



Order F26-29

CITY OF LANGFORD

Allison J. Shamas
Adjudicator

April 20, 2026

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Summary: An access applicant requested access to records from the City of Langford (City). The City imposed the fee for processing the applicant's request. However, in response to the applicant's request for a public interest fee waiver under s. 75(5)(b) of the *Freedom of Information and Protection of Privacy Act* (FIPPA), the City exercised its discretion to grant a partial fee waiver. The access applicant made a complaint about the City's refusal to grant a full fee waiver. The adjudicator found that the records related to a matter of public interest and that a further, partial fee waiver was appropriate.

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

INTRODUCTION

[1] A journalist asked the City of Langford (City) for access to records. In response to the request, the City issued a fee estimate of \$1,239.24. The journalist requested that the City waive the fee on the basis that the records related to a matter of public interest under s. 75(5)(b) of the *Freedom of Information and Protection of Privacy Act* (FIPPA). The City exercised its discretion under s. 75(5)(b) to grant a 50 percent fee waiver resulting in a revised fee estimate of \$619.92.

[2] The journalist declined to pay the partial fee and instead complained to the Office of the Information and Privacy Commissioner (OIPC) about the City's decision to issue only a 50 percent fee waiver under s. 75(5)(b) of FIPPA. Mediation by the OIPC did not resolve the issue, and the parties' dispute about fee waiver proceeded to this inquiry.

ISSUE AND BURDEN

[3] The issue before me is whether the journalist is entitled to a further fee waiver under s. 75(5)(b).

[4] FIPPA does not allocate the burden in inquiries about fee disputes under s. 75(5)(b). However, previous orders establish that it is the complainant who has the burden.¹ For the reasons set out in those decisions, I take the same approach here.

BACKGROUND

[5] The Pacific Football Club (PFC) is the City's professional soccer team. The complainant is a journalist at a major Canadian news organization.

[6] News articles and a media release from the City from September of 2025 report that:

- The PFC owed the City over \$800,000.00 in unpaid debts related to the team's use of City facilities;
- The relationship between the City and the PFC was strained;
- The City claimed publicly that the PFC had been largely unresponsive to emails and phone calls from the City about resolving the outstanding debts, and that its non-responsiveness was a pattern that had continued since the expiry of its initial five-year stadium use agreement with the City;² and
- The owners of the PFC were considering selling the team.

Furthermore, a 2025 Facebook post which has 17 comments, 15 reactions, and one share discusses PFC's debts and its reported non-responsiveness to the City and suggests that the City should send the PFC to collections.

[7] News articles from January and February of 2026 report that:

- Negotiations between the City and the PFC about the PFC's debts had come to an impasse; and
- The City announced that until an agreement could be reached, it would only permit the PFC to use the stadium on a game-by-game basis, with the fees being due at least two weeks in advance of each game.

¹ Order F21-48, 2021 BCIPC 56 (CanLII) at paras 6-10. For other orders adopting this same approach see for example 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.

² This information is found in the materials attached to the complainant's initial submission.

Two additional Facebook posts from that same time period which discuss negotiations between the City and the PFC attracted, collectively, 184 reactions, 225 comments, and seven shares.

[8] The access request that is before me is the product of a series of revisions made to an original access request during the parties' discussions about fees. The journalist made their original request on October 2, 2025, and sent revised requests to the City on October 17, 2025, and again on January 22, 2026.

[9] The request that is before me is the revised request sent on January 22, 2026. In it, the journalist requested access to records relating to two contracts between the City and the PFC and correspondence between them about the PFC's debts to the City. Specifically, the journalist requested:

The inaugural five-year Stadium Use Agreement between the City and Pacific Football Club (PFC). Signed in 2018.

The one-year Stadium Use Agreement between the City and PFC. Signed in 2024.

Correspondence between the City's finance department and/or council to PFC regarding debts owed and debt collection. Timeframe: Sept. 19, 2025 to Jan. 21, 2026.

Emails between the City and PFC, highlighted in this news release: "PFC has remained largely unresponsive to emails and phone calls to resolve the outstanding debts ... This is a pattern that has persisted annually since the expiry of the initial five-year stadium use agreement." Timeframe: June 30, 2023 (contract expiry date) through Sept. 19, 2025.

