



Order F26-91

SUNSHINE COAST REGIONAL DISTRICT

David S. Adams
Adjudicator

October 23, 2026

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Summary: The Sunshine Coast Regional District (the District) applied for permission under s. 43 of the *Freedom of Information and Protection of Privacy Act* (FIPPA), to disregard twelve access requests made by an individual. The adjudicator found that two of the requests were vexatious and allowed the District to disregard them under s. 43(a). The adjudicator also found that responding to all of the requests would unreasonably interfere with the District's operations and granted some relief under s. 43(c).

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, RSBC 1996 c. 165, ss. 43(a), 43(b), 43(c)(i), 43(d)(i).

INTRODUCTION

[1] The Sunshine Coast Regional District (the District) applied to the Office of the Information and Privacy Commissioner (OIPC), under various provisions of s. 43 of the *Freedom of Information and Protection of Privacy Act* (FIPPA) for permission to disregard twelve open access requests (the outstanding requests) made by an individual (the respondent).

[2] Both parties provided written submissions and extensive supporting documentation for this inquiry.

ISSUES AND BURDEN OF PROOF

[3] In this inquiry, I must decide the following issues:

1. Does s. 43(a) apply because the outstanding requests are frivolous or vexatious?

2. Does s. 43(b) apply because the outstanding requests are for records that have been disclosed to the applicant or that are accessible by the applicant from another source?
3. Does s. 43(c) apply because responding to the outstanding requests would unreasonably interfere with the District's operations?
4. Does s. 43(d)(i) apply because the outstanding requests are an abuse of the right to make requests because they are repetitious or systematic?
5. If the answer to any of the above questions is yes, what relief is appropriate?

[4] The District has the burden of establishing that it is entitled to relief under s. 43.¹

DISCUSSION

Background

[5] The District is a regional government headquartered in Sechelt.² The respondent is the sole director and officer of a real estate development corporation. The corporation owns a property within the District and intends to develop it.

[6] I gather from both parties' supporting documents that the District issued a series of tickets related to some tree cutting done on the respondent's property, and that the respondent has sought a judicial review of the tickets in the Provincial Court of BC. The respondent has recently launched a petition in the Supreme Court of BC seeking various forms of relief against the District with respect to the District's enforcement of the tickets. There are also matters between the parties at the BC Human Rights Tribunal and the Ombudsperson, but the parties have not explained their nature.

The outstanding requests at issue on this application

[7] The District seeks leave to disregard the 12 outstanding requests. I have summarized these as follows:

¹ Order F17-18, 2017 BCIPC 19 (CanLII) and the orders and decisions cited therein.

² The District is a "public body" for the purposes of FIPPA because it is a regional district, which is included in FIPPA's definition of a "local government body", which in turn is included in FIPPA's definition of a "public body".

Outstanding request	District's file no.	Date	Description of request
1	26-0019	March 26, 2026	Records created, received, or sent between 2006 and 2010 relating to water servicing issues on the respondent's property, including records relating to two attached "anchor documents": "This request is intended to capture the full [District] record trail surrounding the fire-flow, looping, pumping, water analysis, and water servicing issues identified in the attached documents."
2	26-0031	June 1, 2026	Records related to a specified property from 2021 to the date of the request that fall into one of several discrete categories
3	26-0032	June 3, 2026	Records related to the respondent's property from September 2022 to the date of the request that fall into one of several discrete categories
4	26-0033	June 5, 2026	Complaints received by the District relating to the respondent's property from 2015 through August 2021
5	26-0034	June 12, 2026	Records (including recordings, transcripts, etc.) related to a June 13, 2022 District meeting
6	26-0035	June 12, 2026	Records created, sent, or received by a named District employee related to the respondent's property between August 2021 and December 2022
7	26-0036	June 12, 2026	Records related to a named District alternate director and the respondent's property, created, sent, or received between November 10, 2022 and the date of the request
8	26-0037	June 22, 2026	Records related to an April 6, 2022 community town hall meeting
9	26-0040	June 30, 2026	Records related to a June 18, 2026 Electoral Services Committee meeting and a June 25, 2026 District board meeting
10	26-0041	June 30, 2026	Records related to the respondent's property from January 1, 2026 to June 30, 2026

11	26-0042	July 6, 2026	Records similar to those requested in outstanding request 6, but with a time frame between August 10, 2021 and May 2, 2022
12	26-0043	July 6, 2026	Correspondence related to the respondent's property sent between named District officials between May 2, 2022 and November 30, 2022, and correspondence related to the respondent's property sent between named District officials between October 15, 2022 and the date of the request

[8] Initially, the District only requested relief for outstanding requests 1 through 7. However, after the District made its s. 43 application, it received outstanding requests 8 through 12 from the respondent. In its reply submission, the District requested relief with respect to those as well. I decided to add them to this inquiry and consider them. I wrote to the respondent to give him the opportunity to make submissions with respect to these post-application requests, and he did so.³

The respondent's past requests

[9] The District says, and the respondent does not dispute, that between August 13, 2024 and May 29, 2026, the respondent made 11 access requests, most of which were for records related to his property. Of these, the District has responded to 10 (the past requests), while one (outstanding request 1) remains open and is at issue in this inquiry. The parties do not say whether the respondent made any requests before August 13, 2024.

