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Order F13-29

CITY OF NORTH VANCOUVER

Ross Alexander, Adjudicator

December 19, 2013

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Summary: The applicants requested records relating to an investigation into their complaint that City officials improperly entered duplex units owned by the applicants. The City disclosed some records, but withheld portions of a memo on the basis that the withheld information was policy advice or recommendations, legal advice, and information that would unreasonably invade third party personal privacy if disclosed. The adjudicator determined that these sections applied to most of the withheld information, but ordered that some information be released.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, ss. 13, 14 and 22.

Authorities Considered: B.C.: Order F07-17, [2007] B.C.I.P.C.D. No. 23; Order F13-10, 2013 BCIPC No. 11; Order F13-05, [2013] B.C.I.P.C.D. No. 5; Order 04-25, [2004] B.C.I.P.C.D. No. 25; Order F13-09, [2013] B.C.I.P.C.D. No. 10; Order F12-08, [2012] B.C.I.P.C.D. No. 12; Order 04-07, [2004] B.C.I.P.C.D. No. 7; Order F06-11, [2006] B.C.I.P.C.D. No. 18; Order 01-48, [2001] B.C.I.P.C.D. No. 50; Order 01-07, [2001] B.C.I.P.C.D. No. 7.

Cases Considered: *College of Physicians of British Columbia v. British Columbia (Information and Privacy Commissioner)*, 2002 BCCA 665; *B. v. Canada*, [1995] 5 W.W.R. 374 (BCSC); *Blank v. Canada (Minister of Justice)*, 2006 SCC 39; *Keefer Laundry Ltd. v. Pellerin Milnor* Corp, 2006 BCSC 1180; *Gichuru v. British Columbia (Information and Privacy Commissioner),* 2013 BCSC 835; *Hamalainen v. Sippola*, 1991 CanLII 440 (BCCA).

INTRODUCTION

[1] The applicants own a duplex property in the City of North Vancouver ("City") that contains four residential suites. Two of the suites are unauthorized under City bylaws. In 2010, the City obtained an entry warrant permitting it to inspect the unauthorized units. In the course of inspecting the duplex, City inspectors entered all four suites. The applicants complained to the City that its inspectors illegally entered the two conforming suites.

[2] The City investigated the complaint, and the applicants later requested a copy of the investigation report and related information. The City provided some records, but withheld portions of a three page memo from the City's deputy director to the City manager about how the City had dealt with this non-conforming suite issue. The City is withholding portions of the memo under ss. 13, 14 and 22 of the *Freedom of Information and Protection of Privacy Act* ("FIPPA").

ISSUES

[3] The applicants submit that the City has not produced all records responsive to its request as required by FIPPA. They state that only one of the documents the City produced is relevant to the City's investigation of the entry of the duplex, and that additional records must exist. The City replies that it has identified all the relevant records. Whether the City has conducted a proper search for responsive records is not an issue identified in the Notice of Inquiry or in the Investigator's Fact Report, and therefore not one that I will deal with in this inquiry.

[4] The issues in dispute are whether the City is:

a) authorized to refuse access to information under s. 13 of FIPPA because it is policy advice or recommendations;

b) authorized to refuse access to information under s. 14 of FIPPA because it is subject to solicitor client privilege; and

c) required to refuse access to information under s. 22 of FIPPA because disclosure would be an unreasonable invasion of the personal privacy of third parties.

DISCUSSION

[5] *Record in Dispute* – The memo is the sole record in dispute. The City has withheld approximately half of its contents. The City applies both ss. 13 and 14 to two excerpts, s. 14 only to other excerpts, and s. 22 to parts of three different paragraphs.

[6] The applicants are concerned that they are not able to sufficiently state their case because the City has provided limited details about the withheld information. In my view, the City has sufficiently outlined the general nature of the withheld material, particularly since part of the memo has already been disclosed to the applicants. If public bodies too specifically detail records in dispute, they run the risk of disclosing the very information that is at issue. I also note that I have received and independently reviewed an unsevered version of the disputed records to assess whether information was appropriately withheld.

Policy Advice or Recommendations – s. 13

[7] The City applies both ss. 13 and 14 to two excerpts of the memo. I will first deal with the application of s.13 to these excerpts. Section 13(1) states:

> The head of a public body may refuse to disclose to an applicant information that would reveal advice or recommendations developed by or for a public body or a minister.

