



OFFICE OF THE  
INFORMATION &  
PRIVACY COMMISSIONER  
FOR BRITISH COLUMBIA

Order F25-88

## TOWNSHIP OF LANGLEY

Elizabeth Vranjkovic  
Adjudicator

November 3, 2025

CanLII Cite: 2025 BCIPC 102  
Quicklaw Cite: [2025] B.C.I.P.C.D. No. 102

**Summary:** An applicant made a request under the *Freedom of Information and Protection of Privacy Act* (FIPPA) to the Township of Langley (Township) for access to legal invoices issued by a law firm to the Township. The Township disclosed the responsive records but withheld information in the records under s. 14 (solicitor-client privilege) of FIPPA. The adjudicator confirmed the Township's decision to withhold the information in dispute under s. 14.

**Statutes Considered:** *Freedom of Information and Protection of Privacy Act*, [RSBC 1996] c. 165, s. 14.

### INTRODUCTION

[1] An individual (applicant) requested access under the *Freedom of Information and Protection of Privacy Act* (FIPPA) to a law firm's communications with and invoices to the Township of Langley (Township) regarding his lease agreement with the Township. The Township withheld information in the responsive records under s. 14 (solicitor-client privilege) of FIPPA.<sup>1</sup>

[2] The applicant asked the Office of the Information and Privacy Commissioner (OIPC) to review the Township's decision to refuse access. Mediation by the OIPC did not resolve the matter and it proceeded to inquiry. During the inquiry, the Township disclosed a small amount of information on each page of the records to the applicant.

---

<sup>1</sup> From this point forward, whenever I refer to section numbers I am referring to sections of FIPPA.

## PRELIMINARY MATTERS

### *Mediation material*

[3] The Township relies on, and includes as evidence, a letter from the OIPC investigator assigned to this file. In the letter, the investigator expresses their opinion about the issues in dispute during the course of mediation.<sup>2</sup> Mediation by the OIPC takes place on a without prejudice basis, meaning mediation material cannot be used during any subsequent proceedings including this inquiry without the consent of the opposing party. There is no evidence of any such consent in this case. Given the importance of preserving the without prejudice nature of OIPC mediation, I will not consider the investigator's letter while deciding the issues before me.

### *New issue*

[4] In its submission, the Township seeks an order confirming it is not required to disclose the information in dispute under s. 25(1).<sup>3</sup>

[5] The OIPC's notice of inquiry and its *Instructions for Written Inquiries*, both of which were provided to the Township at the outset of the inquiry, clearly explain that parties may not add new issues without the OIPC's prior consent. Past orders and decisions have consistently said the same thing.<sup>4</sup>

[6] The Township did not apply to the OIPC for permission to add any new issues to this inquiry and did not explain why it is only raising s. 25(1) at this late stage of the OIPC's inquiry process. I am not satisfied that there are any exceptional circumstances that warrant adding s. 25(1) into the inquiry now. Therefore, I decline to add s. 25(1) as an issue in this inquiry.

## ISSUE AND BURDEN OF PROOF

[7] In this inquiry, I must decide whether the Township is authorized to withhold the information in dispute under s. 14. Under s. 57(1), the Township has the burden to prove that s. 14 applies.

---

<sup>2</sup> Township's initial submission at paras 11-12 and 43; Exhibit A to the affidavit of the Township's Supervisor of Information, Privacy and Records Management (Supervisor).

<sup>3</sup> Township's initial submission at para 44.

<sup>4</sup> For example, Order F12-07, 2012 BCIPC 10 at para 6; Order F10-27, 2010 BCIPC 55 at para 10.

## DISCUSSION

### ***Background***

[8] The applicant owns a business that leases a property from the Township. In 2019, a dispute arose between the applicant and the Township with respect to the lease (the Dispute). The Township engaged a law firm (the Law Firm) as external legal counsel with respect to the Dispute.

### ***Information at issue***

[9] The records are 20 pages of invoices from the Law Firm to the Township. The Township disclosed the invoice headers but is withholding the rest of the information on each page.

