



Order F26-38

City of Vancouver

Alexander R. Lonergan
Adjudicator

May 11, 2026

CanLII Cite: 2026 BCIPC 49

Quicklaw Cite: [2026] B.C.I.P.C.D. No. 49

Summary: This case is a court-ordered reconsideration of Order F21-65. An applicant requested, under the *Freedom of Information and Protection of Privacy Act* (FIPPA), that the City of Vancouver (City) provide him with access to information about short term rental accommodations and Airbnbs in the City. The City refused access to the requested information under ss. 15(1) (harm to law enforcement), 19(1) (harm to individual safety), 21(1) (harm to third party business interests) and 22(1) (harm to third party personal privacy) of FIPPA. The adjudicator of the original inquiry found that the City was authorized or required to refuse access to a small amount of the information under ss. 15(1)(f), 19(1)(a) and 21(1), and ordered the City to disclose the rest of the information to the applicant. The adjudicator's order was subject to a judicial review. Following the judicial review and a related appeal, the Court required the Commissioner to reconsider whether notice of the inquiry should be provided to all short-term rental licensees in the City, and to reconsider the application of ss. 15(1)(f), 15(1)(l), 19(1)(a), and 22(1). In a preliminary decision, an adjudicator determined that the Commissioner did not need to provide notice of the inquiry to all short-term rental licensees.

In this reconsideration, the adjudicator found that the City may refuse to disclose some, but not all, of the information under ss. 15(1)(f) and 19(1)(a), and that the City is required to refuse to disclose some of the information under s. 22(1). The adjudicator ordered the City to disclose the information it was not required or permitted to refuse to disclose.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c 165, ss. 15(1), 15(1)(f), 15(1)(l), 19(1), 19(1)(a), 22(1), 22(2)(a), 22(2)(b), 22(2)(e), 22(2)(f), 22(2)(h), 22(4)(e), 22(3)(a), 22(3)(d), 22(3)(g), 22(3)(j), 22(4)(i); *Interpretation Act*, RSBC 1996, c 238.

INTRODUCTION

[1] This inquiry is a court-ordered partial reconsideration of Order F21-65.¹

[2] On March 15, 2019, an applicant made two access requests to the City of Vancouver (City) for records related to short term rental accommodations (STR) and hosts of those accommodations that own and operate the STRs (STR operators).

[3] The applicant's first request was for the information Airbnb Ireland UC (Airbnb) shared with the City about the STR operators who were listed on Airbnb's online platform, including the name of each STR operator, their City business licence number, and the address of each STR. The second request was for the location information of all STRs (not just Airbnb) listed on the City's Open Data Portal. Both requests were for information dated between November 1, 2018 and March 15, 2019.

[4] The responsive records are two spreadsheets that correspond to the applicant's two requests ("Spreadsheet A" and "Spreadsheet B"). Spreadsheet A has 12,036 rows of data, while Spreadsheet B has 7,847 rows of data. After accounting for duplicate entries, the City identified approximately 4,000 unique STR operators who are associated with this information.

[5] Relying on several exceptions to disclosure in the Freedom of Information and Protection of Privacy Act (FIPPA), the City refused to disclose any information from either Spreadsheet to the applicant. The applicant asked the Office of the Information and Privacy Commissioner (OIPC) to review the City's decision. Mediation did not resolve the dispute between the parties, and it proceeded to inquiry. Airbnb asked the OIPC for permission to make representations at the inquiry and the OIPC granted that request.

[6] During the inquiry, the applicant withdrew his request for some of the information in the two spreadsheets. Therefore, at the inquiry the only information that remained in dispute was the STR addresses and the associated business licence numbers for all STRs listed on the City's Open Data Portal, as well as Airbnb-specific addresses, Airbnb-specific STR operators' names, and the associated Airbnb business licence numbers.

[7] An OIPC adjudicator considered the parties' submissions and issued Order F21-65. The adjudicator concluded that the City was not authorized or required under FIPPA to refuse access to the business licence numbers in Spreadsheets A or B, or to the STR addresses in Spreadsheet B. At the same time, the adjudicator determined the City was authorized under ss. 15(1)(f) and 19(1)(a) to withhold any disputed information that is about a specific individual

¹ Order F21-65, 2021 BCIPC 76 (CanLII).

who the adjudicator accepted was being stalked. Finally, the adjudicator found that the City was required under s. 21(1) to refuse to disclose the Airbnb-specific STR operators' names and addresses in Spreadsheet A.

[8] Airbnb then filed a petition for judicial review to challenge part of Order F21-65. Specifically, Airbnb challenged the conclusion that the City was not authorized or required to withhold information under ss. 15(1)(f), 15(1)(l), 19(1)(a) or 22(1). Airbnb and the City also argued for the first time at the judicial review that the OIPC should have provided notice under s. 54(b) to the approximately 20,000 operators whose information the Spreadsheets contain and given them an opportunity to participate in the inquiry.

[9] No party sought a judicial review of the other parts of Order F21-65 so those findings remain in force and are not part of this reconsideration.²

[10] In July 2023, the BC Supreme Court issued its judgement in the judicial review of Order F21-65.³ That judgement quashed the parts of Order F21-65 that had been challenged and remitted them back to the OIPC for reconsideration.

[11] The OIPC appealed the Supreme Court's judgment. In September of 2024, the BC Court of Appeal issued its decision. The Court of Appeal upheld the Supreme Court's decision to remit the issues back to the OIPC for reconsideration but set aside the requirement that the OIPC notify the STR operators under s. 54(b) (which would allow them to participate as parties in this reconsideration). Instead, the Court of Appeal directed the OIPC to first consider whether to notify and invite the STR operators as appropriate persons under s. 54(b).⁴

[12] After the Court of Appeal issued its judgement, the OIPC issued Decision F25-01, determining that the OIPC was not required to, and would not, issue notice under s. 54(b) to the STR operators.⁵ However, the decision said that the City and Airbnb would be given an opportunity to supplement their original inquiry submissions by providing new submissions, including additional evidence.

[13] The OIPC invited the City, Airbnb, and the applicant to provide additional submissions for this reconsideration. Each party provided those additional submissions. The City's materials included evidence from several STR operators,

² Specifically, no party sought a judicial review of the parts of Order F21-65 where the adjudicator confirmed that the City was authorized or required to refuse access to information in the responsive records under ss. 15(1)(f), 19(1)(a) and s. 21(1) of FIPPA.

³ *Airbnb Ireland UC v Vancouver (City)*, 2023 BCSC 1137 (CanLII) [BCSC JR].

⁴ *The Office of the Information and Privacy Commissioner for British Columbia v. Airbnb Ireland UC*, 2024 BCCA 333 (CanLII) [BCCA Appeal].

⁵ Decision F25-01, 2025 BCIPC 40 (CanLII).

and it obtained the OIPC's permission to provide some of that evidence and related arguments *in camera*.⁶

[14] While I have read and considered all of the material provided by the parties, due to its sheer volume, I will only comment on what is necessary to provide intelligible reasons for my decisions.

[15] As directed by the Court of Appeal, I will now reconsider Order F21-65 insofar as that Order determined the City may not, or is not required to, withhold the business licence numbers and the STR addresses under ss. 15(1)(f), 15(1)(l), 19(1)(a) or 22(1).

ISSUES AND BURDEN OF PROOF

[16] In this reconsideration, I must determine the following:

1. Is the City required to refuse to disclose any of the disputed information under s. 22(1) of FIPPA?; and
2. Is the City authorized to refuse to disclose any of the disputed information under ss. 15(1)(f), 15(1)(l) or 19(1)(a) of FIPPA?

[17] Section 57(1) of FIPPA places the burden on the City to prove the applicant has no right of access to the information withheld under ss. 15(1)(f), 15(1)(l), or 19(1)(a).

[18] For information withheld under s. 22(1), s. 57(2) places the burden on the applicant to prove that disclosure of personal information in the records would not be an unreasonable invasion of a third party's personal privacy. However, the City has the initial burden of proving the information at issue is personal information.⁷

DISCUSSION

Background⁸

[19] Airbnb is a company established under the laws of the Republic of Ireland. Airbnb's online platform connects individuals seeking short term accommodation (guests), with STR operators who offer it.

⁶ OIPC letter to the City, dated November 13, 2025; *In camera* material refers to material that the adjudicator may see but that the other parties cannot.

⁷ Order 03-41, 2003 CanLII 49220 (BC IPC) at paras 9-11.

⁸ The information in this background section is based on information provided in the parties' submissions and evidence. It is not information that is in dispute.

[20] With limited exceptions, STRs were not allowed in the City before April of 2018. Despite this prohibition, many STRs in the City appeared in online platforms such as Airbnb. In 2016, the City began developing and implementing a regulatory framework for STRs within its jurisdiction.

[21] The City amended its bylaws in April of 2018 to regulate STRs. The specific licensing requirements for STRs are set out in the City's License Bylaw 4450 (Bylaw). Under the Bylaw, a person who provides temporary accommodation in a dwelling unit, other than a bed and breakfast or hotel, is deemed an STR operator and must obtain a City business licence. STR operators with a business licence are subject to audit and inspection by the City's enforcement team.

[22] Under the Bylaw, individuals are allowed to operate STRs provided that the STR is located at their principal residence. Individuals may not operate STRs inside of an investment property or secondary residence, and corporations and societies generally may not operate STRs at all.

[23] Given that STR operators are always individuals and STRs must be operated at an operator's principal residence, the City-issued business licences for STRs always contain the individual operator's name and their home address as the place of business.

[24] The City publicly discloses information on its Open Data Portal about business licences, including licences to operate STRs in the City. The information listed for most businesses typically includes the name of the licensee and the address of the business. Unlike the City's approach to most business licences, the City does not post STR operators' names or STR addresses on the portal.

Records and Information in Dispute

[25] The City produced records of all of the disputed information for my review.

[26] Certain findings the adjudicator made in Order F21-65 were not appealed or remitted to the OIPC for reconsideration by the court. Specifically, these findings are that the City is authorized under ss.15(1)(f) and 19(1)(a) to refuse to disclose information about a specific STR operator who was being stalked, and that the City is required under s. 21(1) to refuse to disclose the Airbnb-specific STR operators' names and addresses in Spreadsheet A. These findings remain effective and do not form part of this reconsideration.