[8] Numerous orders have considered the interpretation of s. 13(1) of FIPPA. For example, Adjudicator Boies Parker stated in Order F07-17 that when:

> …making a determination regarding s. 13, a public body must first determine whether the material fits within the scope s. 13(1). If it does, the public body must then go on to determine whether the material falls within any of the categories set out in s. 13(2). If the records at issue are caught by one of the categories under s. 13(2), the public body must not refuse disclosure under s. 13(1). If the public body determines that the material falls within s. 13(1) and is not caught by any of the s. 13(2) categories, the public body must then decide whether to exercise its discretion to refuse disclosure.[1]

[9] The City submits that s. 13 applies to this information because it is "advice and/or recommendations made internally…regarding the assessment of the circumstances and how staff might deal with [the applicants]". The applicants submit that s. 13 does not apply because the nature of the information is factual rather than advice or recommendations.

[1] Order F07-17, [2007] B.C.I.P.C.D. No. 23 at para. 18.

[10] The withheld excerpts are advice or recommendations within the meaning of s. 13(1). One of the excerpts is clearly advice or recommendations, and the other excerpt is an opinion that allows for an accurate inference to be drawn as to advice or recommendations developed by or for the City. These excerpts are not factual material under s. 13(2)(a). None of the provisions in s. 13(2) apply to either excerpt, and the City has properly exercised its discretion to refuse to disclose this information to the applicant. I therefore find that it is authorized to withhold this information under s. 13.

***Legal Advice* – s. 14**

[11] As I noted above, the City applied s. 14 to multiple parts of the memo, including to the excerpts for which it also applied s. 13. It is unnecessary for me to consider whether s. 14 applies to information excepted from disclosure under s. 13, so I will only consider whether s. 14 applies those excerpts only withheld under s. 14.

[12] Section 14 of FIPPA states:

> The head of a public body may refuse to disclose to an applicant information that is subject to solicitor client privilege.

[13] Section 14 of FIPPA encompasses two kinds of privilege recognized at law: legal advice privilege and litigation privilege.

[14] The City argues that litigation privilege applies to the portions of the memo it is withholding under s. 14. However, the substance of the City's argument for s. 14 also relates to legal advice privilege.[2] I will therefore consider both legal advice privilege and litigation privilege.[3]

[15] The applicants submit s. 14 does not apply because the City has not established that solicitor-client privilege applies in this case.

[16] **Legal Advice Privilege —** Previous orders have consistently applied the following test for legal advice privilege:

> [T]he privilege does not apply to every communication between a solicitor and his client but only to certain ones. In order for the privilege to apply, a further four conditions must be established. Those conditions may be put as follows:
>
> 1. there must be a communication, whether oral or written;
>
> 2. the communication must be of a confidential character;

[2] City's initial submissions at paras. 13 to 15.
[3] Notwithstanding the City's reply submissions at para. 18.

> 3. the communication must be between a client (or his agent) and a legal advisor; and
>
> 4. the communication must be directly related to the seeking, formulating, or giving of legal advice.
>
> If these four conditions are satisfied then the communications (and papers relating to it) are privileged.[4]

[17] Having reviewed the memo and considered the context in which it was written, I am satisfied that it is a written communication of a confidential character.

[18] The memo is internal City correspondence, which is not addressed to or written by a legal advisor. However, some excerpts withheld relate to the seeking, formulating, or giving of legal advice with the City's lawyer. Previous orders, such as Order 04-25, have found that these kinds of internal discussions of legal advice are protected by solicitor client privilege because they are related to the legal advice.[5] I therefore find that the City is authorized to withhold these excerpts under s. 14.

[19] Notwithstanding the above, the memo is a communication from one City employee to another employee, primarily recounting a chronology of events from the City's perspective. In my view, there is one remaining excerpt that does not constitute legal advice because it is not directly related to the seeking, formulating or giving of legal advice, and does not allow the reader to infer such legal advice.[6] Therefore, the City is not authorized to withhold this is excerpt under s. 14 as legal advice privilege.[7]

[20] I will now consider whether the remaining excerpt withheld under s. 14 is protected from disclosure due to litigation privilege.