Authorization to disregard a request – s. 43

[10] Section 43 allows the Commissioner to authorize a public body to disregard an access request in certain circumstances.

[11] In Order F23-98, the adjudicator summarized the purpose of s. 43 and the principles guiding its interpretation:

Public bodies do not have the authority under FIPPA to disregard access requests on their own. Authorizing a public body to disregard an access request is part of the Commissioner's oversight function.

Given that relief under s. 43 curtails or eliminates the right to access information, s. 43 applications must be carefully considered. Granting s. 43

³ Respondent's October 20, 2026 submission.

applications should be the “exception” and not a mechanism for public bodies to avoid their obligations under FIPPA.

However, s. 43 serves an important purpose. It exists to guard against the abuse of the right of access. It recognizes that when an individual overburdens a public body with access requests, it interferes with the ability of others to legitimately exercise their rights under FIPPA. In this way, s. 43 is “an important remedial tool in the Commissioner’s armory to curb abuse of the right of access.”

Relief under s. 43 is at the Commissioner’s discretion.⁴

[12] Section 43 was amended shortly before the District made its application. On May 28, 2026, the *Freedom of Information and Protection of Privacy Amendment Act* (the *Amendment Act*)⁵ came into force. The *Amendment Act* includes a provision that says the amended s. 43 applies to requests received before, on, or after that date. The amended s. 43 expands the grounds on which the Commissioner may authorize a public body to disregard an access request.

[13] The OIPC advised the parties of these amendments and invited them to say anything they wanted about the impact of them in their application submissions.⁶ The parties’ submissions largely follow the current, amended version of s. 43.

[14] The parts of the current version of s. 43 that are relevant to this application say as follows:

43 If the head of a public body asks, the commissioner may authorize the public body to disregard a request under section 5 or 29, including because

- (a) the request is frivolous or vexatious...
- (b) the request is for a record that has been disclosed to the applicant or that is accessible by the applicant from another source,
- (c) responding to the request would unreasonably interfere with the operations of
 - (i) the public body...
- (d) the request is
 - (i) an abuse of the right to make a request under section 5 or 29 because the request is repetitious or systematic, ...

⁴ Order F23-98, 2023 BCIPC 114 (CanLII) at paras 27-30.

⁵ Bill 9, *Freedom of Information and Protection of Privacy Amendment Act*, 2026, 2nd sess, 43rd Parliament, 2026 (assented to May 28, 2026), s. 12.

⁶ OIPC’s June 24, 2026 email to the parties.

[15] The District's overall position is that the responsive requests are an abuse of the respondent's access rights. It seeks the Commissioner's authorization to:

- disregard the seven requests with respect to which the District initially made its application;
- disregard all access requests from the respondent for the remainder of 2026, including those received after the District made its application; and
- after 2026, to limit the respondent to one access request at a time for an indefinite period.⁷

[16] The respondent denies each element advanced by the District under s. 43 and says I should not grant it relief from the outstanding requests or any future relief.

Frivolous or vexatious – s. 43(a)

[17] Section 43(a) asks whether an access request is frivolous or vexatious. Both frivolous and vexatious requests are made for a purpose other than a genuine desire to access information, and so are abuses of FIPPA's right of access.⁸

Parties' submissions – frivolous or vexatious

[18] The District says the outstanding requests are both frivolous and vexatious. It says the respondent habitually criticizes and questions its responses to his past requests and copies other parties such as the OIPC on these criticisms and questions. It says the District and the respondent are involved in a Human Rights Tribunal proceeding, a complaint with the Ombudsperson's Office, and a bylaw enforcement dispute. It says it is under "constant threat of claims or petitions for judicial review" from the respondent. It says that as a result of these circumstances, it spends "an inordinate amount of additional time and resources" in engaging with the respondent.⁹

[19] The respondent says requests are not frivolous or vexatious merely because they are unwelcome. He says he has a live dispute with the District and his interest in the records responsive to the outstanding requests is genuine. He says none of the outstanding requests is trivial or lacking a legitimate purpose. Summarizing his position, he says: "The District's real complaint is that the requests are persistent and that responding to them is unwelcome. That is not the test."¹⁰ He also asks that I take into account what he characterizes as "the

⁷ District's initial submission at 6; District's reply submission at 9.

⁸ Order F24-38, 2024 BCIPC 46 (CanLII) at para 9.

⁹ District's initial submission at 4.

¹⁰ Respondent's June 26, 2026 submission at paras 1-8.

District's established pattern of withholding and over-severing records – including its severances under sections 13, 14, 15 and 22 of records the Courts had already released to [him] unredacted".¹¹

[20] In reply, the District says the respondent himself admits that the outstanding requests will yield essentially the same information that the respondent has already received through the courts, which is an indicator of an abuse of FIPPA's access rights.¹² The District also says the respondent has made, and continues to make, "unfounded and repetitive arguments and allegations of bias and conspiracy to withhold records" and questions the adequacy of the District's disclosure, which it says is another sign that the outstanding requests are abusive.¹³ It also says the respondent himself admits in outstanding requests 11 and 12 that some records have been released to him unredacted through the courts. It says this shows that he is not making requests for the sake of obtaining information (because he already has the information), but as a tool to critique and police the District, which is an abuse of FIPPA's access rights.¹⁴

