



Order F25-90

CITY OF CAMPBELL RIVER

Rene Kimmett
Adjudicator

November 27, 2025

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Summary: Under the *Freedom of Information and Protection of Privacy Act* (FIPPA), an applicant asked the City of Campbell River (City) for access to records related to a real estate development project. The City issued a fee estimate of \$1,380 plus a per-page copying fee. The applicant requested a public interest fee waiver, but the City denied this request. The applicant complained that the City refused to grant a fee waiver under s. 75(5)(b) of FIPPA. The adjudicator found that the records related to a matter of public interest and excused the applicant from paying the estimated fees.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, ss. 58(3)(c), 75(1)(b), and 75(5)(b); *Freedom of Information and Protection of Privacy Regulation*, B.C. Reg. 248/2022, Schedule 1.

INTRODUCTION

[1] Under the *Freedom of Information and Protection of Privacy Act* (FIPPA), an applicant asked the City of Campbell River (City) for access to records related to a real estate redevelopment project. The City issued a fee estimate of \$1,380 to locate, retrieve, and produce the records responsive to the access request plus a per-page copying fee. The applicant requested a public interest fee waiver, but the City denied this request.

[2] The applicant complained to the Office of the Information and Privacy Commissioner (OIPC) that the City refused to grant a public interest fee waiver under s. 75(5)(b) of FIPPA. Mediation by the OIPC did not resolve this issue, and the matter proceeded to this inquiry.

AUTHORITY, ISSUE, AND BURDEN OF PROOF

[3] Under s. 58(3)(c) of FIPPA, I have the authority, as the commissioner's delegate, to confirm, excuse, or reduce the disputed fee in the appropriate

circumstances. The jurisdiction conferred by s. 58(3)(c) is broad and enables me, in appropriate cases, to substitute my decision for that of the public body.¹

[4] In this inquiry, I will consider the City's decision to deny the public interest fee waiver requested by the applicant under s. 75(5)(b). The applicant has the burden to prove that they are entitled to the fee waiver.²

DISCUSSION

Background

[5] In 2024, the City acquired four properties for redevelopment. The redevelopment plan is in progress and contemplates mixed-use residential, commercial, retail, and civic spaces. One of the properties the City acquired was a hotel that housed low-income tenants and included a community kitchen and drop-in centre. In February 2025, the tenants were told they would need to move out by June 2025 with demolition set to begin shortly thereafter. It is the City's position that it has appropriately helped tenants find alternative housing.³

[6] The applicant is a social worker and runs an organization focused on helping people living in poverty, including people who are unhoused.⁴ The applicant has concerns about how the redevelopment project has, or will, impact low-income people.

Fee waiver where a record relates to a matter of public interest – s. 75(5)(b)

[7] FIPPA allows public bodies to require applicants to pay fees, subject to certain exceptions.⁵ It also allows public bodies to waive these fees in some circumstances. The applicant requested a fee waiver under s. 75(5)(b), which says that, after receiving an applicant's written request, a public body may excuse payment of all or part of the fees for service if the record relates to a matter of public interest.

[8] Previous orders have established a two-part test for determining if a public interest fee waiver is appropriate. The test asks:

- 1) Do the records relate to a matter of public interest?

¹ Order F22-18, 2022 BCIPC 20 (CanLII) at para 14, citing Order F21-10, 2021 BCIPC 14 (CanLII) at para 28; and Order F20-14, 2020 BCIPC 16 (CanLII) at para 14.

² Order F21-48, 2021 BCIPC 56 (CanLII) at paras 6-10.

³ City's affidavit evidence at Exhibits L and M.

⁴ City's affidavit evidence at Exhibit F.

⁵ FIPPA, s. 75.

- 2) If so, should the applicant be excused from paying all or part of the estimated fee?

Do the records relate to a matter of public interest?

[9] The applicant submits and the City concedes that the records responsive to the applicant's access request relate to a matter of public interest.⁶ I agree with the parties that the access request, which is about the City's proposed redevelopment, would likely produce responsive records that relate to a matter of public interest. I make this finding based on the evidence before me that this topic has been the subject of recent public debate and relates to how the City is allocating resources and exercising its statutory authority.⁷

Should the applicant be excused from paying all or part of the estimated fee?

[10] Since I have found that the records relate to a matter of public interest, I must now consider whether the applicant should be excused from paying all or part of the estimated fee. At this stage of the test, the focus is on who the applicant is and the applicant's purpose in making the request.⁸ Previous orders have discussed a variety of non-exhaustive factors when deciding if an applicant should be excused from paying all or part of a fee.⁹ Here, I will only consider those relevant to this fee dispute. Specifically, I will consider whether:

- the applicant intends, and is able, to publicly disseminate information.
- the information the applicant seeks is already available to the public through other avenues.
- the parties attempted to resolve the fee dispute.
- granting the fee waiver would financially burden the City.

