



Order F26-53

CITY OF VANCOUVER

Rene Kimmett
Adjudicator

June 23, 2026

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Summary: This order is the result of a court-ordered reconsideration of Order F24-51. An applicant made a request under the *Freedom of Information and Protection of Privacy Act* (FIPPA) to the City of Vancouver (City) for access to information related to the development of new rental housing. The City relied on ss. 17(1) (harm to financial or economic interests) and 21(1) (harm to third-party business interests) to withhold information from the applicant. In the original inquiry, the adjudicator determined the City was not authorized under s. 17(1) or required under s. 21(1) to withhold the information in dispute and ordered the City to give the applicant access to that information. In this reconsideration, the adjudicator again found the City was not authorized or required to withhold the information in dispute and ordered the City to give the applicant access.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, ss. 17(1), 21(1)(a)(ii), 21(1)(b), 21(1)(c)(ii), and 21(1)(c)(iii).

INTRODUCTION

[1] This order is the result of a court-ordered reconsideration of Order F24-51.

[2] An applicant made a request under the *Freedom of Information and Protection of Privacy Act* (FIPPA) to the City of Vancouver (City) for access to information related to the development of new rental housing. The City provided responsive records but withheld some information under ss. 13(1) (advice or recommendations) and 17(1) (harm to financial or economic interests) of FIPPA.

[3] The applicant asked the Office of the Information and Privacy Commissioner (OIPC) to review the City's decision to withhold information. During mediation by the OIPC, the City reconsidered its decision to withhold information. It determined it would not rely on s. 13(1) but decided to rely on s. 22(1) (harm to third-party personal privacy). Later in mediation, the City

reconsidered its decision a second time, decided it would not rely on s. 22(1) and released additional information to the applicant. The City continued to rely on s. 17(1) to withhold some information. Mediation by the OIPC did not fully resolve the issues in dispute and the matter proceeded to inquiry.

[4] In its initial submission, the City sought to add s. 21(1) (harm to third-party business interests) as an issue in the inquiry. After considering the parties' submissions on the subject, an OIPC adjudicator determined it was appropriate to add s. 21(1) to this inquiry. That adjudicator also provided a relevant third party, Coriolis Consulting Corp. (Coriolis), with notice of the inquiry and gave it the opportunity to make submissions. Coriolis did not provide submissions on its own behalf, but the City attached affidavit evidence from Coriolis' owner to its initial submission.

[5] I considered the parties' submissions and evidence and issued Order F24-51. In that order, I concluded that the City was not authorized under s. 17(1) or required under s. 21(1) to withhold the information in dispute and ordered the City to give the applicant access to that information.

[6] The City filed a petition for judicial review challenging Order F24-51. This judicial review resulted in *Vancouver (City) v. British Columbia (Information and Privacy Commissioner)*, 2026 BCSC 881 decided by the Honourable Justice Kirchner. In this decision, Justice Kirchner found that two discrete aspects of my decision were unreasonable.¹ He ultimately set aside Order F24-51 and remitted the matter back to the OIPC to reconsider and complete the analyses under ss. 17(1) and 21(1) in light of the reasons he provided.

[7] Based on this direction, I have not solicited additional submissions or evidence from the parties. I will be reconsidering the application of ss. 17(1) and 21(1) to the information in dispute based on the materials the parties provided prior to my issuance of Order F24-51 and in light of Justice Kirchner's reasons.

ISSUES AND BURDEN OF PROOF

[8] In this inquiry, I must decide the following issues:

1. Is the City authorized to refuse to disclose the information in dispute under s. 17(1)?
2. Is the City required to refuse to disclose the information in dispute under s. 21(1)?

¹ *Vancouver (City) v. British Columbia (Information and Privacy Commissioner)*, 2026 BCSC 881 at para 87 [*Vancouver*].

[9] Under s. 57(1), the City has the burden of proving the applicant has no right of access to the information it has withheld under ss. 17(1) and 21(1).

DISCUSSION

Background

[10] Since 2009, the City has encouraged the development of purpose-built rental housing through several rental incentive programs.² In early 2019, the City launched a review of its rental incentive programs to identify challenges, limitations, and opportunities for improvement.³

[11] The City retained Coriolis, a real estate and financial consulting company, to analyze the effectiveness of the City's existing rental development policies and the impact of potential changes to these policies.⁴

[12] As part of this project, Coriolis performed detailed financial modelling, which included determining the effect of various existing and proposed development scenarios on estimated profit margins and estimated supportable land values following development at specific sites.⁵

[13] Coriolis' performed the financial modelling on the specific sites and then generalized its findings to the district level, using the sites as representative examples of properties within each district. The financial modelling was based on publicly available information, and the owners of the sites (Owners) were unaware that the analysis was being performed.⁶

[14] Coriolis summarized its work and findings in three memoranda. The memoranda do not reference the specific sites and instead discuss the financial modelling results generalized to the district level. The City included these memoranda in reports to its Council and, as a result, they are publicly available.⁷

[15] Coriolis also created and provided the City with several exhibits (Exhibits) to support the conclusions it set out in the memoranda. The Exhibits are marked "draft for discussion purposes only".