### ***Solicitor-client privilege, s. 14***

[10] Section 14 says that the head of a public body may refuse to disclose information that is subject to solicitor-client privilege. For the purposes of s. 14, “solicitor-client privilege” includes legal advice privilege and litigation privilege. Only legal advice privilege is at issue in this inquiry.

#### *Is it necessary to order production of the information in dispute?*

[11] The Township did not provide me with the information it withheld under s. 14. Instead, in addition to its submissions, it provided the redacted invoices and affidavit evidence from its Supervisor of Information, Privacy and Records Management (Supervisor).

[12] Section 44 of FIPPA gives the Commissioner and their delegates the power to order production of records to review them during the inquiry. However, given the importance of solicitor-client privilege, and in order to minimally infringe on that privilege, I would only order production of records being withheld under s. 14 when it is absolutely necessary to decide the issues in dispute.<sup>5</sup>

[13] Past court cases and OIPC orders have discussed the evidence required to establish solicitor-client privilege in the absence of the records. Although there are no steadfast rules and each case depends on its own facts, some general rules have been established, including that:

---

<sup>5</sup> Order F19-14, 2019 BCIPC 16 (CanLII) at para 10; *Canada (Privacy Commissioner) v Blood Tribe Department of Health*, 2008 SCC 44 at para 17; *Alberta (Information and Privacy Commissioner) v University of Calgary*, 2016 SCC 53 at para 68.

- a party claiming privilege must list each disputed record separately and provide, without revealing privileged information, a description of the record in sufficient detail to allow one to assess the claim of privilege;
- the description of the record should include the date it was created or sent, the type of communication (e.g., “email”) and the names of the author and the recipient(s);
- in addition to a proper description of the disputed records, the party claiming privilege must provide evidence to substantiate the privilege claim;
- ideally, affidavit evidence in support of a privilege claim should avoid hearsay and come from an affiant with direct knowledge of the disputed records; and
- it is helpful, and in some cases even necessary, to have affidavit evidence from a lawyer, who is an officer of the court and has a professional duty to ensure that privilege is properly claimed.<sup>6</sup>

[14] Given the nature of the records, I find the Township’s evidence sufficient for me to determine whether s. 14 applies to the information in dispute. The Township provided an affidavit from the Supervisor, who describes the contents of the invoices. While the Supervisor is not a lawyer, I find that the Supervisor reviewed the information in dispute and has provided a description of this information that is satisfactory given the nature of the records and the fact that I can see from the openly disclosed headings of each page that the records are, as the Supervisor describes, invoices from the Law Firm.

[15] For the reasons given above, I do not find it necessary to exercise my authority under s. 44 to order the Township to produce an unredacted version of the invoices for my review.

*Legal advice privilege*

[16] Legal advice privilege applies to communications that:

1. are between a solicitor and a client,
2. entail the seeking or giving of legal advice, and
3. are intended to be confidential by the parties.<sup>7</sup>

[17] Legal billing information is presumptively privileged because legal fees and disbursements arise out of the lawyer-client relationship and are capable of

---

<sup>6</sup> *British Columbia (Minister of Finance) v British Columbia (Information and Privacy Commissioner)*, 2021 BCSC 266 at paras 76-93 and Order F20-16, 2020 BCIPC 18 at paras 8-10.

<sup>7</sup> *Solosky v the Queen*, 1979 CanLII 9 (SCC) at p 847.

revealing privileged communications between a lawyer and their client. Past orders and court decisions recognize this presumption because an assiduous inquirer might use legal billing information to draw inferences about litigation strategy and privileged communications.<sup>8</sup>

[18] The applicant bears the onus of rebutting the presumption. To do so, the applicant must establish that there is no reasonable possibility that disclosing the billing information would directly or indirectly reveal privileged communications. This must be considered from the perspective of whether an assiduous inquirer could deduce, infer, or otherwise acquire privileged communications.<sup>9</sup> The BC Court of Appeal has also said that the burden on the party trying to rebut the presumption is “appropriately high.”<sup>10</sup>

#### *Parties’ submissions*

[19] The Township says the presumption of privilege applies to the information in dispute.<sup>11</sup> The Supervisor’s evidence is that the records are 20 pages of invoices the Law Firm sent to the Township for legal advice regarding the Dispute, which include dates, lawyer names, billing rates, descriptions of work completed, time allocated, and total costs and disbursements charged in relation to advice sought and received in connection with the Dispute.<sup>12</sup>