[27] The City argues that I should consider whether ss. 15(1) and 19(1) apply to the STR operators' names despite the City being required to withhold them

under s. 21(1). The City says that I should consider this because the first inquiry “expressly considered” these issues.⁹

[28] It is a fundamental principle governing the administration of justice that unnecessary orders will not be made.¹⁰ A binding order already exists which requires the City to withhold the STR operators’ names under s. 21(1) and that determination was not overturned on judicial review. Determining whether a discretionary FIPPA exception to disclosure also applies to the STR operators’ names would have no bearing on the applicant’s right of access to that information. The City has not explained why such an order is necessary, and I am not satisfied that it is.

[29] As a result of the facts and principles outlined above, in this reconsideration, the only information that I am considering is the following:

- **Spreadsheet A:** The business licence numbers associated with Airbnb STRs; and
- **Spreadsheet B:** STR addresses and associated business licence numbers of all STRs (including but not limited to Airbnb STRs).

[30] While preparing for this reconsideration, the City identified some disputed information which it asks be removed from the disputed records because it falls outside the scope of the applicant’s access request.¹¹ The City explains that the information relates to eight individuals who are not STR operators, either because they were not issued a licence in the relevant time period for the applicant’s access request, because they began but never finished an application for a licence, or because they were City employees who were only involved in creating and testing the system. The applicant’s submission acknowledges the City has made this request but does not clarify whether he agrees with it.¹²

[31] After reviewing the relevant information and what the parties say about this issue, I find that the information relating to these eight individuals is outside the scope of the applicant’s access request and is no longer in dispute. Therefore, I will not consider this information in the analysis below.¹³

⁹ City’s initial reconsideration submission at para 23.

¹⁰ *Clearview AI Inc. v Information and Privacy Commissioner for British Columbia*, 2024 BCSC 2311 (CanLII), at para 261.

¹¹ City’s initial reconsideration submission at paras 86-89; Affidavit #1 of SH, Chief Licence Inspector, at paras 16-17.

¹² Applicant’s reconsideration submission at paras 79-80.

¹³ This information is entitled “Category G” in the City’s initial reconsideration submission at paras 86-89.

Preliminary Issue – Ascertaining the Names of STR Operators

[32] A recurring theme in this reconsideration is the ability of members of the public to use the disputed information to ascertain other information. Therefore, I will briefly address the broader implications of disclosure before focussing the analysis onto the specific FIPPA provisions I am considering.

[33] FIPPA does not place any restrictions on an applicant's use of information they obtain by exercising their FIPPA right of access. In addition, it is a well-established principle that disclosure to an applicant may be considered a disclosure made to the entire world.¹⁴ Therefore, this analysis will consider reasonable expectations of harm on the basis that disclosure could also lead to the disputed information becoming available to the general public.

[34] As noted above, the adjudicator of Order F21-65 required the City to withhold the names of Airbnb-specific STR operators under s. 21(1), and this decision was not appealed or overturned at judicial review. In addition, the information at issue before me in this reconsideration does not include STR operator names. Therefore, the information I am considering does not include anyone's name.

[35] Disclosing a specific STR address would not immediately reveal the name of the property owner or the business licence holder (i.e., the STR operator). However, I conclude a guest who books an STR can ascertain their name in the following way. First, as I understand from the parties' submissions, a STR address is revealed to the guest after it is booked. Next, by searching publicly accessible land title information from Land Title Service Authority of British Columbia, a guest could learn the name of the property owner and their mailing address.¹⁵ Therefore, any guest who books an STR may ascertain the name of the owner of that STR by conducting a land titles search.

[36] When the information that a guest could obtain through a land titles search is considered in the context of the Bylaw (i.e., an STR is only permissible in an individual's principal residence), it is possible the guest could identify the name of the STR operator and their principal residence address. However, there are barriers to ascertaining all of the STR operators and addresses using this method. First, there is an enormous expense involved because one would have to become a guest by booking each STR for at least one night as well as paying the relevant land title search fees. Secondly, the Bylaw allows residential tenants to operate an STR within their rented unit if the landlord provides permission, so

¹⁴ Order 03-35, 2003 CanLII 49214 (BC IPC), at para 31.

¹⁵ Such information includes the owner of fee simple land titles, strata unit titles, and long-term leasehold interests (charges on title): *Land Title Act*, RSBC 1996, c 250, at s. 377. The BC Manufactured Homes Registry provides access a similar registry with access to ownership information: *Manufactured Home Act*, SBC 2003, c 75, at s. 20.

in those cases a land title search would reveal the landlord's identity but not the tenant's identity.¹⁶

[37] This situation has two consequences for the remainder of this reconsideration. First, I will not assume that disclosing all STR addresses at issue here would inevitably reveal all STR operators' names. I reject such a broad conclusion due to the complexity and expense of ascertaining an STR operator's name using an STR address, as well as the possibility that an STR operator is not the owner of the unit. Secondly, I will keep in mind that someone with sufficient motivation and resources could use a specific STR address to ascertain the relevant STR operator's name.

Endangerment of Life, Physical Safety or Property – ss. 15(1)(f) and 15(1)(l)

[38] The City's position is that ss. 15(1)(f) and 15(1)(l) authorize it to refuse to disclose all of the disputed information.

[39] The relevant provisions state as follows:

15(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to

...

(f) endanger the life or physical safety of a law enforcement officer or any other person,

...

(l) harm the security of any property or system, including a building, a vehicle, a computer system or a communications system.

[40] To establish that s. 15(1) applies, the standard of proof is "a reasonable expectation of probable harm", which is a middle ground between that which is probable and that which is merely possible. The standard does not require proof that harm will occur on the balance of probabilities, but something well beyond the merely possible or speculative must be shown.¹⁷

[41] Additionally, to establish a reasonable expectation of probable harm, the evidence must be sufficiently detailed and convincing to establish a clear and direct connection between disclosure of the information and the alleged harm.¹⁸

¹⁶ Bylaw, at ss. 28.1(7)(b) and 28.1(14)(c). Available online at: <https://bylaws.vancouver.ca/4450c.PDF>.

¹⁷ *Ontario (Community Safety and Correctional Services) v Ontario (Information and Privacy Commissioner)*, 2014 SCC 31, at para 54; *Merck Frosst Canada Ltd. v. Canada (Health)*, 2012 SCC 3 (CanLII), at paras 197, 199, 206 and 210.

¹⁸ Order F08-03, 2008 CanLII 13321 (BC IPC), at para 27.

Parties' Positions, ss. 15(1)(f) and 15(1)(l)

[42] Both the City and Airbnb argue that disclosing the disputed information could reasonably be expected to endanger the life or physical safety of STR operators or guests under s. 15(1)(f), and harm the security of STR operator's properties under s. 15(1)(l).¹⁹ In addition to relying on their initial submissions, they argue that the additional evidence now available from STR operators (which the City provided with its reconsideration submissions) is sufficient to establish that there is a reasonable expectation of probable harm under ss. 15(1)(f) and 15(1)(l).²⁰

[43] The essence of the City and Airbnb's positions is the same. They argue that disclosing the disputed information would enable anyone to ascertain the identity of each individual STR operator as well as the address of their principal residence.²¹ The City and Airbnb explain that this creates a reasonable expectation of probable harm because STR operators suffer "targeted and sustained harassment above and beyond that faced by any other group of business licence holders". The City also says that "several individuals opposed to STR have engaged in vigilante activities identifying STR Operators and harassing them online and in person."²²

[44] The applicant argues that s. 15(1) does not apply because there is no reasonable expectation of probable harm for the vast majority of the STR operators. I understand the applicant's position to be that the City and Airbnb have overstated the available evidence of harm, and that their position is tantamount to mere speculation which fails to meet the required standard.²³

Evidence, ss. 15(1)(f) and 15(1)(l)

[45] In support of its position, the City provided affidavit evidence from the City's Legal Assistant for Civil Litigation, the City's Chief License Inspector, and the City's Director of Access to Information and Privacy. These affidavits are in addition to the three affidavits the City provided at the original inquiry. This affidavit evidence provides a substantial amount of information about the background of STR operations in the City, the Bylaw, the forms and processes involved in obtaining a STR business licence, and the City's communications with STR operators.

¹⁹ City's initial reconsideration submission at para 92; Airbnb's reconsideration submission at paras 4(b), 11, 18 and 19.

²⁰ City's initial reconsideration submission at paras 59 and 90; Airbnb's reconsideration submission at paras 11-12.

²¹ City's initial reconsideration submission at paras 25-27; Airbnb's reconsideration submission at para 28.

²² City's initial reconsideration submission at paras 29-31; Airbnb's reconsideration submission at paras 4 and 11-17.

²³ Applicant's reconsideration submission at paras 20, 21, and 89-91.

[46] In addition, the City invited all affected STR operators within its jurisdiction to provide written comments that the City would include with its submissions for this reconsideration.²⁴ The City's evidence is that it searched its data base for the period specified in the applicant's access request, and, after removing duplicates, it sent notice to approximately 4,000 unique STR operators. The City's evidence includes 180 initial written responses and 15 additional follow-up responses.²⁵ I have reviewed and considered all of this material; however, its sheer volume and the fact that it was provided *in camera*, require that I only summarize and discuss the evidence to the extent necessary to provide clear reasons for my decision.

[47] Beginning with the written responses from STR operators that are appended to the City's affidavit evidence, it is clear to me that there is a strong belief among the responding STR operators that they will be exposed to physical harm, harassment and property damage if disclosure is made. As the City indicates, it received 180 initial written responses to its notice letter. 162 of those responses contained clear objections to disclosure, while two did not object to disclosure, one consented to disclosure, six responded without taking a clear position, and nine claimed to be out of scope (eight of which the City agrees are out of scope of the request).²⁶

[48] Generally speaking, the 162 objecting STR operators raise concerns about their privacy, security, physical safety and mental health as the reasons they object to disclosure.²⁷

[49] Forty-five STR operators provided additional details about their unique circumstances which they believe to make them particularly vulnerable to harm if the disputed information is disclosed. The City organized these STR operators into the following alphabetical categories which are grouped by the dominant type of harm they expect to result from disclosure:²⁸

- A. Five STR operators allege that they are, or have been, the subject of stalking.
- B. Two STR operators allege that there is an existing, significant risk to their health and safety by reason of hate crime targeting (including a past arson attempt) and threats of death from a former employee.

²⁴ City's initial reconsideration submission at para 19; Affidavit #1 of CF, Director, Access to Information and Privacy, at Exhibit "A"; and Affidavit #1 of SH, Chief Licence Inspector, at paras 13 and 14.