² Senior Housing Planner's Affidavit at para 6.

³ *Ibid* at para 8.

⁴ *Ibid* at paras 14-17.

⁵ City's initial submission at para 19.

⁶ *Ibid* at para 25 and Senior Housing Planner's Affidavit at paras 24-25.

⁷ Senior Housing Planner's Affidavit at para 20.

Information at issue

[16] The information in dispute is on four pages of the Exhibits. The Exhibits contain a simplified outline of the results of Coriolis' financial modeling.⁸ The Exhibits feature several charts with various development scenarios on one axis and civic addresses and their corresponding zoning or geographic districts on the other axis. The cells in the charts contain percentages and dollar figures showing the estimated impacts of the development scenarios on profit margins and land values at each site/district.⁹ The City has disclosed most of the information in the Exhibits and is only withholding the addresses of the specific sites (Site Addresses).

[17] The properties at the Site Addresses are actual sites currently used for a range of purposes from single family dwellings to low density commercial.¹⁰ The City and Coriolis selected the sites because they were typical examples, in each district, of sites that have development potential but that were not currently undergoing development.¹¹

Harm to financial or economic interests of a public body – s. 17(1)

[18] Section 17(1) authorizes a public body to refuse to disclose information to an applicant if the disclosure could reasonably be expected to harm the financial or economic interests of a public body or the government of British Columbia or the ability of that government to manage the economy.

[19] In Order F08-22, former Commissioner Loukidelis described what “harm to financial or economic interests” means under s. 17(1) as follows:

The threshold for harm under s. 17(1) is not a low one met by any impact. Nature and magnitude of outcome are factors to be considered. If it were otherwise, in the context of s. 17(1) any burden, of any level, on a financial or economic interest of a public body could meet the test. This would offend the purpose of FIPPA to make public bodies more accountable to the public by giving the public a right of access to records, subject to specified, limited exceptions. It would also disregard the contextual variety of the harms-based disclosure exceptions in FIPPA.¹²

[20] I adopt this interpretation for the purpose of this order.

⁸ City's initial submission at para 19.

⁹ *Ibid.* Records at PDF page 1, 2, 4, 5, 6, 7, 8, and 9.

¹⁰ City's initial submission at para 25.

¹¹ *Ibid.*

¹² Order F08-22, 2008 CanLII 70316 (BC IPC) at para 50.

[21] A public body must demonstrate that the release of the information itself could reasonably be expected to result in the harm contemplated.¹³ In other words, there must be a clear and direct connection between the disclosure of information and the harm that is alleged.¹⁴

[22] To demonstrate a reasonable expectation of harm, a public body does not need to prove that disclosure will in fact result in harm or even that such harm is probable. Instead, a public body must provide evidence of a risk of harm that is “well beyond” or “considerably above” the merely possible or speculative.¹⁵ The evidence must be detailed enough to establish specific circumstances under which disclosure of the information in dispute could reasonably be expected to result in the contemplated harm.¹⁶

[23] In Order F24-51, I found the City had not met its burden to prove that disclosure of the Site Addresses could reasonably be expected to harm the City’s financial or economic interests. Justice Kirchner held that most of my reasoning and conclusions about s. 17(1) were reasonable and did not require me to reconsider them.

[24] However, Justice Kirchner found one aspect of my s. 17(1) decision unreasonable. Below, I will reconsider this aspect of my decision by first setting out the relevant findings from Order F24-51 and Justice Kirchner’s decision. I will then conduct my reconsideration.

Order F24-51

[25] The City argues disclosure could reasonably be expected to result in harm to the City’s financial or economic interests because, if the Site Addresses are disclosed, Coriolis will not provide site addresses to the City in future. The City argues that if Coriolis no longer provides site addresses, then the City would be less confident relying on Coriolis’ financial modelling, which would negatively impact the City’s ability to set housing policy.¹⁷

[26] In Order F24-51, I wrote the following about the City’s argument on this subject:

¹³ *British Columbia (Minister of Citizens’ Services) v British Columbia (Information and Privacy Commissioner)*, 2012 BCSC 875 at para 43-44.

