



OFFICE OF THE
INFORMATION &
PRIVACY COMMISSIONER
FOR BRITISH COLUMBIA

Order F26-42

DISTRICT OF SQUAMISH

D. Hans Hwang
Adjudicator

May 25, 2026

CanLII Cite: 2026 BCIPC 54

Quicklaw Cite: [2026] B.C.I.P.C.D. No. 54

Summary: An access applicant (complainant) requested records from the District of Squamish (District) under the *Freedom of Information and Protection of Privacy Act* (FIPPA). The District calculated and imposed a fee for processing and responding to the access request. The complainant requested a full fee waiver under s. 75(5)(b) (public interest fee waiver) of FIPPA and the District exercised its discretion to grant the complainant a partial fee waiver. The complainant then contacted the Office of the Information and Privacy Commissioner about the District's refusal to grant her a full fee waiver. The adjudicator found that the requested records related to a matter of public interest and therefore, that a further partial fee waiver was appropriate.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, RSBC 1996 c 165, ss. 6, 58(3)(c) and 75(5)(b).

INTRODUCTION

[1] Under the *Freedom of Information and Protection of Privacy Act* (FIPPA), a journalist (complainant) asked the District of Squamish (District) for access to records about the Brennan Park Recreation Centre ice rink.

[2] After considering the work required to respond to the request, the District issued a fee estimate of \$2,127.99 to the complainant. The complainant asked the District for a fee waiver under s. 75(5)(b) (public interest fee waiver) of FIPPA¹ and the District exercised its discretion to grant a 50 percent fee waiver resulting in a revised fee estimate of \$1,064.

¹ For the remainder of this Order, when I refer to sections of an enactment I am referring to FIPPA unless otherwise stated.

[3] The complainant declined to pay the partial fee and instead complained to the Office of the Information and Privacy Commissioner (OIPC) about the District's decision to issue only a 50 percent fee waiver. The OIPC's mediation process did not resolve this issue, and the fee dispute proceeded to this inquiry.

ISSUE AND BURDEN OF PROOF

[4] In this inquiry, I must decide whether the complainant is entitled to a further fee waiver under s. 75(5)(b).

[5] FIPPA does not expressly set out who has the burden of showing whether a fee waiver is appropriate under s. 75(5), but previous orders have established that the burden is on the complainant.² For the reasons set out in those orders, I take the same approach here.

DISCUSSION

Background

[6] As part of the Brennan Park Recreation Centre upgrade program, during the annual summer-shutdown of the ice rink from May to August 2025, renovation and maintenance of the adjacent area was conducted. This work includes demolition of the south wall between the ice rink and adjoining recreation spaces, resulting in large interior opening between the ice rink, the construction zone, and the lobby/recreation areas, changing the building's established airflow patterns.

[7] In September 2025, the District closed the ice rink for approximately three weeks because of elevated humidity in the facility which houses it. As a result, all programs and public use of the ice rink were cancelled during that time. The ice rink re-opened once the repairs were complete and the humidity issue was resolved.

[8] After the closure, the complainant and journalists published several news articles in a local newspaper about the closure of the ice rink and the District's recreation facilities.

[9] Approximately five days after the ice rink re-opened to the public, the complainant requested the following records from the District:

... all emails, internal communications, reports, memos, meeting notes, and correspondence (including with contractors or consultants) that directly

² Order F21-48, 2021 BCIPC 56 (CanLII) at paras 6-10; Order F25-95, 2025 BCIPC 111 (CanLII) at para 4; Order F25-90, 2025 BCIPC 106 (CanLII) at para 4; Order F24-19, 2024 BCIPC 25 (CanLII) at para 5.

discuss the problem with the renovation that led to unsafe ice conditions and the resulting closure [of the ice rink].

The timeframe for this request is August 5 through September 2 [2025]. We are not seeking documents about the renovation as a whole – only materials specifically addressing the problem that caused the closure and the related decisions.

We are also not asking for anyone's private information. We request these records in electronic format, please.

Responsive records

[10] While I do not have the actual records the District identified as responsive to the access request before me in this inquiry, the District describes those records in its submission. According to the District, it has identified 519 pages of records responsive to the access request.³ It says those records consist of emails, reports, messages, charts, and other related internal documents.

