



Order F26-62

CITY OF BURNABY

Carol Pakkala
Adjudicator

July 13, 2026

CanLII Cite: 2026 BCIPC 77

Quicklaw Cite: [2026] B.C.I.P.C.D. No. 77

Summary: An applicant requested records from the City of Burnaby (City) pursuant to the *Freedom of Information and Protection of Privacy Act* (FIPPA). The City acknowledged it did not respond to the applicant's access request within the time limit required by s. 7 of FIPPA. The adjudicator found the City had not fulfilled its duty under s. 7 of the FIPPA and ordered it to respond to the access request by a specified date.

Statute Considered: *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, s. 7.

INTRODUCTION

[1] This inquiry concerns whether the City of Burnaby (City) complied with its duty to respond to an access request made by the applicant within the time limits required by s. 7 of the *Freedom of Information and Protection of Privacy Act* (FIPPA).¹

[2] Section 7 establishes the statutory time limits within which a public body is required to respond to an access request. While s. 7(1) requires a public body to respond to an access request within 30 days of receiving the request, s. 7(2) allows a public body to extend the time for responding in certain circumstances.

[3] The relevant background facts are not in dispute.² On February 24, 2025, the applicant made an access request to the City. The applicant followed up on the access request on April 10, 2025. On May 27, 2025, following some back and forth communications between the parties, the City issued a fee estimate of \$144,990 to process the request. The applicant requested a waiver of this fee, which the City denied.

¹ From this point forward, when I refer to sections, I am referring to FIPPA.

² The City lays out the timeline in Exhibit "A" to its initial submission.

[4] On May 30, 2025, the applicant requested that the Office of the Information and Privacy Commissioner (OIPC) review the City's refusal to waive the fee. This request for review stopped the clock on the City's time limit to respond to the access request.³

[5] The applicant's request for a review of the City's denial of a fee waiver proceeded all the way to the submission phase of an inquiry. During the submission phase, the City agreed to waive the fee and process the access request in phases. On November 26, 2025, the OIPC cancelled the fee waiver inquiry.

[6] On December 15, 2025, the applicant complained to the OIPC that the City's response to the access request was late.⁴ The City acknowledges that it failed to respond to the applicant's access requests in accordance with the statutory time limits imposed by s. 7.⁵

ISSUES⁶ AND BURDEN OF PROOF

[7] The issues I must decide in this inquiry are as follows:

1. Did the City comply with its duty to respond to the applicant's access requests within the timelines in s. 7?
2. If the City did not comply with its duty under s. 7, what is the appropriate remedy?

[8] The City acknowledges it did not respond to the applicant's request within the time requirements of FIPPA. Section 53(3) provides that a public body's failure to respond in time to a request for access to a record is to be treated as a decision to refuse access to the record.

[9] Section 57(1) provides that at an inquiry into a decision to refuse an applicant access to all or part of a record, it is up to the head of the public body to prove that the applicant has no right of access to the records or part. Therefore, I find that the City has the burden to prove that it met its duty to respond to the applicant's access request as required by s. 7 of FIPPA.⁷

³ Section 7(5).

⁴ Applicant's complaint to the OIPC of December 15, 2025, communicated to the City on December 17, 2025.

⁵ City's initial submission at para 1.

⁶ It is neither necessary nor appropriate to consider s. 6(1) where the issue between the parties is whether the public body's response to the applicant's access request was late: Order F25-08, 2025 BCIPC 8 (CanLII) and Order F25-09, 2025 BCIPC 9 (CanLII).

⁷ This determination is consistent with past orders. See for example Order F25-08, 2025 BCIPC 8; and Order F25-09, 2025 BCIPC 9.

DISCUSSION

[10] Section 7 provides the relevant time periods for responding to an access request. The relevant parts of s. 7 are as follows:

Time limit for responding

7(1) Subject to this section and sections 23 and 24 (1), the head of a public body must respond not later than 30 days after receiving a request described in section 5 (1).

(2) The head of the public body is not required to comply with subsection (1) if

(a) the time limit is extended under section 10, or ...

[11] The City acknowledges it has not responded to the access request in accordance with s. 7. Therefore, I find that the City has not complied with the statutory time limits in s. 7 of FIPPA.

What is the appropriate remedy?