¹⁴ Order F19-10, 2019 BCIPC 12 at para 31; Order F07-15, 2007 CanLII 35476 (BCIPC) at para 17.

¹⁵ *Ontario (Community Safety and Correctional Services) v. Ontario (Information and Privacy Commissioner)*, 2014 SCC 31 at paras 52-66 and *British Columbia Hydro and Power Authority v. British Columbia (Information and Privacy Commissioner)*, 2019 BCSC 2128 at para 93.

¹⁶ Order 02-50, 2002 CanLII 42486 (BCIPC) at para 137.

¹⁷ City’s initial submission at para 60.

I understand the City to be submitting that, if it is required to disclose the Site Addresses in response to the applicant's access request, then Coriolis will no longer include the City in the process for selecting site addresses and will instead rely solely on its own expertise to make these selections.

[...]

the City has not persuaded me that this new process, in which Coriolis uses its own expertise to select site addresses that are representative of a district, could reasonably be expected to result in financial modelling that is less reliable. The City submits Coriolis is a market leader and is the City's primary consultant for financial modelling. Coriolis says it has provided financial analysis to the City since before 1990. Given the significant relationship between the parties and Coriolis' expertise, the City has not established that the transition to this new process could reasonably be expected to diminish the reliability of Coriolis' financial modelling. Since the City has not established that this outcome could reasonably be expected to occur, I do not consider whether the contemplated harm flowing from this outcome amounts to harm to the City's financial or economic interests [citations omitted].¹⁸

[27] Justice Kirchner held my decision about this part of the City's argument was unreasonable.

Justice Kirchner's findings

[28] In his decision, Justice Kirchner found that the City's evidence was not that Coriolis' work would actually be less reliable, but that the City's staff would be less confident relying on this work, if they do not know the addresses on which the work is based.¹⁹ He specifically held:

In my respectful view, the Adjudicator misapprehended the full reasons why it is important for the City to have the [Site Addresses]. While withholding the [Site Addresses] from the City would not diminish the quality of Coriolis' work, it is unreasonable to expect the City to forego its ability to scrutinize and fully understand the work it retains and pays Coriolis to do for it.

Consider, for example, a meeting at which City Council is voting on a potential zoning change recommended by staff or considering a proposed financial incentive for a developer. If Council were to ask the responsible staff member if they are confident in the modeling on which their recommendation is based, I would think Council would be dissatisfied with an answer that the staff member had not independently analyzed the modeling because they could not know the inputs on which it was based. Surely Council's expectation would be that for a decision of that magnitude,

¹⁸ Order F24-51, 2024 BCIPC 60 (CanLII) at paras 55 and 57.

¹⁹ *Vancouver*, *supra* note 1 at para 58.

staff would have as much information about it as they could, regardless of how experienced and trustworthy the consultant is.

In my view, having accepted as a fact that Coriolis will stop sharing the [Site Addresses] with the City in the future if they must be disclosed, it was unreasonable for the adjudicator to determine that the City does not need to continue receiving that information.²⁰

[29] Justice Kirchner then went on to consider the City's arguments about the harm that could flow from not receiving site addresses from Coriolis:

However, even if the City experiences harm from not having this information, it remains to be determined whether it is financial or economic harm and is of a nature and magnitude to fall within s. 17(1). The City argues such harm is self-evident by the very fact that the City retained Coriolis to do this work. It argues "the fact it undertook those activities is evidence that these activities were of value to the City, or it would not have undertaken them." It argues the Adjudicator "appears to find that these activities ... are not of value to the City" because the City would no longer be able to do these activities if Coriolis no longer supplied the specific address information.

I question whether it is necessarily "self-evident" that the modeling work has financial or economic value to the City simply because the City has undertaken this work. There is logic in that submission but it is also plausible that the work is done for social reasons to promote needed rental accommodations in the city, which may or may not enhance the City's financial or economic position.

Moreover, the argument misapprehends the Adjudicator's decision and the City's evidence. The Adjudicator did not find that the City would stop commissioning the modeling work, she simply found that the City would either have to trust Coriolis' work without scrutinizing it against the [Site Addresses], find another way for Coriolis to do the modeling without the [Site Addresses], or find a new consultant who would provide the [Site Addresses] to the City even if they would be publicly disclosed. Nor did [the Senior Housing Planner] depose that the City would stop commissioning this work altogether. She said it would harm the City's ability to do this kind of work in the future and the City would be materially less confident in relying on it but she did not say the City would stop doing it.