[21] **Litigation Privilege —** Litigation privilege applies to documents that are created for the dominant purpose of ongoing or reasonably contemplated litigation. As stated by the Supreme Court of Canada in *Blank v. Canada*:

> …litigation privilege should be viewed as a limited exception to the principle of full disclosure and not as an equal partner of the broadly interpreted solicitor-

[4] *B. v. Canada*, [1995] 5 W.W.R. 374 (BCSC). For example, see Order F13-10, 2013 BCIPC No. 11 or Order F13-05, [2013] B.C.I.P.C.D. No. 5.
[5] Order 04-25, [2004] B.C.I.P.C.D. No. 25.
[6] Located on the bottom half of page 2 of the memo.
[7] The information at issue is a severed portion of the memo. This issue of severance was not raised by the parties. However, see *College of Physicians of British Columbia v. British Columbia (Information and Privacy Commissioner)*, 2002 BCCA 665 at paras. 67 to 69, which states that severance is appropriate where "part of the document is not subject to legal advice privilege and a separate part is privileged", if the information is not intertwined.

> client privilege. The dominant purpose test is more compatible with the contemporary trend favouring increased disclosure.[8]

[22] The test for litigation privilege, as described in *Keefer Laundry Ltd. v. Pellerin Milnor Corp.*, is:

> Litigation Privilege must be established document by document. To invoke the privilege, counsel must establish two facts for each document over which the privilege is claimed:
>
> 1. that litigation was ongoing or was reasonably contemplated at the time the document was created; and
>
> 2. that the dominant purpose of creating the document was to prepare for that litigation.
>
> …
> The focus of the enquiry is on the time and purpose for which the document was created…[9]
>
> [Citations Removed]

[23] Since the City is the party asserting privilege, it has the onus to satisfy each of the two elements above on a balance of probabilities for litigation privilege to apply.[10] The required evidence, as stated in *Gichuru v. British Columbia (Information and Privacy Commissioner)*, is:

> The party seeking to protect documents on the basis of litigation privilege must set out sufficient facts…to determine that litigation was ongoing or reasonably contemplated and that the dominant purpose for which the document was created was litigation. It is not sufficient to simply make a bare claim that the documents are subject to litigation privilege.[11]

[24] The City did not adduce evidence from the deputy director who drafted the memo, the City manager, or anyone else. It submits, however, that "the information severed from the memo pursuant to s. 14 of [FIPPA] was, on the face of the memo, clearly contemplation of litigation and created for the dominant purpose of litigation."[12] The City does not explain why it is only attempting to withhold portions of the memo due to litigation privilege.[13]

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[8] *Blank v. Canada (Minister of Justice)*, 2006 SCC 39 at para. 60.
[9] *Keefer Laundry Ltd. v. Pellerin Milnor Corp.*, 2006 BCSC 1180 at paras. 96 to 99 citing *Dos Santos (Committee of) v. Sun Life Assurance Co. of Canada* (2005), 40 B.C.L.R. (4th) 245, 2005 BCCA 4 at paras. 43 to 44 et. al.; also see *Gichuru v. British Columbia (Information and Privacy Commissioner),* 2013 BCSC 835 at para. 55.
[10] *Hamalainen v. Sippola*, 1991 CanLII 440 (BCCA).
[11] *Gichuru v. British Columbia (Information and Privacy Commissioner),* 2013 BCSC 835 at para. 56.
[12] City's reply submissions at para. 29. Also see the City's initial submission at paras. 11 and 16.
[13] The City only submits that s. 14 applies to the severed sections. Neither party raised the issue of waiver of privilege for the information withheld under s. 14.

[25] I will consider this submission, the memo and the other materials before me within the elements of the test for litigation privilege.

[26] The first element of the test for litigation privilege is that litigation was ongoing or reasonably contemplated at the time the document was created. As stated by the British Columbia Court of Appeal in *Hamalainen v. Sippola*:

> The first requirement will not usually be difficult to meet. Litigation can be said to be reasonably contemplated when a reasonable person, with the same knowledge of the situation as one or both of the parties, would find it unlikely that the dispute will be resolved without it.[14]

[27] The timeline of events leading up to the date of the memo is as follows:

- Starting October 2009 – the City received complaints about illegal suites at the applicants' property. The City investigated the complaints, and contacted the applicants about the issue.

