stated above, I find that some of the information goes beyond those issues and opines on the environmental impact of the Developer's plans. I conclude that this is information similar to an environmental impact statement. Therefore, s. 13(2)(f) applies and the Town is not authorized to withhold this information under s. 13(1).

[35] I consider below whether any other subsections of s. 13(2) apply to any of the information to which I found reveals advice or recommendations, including, in the event that I am wrong, the information to which I found s. 13(2)(f) applies.

Feasibility or technical study – s. 13(2)(i)

[36] Section 13(2)(i) states that a public body must not refuse to disclose under s. 13(1) "a feasibility or technical study, including a cost estimate, relating to a policy or project of the public body".

[37] The Town submits that s. 13(2)(i) does not apply because the Peer Reviews and the Response Report are not feasibility or technical studies relating to a policy or project *of the public body*.[37] The Town's position is that the Development is the Developer's project and not related to a policy or project of the Town.

[38] I find that s. 13(2)(i) does not apply. Even if the Peer Reviews and the Response Report are "feasibility or technical studies", I conclude they do not relate to a policy or project of the Town. I accept that the Town had a governance and regulatory oversight role in relation to the Development. However, I find this is not sufficient to establish that the Development was the Town's project. The evidence before me clearly establishes that the project was the Developer's and not a project of the Town. Further, the Peer Reviews and Response Report relate to the Town's permit decisions and not to a "policy" of the Town.

Publicly cited as basis for decision – s. 13(2)(m)

[39] Section 13(2)(m) states that a public body must not refuse to disclose under s. 13(1) "information that the head of the public body has cited publicly as the basis for making a decision or formulating a policy".

[37] Town's submissions dated January 20, 2020 at paras. 38-43.

[40] The applicant submits that s. 13(2)(m) applies because the Town's Chief Administrative Officer (CAO) cited the Peer Reviews as the basis for the permit decisions in a Town council meeting open to the public.[38] In the meeting, the CAO said:

> … I do want to just clarify that the permits that are issued by the Town require liability insurance and the developer are the ones that assume all of the risk with their proposed works. And all the professionals that are involved with that, their stamp, in essence, implies their own insurance risk as well. There's a back-up plan that has been put in place, there's four or five peer reviews that are being done, there's the involvement of DOF, MOE in terms of … in relation to that process, and the peer reviewers, as I mentioned, as well. So from our end of things we have done what we are required to do and what we felt necessary to make sure that the risk is as low as possible and the option that was proposed is the lowest risk option based on the advice of all the peer reviewers.[39]

[41] The Town submits that s. 13(2)(m) does not apply.[40] The Town provided sworn evidence from the CAO that he has "never cited the Peer Reviews publicly as the basis for making any decision".[41] Further, the Town argues that the CAO's statement is not specific enough to engage s. 13(2)(m) and, at any rate, it only addresses one aspect of the decision to issue a development permit.

[42] I conclude that s. 13(2)(m) does not apply. First, I accept the CAO's evidence that he is the "head" of the Town for the purposes of FIPPA.[42] Second, I find the CAO did not refer to any specific information in the Peer Reviews or the Response Report as the basis for making the permit decisions. In my view, the CAO was not describing the "basis" for the permit decisions, but rather explaining only one aspect of the permitting process (i.e. liability).[43] The CAO deposed that he "never cited the Peer Reviews publicly" as the basis for the permit decisions, and I see nothing in the material before me to controvert that unequivocal evidence.

Decision affecting the applicant's rights – s. 13(2)(n)

[43] Section 13(2)(n) states that a public body must not refuse to disclose under s. 13(1) "a decision, including reasons, that is made in the exercise of a

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[38] Applicant's submissions at paras. 46-67.
[39] Applicant's submissions at para. 53. This is the applicant's account of the CAO's words. However, the Town does not deny that the CAO said this (Town's reply submissions dated March 6, 2020 at para. 18).
[40] Town's submissions dated January 20, 2020 at paras. 44-46; Town's reply submissions dated March 6, 2020 at paras. 18-27.
[41] Affidavit #1 of CAO at para. 9(m).
[42] Affidavit #1 of CAO at paras. 1 and 9(m). See also the definition of "head" in Schedule 1 of FIPPA and s. 77 of FIPPA.
[43] See e.g. Order PO-2400, 2005 CanLII 56517 (ON IPC) at p. 9.

discretionary power or an adjudicative function and that affects the rights of the applicant".