Nevertheless, the evidence does suggest some nexus between the modeling work and the City's financial or economic circumstances, at least to the extent that the work informs decisions about financial incentives for developers to build rental housing. Since the City relies on this information to set financial incentives for developers, and those financial incentives would have some financial or economic cost to the City, perhaps in the form of actual costs or foregone community amenity contributions, it is certainly

²⁰*Vancouver*, *supra* note 1 at paras 60-62.

conceivable that the City's economic or financial interests could be harmed by the inability to rely on the modeling with full confidence in making decisions about zoning or financial incentives.

In my view, however, that is not a question that can be decided on judicial review. It should be decided by the statutory decision-maker. The legislature entrusted that question to the Information and Privacy Commissioner or their delegate. On judicial review, it is only appropriate for this Court to make the decision assigned to the statutory decision maker when it is evident that a particular outcome is inevitable: *Vavilov*, para 142. That is not the case here. The specific nature of the harm must be identified, and its magnitude must be assessed and weighed against the public's interest in disclosure. That is a task properly left to the statutory decision-maker.²¹

[30] Justice Kirchner has directed me to consider the specific nature of the harm the City alleges, assess the magnitude of harm, and weigh the harm against the public's interest in disclosure. I do so below.

Reconsideration

[31] The City submits that its Senior Housing Planner's evidence describes "the specific harm if Coriolis were unwilling to provide [site addresses] and the importance of the harms to the economic and financial interests of the City and its ability to manage the economy". The City then quotes the following passage from the Senior Housing Planner's affidavit:

In preparing for this Inquiry, I have been advised by [Coriolis] that [it] is concerned about the impact of disclosing [Site Addresses] on individual property owners and that Coriolis will no longer supply this information to the City if the City is unable to keep this information confidential. There are few alternatives to Coriolis, and none with the same history with the City, and I believe withholding the [Site Addresses] would significantly harm the City's ability to perform this type of financial modelling which is used to make broad based zoning changes often impacting large areas of the City. Without knowing the [Site Addresses] used, the City would be materially less confident in relying on the financial modelling contained in the Exhibits and on which the Memos are based.

Financial modelling is essential in setting housing policy, and specifically, the correct financial incentives for purpose built rental housing. As set out in the above referenced administrative reports and the Memos, purpose built rental development is generally less profitable than strata development and will not be competitive with strata development without financial incentives from the City. Setting the correct level of financial incentives is important, as setting the level too low will not have the intended effect and delay or prevent development, and setting the level too

²¹ *Vancouver*, *supra* note 1 at paras 63-67.

high will allow for profits above the 15% level typically allowed by the City. The City has an ability to regulate developers from making excess profits through negotiating the payment of CACs, but this would delay the development of secure market rentals, require additional staff time, and defeat the purpose of the Proposed Changes which are designed to simply and shorten the approval process for these developments: I believe that this would harm the financial interests of the City and the City's ability to manage the economy by setting effective housing policy.²²

[32] Coriolis explains that “Coriolis has provided financial analysis to the City since before [...] 1990.”²³

[33] The City submits even if it “were able to transition to a different consultant to provide this form of financial modelling [...] the City would still suffer financial harm as this transition would require the City to move on from well established practices and would require additional staff time and resources to action.”²⁴ It also submits this transition could diminish the quality of the financial modelling.

[34] For the reasons that follow, I find the City has not established that disclosure of the Site Addresses could reasonably be expected to harm its financial or economic interests under s. 17(1).

[35] The City’s position contemplates two scenarios. One in which it continues to retain Coriolis despite Coriolis no longer providing site addresses and the other in which the City retains a different consultant that is willing to provide site addresses to the City even if those addresses are later disclosed under FIPPA.

[36] In the first scenario, the City’s evidence is that

- the City needs financial modelling to set housing policy and, specifically, to correctly set the financial incentives to encourage purpose-built rental housing;
- Coriolis would no longer provide site addresses in future, if the Site Addresses are disclosed;
- while there are alternatives to Coriolis, Coriolis has provided financial analysis to the City since before 1990 and, therefore, the City would like to continue to retain Coriolis to conduct financial modelling;

²² City’s initial submission at para 65, quoting from the Senior Housing Planner’s Affidavit at paras 27-28.

²³ Coriolis’ Affidavit at para 6.

²⁴ City’s initial submission at para 66.

- if the City continues to retain Coriolis, the City would be less confident relying on Coriolis' financial modelling because it would not know the site addresses on which the modelling was based and would not be able to fully scrutinize and understand Coriolis' work;
- since the City will not have full confidence in Coriolis' financial modelling, the City may set rental housing development incentives
 - too low, which would delay or prevent (i.e. not sufficiently incentivize) development; or
 - too high, which would require the City to negotiate community amenity contributions directly with developers, increase complexity, delay development, and require additional staff time.