[21] The District also says that the post-application requests are overlapping, increasingly critical, and vexatious, with some submitted within hours of each other. It says this "onslaught of requests" in the context of an active s. 43 application is an attempt to harass and cause harm to the District and its staff.¹⁵

Analysis – frivolous or vexatious

[22] A frivolous request is one that is trivial or unserious. Previous orders have found requests to be frivolous where the requested information was publicly available, where the request was for documents authored by a respondent themselves, where a respondent cancelled a large access request after a public body had already spent significant time processing the request, and where an applicant made a request with the expectation that there would be no records responsive to it.¹⁶

[23] I do not find the outstanding requests to be frivolous. In my view, there is nothing trivial or unserious about them. They relate to matters that are clearly important to the respondent. Nothing in the materials before me suggests that the respondent expected there would be no records responsive to any of them.

¹¹ *Ibid* at para 21.

¹² District's reply submission at 2-3.

¹³ *Ibid* at 6.

¹⁴ *Ibid* at 7.

¹⁵ *Ibid*.

¹⁶ Order F24-38, *supra* note 8 at para 10 and the orders cited therein; Order F26-72, 2026 BCIPC 91 (CanLII) at paras 40-44.

[24] A vexatious request is one made in bad faith or with an ulterior motive unrelated to a genuine interest in access to information – for example, for a malicious purpose or for the purpose of harassing or obstructing the public body. Previous orders have found requests to be vexatious where:

- The purpose of the requests was to pressure the public body into changing a decision or taking an action;
- The respondent was motivated by a desire to harass the public body;
- The intent of the requests was to express displeasure with the public body or to criticize the public body's actions; and
- The request was intended to be punitive and to cause hardship to a public body employee.¹⁷

[25] For the most part, I am not satisfied, based on the materials before me, that the respondent is using the outstanding requests to harass or cause hardship to the District, to pressure the District to undertake some action, or is otherwise making requests in bad faith or for an improper purpose. Instead, the outstanding requests appear to me to relate to the various disputes in which he is involved with the District. The existence of these disputes does not automatically make the outstanding requests vexatious. Previous orders have found access requests not to be vexatious where a respondent is genuinely seeking records for use in legal proceedings related to a live issue or grievance with the public body.¹⁸ The District does not dispute that there are live issues between the parties, and I find that there are.

[26] As for the unfounded allegations the District says the respondent has made, I can see from the materials the District provided that the respondent has criticized the District's handling of some of his past requests and invoked his right to ask the OIPC to review decisions the District made about them.¹⁹ However, I cannot find that this makes the outstanding requests vexatious. The respondent's criticism appears to me to relate entirely to the information he seeks. His tone is polite and businesslike. In my view, there are no indications of bad faith or an ulterior motive in these criticisms.

[27] However, in outstanding requests 11 and 12, sent on the same day, the respondent says he already has records that are either partially or completely responsive to the requests ("through disclosure in related proceedings") and intends to cross-reference those records with what he receives from the District in order to test the validity of the District's search and severing.²⁰ He explains that in his assessment, the District's responses to his past requests did not produce all responsive records. In my view, this suggests that a desire to criticize the

¹⁷ Order F24-38, *supra* note 8 at paras 11-12 and the orders and decisions cited therein.

¹⁸ Order F25-64, 2025 BCIPC 74 (CanLII) at para 112 and the orders and decisions cited therein.

¹⁹ Respondent's June 6 and June 12, 2026 emails to the District.

²⁰ Both sent on July 6, 2026: District's reply submission, attachments 10 and 11.

District's handling of his past requests is beginning to overshadow his good-faith desire to access information. An access request is also not the proper avenue to carry out such testing of the District's severance: if the respondent took issue with the District's severance of records responsive to his past requests, he had the option of requesting a review by the OIPC.

[28] I find that these two outstanding requests are vexatious because they were made not for the purpose of accessing information in which the respondent has a genuine interest (since, as he says, he already has unredacted copies of some or all of the responsive records), but rather in order to criticize the District's actions.

[29] Because of this finding, I do not need to consider outstanding requests 11 and 12 any further, except with respect to the respondent's pattern of making requests under s. 43(d)(i) and with respect to the choice of remedy.

Request is for a record that has been disclosed or is accessible from another source – s. 43(b)

[30] Section 43(b) asks whether a request is for a record that has been disclosed to an applicant or that is accessible by the applicant from another source.

Parties' submissions – disclosed or accessible from another source

[31] The District says that the respondent's questioning of its severance of records responsive to the past requests may be a result of his having copies of some responsive records obtained elsewhere.²¹ It says that most of the respondent's requests, including the past requests, have been related to the respondent's property, "with much of the same records sought, or minimal changes to the requests such as time span".²²

[32] The respondent says the District has not established that it has provided him with records responsive to the outstanding requests. However, I gather from his submissions that he does not specifically deny already having some records that are the requested records in one or more of the outstanding requests.²³

Analysis – disclosed or accessible

[33] Where a public body requests relief under s. 43(b), it should identify the disclosed or accessible records and provide particulars about when and how

²¹ District's initial submission at 4-5.

²² *Ibid* at 3.