[12] Section 58 of FIPPA states the Commissioner must dispose of the issues in an inquiry by making an order under s. 58.

[13] In this case, the City acknowledges that it failed to respond to the applicant's access request in accordance with the statutory time limits imposed by s. 7. The City further acknowledges that it still has not fully responded to the access request. The usual remedy in such cases is to order the public body, under s. 58, to respond to the access requests by a particular date.⁸

Parties' submissions

[14] The City attributes its delay in responding to the access request to resource and staffing issues, as well as to what it says is the broad scope of the access request. As a remedy, the City requests an order allowing it until June 30, 2027 to respond. The City offers no affidavit evidence in support of its request.

[15] The applicant objects to the City's requested remedy. The applicant says the City's proposed timeline is excessive and would result in disclosure occurring more than twenty-eight months after the date of his access request.

⁸ See for example Order F25-11, 2025 BCIPC 13; F25-09, 2025 BCIPC 9; Order F25-08, 2025 BCIPC 8; Order F16-29, 2016 BCIPC 31, at paras 8-11; Order F24-90, 2024 BCIPC 103 at paras 14-16; Order F23-59, 2023 BCIPC 69 at para 31.

[16] The applicant asks that I order the City to fully respond no later than December 31, 2026. The applicant also asks that I also impose the following conditions in my order:

- Require monthly phased disclosure releases until completion.
- Require completed disclosure batches to be released immediately upon approval rather than being held pending completion of other batches.
- Require the City to provide status reports to the OIPC every sixty days until disclosure is complete.
- Require the City to continue processing this request as a priority matter until completion.⁹

[17] In reply, the City agrees to the above conditions but maintains its request for a June 30, 2027 completion.

Analysis

[18] I find that the appropriate remedy in this case is to order the City to respond to the applicant's request as required under Part 2 of FIPPA and to do so by a specific date. As the parties agree upon the conditions for that response, I will include them in my order below without further analysis. What remains to be decided is the specific date for the response.

[19] On January 30, 2026, the City provided the applicant with what it calls the first phase of release of records.¹⁰ On April 13, 2026, the City provided the applicant with what it calls batch one of its phase two release of records.¹¹ The City identified June 30, 2026 as the release date for batches two and three of the second phase.¹²

[20] The City says 33,152 pages of records remain requiring line-by-line review, analysis, severing, and potential third-party or public body consultations.¹³ The City estimates processing the remaining records will take 259 days based on 250 pages per 8-hour day. The City does not further explain this calculation.

[21] The City has not persuaded me that it requires an additional year to process the remaining records. After considering the six month clock pause for the fee waiver, the City already had a full ten months to respond and only disclosed 886 pages.¹⁴

⁹ Applicant's submission, p. 14.

¹⁰ 471 pages.

¹¹ 415 pages.

¹² City's initial submission, p. 4. The City says there are approximately 1086 pages in this release.

¹³ City's initial submission, p. 5.

¹⁴ The City says a further 1086 pages were to be released by June 30, 2026.

[22] The City offers no evidence in support of its request for an additional year to respond to the access request. In my view, the City has not demonstrated adequate efforts to comply with the legislated timelines for response.

[23] While I am inclined to order a more immediate response, I accept the applicant's quite reasonable suggestion of December 31, 2026 as an appropriate deadline for the City's complete response.

CONCLUSION

[24] For the reasons above, I make the following orders under ss. 58(3)(a) and 58(4) of FIPPA:

1. I order the City to perform its duty under s. 7 by fully responding to the applicant's access request in accordance with Part 2 of FIPPA on or before **December 31, 2026**.
2. I specify the following terms and conditions for this Order:
 - a. The City will disclose the responsive records in monthly phases, providing new packages of responsive records to the applicant on or before each of July 31, 2026, August 31, 2026, September 30, 2026, October 31, 2026, November 20, 2026, and December 31, 2026.
 - b. The City will release each monthly package of responsive immediately upon approval rather than being held pending completion of other batches of records.
 - c. The City will continue processing the access request as a priority matter until completion.
3. I order the City to provide the OIPC's registrar of inquiries with a copy of its cover letters to the applicant for each monthly release of records in compliance with items 1 and 2 above.

July 13, 2026

ORIGINAL SIGNED BY

Carol Pakkala, Adjudicator

OIPC File No.: F25- 02811