- Up to April 2010 – the City contemplated legal action, and the applicants stated that they would respond in kind if the City took this step. The City told the applicants to only deal with the City's lawyer.[15]

- April 12, 2010 – after the City obtained an entry warrant to inspect the unauthorized units on the applicants' property, City inspectors and the RCMP entered all four suites on the property.

- April 13, 2010 – the applicants sent a letter to the City's mayor, complaining that City inspectors entered the suites on the property without the legal authority to do so and requesting that disciplinary action be taken against certain City employees. The letter also states that the applicants would immediately commence litigation against the City and the people who entered their property, if the City took any further action against the applicants.

- The applicants met with the mayor "immediately" after writing the April 13 complaint to him.[16] The mayor told the applicants that their complaint would be investigated, and that the deputy director was responsible for the investigation. The mayor also arranged for the applicants to meet with the deputy director on May 6.

- April 20, 2010 – the memo was drafted. It is from the deputy director to the City manager.

- May 6, 2010 – the applicants met with the deputy director.

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[14] *Hamalainen v. Sippola*, 1991 CanLII 440 (BCCA).
[15] This information is in portions of the memo that has been disclosed to the applicants.
[16] Applicant's request for review at p. 2. The materials before me do not specify what date the applicants and the mayor met.

[28] Based on the above circumstances, and because the applicants were threatening legal action against the City at the time the memo was drafted, I am satisfied that litigation was reasonably within contemplation.

[29] The second element of the test for litigation privilege is that the dominant purpose of creating the document in question is to prepare for the litigation. This element is not necessarily met just because there is a reasonable prospect of litigation. As the court states in *Hamalainen*:

> Even in cases where litigation is in reasonable prospect from the time a claim first arises, there is bound to be a preliminary period during which the parties are attempting to discover the cause of the accident on which it is based. At some point in the information gathering process the focus of such an inquiry will shift such that its dominant purpose will become that of preparing the party for whom it was conducted for the anticipated litigation. In other words, there is a continuum which begins with the incident giving rise to the claim and during which the focus of the inquiry changes. At what point the dominant purpose becomes that of furthering the course of litigation will necessarily fall to be determined by the facts peculiar to each case.[17]

[30] *Keefer* states what a party asserting privilege needs to establish to confirm that litigation is the "dominant purpose":

> To establish "dominant purpose", the party asserting the privilege will have to present evidence of the circumstances surrounding the creation of the communication or document in question, including evidence with respect to when it was created, who created it, who authorized it, and what use was or could be made of it…[18]

[31] The City did not provide evidence as described in *Keefer*. Its position is that it is clear on the face of the memo that it was created for the dominant purpose of considering and obtaining legal advice, as well as developing a plan in the face of the threat of litigation by the owner.

[32] I disagree with the City's submission that it is clear on the face of the memo that it was created with a dominant purpose of litigation. This conclusion is reinforced when considering when the memo was drafted.

[33] As I have already determined above, certain portions of the memo contain legal advice. However, in my view, it is not clear on the face of the memo that the dominant purpose of the memo was to prepare for reasonably contemplated litigation. The memo is titled "Property Use Matter", the first half of the memo is a timeline, and the last half is under a heading entitled "follow up" to the applicants' complaint to the mayor.[19] The memo is clearly intended to inform the City manager about what has happened to date with respect to the property from the

[17] *Hamalainen v. Sippola*, 1991 CanLII 440 (BCCA).
[18] *Keefer Laundry Ltd. v. Pellerin Milnor* Corp, 2006 BCSC 1180 at para. 98
[19] The City has previously disclosed this information to the applicants.

City's perspective, but that does not necessarily mean that the memo was created for a litigation purpose.

[34] The memo was drafted one week after the applicants' April 13 complaint letter to the City. This complaint alleges that the City was selectively enforcing its bylaws against the applicants, and that a City inspector was harassing the applicants. It threatens litigation *if* the City or the City inspector took further action against the applicants.

[35] The memo was drafted about the time the applicants met with the mayor to discuss the applicants' complaint. The memo was also drafted before the meeting that the mayor arranged between the applicants and the deputy director.

[36] Based on the materials before me, including the content of the memo and surrounding context, the memo could have been created for multiple purposes. The memo, for example, may have been created in relation to the City's investigation of the applicants' complaint, the meetings with the applicants, or for other reasons. In this case, absent direct evidence about why the memo was drafted, I am not satisfied that the dominant purpose of creating the document was to prepare for litigation.