Public interest fee waiver, s. 75(5)(b)

[11] Section 75 authorizes public bodies to levy a fee on an access applicant prior to responding to their access request, subject to certain exceptions. Section 75(5)(b) of FIPPA is one such exception and provides:

75 (5) If the head of a public body receives an applicant's written request to excuse payment of all or part of the fees required under subsection (1) (b), the head of the public body may excuse payment, if, in the head of the public body's opinion,

...

(b) the record relates to a matter of public interest, including the environment or public health or safety.

[12] Past orders have established a two-part test for determining whether a public interest fee waiver is appropriate, which considers:

1. Do the requested records relate to a matter of public interest?
2. If so, should the complainant be excused from paying all or part of the estimated fee?⁴

³ District's submission at para 13.

⁴ Order No. 332-1999, 1999 CanLII 4202 (BC IPC), p. 5; Order F17-38, 2017 BCIPC 42 (CanLII) at para 11; Order F19-09, 2019 BCIPC 11 (CanLII) at paras 12-14; Order F21-48, 2021 BCIPC 56 (CanLII) at para 17; and Order F24-19, 2024 BCIPC 25 (CanLII) at para 15.

Do the records relate to a matter of public interest?

[13] A public interest fee waiver requires that the requested records themselves relate to a matter of public interest.⁵ A complainant's intention to use the records in a manner that relates to the public interest is not sufficient.⁶ However, the test is not whether a matter is "sufficiently" of public interest but, simply, whether the matter "relates to" the public interest. It is not for a public body to assess the degree of public interest in a given matter under s. 75(5)(b).⁷

[14] Further, the concept of "public interest" under s. 75(5)(b) is not limited to the environment or public health or safety. Rather s. 75(5)(b) contemplates a fee waiver where a record relates to a matter of public interest, "including" the environment or public health or safety.⁸

[15] Past orders set out the following non-exhaustive list of factors which may be relevant to determining whether a record relates to a matter of public interest:

- has the subject matter of the record spurred recent public debate
- does the content of the record relate directly to the environment, public health or safety
- if disseminated, could the record reasonably be expected to yield a public benefit by:
 - o disclosing an environmental/public health/safety concern,
 - o contributing to the development or public understanding of, or debate on, an important environmental or public health or safety issue, or
 - o contributing to public understanding or debate about an important policy, law, program or service
- does the record disclose how the public body is allocating its financial or other resources⁹

[16] The four factors set out above are not an exhaustive list. When exercising its discretion under s. 75(5)(b), the head of a public body must also consider whether any other relevant factors raised by the complainant reasonably support the request for a fee waiver.¹⁰

⁵ Order F09-11, 2009 CanLII 42410 at para 20.

⁶ Order F17-38, 2017 BCIPC 42 (CanLII) at para 13, citing Order 01-24, 2001 CanLII 21578 (BC IPC) at paras 56-62; Order F05-36, 2005 CanLII 46569 (BC IPC); and Order F10-38, 2010 BCIPC 58 at para 20.

⁷ Order 03-19, 2003 CanLII 49192 (BC IPC) at para 37; and Order F25-95, 2025 BCIPC 111 (CanLII) at para 12.

⁸ Order No. 332-1999, 1999 CanLII 4202 (BC IPC), p. 5

⁹ Order F22-18, 2022 BCIPC 20 (CanLII) at para 16 and Order F21-48, 2021 BCIPC 56 (CanLII) at para 20.

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

[17] It is not necessary for all of these factors to be present for records to relate to a matter of public interest.¹¹ A decision that records do not relate to a matter of public interest because one or more factors is not present would be incorrect.¹²

Recent public debate

[18] The complainant submits that the responsive records relate to matters of recent public debate. She says that the Ice rink is the only ice-skating facility in the area governed by the District, that the closure led to local concern about the lack of an alternate facility, and that those concerns were raised by the public at District council meetings.¹³

[19] In support of her position, the complainant provides the following documentary evidence:

- A “reader’s column” about the closure of the Ice rink and safety concerns regarding the Brennan Park recreation centre, dated September 28, 2025;
- A news article where a skating coach expressed concerns about lack of ice time because of the closure, dated October 11, 2025;
- A news article about a public hearing on the District’s budget wherein issues regarding the state of the District’s current recreation facilities and recreation needs are discussed, dated December 16, 2025;
- A published interview with the District’s Mayor Armand Hurford stating that access to recreation facilities will continue [to] be an issue in the next election campaign, dated January 20, 2026; and
- Results of a reader survey showing that 39 of 150 respondents consider the District’s handling of recreation and infrastructure deficit as a key local issue, dated February 14, 2026.