Correspondence between the City's finance department and/or council to PFC regarding debt forgiveness. Timeframe: June 1, 2018 to Jan. 21, 2026.³

PUBLIC INTEREST FEE WAIVER – S. 75(5)(B)

[10] Section 75 of FIPPA authorizes public bodies to require applicants to pay fees for access to records, and to waive those fees in certain circumstances. Section 75(5)(b) of FIPPA, which is at issue in this inquiry, concerns public interest fee waivers. It 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 a public body may excuse payment, if, in the head of the public body's opinion,

³ Fact Report para 11. I note that the access request that is the subject of this inquiry is the third in a series of revised requests. See fact report at paras 1, 5, and 11 for a more complete history.

...

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

[11] Past orders establish a two-part test for determining whether a public interest fee waiver is appropriate. It asks:

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

Do the records relate to a matter of public interest?

[12] I begin with whether the records relate to a matter of public interest.

Relevant principles

[13] Past orders establish several principles that I find relevant to the dispute before me.

[14] A public interest fee waiver requires that the requested records themselves relate to a matter of public interest.⁵ An applicant's intention to use the records in a manner that relates to the public interest is not sufficient.⁶

[15] However, if a record "relates to" a matter that is of public interest, the first requirement of the test is satisfied. The test is not whether a matter is "sufficiently" of public interest; there is no room under s. 75(5)(b) for a public body to assess the degree of public interest in a matter.⁷

[16] Furthermore, 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" (emphasis added).⁸

[17] 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:

⁴ Order No. 332-1999, 1999 CanLII 4202 (BC IPC), p. 5; Order F17-38, 2017 BCIPC 42 at para 11; Order F19-09, 2019 BCIPC 11 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.

⁵ Order F09-11, 2009 CanLII 42410 at para 20; Order F25-95, 2025 BCIPC 111 (CanLII) at para 12.

⁶ *Ibid.*

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.

- 1) Has the subject of the records been a matter of recent public debate?
- 2) Does the subject of the records relate directly to the environment or public health or safety?
- 3) Could dissemination or use of the information in the records reasonably be expected to yield a public benefit by:
 - a) disclosing an environmental concern or a public health or safety?
 - b) contributing to the development or public understanding of, or debate on, an important environmental or public health or safety issue? or
 - c) contributing to public understanding of, or debate on, an important policy, law, program, or service?
- 4) Do the records disclose how the public body is allocating financial or other resources?⁹

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

[19] Furthermore, it is not necessary for all four factors to be present for records to relate to a matter of public interest. A decision that records do not relate to a matter of public interest because one or more factors is not present would be incorrect.¹¹

Records

[20] As the public interest part of the test is about the relationship between the records and the public interest, I begin with a description of the records.

[21] The complainant requested two stadium use agreements between the City and the PFC, and correspondence between the parties regarding debts owed and collected, debt forgiveness, and the City's efforts to contact the PFC about its outstanding debts.

[22] The City concedes that the two stadium use agreements relate to a matter of public interest¹² and explains that it exercised its discretion to issue a partial

⁹ The test, which was established in Order 332-1999, 1999 CanLII 4202 (BC IPC), has been consistently cited since. See for example Order 02-43, 2002 CanLII 42477 (BC IPC) at para 10; Order F19-09, 2019 BCIPC 11 (CanLII) at para 15; Order F25-95, 2025 BCIPC 111 (CanLII) at para 29; and Order F26-21, 2026 BCIPC 25 (CanLII) at para 29.

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

¹¹ Order No. 332-1999, 1999 CanLII 4202 (BC IPC) at p. 4 "Applicable Principles."

¹² City's response submission at para 19.

fee waiver because of this. Therefore, I find that there is no dispute that the stadium use agreements satisfy the public interest requirement, and I find that they meet the first part of the test.

[23] In the access request the journalist describes the requested correspondence as between the City and the PFC and relating to debts owed, debt collection, debt forgiveness, and the PFC's unresponsiveness to the City's attempts to resolve the outstanding debts. The City does not dispute these characterizations. Therefore, based on the materials before me, I find that the remaining records can be described as correspondence between the City and the PFC about the PFC's debts to the City (hereinafter "debt correspondence").

Overview

[24] I now turn to whether the debt correspondence records relate to a matter of public interest. As I will explain below, I find that they do because their subject matter has been a matter of recent public debate; they disclose information about how the City manages financial resources; and their disclosure could reasonably be expected to yield a public benefit by contributing to the public's understanding of how the City's manages debt, debt collection, and debt forgiveness as it relates to public money.