[37] In conclusion, the City may withhold some information under s. 14 of FIPPA because legal advice privilege applies, but it is not entitled to rely on litigation privilege to withhold the other information. Therefore, the City must disclose one of the withheld excerpts.

Disclosure Harmful to Personal Privacy – s. 22

[38] The City also withheld excerpts from three paragraphs pursuant to s. 22 of FIPPA. These are different excerpts than the information withheld under ss. 13 and 14. The withheld personal information in these paragraphs relates to people who were at the duplex property when the City gained entry.[20]

[39] Section 22 requires public bodies to refuse to disclose personal information if the disclosure would be an unreasonable invasion of a third party's personal privacy.

[40] Numerous orders have considered the analytical approach to s. 22.[21] It is first necessary to determine if the information in dispute is "personal information" as defined by FIPPA. If so, it must be determined whether the information meets the criteria identified in s. 22(4). If s. 22(4) applies, s. 22 does not require the

[20] Page 2. This fact is clear from the portions of the memo that the City has already disclosed to the applicants.
[21] Order F13-09, [2013] B.C.I.P.C.D. No. 10; Order F12-08, [2012] B.C.I.P.C.D. No. 12; et. al.

public body to refuse to disclose the information. If s. 22(4) does not apply, it is necessary to determine whether disclosure of the information falls within s. 22(3). If s. 23(3) applies, disclosure is presumed to be an unreasonable invasion of third party privacy. However, this presumption can be rebutted, and all relevant circumstances must be considered, including those listed in s. 22(2), to determine whether disclosing the personal information would be an unreasonable invasion of a third party's personal privacy.

[41] The City submits that it is required to withhold portions of the memo under s. 22 to protect the personal privacy of third parties. It submits that it is plain and obvious on the face of the memo that this information was compiled as part of an investigation into a possible violation of law, so there is a presumption that disclosure of this information is an unreasonable invasion of personal privacy under s. 22(3)(b) of FIPPA.

[42] The applicants submit that s. 22 does not apply. They state that the FIPPA objective of providing access to information and making public bodies accountable is more important in this case than that of protecting personal privacy. The applicants deny that the s. 22(3)(b) presumption applies. They also submit that disclosure is desirable for public scrutiny (s. 22(2)(a)) and is relevant to a fair determination of their rights (s. 22(2)(c)).

[43] **Personal Information —** The severed information is clearly personal information, as it is recorded information about an identifiable individual other than their contact information.

[44] **Disclosure is Not Unreasonable —** Section 22(4)(a) of FIPPA states that disclosure of a third party's personal privacy is not an unreasonable invasion of the third party's privacy if he or she consents in writing to the disclosure. In this case, the applicant's tenants complained to the applicants about the conduct of City officials, but neither any tenants nor any other third parties consented in writing to disclosure of their personal information. Therefore, s. 22(4)(a) does not apply. I find that none of the other provisions in s. 22(4) apply to the withheld information.

[45] **Presumption of Unreasonable Invasion of Personal Privacy —** The City submits that the s. 22(3)(b) presumption applies in this case. That section states that disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if:

> the personal information was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation,

[46] The applicants submit that s. 22(3)(b) does not apply because there must be an ongoing investigation that might be prejudiced for s. 22(3)(b) to apply, and

that the City's investigation into the applicants' complaint is over. They state that there is no need to keep the information confidential any longer.

[47] The investigation in this case has concluded. However, previous orders state that whether or not the investigation is over is irrelevant for the purposes of s. 22(3)(b).[22] For that reason, I find that the withheld information is identifiable as part of an investigation into a possible violation of law, and there is a rebuttable presumption that disclosure would be an unreasonable invasion of a third party's personal privacy.[23]

[48] **Relevant Circumstances to Consider —** The applicants submit that ss. 22(2)(a) and (c) are considerations in favour of disclosure. These provisions state:

> (a) the disclosure is desirable for the purpose of subjecting the activities of the government of British Columbia or a public body to public scrutiny,
> …
> (c) the personal information is relevant to a fair determination of the applicant's rights,

Public Scrutiny - s. 22(2)(a)

[49] The applicants submit that s. 22(2)(a) applies because disclosure is desirable for the purpose of subjecting the activities of the City to public scrutiny. The applicants state that disclosure will shed light on the City's misconduct, which is important in a case of this kind in order to prevent this situation from arising again.