Applicant's intention and ability to publicly disseminate information

[11] Past orders have considered whether the applicant intends, and is able, to publicly disseminate the information they seek to access.¹⁰

⁶ Applicant's initial submission at page 1, paras 4-5; City's submission at para 5.

⁷ City's affidavit evidence at Exhibits L and M; Applicant's initial submission at Exhibits B and C.

⁸ Order F21-48, 2021 BCIPC 56 (CanLII) at para 49.

⁹ Order F21-48, 2021 BCIPC 56 (CanLII) at para 50; Order 01-35, 2001 CanLII 21589 (BC IPC) at paras 44-47.

¹⁰ Order No. 332-1999, 1999 CanLII 4202 (BC IPC) at page 5.

[12] The applicant submits she is a social worker and the founder and primary organizer of a grassroots, volunteer collective that engages directly with unhoused and low-income residents through weekly outreach, harm reduction education, and community advocacy.¹¹ She submits that her organization has an active online presence with more than 1,000 followers on social media. She provided a link to a petition she created opposing the redevelopment, which has more than 700 signatures. She submits that her organization also conducts media interviews and frequently mobilizes community discussions around public health, housing, and municipal policy. She says that the information requested through her access request will reach a wide audience of people that includes policymakers, journalists, service providers, and residents of the City.

[13] The City does not dispute the applicant's assertion that she made her access request, at least in part, in her capacity as a representative of her organization.¹² The City submits the applicant has not provided evidence that her organization is an incorporated entity. The City submits it is not able to assess the applicant's ability to publicly disseminate information without knowing how many people her organization reaches.¹³

[14] I am not persuaded by the City's submission on this subject. An applicant can establish that they can disseminate information regardless of whether they are affiliated with an incorporated entity.¹⁴ Further, the City has not cited any authorities that find an applicant must establish they will be able to reach any specific number of people to prove they can share information publicly.

[15] In this case, I accept the applicant's evidence about the mandate, activities, and reach of her organization. I find that she has the intention and ability to publicly disseminate the information she receives in response to her access request.

Public availability of the information sought

[16] Previous orders have considered whether the information the applicant seeks to access is already available to the public through other avenues.¹⁵

[17] The City submits that, given the "substantial amount of publicly available information about the [...] redevelopment" the applicant has not shown that her

¹¹ Applicant's reply submission at page 2, para 6.

¹² City's submission at paras 17-19.

¹³ City's submission at paras 19-20.

¹⁴ See Order F21-48, 2021 BCIPC 56 (CanLII) at paras 51-53.

¹⁵ Order 01-35, 2001 CanLII 21589 (BC IPC) at paras 47.

use or dissemination of the information, if obtained, would reasonably yield an additional public benefit.¹⁶ It submits that the applicant has not, for example, explained how her use or dissemination would disclose any new concerns or meaningfully contribute to the public understanding of issues related to the redevelopment beyond the existing level of public understanding.

[18] In response, the applicant submits that the only information about the redevelopment project already available to the public is contained in public relations materials. She says, “public relations materials cannot replace internal records showing how decisions were made, which stakeholders were consulted, and what impact assessments (if any) were considered.”¹⁷

[19] I agree with the applicant that the information she is seeking in her access request is different than the information currently available to the public through news articles and the City’s website and social media accounts.¹⁸ The information already publicly available is largely announcements that the City intends to revitalize the downtown area, is seeking expressions of interests from developers, and is working with other organizations and BC Housing to rehome current tenants.¹⁹ In contrast, the applicant is seeking access to information about other aspects of the redevelopment project, including the City’s internal deliberations and consultations with stakeholders.

Parties’ attempts to resolve the fee dispute

[20] When considering whether to grant a public interest fee waiver, past orders have considered the extent to which the applicant and public body have cooperated with one another to resolve the fee dispute.²⁰

[21] Before considering the parties submissions on this subject, it is useful to set out some findings of fact:

- The day after she made her access request, the applicant accepted a call from a City employee to discuss her request.²¹ The City employee offered to have the applicant meet with senior City staff to clarify and potentially narrow her request.

¹⁶ City’s submission at para 14-15.

¹⁷ Applicant’s reply submission at page 2, para 1.

¹⁸ City’s affidavit evidence at Exhibits L and M.

¹⁹ City’s affidavit evidence at Exhibit L.