²³ Respondent's June 26, 2026 submission at para 10; Respondent's October 20, 2026 submission at para 3.

access was previously given.²⁴ Here, the District did not specify, even in a broad and general way, what records responsive to the outstanding requests the respondent already has. In the absence of such explanation, I cannot find that the District has met its burden of establishing that the records sought in the outstanding requests have been disclosed to the respondent or are accessible by him from another source.

[34] While the respondent says he has received “records the Courts had already released to [him] unredacted”,²⁵ neither party specified which records the respondent has already received unredacted from a court process, so I cannot find that any of the outstanding requests would yield “essentially the same information” as that already received by the respondent.²⁶

[35] As I noted above, outstanding requests 11 and 12 provide that the respondent has some or all of the records responsive to those requests. However, as I have found that those outstanding requests are vexatious under s. 43(a), there is no need to consider them further under s. 43(b).

[36] To conclude, in my view it is certainly possible that the respondent already has some records responsive to one or more of the remaining outstanding requests from another source. However, the District has the burden on this point, and in the absence of explanation about what those records would be, and to which remaining outstanding request(s) they relate, I cannot find that s. 43(b) is engaged with respect to those requests.

Unreasonable interference with public body’s operations – s. 43(c)

[37] Section 43(c) asks whether responding to a request would unreasonably interfere with the public body’s operations.

[38] Importantly, previous versions of FIPPA imposed a requirement that responding to requests had to unreasonably interfere with a public body’s operations *because* the requests were excessively broad, repetitious, or systematic in order to qualify for relief under s. 43(c). After the May 2026 amendments pursuant to the *Amendment Act* (which apply to requests received before, on, or after the date the amendments came into force), unreasonable interference with a public body’s operations may qualify for such relief on its own.

²⁴ Order F25-64, *supra* note 18 at paras 93-95.

²⁵ Respondent’s June 26, 2026 submission at para 21.

²⁶ I note that s. 3(5) of FIPPA (as recently amended by the *Amendment Act*) provides that Part 2 of FIPPA (which deals with the right of access and its exceptions) does not apply to a record that the public body is required by law, as part of a proceeding, to produce to the applicant. In addition, s. 3(5.1) provides that such a record includes a record that is not specifically listed or identified, but that falls within a general class of records that is listed or identified as part of that proceeding. Section 24 of the *Amendment Act* also provides that the amended version of s. 3(5) applies to requests received before, on, or after the date the section comes into force.

[39] A determination about unreasonable interference with a public body's operations involves an objective assessment of the facts in conjunction with information about the size and nature of the public body's operations.²⁷

Parties' submissions – unreasonable interference

[40] The District says responding to the outstanding requests would be overwhelming because its access and privacy office is small and does not have the resources a larger public body would have. It also says 2026 is an election year, in which its staff will shoulder additional responsibilities.²⁸

[41] The respondent says the District's arguments are really about its own "capacity and convenience" rather than the outstanding requests themselves, that it has not met its burden of establishing unreasonable interference with its operations, and that the fact of an election year cannot supersede an applicant's right of access under FIPPA.²⁹ He says the District must put forward specific evidence about the Requests' likely interference with its operations, and it has not done so. He says the District's assertion that it is a smaller office with fewer resources than the province does not, on its own, meet the required evidentiary threshold.³⁰

[42] In reply, the District says the "irregularly high burden" of replying to the respondent's requests is forcing its staff to delay some of its FIPPA obligations, thereby infringing on the access and privacy rights of others. It says that since the beginning of 2026, the respondent has submitted 16 out of the 43 FOI requests it has received, amounting to 37% of such requests.³¹ It says the frequency of his requests is increasing, with 11 out of 19, or 57%, of its FOI requests in the second quarter of 2026 coming from the respondent.³² It says its operations "are now being significantly impacted" as a result of these increasing requests. It says the Requests infringe on the rights of others to access the District's FOI services by taking up an "inordinate" amount of its staff's time. It says it is overwhelmed with the respondent's requests and is no longer able to respond to them in a meaningful or timely manner.³³

[43] In a supplemental submission, the respondent says the fact that the District has taken the time to make its s. 43 application and has made several

²⁷ Order F26-50, 2026 BCIPC 62 (CanLII), citing *Crocker v. British Columbia (Information and Privacy Commissioner)*, 1997 CanLII 4406 (BC SC) [*Crocker*] at para 37.

²⁸ District's initial submission at 5.

²⁹ Respondent's June 26, 2026 submission at para 11.

³⁰ Respondent's June 27, 2026 submission at paras 2-3.

³¹ I understand the District to mean the period from January 2026 until the date of its July 15, 2026 reply submission.

³² The District does not specify what months it means by "second quarter".