²⁵ Affidavit #1 of CF, Director, Access to Information and Privacy, at Exhibit "B"; Affidavit #1 of AG, Legal Administrative Assistant at Exhibits "B" through "P", inclusive.

²⁶ City's initial reconsideration submission at para 53.

²⁷ Affidavit #1 of AG, Legal Administrative Assistant at Exhibit "A".

²⁸ City's initial reconsideration submission at paras 58-89.

- C. Seven STR operators allege that that they are subject to threats and harassment, the source of such harassment being variously from past STR guests or other disputes, depending on the specific STR operator.
- D. 14 STR operators allege that the nature of their employment or other sources of income mean that disclosure would expose them to an increased risk of harm. Generally, these STR operators are concerned about being subject to harassment, stalking, and threats by third parties that have interacted with them in their professional capacity.
- E. Ten STR operators allege that they are at an increased risk of harm because of a history of break-ins or specific features of their residence, such as neighbours who disagree with STR operations generally or the presence of children near their STR.
- F. Seven STR operators allege that their particular circumstances regarding their mental health leaves them exposed to serious mental harm if they become publicly identifiable as STR operators at their residential addresses.
- G. This category includes the eight individuals whose information I found fell outside the scope of the applicant's access request, so this category does not form part of this analysis.²⁹

[50] Having reviewed the STR operators' responses and additional information about the STR operators that was provided to me on an *in camera* basis, I confirm that the City's categorization and description of these responses is accurate. Many of the STR operators describe their circumstances which leave them exposed to serious mental, physical, or property-related harm should they become identifiable as operating a STR and having a principal residence at a known address in the City.

[51] The applicant provides two arguments for why I should not accept the STR operators' written responses as sufficient evidence to establish a reasonable expectation of probable harm.

[52] First, the applicant argues that the City engaged in "systematic evidence manufacturing" by coaching the STR operators or by providing them with "sophisticated templates". To support this allegation, the applicant says that a specific paragraph is repeated verbatim in some of the STR operators' letters.³⁰

[53] In reply, the City states that its involvement in the content of the STR operators' responses was minimal, being limited to identifying the relevant issues in its notice letter and engaging in a limited number of follow-up communications

²⁹ City's initial reconsideration submission at paras 86-89; Affidavit #1 of SH, Chief Licence Inspector, at paras 16-17.

³⁰ Applicant's reconsideration submission at paras 11-15.

(of whom only 15 operators provided further correspondence). The City says that “there is no evidence whatsoever that STR operators were coached, or provided with templates,” and that the applicant’s allegations “are wholly speculative and contrary to the actual evidence led by the City.”³¹ The City also says that it has not provided legal advice to the STR operators, but that it has compiled and forwarded their responses to me for this reconsideration.³²

[54] I have reviewed the letter that the City provided to the STR operators which invited them to submit written comments about the prospect of disclosure as well as the written responses themselves.³³ There is nothing about the City’s notice and subsequent correspondence that causes me to suspect that the STR operators’ evidence is tainted by wrongful coaching or surreptitious drafting by anyone. By accurately identifying the relevant harms-based FIPPA provisions in its notice letter, the City merely clarified the FIPPA provisions at issue. The fact that the STR operators’ statements are relevant to these provisions does not mean that the City participated in their creation.

[55] Furthermore, the paragraph that the applicant identifies as being identical among the STR operators’ responses only appears in three of the 180 written responses. I fail to see how these three examples of identical paragraphs establishes that the City participated in their creation. There are far more obvious and likely causes of this repetition, for example, collaboration between STR operators themselves or the use of the same generative software. Therefore, I am not persuaded that these limited examples of repetition lessen the evidentiary value of what the STR operators say.

[56] The applicant’s second argument is that the 180 written responses with 162 clear objections are too few in number to establish that disclosure would lead to a reasonable expectation of probable harm. The applicant points out that the City notified approximately 4,000 STR operators, leading to an approximate 4.5% response rate.³⁴ In reply, the City notes that the response rate far exceeded its expectations and is comparable to the number of people who spoke at its public hearing about the STR program when it was enacted.³⁵

[57] I have considered the number of the STR operator’s responses and the substantial amount of detail that they provide. In my view, the STR operators’ responses are not so few in number, that I am completely prevented from finding that disclosure could reasonably be expected to result in harm under ss. 15(1)(f) or 15(1)(l). Therefore, I will proceed to consider this evidence and the

³¹ City’s reply reconsideration submission at paras 8-9.

³² City’s initial reconsideration submission at paras 42, 45, and 48-51.

³³ Affidavit #1 of CF, Director, Access to Information and Privacy, at Exhibits “A” and “B”.

³⁴ Applicant’s reconsideration submission at paras 15-20.

³⁵ City’s reconsideration reply submission at para 10.

implications of disclosing the disputed information, both for the STR operators that provided statements to the City and the ones that did not.

[58] I will now consider whether the City has met its burden to establish that ss. 15(1)(f) or 15(1)(l) apply.

Endangerment of Life or Physical Safety, s. 15(1)(f) - STR Addresses

[59] Airbnb and the City argue that disclosing STR operators' residential addresses would expose those operators to a reasonable expectation of probable physical harm. I understand the reasoning to be that third parties with the capacity for violence will use their knowledge of an STR operator's principal residence to locate and harm that STR operator.

[60] Having carefully reviewed the evidence and material before me, I can see that some STR operators have circumstances that cause them to fear for their physical safety if their principal residence address is disclosed to the broader public. In determining whether the City's expectation of this harm is objectively reasonable, I have considered the fact that some of these STR operators have previously experienced threats of lethal harm, stalking, and sustained harassment that exceeds single-instance insults and disputes.

[61] I agree that the address of one's principal residence can possibly be used to inflict physical harm if placed in the hands of individuals who wish to threaten or harm the physical safety of that person. For each of the STR operators whose fear is grounded in a history of serious threats or attempts to harm to their physical safety, I am persuaded that the City has established a reasonable expectation of probable harm to their physical safety following disclosure of their address.

[62] At the same time, however, I am not persuaded that disclosing the STR addresses gives rise to a reasonable expectation of probable harm to the physical safety of all STR operators. Apart from the individual situations discussed above, I do not see, nor do the City and Airbnb persuasively explain, how there is anything other than a *mere possibility* of harm to physical safety if the STR addresses are disclosed.

[63] While some of the STR operators have experienced uncomfortable interactions with STR guests and neighbours, the material before me does not indicate that all or most STR operators have circumstances in their lives that would expose them to physical harm if their address were disclosed. Based on the STR operators' descriptions of these interactions, many of them appear to fall within the range of low to moderate interpersonal conflict. Many of the responses that the City received from STR operators simply voice an anxiety about harm to

their physical safety without providing any meaningful evidence that a reasonable expectation that harm would arise from disclosure.

[64] Finally, I have also considered the City's argument that STR operators are subject to sustained harassment and vigilante action by individuals who are politically opposed to STR operations.³⁶ Some of the examples described by the City in its affidavit evidence include profanity and aggressive statements on the internet that are insulting to specific STR operators, as well as malicious reports of non-compliance with the City's bylaws.³⁷

[65] The content of the statements indicate that they are motivated by general opposition to STR operations. However, in my view, there is nothing in these statements that establishes a reasonable expectation of probable harm to the STR operators' physical safety. While certainly distressing and intimidating, the tone and content of the statements neither threaten nor describe a serious plan to cause physical harm of that nature. Therefore, I find that this argument and evidence fail to establish that s. 15(1)(f) applies to the addresses of every STR operator.

Harm to Security of Property or System, s. 15(1)(l) - STR Addresses

[66] In order to withhold the STR addresses under s. 15(1)(l), the City must establish a reasonable expectation of probable harm to the security of a property or system, which may include buildings.

[67] I understand the City and Airbnb's concern to be that disclosing the STR addresses would lead to vandalism of, or theft from, the STRs. Specifically, the City and Airbnb argue that combining the addresses with information from the STR listings would enable or encourage theft or vandalism.³⁸ The City's evidence, which includes anecdotes given directly by some STR operators, indicates that some STRs have been vandalized or burglarized in the past. This history has led to a fear among some STR operators that similar incidents will occur in the future.

[68] For the reasons that follow, I consider this argument to be too speculative to support the application of s. 15(1)(l).

[69] The material before me does not persuasively establish that disclosing the addresses in dispute could reasonably be expected to result in vandalism or burglary of the STR units. I understand the City and Airbnb's argument to be that

³⁶ City's initial submission at paras 59-65; City's initial reconsideration submission at para 29.

³⁷ Affidavit #1 of KH, Chief Licence Inspector and Director of Licensing and Community Standards, at paras 61-69 and Exhibits "M", "N", and "O".

³⁸ City's initial submission at para 68; Airbnb's initial submission at paras 12-13; Affidavit #1 of KH, Chief Licence Inspector and Director of Licensing and Community Standards, at para 68.

thieves and vandals will choose a specific STR to burglarize or vandalize by reviewing the photos and descriptions on the online STR listing platforms and then use the addresses in dispute to figure out which address belongs to their targeted STR.

[70] I recognize that the STR addresses might help a thief or vandal by letting them more easily acquire the address of a worthwhile target. The addresses allow thieves and vandals to acquire the address of an STR that they saw on the STR platform without having to actually book it. While I understand that the alternative process of booking the STR may leave an evidentiary trail for the police to follow, the City provided one example of an STR being booked under false pretences so evidently thieves and vandals can hide their identities when booking STRs in some cases.³⁹

[71] Enabling a thief or vandal by letting them more easily acquire the address of their targeted STR is as far as disclosure advances their criminal aims. The addresses do not allow a thief or vandal to gain access into the building, nor does it enable the actual act of theft or vandalism. Prospective thieves and vandals are no further advanced in their ability to access the STR and perform their misdeeds just because they can more easily ascertain its address.

[72] In conclusion, I find the evidence and argument of the City and Airbnb fails to establish that theft and vandalism resulting from disclosure of the STR addresses is anything more than speculative or merely possible. As a result, I find the City has not established that disclosing the STR addresses could reasonably be expected to harm the security of a property, system, or building under s. 15(1)(l).

Harms under ss. 15(1)(f) and 15(1)(l) - Business Licence Numbers

[73] I will now consider whether disclosing the business licence numbers in Spreadsheets A and B, would create a reasonable expectation of harm to the STR operators' physical safety or to the security of their STRs.