[20] The District submits that the ice rink closure no longer constitutes a matter of public debate. The District argues that while the closure generated questions and concerns amongst the ice rink’s users, the District has provided abundant information to the public answering those questions and concerns¹⁴ including:

- A third party’s analysis report on the humidity and condensation issues within the ice rink (Analysis Report);¹⁵
- The District’s council meeting minutes;¹⁶

¹¹ Order No. 332-1999, 1999 CanLII 4202 (BC IPC) at p. 5.

¹² Order No. 332-1999, 1999 CanLII 4202 (BC IPC) at s. 3.3 “Applicable Principles.”

¹³ Complainant’s submission at pages 2 and 4.

¹⁴ District’s submission at para 33.

¹⁵ District’s submission, Exhibit E-3 – Ice Rink Closure Root Cause Analysis, dated February 17, 2026.

¹⁶ District’s submission, Exhibits E-12 and F-13 – The District meeting agenda and meeting minutes.

- A “frequently asked questions” primer about the closure;¹⁷ and
- Public notices and updates about the closure¹⁸

[21] For the reasons below, I find that the records relate to a matter of recent public debate.

[22] Past orders have held that news articles are sufficient to satisfy the public debate factor,¹⁹ and I take the same approach. The materials submitted by the complainant establish that between September 2025 and February 2026, the local newspaper was reporting on the ice rink closure, and the public was engaged in discussion about the topic. Moreover, related concerns were addressed at District Council meetings during the same time span. Therefore, based on the materials before me, I find that there was public debate about the closure of the ice rink and the District’s plan and budget for the recreation facility which houses it.

[23] Finally, past orders have found that the relevant time frame to gauge whether public debate was “recent” is at the time of the access request and the public body’s response.²⁰ In this case, the complainant made her access request on September 25, 2025, and the District sent its fee estimate on October 17, 2025. The materials before me establish that the public debate was ongoing as of October 11, 2025, and that it continued through February 2026. Given this, I am satisfied that the debate was “recent” at the relevant time.

Reasonable expectation of public benefit

[24] This factor asks whether dissemination or use of the information in the records could reasonably be expected to yield a public benefit. The focus at this stage of the test is on the public benefit of dissemination of the information, not on the complainant’s ability to disseminate it.²¹

[25] The complainant submits that the Analysis Report²² identifies issues regarding a lack of carbon monoxide detectors in the ice rink and undersized dehumidifiers for the facility.²³ She says that information about these issues relates to public health and safety, and that the responsive records are likely to

¹⁷ District’s submission, Exhibit E-6 – Temporary Arena Closure FAQ.

¹⁸ District’s submission, Exhibits E-8 to E-11.

¹⁹ See for example Order F21-48, 2021 BCIPC 56 (CanLII) at para 26.

²⁰ Order F19-09, 2019 BCIPC 11 (CanLII) at para. 26.; Order No 332–1999, 1999 CanLII 4202 (BC IPC) at p. 9.

²¹ Order F24-19, 2024 BCIPC 25 (CanLII) at para 22.

²² Complainant’s submission, Tab 8 – District’s memo and Ice Rink Closure Root Cause Analysis, dated February 17, 2026.

²³ Complainant’s submission at page 3.

speak to these issues. Also, she generally asserts the records are likely to speak to other public health and safety concerns.²⁴

[26] The District submits, as above, that it has already provided extensive information to the public about the issues and the contributing factors that led it to close the ice rink. It also submits that releasing the responsive records would not provide the public with additional or new information about any additional health or safety concerns.²⁵

[27] For the reasons that follow, I am satisfied that dissemination or use of information in the records would yield a public benefit.

[28] The ice rink closure was clearly on the public's radar since the facility was closed in September 2025, and the complainant's access request is for records that "directly discuss the problem with the renovation that led to unsafe ice conditions and the resulting closure". Considering the subject matter of the request, I am satisfied that dissemination or use of the information in the records could contribute to public understanding and debate regarding the District's management of its recreation facilities.