³³ District's reply submission at 7-9.

filings in this inquiry undermines its arguments about unreasonable interference. He relies on *Crocker* for the proposition that a public body cannot defeat the access provisions of FIPPA by providing insufficient resources to its staff.³⁴

Analysis – unreasonable interference

[44] I find that the respondent has made 16 requests from the beginning of 2026 to the close of submissions in this inquiry, including the 12 outstanding requests.³⁵ I accept the District's assertions that 37% of its access requests from the beginning of 2026 to July 15, 2026, and 57% of its access requests in the second quarter of 2026, have come from the respondent. I am satisfied that this represents a significant proportion of a public body's resources to devote to one applicant. In Order F17-18, the adjudicator found that responding to a set of access requests amounting to 27% of a public body's total requests received during a 10-month period (some of which had already been processed) would unreasonably interfere with the public body's operations.³⁶

[45] In Order F24-15, the adjudicator summarized the steps a public body must take to respond to an access request:

- receive the request;
- communicate with the applicant, if necessary, to clarify the request;
- review the request to see if it overlaps with previous requests;
- assess any fees;
- search for and retrieve records that respond to the request;
- review and organize the records to remove duplicate pages;
- decide if any FIPPA exceptions to disclosure apply;
- manage the external consultant, if one was hired to assist the public body with responding to requests;
- consult with third parties and other public bodies, as necessary;
- prepare the records for disclosure, including severing them, if applying exceptions; and
- send the public body's decision letter and the records to the applicant.³⁷

[46] Generally, to establish a claim of unreasonable interference with its operations, a public body would do well to provide evidence about its size and resources, the resources that responding to a series of requests would likely

³⁴ Respondent's October 20, 2026 submission at para 14, citing *Crocker*, *supra* note 27 at para 37.

³⁵ I include in this total the four past requests set out at page 8 of the District's reply submission.

³⁶ Order F17-18, *supra* note 1 at para 40.

³⁷ Order F24-15, 2024 BICPC 21 (CanLII) at para 61; order quashed on other grounds: *Besler v. British Columbia (Information and Privacy Commissioner)*, 2025 BCSC 662.

consume, and how processing the requests would affect its other priorities.³⁸ I do not have much evidence before me of the District's size and capacity, other than its assertion that it is a relatively small public body and that its privacy head also has other statutory responsibilities, including election-related duties, and that the privacy head has delegated some of their duties to one other staff person, who also has other responsibilities related to access and privacy.³⁹ It is not clear from the District's submissions whether these are the only two staff members it has available to process access requests. The District also does not provide any estimate about how much time it might take to respond to the outstanding requests beyond saying that responding to them would take up "an inordinate amount" of its staff's time.

[47] The District rightly points out that what constitutes an unreasonable interference will vary depending on the size and nature of a public body's operations.⁴⁰ It asks that I view its service capacity (including the capacity to respond to access requests) holistically in light of the other demands on its resources.⁴¹ I am willing to do that, but without much evidence on this point (beyond the outstanding requests themselves), the task is difficult. However, I can draw some conclusions from the text of the outstanding requests.

[48] I observe that most of the outstanding requests take a significant amount of effort to understand. Outstanding request 1, for example, contains six main parts, refers to two attached "anchor documents", and includes a follow-up email with four further parts. In all, the request and supporting documents total 24 pages. While outstanding request 1 is an outlier in terms of length, almost all the other outstanding requests similarly contain multiple detailed subsections.

[49] In Order F26-28, the adjudicator considered a set of access requests and observed:

I find the wording of the Excessively Broad Requests, Systematic Requests and Repetitious Requests relevant to consider in determining whether responding would unreasonably interfere with the District's operations. Many of the requests contain multiple parts, many seek "all records" or "all internal communications" and other specifically seek numerous types of records. In my view, this expansive wording increases the time and effort required to respond to each request. Therefore, I find it reasonable to conclude that responding to [these requests] would require significant amount of time and resources.

³⁸ See, e.g., Order F26-27, 2026 BCIPC 34 (CanLII) at paras 63-64; Order F26-28, 2026 BCIPC 36 (CanLII) at paras 66-69; Order F25-75, 2025 BCIPC 88 (CanLII) at paras 60-68; and Order F25-64, *supra* note 18 at paras 74-85.

³⁹ District's reply submission at 7-8.

⁴⁰ District's reply submission at 4, citing *Crocker*, *supra* note 27 at para 37.

⁴¹ District's initial submission at 5.

...I am satisfied that responding to [these requests], which are in total 19 requests, would take a minimum of 500 hours, if not significantly more. I find that this is an excessive amount of time for the District to spend responding to one access applicant.

Additionally, the 19 [requests at issue] were all filed in a short time period of less than two months. In comparison, the District only received 43 access requests from individuals other than the respondent from January 1, 2025 until the date of the first s. 43 application. The time and resources available to respond to access requests is finite, the District must respond to access requests within the timelines set out in FIPPA, and the respondent is not the only access applicant requiring the District's attention. I find that responding to the [requests at issue] would negatively impact the rights of other access applicants as it would diminish the resources available to respond to them.⁴² [emphasis added]

[50] In this case, the circumstances of the remaining outstanding requests are similar. They constitute a large and increasing proportion of the District's total requests. Nine of them were filed within a one-month period.⁴³ They frequently contain lengthy exposition, seek "all records relating to" a topic, "all complaints, reports, tips", etc., or "all correspondence" to or from a person relating to the respondent's property. While the District did not provide an estimate of the staff time it might take to respond to the outstanding requests, I am satisfied that it would be significant, and moreover would consume a disproportionate share of the District's FIPPA-related resources, which cannot then be used to assist other access applicants.

[51] I accept that if it is required to respond to all of the remaining outstanding requests at once, with the FIPPA-mandated timeline for responses running with respect to each of them, the District will have to devote a disproportionate amount of its resources to them. In my view, this use of a very high proportion of a public body's resources by one person amounts to an unreasonable interference with the District's operations.