[74] The business licence numbers in isolation do not present an obvious danger to the STR operators or their property even in the hands of a bad actor. It is not clear to me, nor do the City and Airbnb explain, how disclosing these numbers in isolation could possibly harm the physical safety of a STR operator or the security of their property. A list of STR business licence numbers is already publicly available on the City's Open Data Portal.⁴⁰ Therefore, the implications of

³⁹ Affidavit #1 of KH, Chief Licence Inspector and Director of Licensing and Community Standards, at para 65.

⁴⁰ Affidavit #1 of KH, Chief Licence Inspector and Director of Licensing and Community Standards, at paras 71-72.

disclosing the business licence numbers depend entirely on how they can be used to access other information.

[75] The concerns expressed by the City, Airbnb, and the STR operators assume that both the business licence numbers and the addresses in Schedule B would be disclosed side by side. If that were the outcome of this reconsideration, then I could see that significantly less effort would be required for any member of the public to determine whether a specific STR listing is located at a specific address by using the licence numbers and addresses together. However, considering my other findings with respect to s. 22(1) below, I do not need to consider this line of argument further.

[76] I find that disclosing the business licence numbers cannot reasonably be expected to harm either the physical safety of the STR operators under s. 15(1)(f) or the security of their property under s. 15(1)(l).

Conclusion, s. 15(1)

[77] For the reasons given above, I am not persuaded that disclosure of any of the disputed information could reasonably be expected to harm the security of a property or system. Therefore, I find that s. 15(1)(l) does not apply.

[78] On the other hand, I find that s. 15(1)(f) applies to the STR addresses of STR operators whose expectation of harm is grounded in a real history of threats or attempts to harm to those specific STR operators' physical safety. Specifically, this finding applies to the STR addresses associated with each of the STR operators under categories A, B, C, and Respondents #13, 125, 155, and 179 of category D.

[79] Finally, I am not persuaded that disclosure of the other STR addresses or any of the business licence numbers can reasonably be expected to endanger the life or physical safety of anyone, so s. 15(1)(f) does not apply to that information.

19(1)(a) - Disclosure harmful to safety or mental or physical health

[80] Section 19(1)(a) states as follows:

- 19(1) The head of a public body may refuse to disclose to an applicant information, including personal information about the applicant, if the disclosure could reasonably be expected to
- (a) threaten anyone else's safety or mental or physical health,
 -

[81] Section 19(1)(a) is aimed at protecting the safety or mental or physical health of others. The analysis examines the City's expectation of a threat to mental or physical health, or to safety of others, and considers whether that expectation is reasonable. The City does not need to prove that the harm will actually happen as a result of disclosure.⁴¹

[82] The City applied both ss. 15(1)(f) and 19(1)(a) to the same information. I note that the standard of proof for s. 19(1) is the same as s. 15(1): "a reasonable expectation of probable harm", which is a middle ground between that which is probable and that which merely possible.⁴²

[83] Under these circumstances, I find that it is appropriate to rely on the principles and facts that I discussed in my s. 15(1)(f) analysis to support my findings under s. 19(1)(a), insofar as disclosure may threaten anyone's physical safety or health. Therefore, for the reasons set out in the s. 15(1)(f) analysis above, I find that s. 19(1)(a) applies to the same STR addresses that I determined the City may withhold under s. 15(1)(f).

[84] The remaining issue that I must determine under s. 19(1)(a) is whether disclosing the remaining STR addresses or the business licence numbers could reasonably be expected to threaten the STR operators' mental health.

Threat to Mental Health, s. 19(1)(a) – STR Addresses

[85] As a starting point, I can see that many of the STR operator's statements describe discomfort and surprise at the prospect that their STR activities could result in their STR address being publicly disclosed. A few of these statements explain how and why disclosure would threaten their mental health.

[86] Notably, the STR operators' full legal names and addresses are not revealed to guests in the STR listings.⁴³ On the other hand, the nature of operating an STR means that the STR operators must have expected that their address and name would inevitably be revealed to some people who they did not know once they begin accepting bookings. Having closely reviewed their statements, it seems to me that many of the STR operators who provided statements believe that a disclosure of their STR addresses to the applicant would include their full legal names as well. This assumption provides some explanation of their surprise and discomfort in the STR operators' statements to the City.

⁴¹ Order 00-28, 2000 CanLII 14393 (BC IPC) at p 3; Order F24-75, 2024 BCIPC 85 (CanLII), at para 13.

⁴² See footnotes #17 and 18 above.

⁴³ City's initial reconsideration submission at para 26.

[87] Some of the STR operators explain how they have experienced traumatic events relating to their operation of the STRs with lasting psychological effects, or have other unique conditions that currently leave them exposed to serious mental harm if their address is publicly disclosed as being associated with STR operations. Having considered their unique circumstances, I am satisfied that some, but not all of the STR operators would experience serious levels of paranoia, sustained anxiety and fear that exceeds any ordinary level of discomfort and anxiety.

[88] I understand that these STR operators have already voluntarily provided their addresses to guests while operating their STR. In a sense, they have lost control over that information because they cannot realistically control with whom the former guests share their address. However, I think that an STR operator's decision to accept bookings is meaningfully different than a disclosure to the applicant under FIPPA. When an STR operator approves or declines a booking request, they are exercising control over who receives that initial disclosure and can judge for themselves whether they believe that a prospective guest can be trusted with their address. In contrast, the City's disclosure of all STR addresses under FIPPA does not provide the STR operators (some of whom no longer operate STRs at all) any amount of control over who receives their address. Therefore, I do not think that the fact the STR operators shared their addresses with guests in the past, means that a disclosure under FIPPA is incapable of threatening their mental health.

[89] I conclude that disclosing the STR addresses of the STR operators in categories A, B, C, and F, as well as Respondents #13, 125, 155, and 179 of category D could be reasonably expected to threaten their mental health. This finding does not apply to the other STR addresses I am considering because I am not persuaded that disclosing those addresses could reasonably be expected to threaten anyone's mental health. There is simply not enough evidence about the circumstances of those other STR operators, nor a clear explanation of how disclosure could threaten all STR operators' mental health, to raise that expectation of harm beyond a mere possibility.

Threat to Mental Health, s. 19(1)(a) – Business Licence Numbers

[90] Regarding the business licence numbers, there is nothing in the parties' submissions or the STR operators' statements that clearly explains how disclosing a list of these numbers can be reasonably expected to threaten anyone's mental health.

[91] If disclosed in isolation from their respective STR addresses, these numbers reveal nothing more about the STR operators or their property than what can already be ascertained by viewing the publicly available STR listings.

Additionally, the STR operators' business licence numbers already appear on the relevant STR listings and the City's Open Data Portal.

[92] Given the fact that the business licence numbers are already publicly available, I cannot see how it is possible that disclosure in the context of the applicant's access request could reasonably be expected to threaten any STR operators' mental health. Therefore, I find that disclosure of the business licence numbers in Schedules A and B cannot reasonably be expected to threaten anyone's mental health.

Conclusion, s. 19(1)(a)

[93] I find that s. 19(1)(a) applies to all of the STR addresses associated with the STR operators who provided statements in categories A, B, C, and F, as well as Respondents #13, 125, 155, and 179 of category D. On the other hand, I find that the City has not established that s. 19(1)(a) applies to any of the other disputed information.

Unreasonable Invasion of Third-Party Personal Privacy – s. 22

[94] Section 22(1) requires a public body to refuse to disclose personal information if disclosure would unreasonably invade a third party's personal privacy. A third party is any person other than the applicant or a public body,⁴⁴ therefore, each of the STR operators is a third party in this matter.

[95] The City withheld all of the business licence numbers and the STR addresses associated with them under s. 22(1). I determined that the City may withhold some, but not all of the STR addresses under ss. 15(1)(f), 15(1)(l), and 19(1)(a). Notwithstanding that decision, I will consider whether s. 22 applies to any of the information in dispute (including the information I have already considered under ss. 15 or 19) because doing so would not unnecessarily lengthen the s. 22 analysis and because the circumstances of all STR operators are relevant to the issues I must decide under s. 22.

Analysis, s. 22

[96] There are four steps in the s. 22 analysis. I will apply each step under the headings that follow.⁴⁵

Personal Information

[97] The first step in the s. 22 analysis is to determine whether the information in dispute is "personal information" within the meaning of FIPPA.

⁴⁴ FIPPA, at Schedule 1.

⁴⁵ Order F15-03, 2015 BCIPC 3 (CanLII) at para 58.

[98] Schedule 1 of FIPPA defines personal information as “recorded information about an identifiable individual other than contact information.”

[99] I find that the information that I am considering is personal information because it is about identifiable individuals. As explained above, one could combine an STR address with publicly available information, such as land title details, to identify the name of the individual who owns the property.

[100] Similarly, a motivated individual could search a STR business licence number across STR listing websites to identify the relevant listing. Assuming that the listing is still active at the time of search and the individual successfully books it, this would in turn reveal the address, a partial name of the principal resident/STR operator and further identify the name of the property owner if combined with a land title search.

[101] Notwithstanding my finding that the business licence numbers and addresses are about identifiable individuals, I must also determine whether this information is “contact information”. As noted above, contact information is not considered personal information under FIPPA and so cannot be withheld under s. 22.

Contact Information

[102] FIPPA defines contact information as “information to enable an individual at a place of business to be contacted [including] the name, position name or title, business telephone number, business address, business email or business fax number of the individual.”⁴⁶ Whether any given piece of information is contact information depends on the context in which that information appears.⁴⁷

[103] The Court remitted the issue of s. 22 back to the OIPC for this reconsideration in part to ensure that the OIPC considers the underlying factual and statutory context when determining whether the STR addresses lose their character as personal information by virtue of their use as a place of business.⁴⁸

[104] Beginning with the business licence numbers, the parties did not provide detailed arguments about whether these numbers meet the definition of contact information under FIPPA. It is not apparent to me that these numbers enable anyone to be contacted at a place of business. It seems to me that the only purpose of the business licence numbers is to enable the City to enforce the Bylaw by recording its decisions to grant licences to a given STR operator.

⁴⁶ FIPPA, at Schedule 2.

⁴⁷ Order F15-32, 2015 BCIPC 35 (CanLII), at para 15; Order F08-03, 2008 CanLII 13321, at para 82.

⁴⁸ *BCSC JR*, *supra* note 3 at paras 67-70; *BCCA Appeal*, *supra* note 4 at paras 22(c) and 60-62.

Therefore, I find that the business licence numbers are not contact information, leaving only the STR unit addresses for further analysis.