²⁰ Order F19-09, 2019 BCIPC 11 (CanLII) at paras 43-47.

²¹ City’s affidavit evidence at para 5 and Exhibit C.

- That same day the applicant sent the City a follow-up email asking clarifying questions about how the City would process her request. This email included the statement: “I am happy to clarify or narrow the scope of my request if you provide details regarding specific records that may be driving costs or delays.”²²
- The City provided answers to her questions and informed her that, once she paid the \$10 application fee, City staff would “identify any records their department may hold and provide a time estimate for retrieving the records”.²³
- The applicant paid the City’s application fee and sent an email saying, among other things: “I remain committed to working cooperatively with the City on this request”.²⁴ The City confirmed receipt of the application fee and said: “As soon as we have located the applicable records, we will provide you with a fee estimate.”²⁵
- The City provided the applicant with its written fee estimate and the applicant asked the City for a public interest fee waiver. Two weeks later, the City denied the applicant’s request for a fee waiver. It reiterated its offer to have the applicant meet in-person with City staff in the event they may be able to assist in narrowing the scope of the access request and, potentially, the corresponding fee.²⁶
- The next day, the applicant expressed concern about the denial of the fee waiver and stated: “If internal communications or early-stage drafts not relevant to the final decisions are being included, I would like to know, as that may allow for more effective narrowing.”²⁷ This is the last communication between the parties that I have before me.

[22] The City submits that the applicant failed to cooperate with the City to reduce the fee estimate and unreasonably rejected its offers to meet with its staff and discuss her access request.²⁸ The City submits that the applicant’s offers to

²² City’s affidavit evidence at Exhibit C.

²³ City’s affidavit evidence at Exhibit D.

²⁴ City’s affidavit evidence at Exhibit F.

²⁵ City’s affidavit evidence at Exhibit G.

²⁶ City’s affidavit evidence at Exhibit J.

²⁷ City’s affidavit evidence at Exhibit K.

²⁸ City’s submissions at paras 21-25.

narrow the request after the City has more information about the responsive records were not cooperative or constructive because “at the fee waiver stage, specific responsive records have not yet been identified”.²⁹ The City also submits that “[it] is not specific records that drive costs or delays, but rather, the sheer breadth of the access request capturing broad categories of records”.³⁰

[23] I find that the applicant cooperated with the City. She affirmed and reaffirmed her commitment to work cooperatively with the City three times over the course of four weeks. In her first follow-up email to the City, the applicant said she would discuss options for narrowing her request once the City knows what specific records may be driving costs or delays. In her last email to the City, the applicant provided a tangible suggestion regarding how her request could potentially be narrowed.

[24] I find that the City did not cooperate with the applicant’s attempts to try to reduce the fee estimate. The City is correct that a broad access request will capture many categories of records. When this occurs, and results in a large fee estimate, the public body should engage the applicant in a conversation about what those categories of records are and clarify whether the applicant would like access to all or a subset of those categories. This will require the public body to conduct a preliminary search to identify records responsive to the access request.³¹ It is clear to me, from the City’s submissions and evidence,³² that the City has not conducted a preliminary search, despite telling the applicant, on two separate occasions, that it would do so before preparing its fee estimate.

[25] Previous OIPC orders have found that it will almost certainly be reasonable for an applicant to reject a proposal if it would materially affect the completeness or quality of the public body’s response.³³ Discussing options to

²⁹ City’s submissions at para 23.

³⁰ *Ibid.*

³¹ In Order F09-11, an adjudicator waived a fee estimate because, among other reasons, the public body failed to properly search for and examine records responsive to the access request before preparing its fee estimate and declining to grant a fee waiver: Order F09-11, 2009 CanLII 42410 (BC IPC) at paras 34-39. See also Order F05-21, 2005 CanLII 24737 (BC IPC) at paras 33-35.

³² City’s affidavit evidence at para 11 and Exhibit H. The City employee who created the fee estimate states, in an affidavit in this inquiry, that they calculated the fee estimate by asking senior staff in all City departments for time estimates regarding how long it would take to locate, retrieve, and produce records responsive to the applicant’s access request. This employee does not say that they asked senior staff to identify responsive records or provide any information about the number or type of records they identified. The fee estimate itself does not say that the records responsive to the applicant’s request have been identified and does not include any details about the number or type of records responsive to the applicant’s request.

³³ Order F09-11, 2009 CanLII 42410 (BC IPC) at paras 31-33.

narrow a request without knowing what kinds of records are responsive runs the risk of materially affecting the completeness or quality of the City's response. For this reason, I find that it was not unreasonable for the applicant to reject the City's offers to meet and discuss her access request. The City would not have been able to meaningfully contribute to these conversations without first identifying categories of responsive records.