[52] Considering all this, I am satisfied that responding to all 10 of the remaining outstanding requests (i.e., those I have not found to be vexatious) would unreasonably interfere with the District's operations. I am therefore persuaded that some relief under s. 43(c) is warranted.

Abuse of the right to make a request – s. 43(d)

[53] Section 43(d)(i) asks whether a request is an abuse of the right to make requests under ss. 5 or 29 of FIPPA because the request is repetitive or systematic. The District says the Requests are an abuse of the right to make

⁴² Order F26-28, 2026 BCIPC 36 (CanLII) at paras 66-68.

⁴³ Outstanding requests 2 through 10 were filed from June 1 to June 30, 2026.

requests because they are systematic. It does not say that the outstanding requests are repetitious.⁴⁴

[54] In August 2026, the OIPC published Order F26-72.⁴⁵ In this order, the adjudicator considered for the first time the application of s. 43(d)(i). I considered it fair for the parties to have an opportunity to comment on the analysis under s. 43(d)(i) set out in that order, so I wrote to them asking for optional submissions on s. 43(d)(i) only. Both parties availed themselves of this opportunity. While I have read and considered all the material I have accepted from the parties to date, in my analysis below I will refer only to the material relevant to the determination of whether relief is warranted under s. 43(d)(i).

[55] In Order F26-72, the adjudicator described the nature of the analysis required under s. 43(d)(i) in this way:

Ultimately, what constitutes an abuse of the right to make a request because it is systematic is open-ended and depends on the specific facts and circumstances of each case. The focus should be on the nature and magnitude of the pattern of requests. Accordingly, in considering whether the requests before me are an abuse of the right to make a request because they are systematic, I will consider whether:

- The request is made according to a method or plan of acting that is organized and carried out according to a set of rules or principles; and
- The pattern of requests indicates a misuse of the right to make a request, some indicia of which may include, but are not limited to:
 - using information received in response to an access request to make future access requests or complaints to prolong the dispute with a public body;
 - revisiting earlier access requests;
 - an increase in volume or frequency of the requests over time;
 - behaviour suggesting that a respondent has no intention of stopping the flow of requests and questions, all of which relate to essentially the same records, communications, people and events; and
 - routinely raising issues with the public body about their responses to freedom of information requests, and then often taking those issues to review by the OIPC.

Finally, in order to determine whether the request(s) at issue are an abuse of the right of access because they are systematic, I must look at the whole

⁴⁴ District's reply submission at 9; District's September 4, 2026 submission at 3.

⁴⁵ *Supra* note 16.

pattern of requests including previous requests and the requests I found to be frivolous, above.⁴⁶

Parties' submissions – abuse of the right to make a request

[56] The respondent says the outstanding requests were made to obtain records that directly affect his property, which is a legitimate use of FIPPA, not an abuse.⁴⁷ He says his requests generally respond to “gaps and questions revealed by the District’s own earlier disclosures”, since the District has generated an extensive record of dealing with his property.⁴⁸

[57] In reply, the District says the frequency of the respondent’s requests is increasing over time, that he bases new requests on what he has uncovered in previous requests, and that his requests overlap, all of which are suggestive of systematic requests.⁴⁹

[58] In his supplemental submission, the respondent concedes that the outstanding requests were made according to an organized method or plan but says his requests do not overlap and they are persistent rather than abusive.⁵⁰ He says his efforts to uncover wrongdoing, and to establish that the District has treated him unfairly, should not count against him.⁵¹ He also says each outstanding request has its own distinct scope.⁵²

[59] In its supplemental submission, the District allows that, taken as individual requests, the outstanding requests “may not be cause for alarm”, but that when combined, they show a pattern of returning to the same specific records, people, and events. It says the respondent has made his requests with increasing frequency and with no regard for the share of the District’s resources his requests consume. It says that:

- since August 2024, the respondent has made an average of one request per month, all but three of which deal with matters related to his property;
- the frequency of the respondent’s requests has increased, with 13 requests being submitted from May 29, 2026 to July 8, 2026, a period of 28 business days; and

⁴⁶ Order F26-72, *supra* note 16 at paras 86-87.

⁴⁷ Respondent’s June 26, 2026 submission at para 9.

⁴⁸ *Ibid* at para 7.

⁴⁹ District’s reply submission at 9.

⁵⁰ Respondent’s September 4, 2026 submission at paras 2-18.

⁵¹ *Ibid* at para 9.

⁵² Respondent’s October 20, 2026 submission at para 10.

- the respondent continued to submit requests after the District filed its s. 43 application.⁵³

[60] The District also says the respondent has:

systematically misused FIPPA requests to conduct an investigation of SCRD staff, elected officials, and processes; repeatedly returned to the same records, communications, people, and events; increased the frequency of his requests over time; and prolonged disputes with the Regional District by revisiting the same subject or request well after the review period has passed.⁵⁴

[61] The District also provided an email from the respondent which is identified as a supplement to a reconsideration request the respondent made in May 2026. Attached to that email are charts made by the respondent setting out his criticism of certain decisions of the District to withhold information under FIPPA, apparently based on information disclosed to the respondent in other proceedings.⁵⁵

Analysis – abuse of the right to make a request

[62] To begin, I agree with the adjudicator's comment in Order F26-72 that in deciding whether the impugned requests are an abuse of the right of access because they are systematic, it is necessary to look at the whole pattern of the respondent's requests, and I will do so in this case.