[105] The City argues that the STR addresses are not contact information and asks that I consider both the broader factual and legislative context before deciding this issue. In support of this argument, the City argues that it designed the Bylaw to be “non-commercial” and focus on providing supplemental income to individual STR operators.⁴⁹

[106] Airbnb says that I must engage in a balancing exercise because the addresses have the character of both personal information and contact information.⁵⁰ Airbnb argues that in such cases, the analysis should consider whether there is something about the particular information at issue that, if disclosed, would reveal something inherently personal in nature.⁵¹

[107] In support of its position, Airbnb points out that unlike any other business, the Bylaw requires STR operators to use their primary residence for their STR without the option of using a different location. Additionally, Airbnb argues that STR platforms fulfill the function of enabling third parties to contact the STR operator for a business purpose, and the STR addresses are only disclosed to guests to allow them to locate the STR accommodation they have rented.⁵²

[108] In response, the applicant says that the fact the Bylaw requires STRs to be at the operators’ primary residences should not transform what is otherwise a business address into personal information.⁵³ The applicant also argues that “contact with an individual at a place of business” includes more than arranging guest bookings, for example, contact for “community awareness”, “market transparency”, “public accountability”,⁵⁴ and “regulatory compliance verification”.⁵⁵

[109] Beginning with the statutory context, the dual purposes of FIPPA are to make public bodies more accountable to the public and to protect personal privacy.⁵⁶ The purpose of protecting personal privacy is particularly relevant to this analysis considering that the STR addresses are also the addresses of third parties’ primary residences.

⁴⁹ City’s initial reconsideration submission at paras 5, 100 and 102.

⁵⁰ Airbnb’s initial reconsideration submission at para 37.

⁵¹ Airbnb’s initial reconsideration submission at paras 35-37, with reference to *Ontario (Archives) (Re)*, 2005 CanLII 56487 (ON IPC).

⁵² Airbnb’s initial reconsideration submission at paras 38-39.

⁵³ Applicant’s reconsideration submission at paras 53 and 110-113.

⁵⁴ Applicant’s reconsideration submission at paras 114-117.

⁵⁵ Applicant’s reconsideration submission at paras 25-29, with reference to the *Residential Tenancy Act*, SBC 2002, c 78.

⁵⁶ FIPPA, at s. 2(1).

[110] Past orders have said that the purpose of the contact information exclusion (from the definition of “personal information”) is to clarify that public bodies do not need to have s. 22(1) privacy concerns when disclosing information that is intended as a means of communicating with a person at their place of work, in a business capacity.⁵⁷

[111] For the reasons that follow, I find that the STR addresses are not contact information.

[112] In this case, the STR addresses plainly reveal the location of the STR operators’ primary residences. As Airbnb correctly points out, the STR operators have no choice but to conduct their STR business activities at the physical location of their primary residence because that is a requirement of the regulatory regime that the City created using the Bylaw.

[113] In my view, the context in which the addresses appear is that of the location of a business activity. In other words, the STR operators are not supplying their principal residence addresses to the STR platforms or the City as a method of contact for a business purpose. Rather, the STR operators are using those addresses as the location of the business activity itself. The STR address is not provided for communication between the STR operator and guest about the business activity of renting the STR. That communication takes place through the listing platform’s messaging function/channel in order to ensure that a guest does not receive an address until a booking is made.⁵⁸

[114] Similarly, there is no indication in the records or the parties’ submissions that the City and STR platforms require the STR be the address of contact for business correspondence with the City or the platform operator. Evidently, STR operators may use an address other than the STR address to communicate with the City and platform operator for business purposes. This is illustrated by the fact that some STR operators use professional property managers to assist with their STR business operations, which means that a property manager’s address can be used as a primary point of contact for business purposes instead of the STR address.⁵⁹

[115] After considering the parties’ explanations of how business correspondence is conducted in the STR context, it seems to me that the STR unit address is not a practical, consistent method to contact the STR operator about the business. The nature of STR operations means that the unit would often be occupied by a guest instead of the operator, depending on the

⁵⁷ Order F05-31, 2005 CanLII 39585 (BC IPC), at para 26; Order F08-03, 2008 CanLII 13321 (BC IPC), at para 82.

⁵⁸ Airbnb’s initial reconsideration submission at para 39.

⁵⁹ Affidavit #1 of KH, Chief Licence Inspector and Director of Licensing and Community Standards, at para 66.

frequency that it is rented. This context supports the City and Airbnb's position that the STR address is not provided for the purpose of enabling the STR operator to be contacted for a business purpose.

[116] The applicant's concerns about accountability of STR operators to the community, is misplaced in the context of the "contact information" issue. FIPPA regulates the activities of public bodies with respect to personal information and is one legislative mechanism by which personal privacy is protected. FIPPA's purpose is not to regulate STRs or hold individuals accountable to their communities when they choose to operate an STR. Therefore, I reject the applicant's arguments that transparency and accountability support a finding that the STR addresses are contact information.

[117] Having carefully considered the parties' arguments and evidence, the content of the disputed records, and the principles discussed above, I find that the STR addresses are not contact information. STR operators do not supply the STR address to the City, STR platforms, or guests as a method of contacting the STR operator for a business purpose. They supply the STR address to meet their obligation under the Bylaw of only operating an STR from a primary residence and to let confirmed guests know where the STR is located.

Not an Unreasonable Invasion of Privacy, s. 22(4)

[118] The second step of the analysis is to consider s. 22(4), which sets out circumstances where disclosure is not an unreasonable invasion of a third party's personal privacy. If the information falls into one of the circumstances listed in s. 22(4), then s. 22(1) does not apply and the City cannot withhold it on that basis.

[119] The applicant argues that s. 22(4)(i) applies to the disputed information, whereas the City and Airbnb argue that this provision does not apply.⁶⁰

Information about a licence, permit, or other discretionary benefit, s. 22(4)(i)

[120] Section 22(4)(i) states as follows:

- (4) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if . . .
 - (i) the disclosure, in respect of
 - (i) a licence, a permit or any other similar discretionary benefit, or

⁶⁰ City's initial reconsideration submission at para 103; City's reply reconsideration submission at paras 14-24; Airbnb's reconsideration submission at paras 41-45; Applicant's submission at paras 118-127.

(ii) a degree, a diploma or a certificate,

reveals any of the following with respect to the applicable item in subparagraph (i) or (ii):

(iii) the name of the third party to whom the item applies;

(iv) what the item grants or confers on the third party or authorizes the third party to do;

(v) the status of the item;

(vi) the date the item was conferred or granted;

(vii) the period of time the item is valid;

(viii) the date the item expires, . . .

[121] In order for s. 22(4)(i) to apply, the information at issue must meet the following two criteria:

1. The information must be about a licence, a permit or any other similar discretionary benefit; and
2. Disclosure must reveal the type of information listed in ss. 22(4)(iii) - (viii).

[122] Neither FIPPA nor the *Interpretation Act* define the term “licence”.⁶¹ The Canadian Oxford Dictionary defines a licence as “a permit from an authority to own or use something...do something...or carry on a trade.” Relatedly, the word “permit” is defined as “a document granting legal permission”.⁶² Applying these definitions to the business licence numbers and STR unit addresses, I find that they are clearly about the STR licences that the City granted to STR operators. Therefore, I find that this information is about a licence, satisfying the first requirement.

[123] The remaining analysis below is focused on s. 22(4)(i)(iv), being *what the item grants or confers on the third party or authorizes the third party to do*. The other items listed at ss. 22(4)(iii) - (viii) plainly do not apply and the parties’ submissions are about s. 22(4)(i)(iv).

⁶¹ *Interpretation Act*, RSBC 1996, c 238.

⁶² *Canadian Oxford Dictionary*, 2nd ed, (Ontario: Oxford University Press Canada, 2004). I have omitted the examples from the cited definitions.

[124] The City no longer relies on some of its arguments that it advanced in its initial submission.⁶³ In this reconsideration, the City argues that s. 22(4)(i) does not apply because disclosing the information at issue would reveal more than just information “in respect of a licence, a permit or any other similar discretionary benefit” under s. 22(4)(i)(i). Disclosure would also reveal other personal information contained in STR listings to which s. 22(4)(i)(i) would not apply. The City also says that the Legislature clearly would have been aware that business licences may contain a business licence number and a business address but chose not to include that information in ss. 22(4)(i)(iii) to (viii).⁶⁴

[125] Airbnb argues that s. 22(4)(i)(iv) should not lead to a disclosure of the STR addresses because that is information that falls within a “core of personal data that was provided in confidence”.⁶⁵ Airbnb does not clearly explain whether it believes that s. 22(4)(i)(iv) applies to the business licence numbers.

[126] While Airbnb acknowledges that the STR licences authorize STR operators to operate a STR out of their principal residence, it argues that the specific STR address for given licence is “not material to the authority conferred by the licence”. Therefore, Airbnb says that the address should not be considered information about what the licence authorizes an operator to do.⁶⁶ Finally, Airbnb asks that I take a practical approach to the s. 22(4)(i)(iv) analysis by balancing protection of personal privacy and the right of public access.⁶⁷

[127] The applicant argues that ss. 22(4)(i)(iii) to (viii) do not create a closed list because s. 22(4)(i) uses the phrasing “information that relates to” instead of “information that is”. The applicant says that information which “relates to” a licence includes information necessary to understand and verify the licence.⁶⁸ In reply, the City says that the applicant has misquoted s. 22(4)(i).⁶⁹ Having reviewed the relevant provision myself, I confirm that the applicant misquotes s. 22(4)(i) and, for that reason, I find his argument about it is not persuasive.⁷⁰ I

⁶³ The City explains, at para 14 of its reply reconsideration submission, that it no longer relies on the argument that s. 22(4)(i) does not apply to STR licences on the basis that they are non-discretionary. Therefore, I will not address that argument in this reconsideration.

⁶⁴ City’s reply reconsideration submission at paras 14 and 24.

⁶⁵ Airbnb’s initial reconsideration submission at para 45, referring to *General Motors Acceptance Corp of Canada v Saskatchewan Government Insurance*, 1993 CanLII 9128 (SK CA), at para 14.

⁶⁶ Airbnb’s initial reconsideration submission at paras 42-45.

⁶⁷ Airbnb’s initial reconsideration submission at para 45.

⁶⁸ Applicant’s reconsideration submission at paras 119-122.

⁶⁹ City’s reply reconsideration submission at paras 15-22.