[37] I accept the City's evidence about the importance of financial modelling in setting housing policy and, specifically, in correctly setting the financial incentives to encourage purpose-built rental housing.

[38] I accept Coriolis' evidence that it will not provide the City with site addresses in future if the Site Addresses subject to this inquiry are disclosed under FIPPA.

[39] With the benefit of Justice Kirchner's reasons, I now doubt whether the City could reasonably be expected to continue to retain Coriolis without the benefit of receiving the site addresses. Justice Kirchner expresses the following concerns with this approach:

Consider, for example, a meeting at which City Council is voting on a potential zoning change recommended by staff or considering a proposed financial incentive for a developer. If Council were to ask the responsible staff member if they are confident in the modeling on which their recommendation is based, I would think Council would be dissatisfied with an answer that the staff member had not independently analyzed the modeling because they could not know the inputs on which it was based. Surely Council's expectation would be that for a decision of that magnitude, staff would have as much information about it as they could, regardless of how experienced and trustworthy the consultant is.²⁵

[40] Further, the City's position is that relying on Coriolis' financial modelling, without the benefit of knowing the site addresses, could result in the City setting rental housing development incentives too low or too high. I find it would be unreasonable and illogical to expect the City to continue to retain and pay

²⁵ *Vancouver*, *supra* note 1 at para 61.

Coriolis to produce financial modelling that may hamper the City's ability to set rental housing development incentives. If Coriolis is unable to deliver what it is retained to deliver, which is financial modelling that the City can use to confidently and accurately set housing policy, then I expect the City would no longer retain Coriolis to produce financial modelling for this purpose. I recognize the City has been working with Coriolis for more than 30 years and would like to continue to do so. However, I do not see how the City could reasonably be expected to allow its preference for working with a specific consultant to override its need for financial modelling that it can confidently rely on and use to effectively set housing policy.

[41] That said, the City's position is that it may continue to pay Coriolis to provide financial modelling to set housing policy, despite these concerns, and so I have considered the harms the City says flow from the City being less confident relying on Coriolis' financial modelling.

[42] The City contemplates harm to its financial or economic interests as a result of reduced rental housing development, increased staff and resource costs, and the need for the City to negotiate community amenity contributions directly with developers.

[43] The City has not clearly articulated how a reduction in rental housing development could reasonably be expected to harm its own financial or economic interests. It is possible there is a connection between reduced rental housing development and the City's financial or economic interests. However, absent an explanation from the City, I am not persuaded a reduction in rental housing developments could reasonably be expected to harm the City's financial or economic interests. Such harm is merely possible or speculative.

[44] Further, the City has not provided details about the quality or quantity of harm it anticipates as a result of increased staff and resource costs or the City needing to negotiate community amenity contributions directly with developers. Not every additional cost to the City will be considered harm to its financial or economic interests under s. 17(1). The City has not led evidence sufficient for me to determine whether the magnitude of the alleged harm raises to "financial or economic harm" under s. 17(1).

[45] I will now consider the second scenario, in which the City retains a consultant other than Coriolis to conduct financial modelling.

[46] The City's evidence is that there "are few alternatives to Coriolis, and none with the same history with the City".²⁶ The City submits that even if it "were able to transition to a different consultant [...] the City would still suffer financial harm as this transition would require the City to move on from well established

²⁶ Senior Housing Planner's Affidavit at para 27.

practices and would require additional staff time and resources to action.”²⁷ It also submits this transition could diminish the quality of the financial modelling.

[47] The City’s evidence is that there *are* alternative consultants that the City could retain to provide financial modelling for the purpose of setting housing policy.

[48] The City has not provided evidence sufficient for me to weigh the nature or gravity of the alleged financial harm resulting from the transition to a new consultant. I find the City has not met its burden to prove that the additional costs it expects amount to harm to its economic or financial interests.

[49] I also find that the City’s position that an alternative consultant would produce lower quality financial modeling is purely speculative. The City does not explain why it believes this outcome could reasonably be expected to occur or how such an outcome could harm its financial or economic interests.

[50] In conclusion, I find the City has not established disclosure of the Site Addresses could reasonably be expected to harm its financial or economic interests under s. 17(1).