Unreasonable cost burden shift

[26] Previous orders have also considered whether granting a fee waiver would shift an unreasonable cost burden from the applicant to the public body.³⁴

[27] The City submits that excusing all of the estimated fees would unreasonably shift the cost burden of responding to the request from the applicant to the City. It submits that its fee estimate is four times higher than the amount of fees waived in Order F24-19.³⁵ It submits it has not received information from the applicant about her ability to pay the fees and, therefore, it is reasonable to find that waiving the fee would shift an unreasonable cost from the applicant onto the City.³⁶

[28] The applicant submits that \$1,380 is negligible within municipal budgets and that FIPPA expects public bodies to absorb modest costs when public accountability is at stake.³⁷

[29] The City has not provided evidence about how granting the fee waiver would impact its finances. I acknowledge the City's submission that its fee estimate is larger than the fee estimate that was waived in Order F24-19. However, each case must be decided on its own facts, and this submission does not assist me in deciding whether and to what extent waiving the fee would impact the City's finances.

[30] I also acknowledge that the applicant has not provided submissions about her ability to pay the fee estimate. However, the applicant is seeking a public interest fee waiver under s. 75(5)(b) and not a waiver on the basis that she cannot afford to pay under s. 75(5)(a). The City has not adequately explained why I should decide the applicant is not entitled to a public interest fee waiver on

³⁴ Order 01-35, 2001 CanLII 21589 (BC IPC) at para 4; Order 02-28, 2002 CanLII 42459 (BC IPC) at para 33; Order F14-42, 2014 BCIPC 45 (CanLII) at paras 69-70; Order F17-38, 2017 BCIPC 42 (CanLII) at para 24; Order F19-09, 2019 BCIPC 11 (CanLII) at para 49; Order F21-48, 2021 BCIPC 56 (CanLII) at paras 57-59; Order F24-19, 2024 BCIPC 25 (CanLII) at para 35.

³⁵ City's submission at paras 30-32.

³⁶ City's submission at paras 33-34.

³⁷ Applicant's reply submission at page 3, para 2.

the basis that she has not argued that she cannot afford to pay the fee estimate.³⁸

[31] Based on the evidence before me, I find that granting a fee waiver would not shift an unreasonable cost burden for responding to the access request from the applicant to the public body.

Conclusion – s. 75(5)(b)

[32] After considering all relevant circumstances, I find it is appropriate to excuse the applicant from paying all fees associated with the access request.

[33] The City concedes that the records responsive to the applicant's access request relate to a matter of public interest and I find that there are no relevant factors that weigh against granting the fee waiver.

[34] Specifically, the applicant has established that she has the intention and ability to publicly disseminate the information she receives in response to her access request. She has established that the information she is seeking to access is likely different than the information already available to the public. The applicant has worked cooperatively with the City to clarify and narrow her request, as appropriate, but the City has not adequately reciprocated. Lastly, granting a fee waiver would not shift an unreasonable cost burden for responding to the access request from the applicant to the public body.

Guidance on charging fees for electronic copies

[35] Unrelated to my findings about the fee waiver, I wanted to provide guidance about something I noticed in the City's fee estimate. The fee estimate states: "The fee charged per page of records is \$.10 for digital copies, or \$.25 for paper copies." While it may not have been the City's intention, one way to read this sentence is that an applicant would need to pay \$0.10 per page to have the City send records electronically regardless of whether those records originated in paper or electronic format.

[36] I want to reiterate that a public body is only authorized, under s. 75(1)(b), to charge the fees for services that are set out in Schedule 1 of the Freedom of Information and Protection of Privacy Regulation. The only reference to \$0.10 contained in Schedule 1 of the Regulation states that public bodies are permitted to charge a maximum fee of "\$0.10 per page" for a "scanned electronic copy of a paper record". In other words, a public body can only charge \$0.10 per page for

³⁸ Order 01-35, 2001 CanLII 21589 (BC IPC) at para 48 refuses to consider an applicant's inability to pay under the public interest fee waiver test.

electronic copies of records that are in paper format and need to be scanned in order to be provided electronically to an applicant. A public body cannot charge \$0.10 per page, or any other fee, to send a record electronically to an applicant, if that record already exists in electronic format.

CONCLUSION

[37] For the reasons given above, under s. 58(3)(c), I excuse the applicant from the City's requirement to pay fees for locating, retrieving, producing, preparing, or copying records responsive to her access request.

November 27, 2025

ORIGINAL SIGNED BY

Rene Kimmett, Adjudicator

OIPC File No.: F25-00961