⁷⁰ This misquote, along with an excessive use of lists and the confusing structure of the applicant’s submission (despite excellent spelling and grammar), suggest that the applicant extensively relied on artificial intelligence software to prepare his submission. There is no evidence before me that the applicant intentionally included inaccuracies in his submission. While the use of artificial intelligence software by a party does not affect my determination of the issues in any way, I include this note to explain why I am not drawing an adverse inference against the applicant’s arguments or evidence despite the presence of a clear inaccuracy in his submission.

find that ss. 22(4)(i)(iii) to (viii) is a closed list of the kinds of information that a public body is not required to withhold under s. 22(1), and the list does not include the business licence number or address where the business activity takes place.

[128] The applicant also argues that a STR's address is essential information about the corresponding licence issued by the City. The applicant says that each licence is specific to a property, that a licence cannot be transferred to other addresses, that a licence would be meaningless without an address, and that the City must be aware of which properties are licenced for STR operations.⁷¹ The applicant says that the "[STR operators want] it both ways: the privileges of commercial operation without the responsibilities. FIPPA does not permit this."⁷²

[129] I have considered the parties' arguments and the principles discussed above. For the reasons that follow, I find that disclosing the business licence numbers and the STR addresses would simultaneously reveal what the licence authorizes the operators to do while also revealing other personal information of the STR operators that extends far beyond the details of that authorization.

[130] Section 22(4)(i)(iv) does not contain language that requires a minimum amount of detail about what a licence authorizes a third party to do. In this context, disclosing either the business licence numbers or the STR addresses would, at a minimum, reveal the fact that the relevant licence authorizes its holder to operate a business in the City.

[131] Furthermore, disclosing the business licence numbers would also reveal authorization to operate an STR business at a specific address if the relevant STR listing and licence are effective at the time a licence number is searched on the City's Open Data Portal, or if the business licence number is successfully found on the STR listing websites and a booking is successfully made.

[132] Regarding the STR addresses, I find that disclosure would immediately reveal the fact that a business licence has authorized the relevant operator to operate an STR at a specific address. I have considered the City and Airbnb's argument that the essence of the authorization is permission to operate at a principal residence rather than a specific location. However, neither the City nor Airbnb have established that STR operators may relocate their STR business to a new address under the same licence. This context indicates that the authorization granted by an STR licence is specific to one address in the City.

[133] Notwithstanding the fact that disclosure would reveal information about what the STR licences authorize the STR operators to do, and s. 22(4)(i)(iv) would apply for that reason, I must also consider the fact that disclosure would

⁷¹ Applicant's reconsideration submission at para 126.

⁷² Applicant's reconsideration submission at para 131.

reveal other personal information beyond that authorization. Namely, it also reveals where the STR operators primarily live (i.e., their principal residence).

[134] Section 22(4) does not prescribe a clear outcome in a situation where disclosure would reveal personal information to which s. 22(4) would apply while simultaneously revealing personal information to which s. 22(4) does not apply.

[135] An adjudicator resolved this kind of conflict in Order F25-81 by concluding s. 22(4) did not apply.⁷³ The personal information in that case was video images of correctional officers at work. The adjudicator found the images were about the correctional officers' positions or functions as public body employees under s. 22(4)(e); however, the images also revealed personal information about physical features and mannerisms and s. 22(4)(e) did not apply to that personal information. The adjudicator determined it was not appropriate to conclude at the s. 22(4) stage of the s. 22 analysis that disclosure of the images would not be an unreasonable invasion of the correctional officers' personal privacy. As a result, she analyzed the images under ss. 22(3) and 22(2) as well.

[136] I agree with and have taken the same approach in this case. In arriving at this analytical approach to s. 22(4), I have considered the primary function of s. 22 which is to protect third parties from disclosures of personal information that constitute an unreasonable invasion of their personal privacy. I have also considered the broader purposes of FIPPA being to make public bodies more accountable to the public and to protect personal privacy.⁷⁴ This statutory context further satisfies me that any ambiguity at s. 22(4) would be best resolved by conducting a fulsome s. 22 analysis of the disputed information which means also considering it under ss. 22(3) and 22(2).

[137] For the reasons given above, I find that s. 22(4)(i)(iv) does not apply to the business licence numbers or the STR addresses because disclosure would reveal more information than just what the licence authorizes an STR operator to do. It simultaneously reveals personal information to which s. 22(4)(i)(iv) does not apply, namely, where the STR operator primarily resides.

[138] I have considered the other s. 22(4) provisions and find that none of them apply to the business licence numbers or the STR addresses.

Section 22(3) – Presumed to be an Unreasonable Invasion of Personal Privacy

[139] The third step in the s. 22 analysis is to consider whether any of the presumptions in s. 22(3) apply to the personal information at issue. Section 22(3) lists circumstances in which disclosure of personal information is presumed to be an unreasonable invasion of personal privacy.

⁷³ Order F25-81, 2025 BCIPC 95 (CanLII), at para 88 (appealed on other grounds).

⁷⁴ FIPPA, at s. 2(1).

[140] The City argues that ss. 22(3)(a), (d), and (g) apply to information in the STR listings that would become identifiable as a result of disclosing the disputed information. However, the City acknowledges that these provisions do not apply directly to the business licence numbers or STR addresses themselves.⁷⁵

[141] The City and Airbnb both argue that s. 22(3)(j) apply to the STR addresses.⁷⁶ The applicant argues that s. 22(3)(j) is relevant for other reasons but remains a rebuttable presumption.⁷⁷

Presumptions under ss. 22(3)(a), (d), and (g)

[142] Sections 22(3)(a), (d), and (g) state as follows:

(3) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if

(a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation,

. . .

(d) the personal information relates to employment, occupational or educational history, . . .

(g) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations about the third party,

[143] The City argues that these provisions apply, not to the disputed information that I am considering, but rather they apply to personal information in STR listings that would be identified as a result of the disputed information being released. The City explains that this information is posted by the STR operator themselves or by a guest in a review.⁷⁸ I understand the City to mean that disclosing a STR address or a business licence number would enable the applicant to associate such information with an individual, namely the third-party STR operator.

[144] This line of argument is not persuasive. The subsections of s. 22(3) raised by the City specifically refer to “**the** personal information” (emphasis added). This reference is to the specific personal information that a public body is considering its obligation to withhold under s. 22(1).

⁷⁵ City's initial submission at para 105.

⁷⁶ City's initial reconsideration submission at para 104; Airbnb's reconsideration submission at para 41.

⁷⁷ Applicant's reconsideration submission at paras 141-142.

⁷⁸ City's initial submission at para 105.

[145] While the inadvertent disclosure of other information may be relevant to other aspects of the s. 22 analysis, the presumptions created by s. 22(3) are established based on the listed circumstances as they apply to the information at issue, in this case being the business licence numbers and STR addresses. Therefore, I find that the City has not established that ss. 22(3)(a), (d), and (g) apply to this information.

[146] Notwithstanding the City's acknowledgement that ss. 22(3)(a), (d), and (g) do not directly apply to the STR addresses or business licence numbers, I have nonetheless considered whether these provisions apply. It is not apparent to me how the addresses or numbers relate to medical histories, employment or occupational histories, or personal recommendations or evaluations. At most, there is only a mere possibility that a guest review or unit description on a STR listing would disclose this kind of information and become identifiable with an individual STR operator, which is not enough to establish that the addresses or numbers relate to that kind of information under ss. 22(3)(a), (d), or (g). Therefore, I conclude that these provisions do not apply.

Mailing Lists or Solicitations, s. 22(3)(j)

[147] Section 22(3)(j) says that disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if the personal information consists of the third party's name, address or telephone number and is to be used for mailing lists or solicitations by telephone or other means.

[148] The City argues that s. 22(3)(j) applies to the STR addresses because disclosure would allow a third party to use their address for mailing lists or solicitations, and that "a number" of STR operators identified this issue in their written statements. Airbnb does not elaborate about why it believes s. 22(3)(j) applies.

[149] The applicant says that their purpose of seeking disclosure is research and accountability but not solicitation, and that s. 22(3)(j) "implicitly recognizes that address information for commercial purposes may be disclosed for other legitimate purposes."⁷⁹

[150] For s. 22(3)(j) to apply, the City must establish that the STR address information "is to be used for mailing lists or solicitations". The mere possibility that this activity may occur, on the condition that someone in the future decides to engage in that activity, is not enough to establish that s. 22(3)(j) applies.⁸⁰

⁷⁹ Applicant's reconsideration submission at para 142.

⁸⁰ For a similar finding in the absence of supportive evidence, see Order F25-40, 2025 BCIPC 48 (CanLII) at paras 322-324.

[151] In reviewing the STR operators' statements, I see that some STR operators worry that disclosure may lead to their address receiving unsolicited mail. In one case, a STR operator has already received unsolicited mail as part of a disturbed former guest's targeted harassment campaign which also included food orders, evangelical newsletters, and other unwanted items sent to their STR unit. Based on the description of these events and the content of the other STR operator statements, unwanted solicitations seem to originate not from a member of the public obtaining a list of names or addresses. Instead, this activity arises from disgruntled former guests who learn of their rented STR's address because they rented it.

[152] I am not persuaded by the City, Airbnb, or the STR operators' concerns that the business licence numbers or STR addresses are to be used for mailing lists or solicitations by telephone or other means. While there is a mere possibility that someone will send mail to an STR if they obtain the relevant address, that possibility is not enough to establish that the STR addresses are to be used for mailing lists or solicitations. Therefore, I conclude that s. 22(3)(j) does not apply to the STR addresses.

[153] To summarize, I do not find that any s. 22(3) presumptions apply to any of the disputed information.

Section 22(2) – All Relevant Circumstances

[154] The final step in the s. 22 analysis is to consider the impact of disclosure of the personal information in light of all relevant circumstances, including those listed in s. 22(2).

[155] The City argues that the circumstances set out at ss. 22(2)(a), (b), (e), (f), and (h) do not support disclosing the disputed information.⁸¹ Airbnb raises ss. 22(2)(e), and (f) to support the same conclusion.⁸² The applicant responds to each of these arguments and argues that these provisions support disclosure.

[156] In this matter, I find that the sensitivity of the personal information in dispute and the applicant's existing knowledge of it are also relevant factors to consider.

Public Scrutiny of a Public Body's Activities - s. 22(2)(a)

[157] Section 22(2)(a) asks whether disclosing the personal information is desirable for subjecting the activities of the government of British Columbia or a public body to public scrutiny. The purpose of s. 22(2)(a) is to foster

⁸¹ City's initial submission at para 109.