[51] As a final note, the City makes specific arguments about the application of ss. 17(1)(b) and 17(1)(d), which I have not dealt with directly. I have determined I do not need to consider whether the Site Addresses fall within the categories of information in ss. 17(1)(b) and 17(1)(d) because subsections 17(1)(a) to (f) are not stand-alone provisions and even if information fits within those subsections, a public body must also prove disclosure of the information in dispute could reasonably be expected to result in one or more of the harm described in the opening words of s. 17.²⁸ Since I have found that the City has not established that disclosing the Site Addresses could reasonably be expected to result in the harms set out in the opening words of s. 17(1), I do not need to consider the City’s specific arguments about ss. 17(1)(b) or 17(1)(d).

[52] I also note the City’s submissions and evidence discuss harm to the City’s ability to manage the economy. Justice Kirchner found my conclusions on this subject reasonable and, therefore, I have not reconsidered this aspect of the City’s argument in this order.

Harm to a third-party business interest – s. 21(1)

[53] The City also withheld the Site Addresses under s. 21(1).

²⁷ City’s initial submission at para 66.

²⁸ Order F05-06, 2005 CanLII 11957 (BC IPC) at para 36; Order F10-39, 2010 CanLII 77325 (BCIPC) at paras 32–34; Order F11-14, 2011 BCIPC 19 at paras 47–48; Order F12-02, 2012 BCIPC 2 at para 42.

[54] Section 21(1) requires a public body to withhold information if its disclosure could reasonably be expected to harm the business interests of a third party. The relevant parts of s. 21 in this case are as follows:

21(1) The head of a public body must refuse to disclose to an applicant information

(a) that would reveal

[...]

(ii) commercial, financial, labour relations, scientific or technical information of or about a third party,

(b) that is supplied, implicitly or explicitly, in confidence, and

(c) the disclosure of which could reasonably be expected to

[...]

(ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,

(iii) result in undue financial loss or gain to any person or organization,

[55] Past orders have established a three-part framework to determine the applicability of s. 21(1). The City must satisfy all three of the following criteria in order for the information to be properly withheld under s. 21(1):

1. Disclosing the information at issue would reveal the type of information listed in s. 21(1)(a);
2. The information at issue was supplied, implicitly or explicitly, in confidence under s. 21(1)(b); and
3. Disclosing the information at issue could reasonably be expected to cause one or more of the harms set out in s. 21(1)(c).²⁹

[56] In Order F24-51, I concluded that the estimated supportable land values and estimated profit margins in the Exhibits were financial information. I accepted that with the Site Addresses withheld, these estimates were generalized to the district-level and that disclosing the Site Addresses would allow the reader to

²⁹ Order F17-14, 2017 BCIPC 15 at para 9; and Order F22-33, 2022 BCIPC 37 at para 25.

apply the estimates in the body of the charts to the properties at the Site Addresses. Therefore, I found that disclosing the Site Addresses would reveal financial information specific to those sites.³⁰

[57] I concluded that the financial information that would be revealed was not “of” Coriolis, as argued by the City, because the City had not established that Coriolis owns or otherwise has a legal claim to or interest in the information in dispute.³¹ Justice Kirchner held my conclusion was reasonable.³²

[58] However, Justice Kirchner held that the only reasonable conclusion was that the financial information for each case study property is information about the third-party Owners, and that the evidence was “fairly clear” that Coriolis provided that information to the City in confidence.³³ Based on these conclusions, Justice Kirchner directed me to consider the last stage of the s. 21 analysis, which is whether disclosure could reasonably be expected to result in one of the harms specified under s. 21(1)(c).

[59] To demonstrate a reasonable expectation of harm, under s. 21(1)(c), a public body does not need to prove that disclosure will in fact result in harm or even that such harm is probable. Instead, a public body must provide evidence of a risk of harm that is “well beyond” or “considerably above” the merely possible or speculative.³⁴

Section 21(1)(c)(ii) – similar information no longer being supplied

[60] The City submits disclosure could reasonably be expected to result in the harm contemplated under s. 21(1)(c)(ii).

[61] Section 21(1)(c)(ii) states a public body may refuse to disclose information that would reveal financial information about a third party, supplied in confidence, if disclosure could reasonably be expected to “result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied”.

[62] The City submits that disclosure of the Site Addresses would result in this information no longer being supplied to the City.³⁵ The City submits that it is in the public interest that similar information be supplied because financial modelling is essential in setting housing policy and the correct financial incentives for purpose built rental housing. The City submits that if Coriolis no

³⁰ *Vancouver*, *supra* note 1 at para 69.

³¹ Order F24-51, 2024 BCIPC 60 (CanLII) at para 81.

³² *Vancouver*, *supra* note 1 at para 85.

³³ *Ibid* at para 86.

³⁴ *Ontario (Community Safety and Correctional Services) v. Ontario (Information and Privacy Commissioner)*, 2014 SCC 31 (CanLII) at paras 52-54.