[63] The respondent characterizes his method of making requests in this way:

The records I seek...go to the whole course of the District's conduct towards my company and me over the past five years: the surrounding complaints – and the people behind them – that generated this enforcement in the first place; the bylaw tickets and the judgment certificates the District has filed against me...and the District's mishandling of my company's subdivision application for more than 4 years...[they are] the very records that would show who drove this conduct and why.⁵⁶

[64] As I noted above, the respondent also characterizes his requests as responding to "gaps and questions revealed by the District's own earlier disclosures".⁵⁷

[65] I have no doubt that the respondent's pattern of making requests is systematic. The respondent is using FIPPA requests to investigate the District's

⁵³ District's September 4, 2026 submission at 2-3.

⁵⁴ *Ibid* at 3.

⁵⁵ Attachment to the District's September 4, 2026 submission.

⁵⁶ Respondent's July 9, 2026 submission at 2.

⁵⁷ Respondent's June 26, 2026 submission at para 7.

dealings with his property. His requests build on previous requests and on what he learns from other proceedings. They are clearly made according to a method or plan of acting that is organized and carried out according to a set of rules or principles. I find the first step of the analysis is satisfied.

[66] Turning to the second step of the analysis, as the respondent rightly points out, not all systematic requests are abuses. In order to attract relief under s. 43(d)(i), the pattern of requests must be a misuse of the right to make an access request.⁵⁸

[67] In Order F26-72, the adjudicator found that relief was warranted under s. 43(d)(i) because the respondent employed a “consistent pattern of using access requests to return to the same specific records, communications, people, and events”, indicating that he was unwilling to accept that the records he was seeking might not exist and was continuing to make requests anyway.⁵⁹

[68] In Order F26-79, the adjudicator found that relief was warranted where a “marked increase” in the frequency of requests was combined with the respondent requesting emails sent to his own email address, records he had already received, and records generated by his own access requests. This pattern satisfied the adjudicator that the respondent was unwilling to accept that the information he sought might not exist and that his flow of requests would continue indefinitely.⁶⁰

[69] In Order F26-85, the adjudicator found that a respondent’s pattern of making access requests was abusive under s. 43(d)(i) where the respondent repeatedly returned to the same incident using stacking (where a new request repeats and expands upon a previous request) and springboarding (where an applicant uses information received from a previous request to generate additional requests). In that case, the respondent also employed a pattern of repeating and reframing past requests as new requests, and irresponsibly made overlapping and repetitive requests at an increasing pace.⁶¹

[70] I find that some indicia of the abuse of the right to make an access request are present in this case. In particular, I find that the pace of the respondent’s requests has increased quite significantly. Between August 13, 2024 and the end of 2025, the District says, and I accept, that the respondent made a total of six requests.⁶² In contrast, the respondent made 11 of the 12 outstanding requests in a six-week period, from June 1 to July 6, 2026.

⁵⁸ Order F26-72, *supra* note 16 at para 85.

⁵⁹ *Ibid* at para 118.

⁶⁰ Order F26-79, 2026 BCIPC 98 (CanLII) at paras 59-68.

⁶¹ Order F26-85, 2026 BCIPC 108 (CanLII) at paras 46-63.

⁶² District’s initial submission at 2.

[71] In addition, the respondent also admits that he bases new requests on what he has uncovered in previous requests. Previous orders have considered this kind of “springboarding”, in which an applicant uses what they glean from previous access requests “as a springboard to barrage the public bodies with further requests”, to be indicative of an abuse of FIPPA’s processes.⁶³ While not determinative on its own, I consider this a factor favouring a finding that the respondent’s pattern of making requests has become abusive.

[72] On the other hand, I do not think all of the respondent’s requests relate to “essentially the same records, communications, people, and events”, as the District suggests. Certainly there is a thematic coherence among the outstanding requests. The vast majority of them relate to the respondent’s property. Many of them relate to the same few District staff members and elected officials. However, for the most part I agree with the respondent that the substance of each outstanding request is bounded and discrete. I cannot detect significant or routine overlap among them.⁶⁴ There is also no indication in the materials before me that the records sought by the respondent might not exist.

[73] I can also see from some of the emails the District provided that the respondent has sometimes raised concerns with the District’s responses to his past requests.⁶⁵ However, I do not think this necessarily makes the outstanding requests abusive, nor can I conclude that the respondent routinely raises issues with the District’s responses, or that he often takes those responses for review by the OIPC.

[74] Taking the above into account, I find that the outstanding requests are systematic and display some of the recognized indicia of an abuse of the right to make a request. Their frequency has markedly increased. The respondent has at least sometimes used what he learns from a previous request in order to make a new one. However, without more I am not prepared to conclude from these indicia that the respondent’s pattern of making requests has crossed the line into abuse of that right. I therefore do not find that relief is warranted under s. 43(d)(i).

⁶³ See, e.g., Order F23-23, 2023 BCIPC 27 (CanLII) at para 73.