⁸² Airbnb's initial reconsideration submission at paras 46-50.

accountability of a public body as opposed to scrutinizing individuals or third parties.⁸³

[158] The essence of the applicant's argument is that disclosure is desirable for scrutinizing the City's approach to regulating STR operations under the Bylaw. The applicant argues that disclosure would enable the public to assess whether the City is effectively regulating STR operations both in terms of regulating STR operators and STR listing platforms. The applicant explains that disclosure would allow members of the public to verify the City's effectiveness in enforcing its Bylaw by geographically mapping STR addresses and business licence numbers to reveal compliance patterns and trends.⁸⁴

[159] In reply, the City says that various information the applicant seeks to use for public scrutiny of City enforcement activities is already available on its public portal, including enforcement outcomes and geographic distribution of licenced STRs, as well as the issuance date, expiry date, and status of STR licences. The City further argues that other information raised by the applicant would not be ascertainable using the disputed information, such as denied licence applications. Therefore, the City argues that the information sought by the applicant would primarily result in deanonymization of personal information, impinging on the privacy interests of third parties instead of holding the City accountable.⁸⁵

[160] I have considered what the parties say about this issue and I find that disclosing the STR unit addresses or business licence numbers is not desirable for scrutinizing the activities of the City. The City correctly points out that a diverse and voluminous set information about the City's STR Bylaw enforcement activities is already publicly available. From my perspective, this already-disclosed information is more than sufficient to effectively promote accountability for the City's Bylaw enforcement activities.

[161] It is not clear to me what disclosure of the disputed information would achieve in terms of holding the City accountable. It seems to me that the disputed information provides a granular level of data that is narrowly focused on the precise location and licence number of each STR. This level of granularity is completely unnecessary to criticize, question, or assess Bylaw enforcement effectiveness in the City. On the other hand, disclosing this type of information would clearly support scrutiny of individual STR operators not by the City (which is responsible for enforcing the Bylaw) but rather by members of the public.

⁸³ Order F16-14, 2016 BCIPC 16 (CanLII), at para 40.

⁸⁴ Applicant's reconsideration submission at paras 65, 144-160.

⁸⁵ City's reply consideration submission at para 13.

[162] I find that disclosure is not desirable for subjecting the activities of the government of British Columbia or a public body to public scrutiny, so s. 22(2)(a) is not a factor that supports disclosure.

Promotion of public health and safety or protection of environment – s. 22(2)(b)

[163] Section 22(2)(b) asks whether disclosure is likely to promote public health and safety or to promote the protection of the environment. If so, this will weigh in favour of disclosure.

[164] The applicant argues that s. 22(2)(b) favours disclosure because the disputed information would “foster debate” about “guest physical safety”, “consumer financial and psychological safety”, and “tenant housing security as a health determinant.”⁸⁶ In support of this argument, the applicant refers to Order 261-1998. In that Order, former Commissioner Flaherty accepted that disclosure of information relating to the use of medication administered by school employees to children, is likely to foster debate about the prevalence and rates of usage of that medication, which in turn is likely to promote public health and safety.⁸⁷

[165] The applicant explains that in this matter, the public safety debate that would be fostered by disclosure would include a wide variety of topics. For example, the applicant raises housing availability in the City for vulnerable populations, adequacy of STR safety regulations, platform accountability, mental health for guests subjected to fraud while using STRs, and the ability of guests to conduct thorough background checks to prevent fraud.⁸⁸ The applicant also points to examples of a STR operators murdering or defrauding their guests in other jurisdictions.⁸⁹ I understand the applicant’s point to be that the City and Airbnb focus on STR operators’ safety but that s. 22(2)(b) requires consideration of whether disclosure promotes public health and safety for everyone.

[166] Neither the City nor Airbnb provide detailed arguments about s. 22(2)(b). However, I understand from their submissions that they believe continuing to withhold STR addresses, rather than disclosing them, would support public health and safety in the sense that non-disclosure supports the safety of a large number of individuals, being the STR operators.

[167] I agree with the applicant’s argument that housing security is fundamental to health and safety, including the rental housing supply in the City and its relationship to public health. It is also reasonable to conclude that STR operations are related to rental housing supply availability, both at an individual

⁸⁶ Applicant’s reconsideration submission at paras 161-184.

⁸⁷ Order 261-1998, 1998 CanLII 2828 (BC IPC) at p 8.

⁸⁸ Applicant’s reconsideration submission at paras 165-179.

⁸⁹ Applicant’s reconsideration submission at paras 30-52.

level and as a systemic issue. Furthermore, I agree that fostering public debate about housing security and STR operations is likely to promote public health and safety.

[168] Despite my general agreement with principles raised by the applicant, I do not see how disclosure of the information I am considering would foster public debate about housing security. On a systemic level (and as discussed in the s. 22(2)(a) analysis above), the City already publishes substantial information online to foster fulsome public debate about STRs, including information about its enforcement of the Bylaw, reports about STR activity in the City, and neighbourhood-specific geographical information. At an individual level, STR guests who want to use a STR address for safety checks already receive the address upon booking the unit and before they arrive.

[169] I do not think, nor does the applicant clearly explain how, disclosing specific STR addresses and business licence numbers would foster debate about these issues beyond what is already enabled by existing public information. Therefore, I find that s. 22(2)(b) does not favour disclosure.

Unfair Damage to Reputation or Other Harm – ss. 22(2)(e) and (h)

[170] The parties raise substantially similar arguments and refer to the same principles to support what they say about ss. 22(2)(e) and (h). Therefore, I will consider both provisions at the same time.

[171] Section 22(2)(e) asks whether disclosure will unfairly expose a third party to financial or other harm. Previous orders have said that s. 22(2)(e) can apply to mental harm if it constitutes “serious mental distress or anguish or harassment.”⁹⁰ Embarrassment, upset, or negative reactions fall below the required level of mental harm.⁹¹

[172] Section 22(2)(h) requires a public body to consider whether disclosure of personal information may unfairly damage the reputation of any person referred to in the records. The analysis under s. 22(2)(h) has two requirements. First, the City must establish that disclosing the disputed information may damage the reputation of a person referred to in the records. Second, the reputational damage must be unfair.⁹²

⁹⁰ Order 01-37, 2001 CanLII 21591 (BC IPC) at para 42.

⁹¹ Order 01-15, 2001 CanLII 21569 (BC IPC), at paras 49-50; Order F20-37, 2020 BCIPC 43 (CanLII), at para 120.

⁹² Order F21-69, 2021 BCIPC 80 (CanLII) at para 80.

[173] Finally, in order for ss. 22(2)(e) or (h) to apply, the exposure to the harms listed in those provisions must be rationally connected to disclosure of the disputed information.⁹³

[174] The City argues that disclosure would unfairly expose STR operators and guests alike to financial and other harm, and that disclosure may unfairly damage the reputation of the persons referred to in the records. Specifically, the City refers to its observations of vigilante activity that seeks to “name and shame” STR operators on the internet while exposing them to threats, ridicule, and derision without any investigation as to the truth of allegations of wrongdoing.⁹⁴

[175] Similarly, Airbnb argues that disclosure would lead to STR operators being unfairly exposed to the kinds of harm described by STR operators in their statements provided to the City, which I understand to be internet-based harassment.⁹⁵

[176] The applicant says that the supporting evidence for s. 22(2)(e) is “weak for 95%+ of [STR] operators”, that “most claimed harms are speculative or pre-existing”, and in any case that this factor does not outweigh the public interest in disclosure.⁹⁶

[177] Regarding s. 22(2)(h), the applicant also argues that this provision does not apply because:

- Operating a licenced STR business is not a reputation-damaging business and comparable to any other licensed business activity;
- To the extent that any stigma does exist, any reputational damage is not “unfair” because STR operators choose to proceed with knowledge of existing controversy associated STRs in the City; and
- Any inaccurate information or missing context can be challenged and corrected.⁹⁷

[178] Much of my analysis under ss. 15 and 19 is also relevant to the present ss. 22(2)(e) and (h) analysis. To summarize, I was satisfied by the evidence before me that disclosure can be reasonably expected to result in a threat to certain STR operators’ physical safety and mental health. For these specific STR operators and for the same reasons, I find that disclosing their STR addresses would clearly and unfairly expose them to physical harm or serious mental

⁹³ Order F24-67, 2024 BCIPC 77 (CanLII), at para 118; Order F14-10, 2014 BCIPC 12 (CanLII) at para 37.

⁹⁴ City’s initial submission at paras 60-67 and 111-112.

⁹⁵ Airbnb’s reconsideration submission at para 47, in reference to Affidavit #1 of CF, Director, Access to Information and Privacy, at Exhibit B.

⁹⁶ Applicant’s reconsideration submission at para 140.

⁹⁷ Applicant’s reconsideration submission at paras 191-193.

distress. Therefore, I find s. 22(2)(e) weighs against disclosing those specific STR addresses.⁹⁸

[179] Turning to the other STR addresses, as I explain below, I find that there is a credible, non-speculative risk of harassment, financial harm, and reputational damage to the other STR operators.

[180] As discussed earlier in this reconsideration, the City's evidence includes examples of targeted, insulting internet posts about STR operators and their STR business activities. While this material was not enough to establish an objectively reasonable expectation of probable harm to the STR operators' physical safety, property, or a threat to their mental health, it is persuasive evidence that a motivated group of individuals are prepared to name STR operators online, denigrate them, and maliciously report perceived building defects or suspected non-compliance with the Bylaw. I am satisfied that this activity clearly constitutes harassment.

[181] There is a rational connection between disclosure and this type of harassment. If the STR addresses are publicly disclosed, it is clear to me that the addresses could be immediately weaponized by motivated members of the public to continue the activities I have described, only this time without the need of reserving a specific STR on a platform before learning its precise location.

[182] Regarding financial harm, I note that STR operators are not permitted to operate a STR in the City apart from within their principal residence. Therefore, if their STR addresses are exposed to those who would weaponize that information, STR operators would be forced to choose between continuing their activities while enduring exposure to harassment or ceasing their STR business and losing a source of income.