Matter of recent public debate

[25] The journalist provided several news articles, a media release from the City and a three Facebook posts to support its position that the records relate to a matter of public debate.

[26] The City argues that the public debate factor is not satisfied because the level of discussion is too limited to be considered public debate. In this regard, it says there has been no formal discussion in which opposing arguments are put forward. The City also submits that this factor is not satisfied because while there has been some general discussion about its relationship to the PFC, those discussions do not relate to the actual subject matter of the debt correspondence.

[27] In reply, the journalist that asserts the City's definition of public debate as a formal discussion in which opposing arguments are put forward is not supported by the case law, and that past orders have accepted news coverage and social media posts as acceptable evidence of public debate. Furthermore, addressing the correspondence between the City and the PFC about the PFC's debts, the journalist says that while the correspondence itself has not been publicly debated, its content — debts owed to taxpayers — has. This, according to the journalist, is sufficient.

[28] For the reasons below, I find that the subject of the records has been a matter of recent public debate.

[29] The materials submitted by the journalist establish that in 2025 and 2026 major news organizations were reporting on, and the public was engaged in a discussion about, the PFC's debts to the City. Past OIPC orders have held that similar evidence – news articles and social media posts – are sufficient to satisfy the public debate factor.¹³ I make the same finding here. In this case, it is clear from the materials before me that there was considerable interest in the City's approach to the PFC's debts. Evidence of a formal debate is not required.

[30] I am also satisfied that the debt correspondence records relate to that public debate. The materials provided by the journalist discuss the debts the PFC owed to the City. Correspondence between the City and the PFC about those same debts clearly relate to that public debate. There is no requirement under this factor that the public debate discuss the actual records at issue – rather the wording of the factor specifically refers to the *subject* of the records rather than the records themselves.

[31] Finally, I find that that debate was “recent”. The relevant time frame to gauge whether debate was “recent” is at the time of the access request and the public body's response.¹⁴ As the request before me is the result of revisions made during the parties' discussions about fees, I find that the relevant date is October 2, 2025 which is the date the journalist made the original request. The materials provided by the journalist establish that the public debate was ongoing as of September 19, 2025, and that it continued through February of 2026. In the circumstances, I have no difficulty concluding that the debate was “recent”.

Management of financial resources

[32] The journalist argues that dissemination of the debt correspondence records could reasonably be expected to yield a public benefit by contributing to the public's understanding of the City's business and money management practices, particularly those relating to debt, debt collection, and debt forgiveness.

[33] The City does not dispute the journalists position in this regard. Instead, it argues that this circumstance technically does not engage any of the other factors typically considered under the public interest requirement of the test. It says the records do not relate to the environment, or public health or safety under factors 2, 3(a) or 3(b) above. It also submits that as a technical matter, correspondence about debts related to a commercial contract do not relate to

¹³ See for example Order F21-48, 2021 BCIPC 56 (CanLII) at para 26.

¹⁴ Order No. 332-1999, 1999 CanLII 4202 (BC IPC) at p. 5.

City policy, law, program, or service under factor 3(c), and are not technically about the *allocation* of financial resources within the meaning of factor 4.

[34] While the journalist accepts that the records do not relate to the environment, or public health or safety, the journalist disagrees with the City's position about the application factors 3(c) and 4.

[35] I do not need to decide whether the records technically engage factors 3(c) or 4 to determine whether the public interest requirement is satisfied. The question is whether the records relate to a matter of public interest – the four factors are simply a non-exhaustive list that may assist in deciding this issue.

[36] Regardless of whether the debt correspondence records technically engage factors 3(c) or 4, it is clear that they concern how the City is managing a significant debt owed to it and therefore to its taxpayers. Accordingly, I find that disclosure of the debt correspondence could reasonably be expected to yield a public benefit by contributing to the public's understanding of how the City manages debt, debt collection, and debt forgiveness as it relates to public money; and that the debt correspondence records will disclose how the City is managing financial resources. Furthermore, I find that these factors are relevant to assessing whether disclosure of a record is in the public interest. I arrive at this conclusion because these factors clearly relate to topics that are of legitimate interest to the public, especially to the City's taxpayers, to whom PFC's debts are owed.

Lack of connection to the environment or public health or safety

[37] While acknowledging that not all factors must be met for a public interest fee waiver to apply, the City nonetheless argues that the absence of a connection to the environment or public health or safety is a significant consideration in deciding whether a fee waiver is appropriate.