⁶⁴ There does seem to be some overlap in the records that would be responsive to outstanding requests 6 and 11; these are requests for all correspondence sent or received by a named District official relating to the respondent’s property. While the associated subheadings are somewhat different in each of these, there is some overlap in their date ranges.

⁶⁵ Respondent’s June 6, 2026 email to the District, questioning the scope of the District’s disclosure in response to one of his past requests; Respondent’s June 12, 2026 email to the District, containing outstanding request 5 and several queries relating to due dates and the District’s severance of records responsive to some of the past requests.

What relief, if any, is appropriate?

[75] I found above that outstanding requests 11 and 12 are vexatious. I find it is appropriate to authorize the District to disregard them under s. 43(a).⁶⁶

[76] I have also found that the District is entitled to some relief under s. 43(c) with respect to outstanding requests 1 through 10. I must now decide what relief is warranted in the circumstances.

[77] While the choice of remedy under s. 43 is discretionary, my discretion is not completely unfettered. The remedy must provide redress for the harm that would occur if the public body were not granted relief. It must not be disproportionate to that harm.⁶⁷

[78] Previous orders have recognized that members of the public have an equal right to use resources that public bodies allocate to respond to access requests. If one individual overburdens a public body, this negatively affects the access rights of others. The right of access under FIPPA comes with a responsibility not to abuse that right.⁶⁸

[79] The District asks that I allow it to disregard the outstanding requests. It also asks that I allow it to disregard any further access requests from the respondent for the remainder of 2026. Finally, it asks that after 2026, I allow it to limit the respondent to a single open access request at a time, apparently for an indefinite period.⁶⁹

[80] The respondent says no relief under s. 43 is warranted. He says the District's proposed bar on all requests for the remainder of 2026 is extraordinary and "demands the clearest evidentiary foundation", which the District has not provided.⁷⁰ He says that if a limit on his access requests is imposed, it should have the same features as the restriction ordered in Order F26-72, where a request was not considered "open" where the public body had already failed to respond within the legislated time.⁷¹

[81] In my view, the source of the reasonably anticipated interference with the District's operations is that the respondent has made a large number of complicated, multi-part requests at a sharply increasing pace. I think it is likelier than not that future requests will display the same pattern. Indeed, the pace of the respondent's requests has not slackened even after the District made its

⁶⁶ See, e.g., Order F24-65, 2024 BCIPC 75 (CanLII) at para 33.

⁶⁷ *Crocker*, *supra* note 27 at para 45.

⁶⁸ Order F25-74, 2025 BCIPC 87 (CanLII) at para 96.

⁶⁹ District's initial submission at 6; District's reply submission at 9.

⁷⁰ Respondent's June 26, 2026 submission at para 20.

⁷¹ Respondent's September 4, 2026 submission at para 24.

s. 43 application, with the five post-application requests coming in a period of two weeks.

[82] However, I do not think it would advance FIPPA's purposes if I were to allow the District simply to disregard outstanding requests 1 through 10. Section 43 relief is not a routine mechanism for public bodies to avoid their obligations under FIPPA.⁷² I also think it would be disproportionate to permit the District to disregard any more access requests the respondent may make in 2026. However, some restriction on the pace and frequency of the respondent's requests would give the District some warranted relief. This is especially so since the respondent has continued to make at least five additional access requests in very quick succession after the District made its s. 43 application. This fact satisfies me that without intervention by the OIPC, the respondent will likely continue to submit detailed, multi-part requests in quick succession.

[83] Responding to outstanding requests 1 through 10 at once would, as I found above, unreasonably interfere with the District's operations. In the circumstances, I think an appropriate measure of relief is to restrict the respondent to two open access requests at a time for a period of 18 months to permit the District time to process the requests at a reasonable pace. This measure would balance the respondent's right to access information in which he has a legitimate interest with the District's obligations to other access applicants. It would also provide the District relief from what has become an ongoing barrage of requests.

CONCLUSION

[84] For the reasons given above, under s. 43 of FIPPA:

1. The District is authorized to disregard outstanding requests 11 and 12 (District's file numbers 26-0042 and 26-0043).
2. The District shall respond to outstanding requests 1-10, two at a time, as required by ss. 7 and 8, and in the order in which they were received.
3. The s. 7 time limits for responding to the first two outstanding requests will commence on the date of this order. After the District responds to an outstanding request, the s. 7 time limits for responding to the next outstanding request will commence the day after the District has responded to the previous outstanding request.

⁷² Auth. (s. 43) (19 December 1997) at page 1. Available at <https://www.oipc.bc.ca/documents/decisions/156>.

4. The District is authorized to disregard any new access requests made by or on behalf of the respondent until the District is finished responding to outstanding requests 1-10 as set out in item 2 above.
5. After the District has finished responding to outstanding requests 1-10 as set out in item 2 above, it is authorized to disregard any access requests made by or on behalf of the respondent above two open access requests at a time.
6. The District is authorized to determine what constitutes a single access request for the purposes of the authorization granted under item 5 above.
7. For the purposes of this order, an “open” access request is one to which the District has not yet provided a response as required by ss. 7 and 8.

[85] The terms of this order will expire 18 months after the date of this order.

October 23, 2026

ORIGINAL SIGNED BY

David S. Adams, Adjudicator

OIPC File No.: F26-01884