³⁵ City’s initial submission at para 76.

longer supplies the Site Addresses the City will be materially less confident relying on Coriolis' financial modelling.³⁶

[63] The City submits

Coriolis is not compelled to provide the information at issue, and while there is an incidental financial incentive in that Coriolis is paid for its consulting services, the disclosure of this information is still voluntary and it is unlikely that the financial incentive would alter Coriolis' behaviour based on the concerns raised [about disclosure of the Site Addresses] in [Coriolis'] affidavit. Further, the City is reliant on Coriolis and it is not a simple matter of finding a new consultant to provide financial modelling. As [the Senior Housing Planner] sets out in her affidavit "[t]here are few alternatives to Coriolis, and none with the same history with the City."³⁷

[64] For the reasons that follow, I find the City has not established that disclosure could reasonably be expected to "result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied".

[65] One entity's unwillingness to supply information is typically not enough to establish that similar information will not be supplied to a public body under s. 21(1)(c)(ii). This is particularly the case if there are other incentives for supplying the disputed information or multiple entities who can supply similar information.³⁸ The fact that one third party insists on non-disclosure is not typically sufficient to establish that similar information will not be supplied by other third parties in the future.³⁹

[66] As noted above, the City's evidence is that there "are few alternatives to Coriolis and none with the same history with the City".⁴⁰ Based on this evidence, I find that there *are* alternative consultants. Indeed, the City's evidence even suggests that the City has previously worked with these alternative consultants, just not to the same extent that it has worked with Coriolis. The City has not led any evidence that these alternative consultants would be unwilling to supply site addresses to the City in future if the Site Addresses are disclosed under FIPPA.

[67] The City acknowledges that Coriolis has a financial incentive to provide site addresses, if it wants the City to continue to retain its service, but says that this financial incentive is not likely enough to get Coriolis to provide site

³⁶ *Ibid* at para 77.

³⁷ *Ibid* at para 78.

³⁸ Order F20-41, 2020 BCIPC 49 (CanLII) at paras 57-58; and Order F20-55, 2020 BCIPC 64 (CanLII) at para 47

³⁹ Order F24-23, 2024 BCIPC 30 (CanLII) at para 81.

⁴⁰ Senior Housing Planner's Affidavit at para 27.

addresses in future, given Coriolis' concerns about disclosure of the Site Addresses.⁴¹

[68] The City has not provided evidence or even made submissions suggesting that other consultants could reasonably be expected to share Coriolis' concerns about disclosure of the Site Addresses. As a result, I find the financial incentive that would flow from obtaining this consulting work is likely sufficient to encourage other consultants to provide site addresses and the corresponding financial modelling to the City.

[69] I conclude the City has not established that disclosure of the Site Addresses could reasonably be expected to lead to similar information no longer being supplied to the City in future. The City has not established it is required to withhold the Site Addresses under s. 21(1)(c)(ii).

Section 21(1)(c)(iii) – undue financial loss or gain to any person

[70] The City submits disclosure of the Site Addresses could reasonably be expected to result in undue financial loss or gain to the Owners. The City makes these arguments under s. 17(1)(d). As noted above, I have determined I do not need to consider the City's specific arguments about s. 17(1)(d) because the City has not established disclosure of the Site Addresses could reasonably be expected to result in the harms set out in the opening words of s. 17(1).

[71] However, in order to provide complete reasons, I find it is appropriate for me to consider the City's submissions about the Owners experiencing undue financial loss or gain under s. 21(1)(c)(iii).

[72] Section 21(1)(c)(ii) states a public body may refuse to disclose information that would reveal financial information about a third party, supplied in confidence, if disclosure could reasonably be expected to "result in undue financial loss or gain to any person or organization".

[73] The City submits that its Senior Housing Planner and Coriolis have both provided affidavit evidence expressly stating and setting out their basis for believing that disclosure of the Site Addresses would result in undue financial loss or gain to the Owners.⁴²

[74] The Senior Housing Planner's evidence is that disclosure of the Site Addresses may encourage or discourage development at the Site Addresses and/or increase or decrease land values. She states that the City's rental incentive programs are intended to encourage rental development generally and that disclosing the Site Addresses may encourage development at the specific

⁴¹ City's initial submission at para 78.

⁴² *Ibid* at para 55.

Site Addresses. She says the City does not want to pressure the Owners to engage in immediate development of their properties.⁴³

[75] I find the Senior Housing Planner's evidence does not support a finding that the Owner's could reasonably be expected to experience undue financial loss or gain as a result of disclosure of the Site Addresses because her evidence is ambiguous, vague, and speculative.