[20] The Township says that the presumption of privilege cannot be rebutted due to the applicant’s direct involvement in the Dispute. It says that the applicant has special knowledge and extensive background knowledge of the Dispute and, therefore, disclosure could reveal or allow the applicant to deduce privileged information, such as instructions received by the Law Firm, how much time the Township directed the Law Firm to allocate to the matter, legal strategy, advice considered, and the Township’s preparation relating to the Dispute.<sup>13</sup>

[21] The applicant says that there is no justification for secrecy. He argues that it was a waste of money for the Township to hire lawyers in relation to the Dispute and he wants to publicise the amount spent so better choices are made in the future. He seeks to know how taxpayer money was spent and whether taxpayers are receiving value for their money.<sup>14</sup>

---

<sup>8</sup> *Maranda v Richer*, 2003 SCC 67; *British Columbia (Attorney General) v Canadian Constitution Foundation*, 2020 BCCA 238 at paras 60-61 [CCF].

<sup>9</sup> *Donell v GJB Enterprises Inc.*, 2012, BCCA 135 at paras 58-59; *School District No. 49 (Central Coast) v British Columbia (Information and Privacy Commissioner)*, 2012 BCSC 427 at paras. 104–106.

<sup>10</sup> CCF, *supra* note 8 at para 83.

<sup>11</sup> Township’s initial submission at para 38.

<sup>12</sup> Supervisor’s affidavit at paras 11-12.

<sup>13</sup> Township’s initial submission at paras 40-42.

<sup>14</sup> Applicant’s response submission.

*Is there a presumption of privilege?*

[22] I accept the Supervisor's evidence that the records are 20 pages of invoices from the Law Firm to the Township for legal advice regarding the Dispute. As a result, I find that the information in dispute is presumptively privileged because it would reveal billing information between a lawyer and client for legal services.

*Is the presumption of privilege rebutted?*

[23] Having found the information in dispute is presumptively privileged, the next question is whether there is sufficient evidence or argument to rebut the presumption.

[24] Whether an applicant successfully rebuts the presumption depends on the facts and circumstances of each case. Previous orders have weighed the following non-exhaustive factors when considering this issue:

- The stage of the underlying proceedings;
- The type of underlying proceedings;
- Whether the billing information is about one or more legal matters;
- The level of detail in the billing information;
- The applicant's involvement in the legal matter;
- The applicant's pre-existing knowledge about the legal matter; and
- The amount of publicly available information about the legal matter.<sup>15</sup>

[25] It is unclear from the materials before me whether the Dispute resulted in any proceedings or whether there is any publicly available information about the Dispute. However, the information in dispute all relates to a single matter, the Dispute. I accept the Supervisor's evidence that the invoices contain dates, lawyer names, billing rates, descriptions of work completed, time allocated to the matter, and total costs and disbursements.<sup>16</sup> As a result, I find that the disputed information is quite detailed. Additionally, the applicant was involved in the Dispute and, therefore, has pre-existing knowledge about the legal matter that is the subject of the invoices.

[26] In light of these factors, I find that there is a reasonable possibility that disclosure of the information in dispute will directly or indirectly reveal privileged communications. Accordingly, I find that the presumption of privilege has not

---

<sup>15</sup> See for example, Order F21-52, 2021 BCIPC 60 at paras 24-30 (and the further Orders cited therein); Order F19-47, 2019 BCIPC 53 at para 18; Order F22-23, 2022 BCIPC 25 at para 50; and Order PO-4285, 2022 CanLII 72099 (ON IPC) (ON IPC) at para 80.

<sup>16</sup> Supervisor's affidavit at paras 11-12.

---

been rebutted, and the Township is authorized to withhold the information in dispute under s. 14.

**CONCLUSION**

[27] For the reasons given above, under s. 58(2) of FIPPA, I confirm the Township's decision to withhold the information in dispute under s. 14.

November 3, 2025

**ORIGINAL SIGNED BY**

---

Elizabeth Vranjkovic, Adjudicator

OIPC File No.: F24-96618