[44] The Town submits that s. 13(2)(n) does not apply because the disputed information does not constitute a decision and does not affect the applicant's rights.[44]

[45] In my view, s. 13(2)(n) does not apply. Having reviewed the disputed information, I am satisfied it does not contain a decision. Rather, as I found above, the disputed information is expert advice provided to the Town for it to consider in making the permit decisions. The peer reviewers did not make any of the permit decisions.

Summary – ss. 13(1) and 13(2)

[46] To summarize, most of the information in the Peer Reviews and Response Report is or would reveal advice or recommendations. However, s. 13(1) does not apply to report dates and titles, names and job titles, certain headings and sub-headings, headers and footers, page numbers, lists of documents reviewed, disclaimer language, and general descriptions of the peer reviewers' roles, the factual background to the reports and the organization of the reports. Most of the information withheld under s. 13(1) is not required to be disclosed under s. 13(2). However, s. 13(2)(f) applies to some of the disputed information because it is information similar to an environmental impact statement, so the Town must not refuse to disclose it under s. 13(1).

Exercise of Discretion

[47] Section 13(1) is a discretionary exception to access under FIPPA. The public body must exercise its discretion. If it does not, the Commissioner can require it to do so. The public body must also exercise its discretion appropriately, which means not in bad faith, for no improper purpose, and by considering all relevant factors and no irrelevant factors.[45] If the public body exercises its discretion improperly, the Commissioner can require it to reconsider.

[48] The applicant submits that the CAO did not properly exercise his discretion in refusing to disclose the disputed information.[46] The applicant argues that the information should be disclosed so the public can scrutinize the Town's decisions and know about potential problems with the Development. Further, the applicant argues that the CAO's decision is inconsistent with the Town's past

[44] Town's submissions dated January 20, 2020 at paras. 47-49.
[45] *John Doe*, *supra* note 7 at para. 52.
[46] Applicant's submissions at paras. 68-83.

practice of releasing peer review information on its website or in response to access requests.

[49] The Town submits that the CAO properly exercised his discretion to refuse to disclose the disputed information.[47] The CAO deposed that in making this decision he considered "the age of the records, the Town's past practice, the nature of the records, including the role of the Town as regulator, and the balance of the Act's objective of access against the purpose of section 13(1) of the Act to protect the Town's decision-making processes."[48] Further, the Town submits that it is "not required to release documents because it has released similar documents in the past."[49]

[50] I accept the CAO's evidence that he did consider whether to disclose the disputed information despite the application of s. 13(1). I also find there is no basis to interfere with the CAO's exercise of discretion in this case. In my view, the applicant's submissions invite me to decide whether the CAO properly weighed the purpose of s. 13(1) against the objective of access and whether non-disclosure is appropriate in light of the Town's past practice. However, my role at this stage is limited to assessing whether the CAO considered relevant factors and only those factors.[50] I am satisfied by the CAO's evidence that he did not consider any irrelevant factors or fail to consider relevant factors.

CONCLUSION

[51] For the reasons given above, under s. 58 of FIPPA, I make the following orders:

1. Subject to subparagraph 2 below, I confirm in part the Town's decision to withhold the disputed information under s. 13(1) of FIPPA.

2. The Town is not authorized to refuse to disclose the information I have highlighted (in yellow and blue) in a copy of the records that will be provided to it with this order.

3. The Town is required to give the applicant access to the highlighted information by August 25, 2020. The Town must concurrently copy the OIPC registrar of inquiries on its cover letter to the applicant, together with a copy of the records.

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[47] Town's submissions dated January 20, 2020 at paras. 50-51; Town's reply submissions dated March 6, 2020 at paras. 16-17.
[48] Affidavit #1 of CAO at para. 10.
[49] Town's reply submissions dated March 6, 2020 at para. 17.
[50] Order 02-38, 2002 CanLII 42472 (BC IPC) at para. 147.

Pursuant to s. 59 of FIPPA, the Town is required to comply with this order by August 25, 2020.

July 13, 2020

ORIGINAL SIGNED BY

Ian C. Davis, Adjudicator

OIPC File No.: F18-75486