[29] I acknowledge the District's position is that it has provided fulsome information about the closure of the ice rink to the public, and it is possible that there may be overlap between the information in the responsive records and the information that the District has already disclosed publicly. However, even if this is the case, I do not think it precludes me from finding that disclosing the responsive records could itself yield a public benefit.

Does the subject matter relate to the environment, public health, or safety?

[30] The complainant submits that the humidity in the ice rink raised safety concerns and that this led to the closure.²⁶ The District submits that the closure was only a *precaution*, and that information about it does not directly implicate the safety or wellbeing of the public at large.²⁷

[31] Looking at everything the complainant says about this issue, I find she does not sufficiently explain how the responsive records or the information in the records relate *directly* to the environment, public health or safety. Therefore, I find this factor is not applicable here.

²⁴ Complainant's submission at page 5.

²⁵ District's response submission at paras 65-66.

²⁶ Complainant's submission at page 5.

²⁷ District's response submission at paras 63-64.

Public body allocation of resources

[32] The complainant says only that the records could potentially show how resource allocation and public budgeting influenced the District's decision-making regarding the ice rink.²⁸ The District says that it has been transparent with the public about the decisions it made and how it allocated its resources to solve the issues with the ice rink.²⁹

[33] I am not persuaded by the complainant's broad assertion on this point, and it is unclear to me how the records relating to the closure of the ice rink would disclose information about the District's allocation of financial or other resources beyond what the District has already provided to the public. Given this, I find this factor is not applicable here.

Conclusion – public interest

[34] For the following reasons, I conclude that the responsive records relate to a matter of public interest.

[35] As set out above, it is not necessary for all of factors for the first step of the test to be present for records to relate to a matter of public interest.³⁰ In this case, I am satisfied, based on the intensity and duration of the public debate surrounding the closure and the concurrency of the access request with the debate, that the records at issue here relate to a matter of recent public interest. I am also satisfied that dissemination or use of the records could reasonably be expected to yield a public benefit by meaningfully contributing to that debate. As such, I do not need to consider the other factors as even a finding that they are irrelevant would not refute my conclusion on this point.

[36] I am satisfied that the information the complainant seeks relates to a matter of public interest under s. 75(5)(b). Therefore, I will proceed to consider whether a reduction of the fee imposed by the public body to access the requested records is appropriate in this case.

Should the complainant be excused from paying the fee?

[37] The next step is to consider whether the complainant should be excused from all or part of the estimated fee.

[38] Previous orders have considered the following non-exhaustive list of factors at this stage of this test:

²⁸ Complainant's submission at page 5.

²⁹ District's response submission at paras 71-72, the District specifically references its prior public disclosure of financial and budget-related information.

³⁰ Order No. 332-1999, 1999 CanLII 4202 (BC IPC) at p. 5.

1. Is the complainant's primary purpose for making the request to use or disseminate the information in a way that can reasonably be expected to benefit the public, or is the primary purpose to serve a private interest?
2. Will the complainant actually be able to disseminate the information to the public?
3. Did the public body meet its legislated timeline for responding to the access request?
4. Was the manner in which the public body attempted to respond to the request appropriate in light of the public body's duties under s. 6 (duty to assist)?
5. Did the complainant co-operate or work constructively with the public body, where the public body so requested during the processing of the access request, including by narrowing or clarifying the access request where reasonable to do so?
6. Has the complainant unreasonably rejected a proposal by the public body that would reduce the cost of responding to the access request?
7. Would waiver of the fee shift an unreasonable cost burden for responding from the complainant to the public body?³¹

Parties' submissions

[39] The complainant submits, as above, that the records at issue relate to a matter of public interest. Further, that as a journalist, she has the duty and the ability to report to the public regarding their contents through her newspaper.³² The complainant also submits that if the fee is not waived, the issues cannot be reported on because she cannot afford to pay it.³³

[40] The District submits that it estimates that searching for and retrieving the responsive records will require 22.5 hours of staff time. Further, that it has already granted a 50% waiver because it agrees that the complainant's newspaper provides valuable news and information to the local community. The District submits that granting a full fee waiver would shift an unreasonable cost burden from the complainant to the public body.³⁴

³¹ Order F21-48, 2021 BCIPC 56 (CanLII) at para 50 and the orders cited therein. See also for example Order F24-19, 2024 BCIPC 25 (CanLII) at para 27 and Order F26-21, 2026 BCIPC 25 (CanLII) at para 82.