[76] Coriolis expresses concerns that the estimates in the Exhibits could be misinterpreted by the public because there is no accompanying report explaining the calculations and results. As an example, it says that a member of the public could reasonably be expected to assume an estimate in the Exhibits applies to a particular site even though the development scenario the estimate is based on is not actually permitted by the City.⁴⁴

[77] Given that the Exhibits are clearly several years old, are marked "draft for discussion purposes only", and list a series of assumptions on which the estimates are based, I am not persuaded that the misinterpretation the City contemplates could reasonably be expected to occur. Even if such an outcome could reasonably be expected to occur, the City has not adequately explained how this misinterpretation could reasonably be expected to result in undue financial loss or gain to the Owners.

[78] Coriolis also says that disclosure of the Site Addresses may reduce the price a purchaser would be willing to pay for a property at those addresses and may even cause a sale to fall through.⁴⁵ To support this position, Coriolis states that, in the past, the City implemented Coriolis' recommendations on a different project and this "dampened the values that developers paid for sites in the [...] study area [of that project]."⁴⁶

[79] However, Coriolis does not explain what those recommendations were or how they relate to Site Addresses at issue in this case. Therefore, I cannot conclude that this evidence about unspecified past recommendations is relevant to the question of whether disclosure of the Site Addresses could reasonably be expected to result in undue financial loss or gain to the Owners.

[80] Coriolis also states that, in the past, disclosure of Coriolis' work has led to projects not proceeding.⁴⁷

⁴³ City's initial submission at para 55, citing Senior Housing Planner's Affidavit at para 26.

⁴⁴ *Ibid* at para 56, citing Coriolis' Affidavit at para 19.

⁴⁵ *Ibid* at para 57, citing Coriolis' Affidavit at para 20.

⁴⁶ *Ibid* at para 57, citing Coriolis' Affidavit at para 21.

⁴⁷ *Ibid*.

[81] However, Coriolis provides diverse services to a wide range of public and private clients.⁴⁸ Without more information, I cannot conclude that the work Coriolis is referencing at all resembles the circumstances relevant to this inquiry.

[82] Coriolis also states that disclosure of the Site Addresses could cause a sale to fall through if an agreed upon deal had not been completed and the land value estimate prepared by Coriolis was lower than the agreed upon sale price.⁴⁹

[83] However, this outcome is not supported by the other evidence before me. For example, Coriolis states that most developers seek out as much information as possible when making a decision to acquire a development site.⁵⁰ It also says sophisticated developers would create the same type of models as in the Exhibits to analyze the expected financial performance of a planned project and to help decide whether to acquire a site and how much to pay.⁵¹ Given the City's evidence that developers make purchasing decisions based on their own research and financial modelling, the City has not persuaded me that the disclosure of the Site Addresses could reasonably be expected to cause a sale to fall through.

[84] My finding on this subject is supported by the fact that the estimates in the Exhibits are clearly marked "draft for discussion purposes only", are several years old (they are dated 2019 or 2021), and are dependent on, among other things, a hypothetical developer obtaining rezoning approval, purchasing the property, building a rental project, selling the project to an investor, and targeting a 15% return on costs.⁵² In my view, these details signal to the reader, including prospective buyers and sellers, that the estimates may be incomplete, out-of-date, or otherwise unreliable for the purpose of determining whether to withdraw from an agreed upon sale of the multimillion-dollar properties located at the Site Addresses.

[85] In summary, I find the City's evidence, including its evidence from Coriolis, does not establish that disclosure of the Site Addresses could reasonably be expected to result in undue financial loss or gain to the Owners. The City has not established it is required to withhold the Site Addresses under s. 21(1)(c)(iii).

CONCLUSION

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

⁴⁸ Coriolis' Affidavit at Exhibit B.

⁴⁹ City's initial submission at para 57, citing Coriolis' Affidavit at para 20.

⁵⁰ Coriolis' Affidavit at para 15.

⁵¹ *Ibid* at para 12.

⁵² Records at PDF page 2.

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1. The City is not authorized under s. 17(1) or required under s. 21(1) to refuse the applicant access to the Site Addresses.
 2. The City is required to give the applicant access to all the information in the responsive records, including the Site Addresses.
 3. The City must provide the OIPC registrar of inquiries with a copy of its cover letter and the records it sends to the applicant in compliance with item 2 above.

[87] Pursuant to s. 59(1) of FIPPA, the City is required to comply with this order by August 6, 2026.

June 23, 2026

ORIGINAL SIGNED BY

Rene Kimmitt, Adjudicator

OIPC File No.: F21-87348