[38] To the extent the City is seeking to suggest that a fee waiver is not appropriate in the absence of a connection to the environment or public health or safety, I do not agree. As noted above, the word *including* in s. 75(5)(b) makes clear that the provision is not limited to those topics. Rather, and again, as noted above, a public body, must consider whether the records relate to a matter of public interest broadly.

Conclusion

[39] There is no dispute that the stadium use agreements relate to a matter of public interest. I find that the public interest requirement is satisfied with respect to these records.

[40] I have found that the debt correspondence records relate to a matter of public debate; that their disclosure could reasonably be expected to yield a public benefit by contributing to the public's understanding of how the City manages debt, debt collection, and debt forgiveness as it relates to public money; and that they disclose how the City is managing tax payers' financial resources. To put it more simply, I accept that the public wants to know how the City is managing the PFC's debts and that the records may help answer that question. In the circumstances, I find that the public interest requirement is satisfied with respect to the debt correspondence records.

Should the applicant be excused from paying the estimated fee?

[41] The next part of the test asks whether the journalist should be excused from paying all or part of the estimated fee for access to the records that relate to the public interest – in this case to all the requested records.

[42] Previous orders have considered the following non-exhaustive list of factors relevant to the question of whether an applicant should be excused from paying the fee:

- 1) Is the applicant'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) Is the applicant able to disseminate the information to the public?
- 3) Did the public body meet legislated time limits in responding to the request?
- 4) The manner in which the public body attempted to respond to the request (including in light of the public body's duties under s. 6 of FIPPA).
- 5) Did the applicant, viewed reasonably, 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 it was reasonable to do so?
- 6) Has the applicant unreasonably rejected a proposal by the public body that would reduce the costs of responding to the access request? It will almost certainly be reasonable for an applicant to reject such a proposal if it would materially affect the completeness or quality of the public body's response.
- 7) Would waiver of the fee shift an unreasonable cost burden for responding from the applicant to the public body?¹⁵

¹⁵ 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.

Parties' positions

[43] The City acknowledges that the journalist's primary purpose for making the request is to share information publicly and that the journalist is able to disseminate information to the public.

[44] The City says it responded to the request in accordance with the requirements of FIPPA and acknowledges that the journalist co-operated with the City over the course of the access request.

[45] However, the City says that the journalist unreasonably rejected its proposed 50 percent fee waiver, and that a full fee waiver would shift a cost burden onto the City. According to the City, the fee would be more equitably managed by the granting of a partial fee waiver.

[46] Finally, the City argues that the limited connection between the records and the factors under the public interest requirement militate in favour of a partial fee waiver, which it has already issued.

[47] The journalist says they made the access request in their capacity as a reporter and that they are seeking access to the records to inform the public, and specifically because the City refused to answer their questions about PFC's debts. The journalist does not suggest that the City failed to fulfill its obligations under FIPPA, or address any of the other factors described above. In their reply submission, the journalist submits that this part of the test is satisfied but that it is largely neutral and that the factors under the public interest requirement are more relevant to determining whether a further fee waiver is appropriate.

Findings and analysis

[48] I begin with the established factors. I find that the journalist made the request in their capacity as a journalist, and that as a journalist for a major Canadian news organization, they are able to disseminate the information to the public.

[49] I find that the City met the legislated time limits and obligations for responding to the request. I also find that the applicant worked cooperatively with the City during the access process.

[50] I do not accept that the journalist unreasonably rejected a proposal by the City that would reduce the cost of responding to the access request. The City's submissions under this factor concern the journalist's conduct in response to the City's fee waiver decision. This factor concerns conduct during the access request process, not, in response to a public body's fee waiver decision. To accept the City's interpretation here would require me to decide whether the journalist's decision to reject the City's partial fee waiver was unreasonable

before deciding whether to use my discretion to further reduce the fee. That is not tenable. I do not accept that the journalist's refusal to pay the partially waived fee engages this factor. There is no suggestion before me that the journalist has rejected any other proposal by the City, let alone that the journalist has done so unreasonably.

[51] The parties' submissions about whether a further fee waiver would unreasonably shift the burden to the public body are extremely limited. The City says it would and that splitting the fee is more equitable. However, it does not explain why or provide any evidence about what impact the \$619.92 fee might have on its operations, or that of the journalist. The journalist does not address this factor at all. Absent any facts or evidence from the parties that might assist me to independently assess whether a further fee waiver would unreasonably shift the burden to the City, it is not clear to me what, if any impact, the remaining \$619.92 fee might have on either party. I find that this factor is neutral.