[50] I agree with the applicants about the importance of subjecting the activities of public bodies to public scrutiny, particularly for concerns over a public body's conduct. However, the information withheld under s. 22 is portions of sentences that directly relate to third parties that do not reflect the public interest. Given this fact, I find s. 22(2)(a) does not favour disclosure.

Fair Determination of Rights - s. 22(2)(c)

[51] The applicants submit that the personal information at issue "is relevant to a fair determination of the applicant's rights", and is therefore a factor in favour of disclosure in this case.

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[22] Order 04-07, [2004] B.C.I.P.C.D. No. 7 at paras. 31 to 34; Order F06-11, [2006] B.C.I.P.C.D. No. 18 at para. 49.
[23] Also see Order 01-48, [2001] B.C.I.P.C.D. No. 50.

[52] Previous orders have held that s. 22(2)(c) only applies if all of the following circumstances are met:

1. The right in question must be a legal right drawn from the common law or a statute, as opposed to a non-legal right based only on moral or ethical grounds;

2. The right must be related to a proceeding which is either under way or is contemplated, not a proceeding that has already been completed;

3. The personal information sought by the applicant must have some bearing on, or significance for, determination of the right in question; and

4. The personal information must be necessary in order to prepare for the proceeding or to ensure a fair hearing.[24]

[53] The applicants state that they are contemplating legal action against the City in relation to City inspectors entering the duplex property. The applicants also say that the City breached their common law rights, the *Residential Tenancy Act*, *Community Charter* and *Charter of Rights and Freedoms*, and misled the RCMP and a Justice of the Peace. The City denies the applicants' allegations.

[54] Order F12-08 assists me in applying this section, stating:

> …"contemplated proceedings" must necessarily refer to situations where a decision has been made to commence legal proceedings, even where they have not yet been formally initiated. In the absence of such a limitation, s. 22(2)(c) would be too open-ended—it would mean that any time any incident took place that caused someone to *consider* commencing legal proceedings, s. 22(2)(c) would apply.[25]

[55] The applicants have not decided to commence legal proceedings, and I therefore find that s. 22(2)(c) does not apply.

[56] I am also not satisfied that other elements of s. 22(2)(c) are met. The City concedes that there remain live issues between themselves and the applicants, despite multiple years elapsing since City inspectors entered the duplex suites occupied by the tenants without the tenants' permission. However, based on my review of the memo, I fail to see how the information withheld under s. 22 relates to the legal issues the applicants have identified.

[57] The applicants, for example, allege that *Residential Tenancy Act* required the City to provide them and the tenants with 24 hours notice prior to entering the

[24] Order 01-07, [2001] B.C.I.P.C.D. No. 7 at para. 31 citing Ontario Order P-651, [1994] O.I.P.C. No. 104.
[25] Order F12-08, 2012 BCIPC No. 12 at para. 29.

duplex suites. However, even if the applicants are correct that the *Residential Tenancy Act* applies to the City entering the suites, the withheld information does not relate to notice, so this information does not have a bearing on this legal right. I am not satisfied that there is a tangible connection between the withheld information that is necessary for the applicants to prepare for what they say may be their proceeding or to ensure a fair hearing. Therefore, for the above reasons, I do not find that s. 22(2)(c) of FIPPA applies.

[58] **Section 22 Conclusion —** Based on my review of the parties' submissions and the memo, I find that the presumption that disclosure would be an unreasonable invasion of a third party's personal privacy has not been rebutted. Consequently, I require the City to refuse to disclose the information it is withholding under s. 22.

CONCLUSION

[59] I find that the City is required or authorized to withhold all of the disputed information, except for the one excerpt that cannot be withheld under ss. 13 or 14. For the reasons given above, under s. 58 of FIPPA, I order that the City is:

a) authorized to refuse to disclose some of the information under ss. 13 and 14 of FIPPA;

b) required to refuse to disclose some of the information under s. 22 of FIPPA; and

c) required to give the applicant access to the information in the memo that I have highlighted in a copy of the record that will be sent to the City along with this decision by February 4, 2014 pursuant to s. 59 of FIPPA. The City must concurrently copy me on its cover letter to the applicants, together with a copy of the memo it provides to the applicants.

December 19, 2013

ORIGINAL SIGNED BY

Ross Alexander
Adjudicator

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