³² Complainant's submission at pages 4 and 5.

³³ *Ibid* at page 2.

³⁴ District's response submission at paras 74-77.

Analysis and findings

[41] Based on the information before me, I am satisfied that the complainant's primary purpose for making the request is to use or disseminate the information for the public's benefit, not for any personal or private benefit. Given the complainant's identity and role as a journalist, and based on her previous coverage of related issues, it is clear to me that she made the request in her professional capacity as a journalist. Further, I find that as a journalist for a local newspaper, she will be able to disseminate the requested information to the public. Accordingly, these factors weigh in favour of waiving the fee.

[42] I find the District met its legislative requirements under s. 6 in responding to the request and the complainant worked cooperatively with the District during the parties' discussions regarding the request. Therefore, I do not find that the factors related to the parties' conduct through the access request process are relevant to whether the fee ought to be waived in this case.

[43] The District argues that waiving the fee would shift an unreasonable cost burden to it from the complainant because it will take around 22.5 staff hours to process the request.³⁵ I appreciate that the District, like many public bodies, may be experiencing an increase in the volume of FIPPA access requests it receives. However, the District does not explain or provide sufficient evidence showing the extent to which waiving the specific fee at issue in this case would shift an *unreasonable* burden to the District from the complainant.

[44] The complainant also does not sufficiently explain this factor, other than to say she cannot afford to pay the fee. Absent any further explanation or evidence from the parties that might assist me in independently assessing the impact a further fee waiver would have on the reasonableness of the financial burdens borne by the parties, I find that this factor is also neutral in this case.

Conclusion

[45] I have found that in making the request, the complainant, as a journalist, was acting in the public interest and that she will be able to disseminate the information in the records to the public. I have also found that the District complied with its obligations, and that the complainant acted cooperatively and reasonably through the access request process. I made no finding as to whether a further fee waiver would unreasonably shift the financial burden associated with the request to the District. In my view, assessing these factors together and noting the complainant's public interest purpose weighs in favour of a fee waiver.

³⁵ District's submission at para 77.

Discretion

[46] Section 58(3)(c) of FIPPA authorizes the Commissioner to confirm, excuse, or reduce the fee imposed by a public body. The jurisdiction conferred by s. 58(3)(c) is broad and enables me, as the Commissioner's delegate, to substitute my own decision for that of the District where appropriate.³⁶

[47] I have found that the subject of the responsive records relates to the public interest and that dissemination or use of information in the records can reasonably be expected to benefit the public. I have also found that the complainant, as a locally known journalist, will be able to disseminate the information to the public.

[48] Further, I have found that while the District says waiving the \$1,064 fee might have negative impacts on its operations it does not provide sufficient evidence or argument establishing what particular impacts it is referring to.

[49] Taking all of the above together, I find that this is an appropriate circumstance in which to exercise my own discretion to substitute my decision for the District's decision.

[50] Looking to the District's prior decision to waive 50% of the initially estimated fee, I find that when the District granted that prior fee waiver it took account of the importance and relevance of the complainant's newspaper in providing news and information to the local community.³⁷ Applying this same approach here would result in waiving the entire fee given my determination, above, that the requested records relate to the public interest under s. 75(5)(b). However, I am also alive to the fact that gathering and providing the requested records to the complainant will have a real cost for the District in the form of the 22.5 hours of staff time the District estimates will be required to do so.

[51] Considering all the circumstances together, I find that it is appropriate in this case, under s. 58(3), to further reduce the fee imposed by the District by an additional 50 percent. In my view, imposing a fee of \$532 on the complainant to access the records appropriately balances the complainant's public interest concerns against the District's concerns regarding the allocation of public resources.

³⁶ 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.

³⁷ District's submission, Exhibit 2, the District's October 27, 2025 letter.

CONCLUSION

[52] For the reasons given above, pursuant to s. 58(3)(c) of FIPPA, I hereby further reduce the fee imposed by the District for processing the complainant's request to the amount of \$532.

May 25, 2026

ORIGINAL SIGNED BY

D. Hans Hwang, Adjudicator

OIPC File No.: F25-02316