[52] Finally, both parties agree that a relevant factor in deciding whether the journalist should be excused from paying the fee is the connection between the records and the public interest based on the four factors typically considered under the public interest part of the test. I understand their position to be that a consideration in determining whether the journalist should be excused from paying all or part of the estimated fee is the public interest value of the records. Having carefully considered the parties submissions in this regard (including the City's submissions under the public interest requirement), I do not agree.

[53] The well-established test the OIPC applies under s. 75(5)(b) (set out above), separates question of whether the records relate to the public interest from the question of whether an applicant should be excused from paying a fee. Past orders make clear that there is no room under s. 75(5)(b) to assess the degree of public interest in a matter.¹⁶ In addition, I am not aware of, and the parties did not point me to a past order where the OIPC considered the public interest factors under the second part of the test. Furthermore, neither party explains why a different approach is appropriate in the circumstances of this case, and I can see no reason to depart from the established test.

[54] Moreover, to consider the degree of public interest in a matter, would require the me to weigh complex matters such as the public interest value of an issue and the extent of the public interest in it. I do not have sufficient evidence before me to make an informed decision about these matters. In my view, even if I did, it would not be appropriate for the OIPC (or a public body in the future) to delve into the job of assessing the public interest value of issues or records in the context of a fee waiver dispute under FIPPA. I have found that the records relate to the public interest and therefore satisfy the public interest requirement. I

¹⁶ Order 03-19, 2003 CanLII 49192 (BC IPC) at para 37; and Order F25-95, 2025 BCIPC 111 (CanLII) at para 12.

decline to consider the extent to which the records relate to (or their value to) the public interest under the second part of the test.

Conclusion

[55] I found that in making the request, the journalist was acting in the public interest, and that the journalist is able to disseminate the information in the records. I also found that the City complied with its obligations, and that the journalist acted cooperatively and reasonably through the access request process. I made no finding as to whether a further fee waiver would unreasonably shift the burden to the City. In my view, these factors and in particular my finding that the request is in the public interest and that the journalist is able to disseminate the information to the public, weigh somewhat in favour of a fee waiver.

Discretion

[56] 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 decision for that of the City in appropriate circumstances.¹⁷

[57] In its submission, the City explained that it exercised its discretion to waive 50 percent of the fee because it acknowledged that some of the records – the stadium use agreements – related to the public interest. It also explained that it decided that only a partial fee waiver was appropriate because the remaining records – the debt correspondence records – were disconnected from the public interest.¹⁸ Based on the City's submission, I understand that when it exercised its discretion, the City decided not to charge a fee for records that it decided related to the public interest.

[58] I have now decided that the debt correspondence also relate to the public interest. Having determined that the foundation of the City's decision not to waive the fees relating to the debt correspondence is incorrect, I find that this is an appropriate circumstance in which to exercise my discretion to substitute my decision for that of the City.

[59] In deciding how much more of the fee to waive, I find it useful to consider how the City exercised its discretion to waive 50 percent of the fee. As noted above, the City exercised its discretion to waive the fee for records it decided related to the public interest.

¹⁷ 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.

¹⁸ City response submission at para 25.

[60] Applying the same approach the City did when it considered the stadium use agreements, the result would be to waive the entire fee as I have now determined that all the records relate to the public interest. However, I recognize that providing the debt correspondence records to the journalist¹⁹ will likely require more resources than those required to provide the two stadium use agreements. For this reason, I do not think it is appropriate to take the same approach to the debt correspondence records as the City did to the stadium use agreements. Rather, considering all the circumstances together, I find that it is appropriate to exercise my discretion under s. 58(3) to further reduce the fee imposed by the City by an additional 50 percent to the amount of \$309.82. In my view, this will balance the connection between the debt correspondence and the public interest and the journalist's ability to disseminate the information in the records on the one hand, against the work that will be required of the City to provide the records to the journalist.

CONCLUSION

[61] For the reasons given above, pursuant to ss. 58(3)(c) of FIPPA, I hereby further reduce the fee imposed by the City for processing the journalist's request to the amount of \$309.82.

April 20, 2026

ORIGINAL SIGNED BY

Allison J. Shamas, Adjudicator

OIPC File No.: F25-02529

¹⁹ The fees a public body can charge for are set out in Schedule 1 of the Freedom of Information and Protection of Privacy Regulation, BC Reg 155/2012.