[183] In considering whether the exposure to these harms is unfair, I do not think that there is anything special about a STR business which carries an expectation that the STR operator must endure severe internet-based insults and harassment. This is particularly the case for the kinds of internet-based harassment identified by the City in its evidence, which I can see is motivated by general political opposition to STR. I recognize that interpersonal disputes and uncomfortable interactions arise in many types of businesses and are not limited to STRs. However, in the circumstances of this matter, I find that the exposure to financial harm, harassment, and damage to STR operators' reputation that would follow disclosure would be unfair. Therefore, I find that s. 22(2)(e) and (h) weigh against disclosing the STR addresses.

⁹⁸ I refer to the STR operators who provided statements in categories A, B, C, and F, as well as Respondents #13, 125, 155, and 179 of category D.

[184] Finally, I am not persuaded that disclosing the business licence numbers will unfairly expose anyone to reputational damage, or financial or other harm. The business licence numbers do not reveal anything that enables the targeting of STR operators. In any case, the business licence numbers are already visible on the City's Open Data Portal and the STR listings so anyone seeking to target a specific STR unit already has access to the relevant business licence number.

Supplied in confidence – s. 22(2)(f)

[185] Section 22(2)(f) asks whether the personal information was supplied to the public body, explicitly or implicitly, in confidence. If it was, this weighs in favour of withholding the information. To establish that s. 22(2)(f) applies, there must be evidence that an individual supplied the information at issue and did so with an objectively reasonable expectation of confidentiality when the information was supplied.⁹⁹

[186] The City and Airbnb argue that s. 22(2)(f) supports withholding the information. They explain that, as part of their Memorandum of Understanding (MOU) with one another, the City expressly agreed to treat information it received under the MOU with strict confidentiality. The City says that it has taken steps to ensure that the information received from Airbnb is kept confidential by restricting access to a limited number of City employees and using it only for enforcement purposes.¹⁰⁰

[187] I have reviewed the MOU and what the parties say about it, but I am not persuaded that it establishes the STR addresses or business licence numbers were supplied in confidence. The MOU is specific to the City and Airbnb, not all STR platforms. More importantly, however, the City's assurances in the MOU were made to Airbnb and not to the individuals who supplied their STR addresses. The MOU governs the flow of information between the City and a STR platform rather than the flow of information from individuals to the platform or the City. I conclude that the MOU is not persuasive evidence of individual STR operators' expectations of confidentiality when they supplied addresses, both to the platforms when they agreed to list their unit and to the City when they applied for a STR licence.

[188] I can see that STR operators must include their STR address on the STR business licence application forms, which means that STR operators provide their intended STR address directly to the City.¹⁰¹ This makes sense because the

⁹⁹ Order F11-05, 2011 BCIPC 5 (CanLII) at para 41, citing Order 01-36, 2001 CanLII 21590 (BC IPC) at paras 23-26.

¹⁰⁰ City's initial submission at paras 77, 109, and 113; Affidavit #1 of KH, Chief Licence Inspector and Director of Licensing and Community Standards, at para 33 and Exhibit "H"; Airbnb's initial submission at paras 27-31.

¹⁰¹ Affidavit #1 of KH, Chief Licence Inspector and Director of Licensing and Community Standards, at Exhibits "E", "F", and "G".

STR operators must deal directly with the City to obtain their licence and respond to bylaw enforcement actions. Furthermore, I see no express assurances or other indicia of confidentiality on the application forms. Instead, the forms include warnings that by proceeding, the applicant accepts that their information is being collected and may be shared under FIPPA or the *Vancouver Charter*.¹⁰²

[189] Turning to the implicit circumstances, Airbnb argues that the sheer number of STR operators that strongly objected to disclosure demonstrates that they supplied their information to the City with an expectation of strict confidentiality. Airbnb also argues that this expectation was objectively reasonable, pointing to the City's subsequent confidential treatment of the STR addresses as well as the fact that STR operators on its platform are under no obligation to accept a booking or disclose their address until the booking is made.¹⁰³

[190] In response, the applicant says that a business licence applicant's preference for confidentiality does not create a "section 22(2)(f) right". I understand this to be an argument that a preference, even one expressed strongly, is not the same as an objectively reasonable expectation of confidentiality. In the context of business licencing information, the applicant argues that this type of information is traditionally public and that "commercial operators" have lower expectations of privacy than other, more personal types of information.¹⁰⁴

[191] Beginning with the business licence numbers, I find that the City has failed to establish that this is information supplied by an individual at all, let alone in confidence. The City's evidence indicates that these numbers are issued by the City itself.¹⁰⁵ Moreover, it does not accord with common sense that a licence applicant would create their own business licence number or supply it to the City with a reasonable expectation of confidentiality. Therefore, I find that s. 22(2)(f) does not weigh against disclosure of the business licence numbers.

[192] Regarding the STR addresses, I have taken the parties' arguments, evidence, and the principles discussed above into consideration. While I am satisfied that some STR unit operators supplied their addresses to the City under a subjective expectation of confidentiality, I am not persuaded that such an expectation was objectively reasonable in the circumstances.

[193] My impression of the STR operators' statements is that the vast majority of them show no expectation for the City to hold the addresses in confidence. Instead, the STR operators simply did not anticipate the possibility that a fulsome

¹⁰² *Vancouver Charter*, SBC 1953, c 55.

¹⁰³ Airbnb's initial reconsideration submission at paras 48-49.

¹⁰⁴ Applicant's reconsideration submission at paras 139 and 185-189.

¹⁰⁵ Affidavit #1 of SH, Chief Licence Inspector at para 7.

list of all STR addresses in the City (including theirs) could be disclosed as a consequence of the City's obligations under FIPPA. The fact that many STR operators did not anticipate this possibility is not enough to meet the requirements of s. 22(2)(f) because the absence of an expectation of disclosure, is not equivalent to supplying information under an objectively reasonable expectation of confidentiality. Therefore, I find that s. 22(2)(f) does not weigh against disclosing the STR unit addresses.

Sensitivity

[194] Past orders have found that information's lack of sensitivity can weigh in favour of disclosure, whereas information's highly sensitive character may favour disclosure.¹⁰⁶

[195] The City argues that the STR addresses are particularly sensitive because they are not merely mailing addresses. Instead, the City notes that these addresses are the "principal residence[s]" of their respective STR operators, which is defined by the Bylaw as the one place where a person "makes their home and conducts their daily affairs".¹⁰⁷

[196] While the applicant does not directly discuss sensitivity as a distinct circumstance under s. 22(2), based on his submissions I understand their position to be that the STR addresses are not particularly sensitive because the STR operators have chosen to use their principal residence for a commercial purpose.

[197] Disclosure of the STR addresses would enable any member of the public to locate any STR operator's principal residence within the date range of the applicant's access request. With sufficient patience and persistence, one could clearly use their knowledge of these addresses to ascertain the name the relevant landowner. Moreover, by attending the STR and observing, one could theoretically locate the relevant STR operator, their cohabiting family members or roommates, and anyone else who regularly attends that address. I am not aware of any other type of business, including other businesses operated out of residential housing units, for which it is similarly straightforward to ascertain this kind of information using the business addresses. For this reason, I find that the STR addresses are moderately sensitive information which weighs against their disclosure.

[198] It is not clear to me how the business licence numbers constitute sensitive information if they are not disclosed side-by-side with the STR addresses. These

¹⁰⁶ Order F25-89, 2025 BCIPC 103 (CanLII) at para 51; Order F16-52, 2016 BCIPC 58 (CanLII) at para 91; Order F19-15, 2019 BCIPC 17 at para 99.

¹⁰⁷ Affidavit #1 of KH, Chief Licence Inspector and Director of Licensing and Community Standards, at para 23; City's initial reconsideration submission at paras 25-26.

numbers only permit a member of the public to ascertain which STR listing is associated with that number, and even in that case, the listing itself contains the relevant business licence number as a condition for operating in the City. Moreover, the list of numbers is already publicly available on the City's Open Data Portal. Therefore, I find that the business licence numbers are not sensitive information. I find this factor to favour the disclosure of that information.

Existing Knowledge of the Disputed Information

[199] If an applicant already knows or can easily infer the personal information in dispute, past orders have said that this is a relevant circumstance which may favour disclosure.¹⁰⁸

[200] As discussed in greater detail earlier in this reconsideration, the applicant and any other member of the public can already find STR business licence numbers for the listings that are visible on the STR platforms or a complete list of numbers on the City's Open Data Portal. The fact that these numbers are already publicly available weighs strongly in favour of disclosure.

[201] Regarding the STR addresses, anyone may already ascertain the address and property owner of a STR if it is listed on a platform by successfully booking a stay. The address in turn may be cross-referenced with title searches through the Land Title Service Authority. Some uncertainty remains however, as the STR operator may be a tenant instead of an owner of the property. Moreover, it is unrealistic to take this approach on a large scale given the considerable time and expense involved. Neither the applicant nor the broader public, in my view, currently has meaningful access to the addresses and property owner information in light of these barriers.

[202] Taking these circumstances into account, I find that the applicant does not have meaningful pre-existing knowledge of the STR addresses, nor is it easily inferable information. Therefore, I find that the applicant's existing knowledge does not favour disclosure of the STR addresses.

Conclusion, s. 22(1)

[203] I determined that the business licence numbers and STR addresses, being all of the disputed information in this reconsideration, are the personal information of one or more third parties. I also found that none of this information is contact information.

[204] I found that none of the s. 22(4) circumstances apply to the disputed personal information because disclosure would reveal more personal information

¹⁰⁸ Order F17-05, 2017 BCIPC 6 (CanLII) at para 54; Order F18-19, 2018 BCIPC 22 (CanLII) at para 74.

than the kinds of information specified under s. 22(4). I also found that no s. 22(3) presumptions apply.

[205] Under s. 22(2), I determined that disclosing the STR addresses (but not the business licence numbers) would unfairly expose third parties to financial and other harm, that disclosing the addresses may damage the reputation of one or more persons referred to in the records, and that the addresses are moderately sensitive. Each of these factors weigh against disclosing the STR addresses.

[206] On the other hand, I found that none of the disputed information is likely to promote public health or safety if disclosed, nor is disclosure desirable for the purpose of subjecting the City to public scrutiny. I also determined that none of the disputed information was supplied in confidence.

[207] Finally, the business licence numbers are already publicly available which favours their disclosure.

[208] Taking all relevant circumstances into consideration, I draw the following conclusions.

[209] First, I have reviewed and considered all of the parties' detailed submissions and arguments about whether the STR addresses would, if disclosed, constitute an unreasonable invasion of third-party personal privacy. This issue goes to the heart of the dispute between the applicant, the STR operators, the City, and Airbnb.

[210] I understand and recognize the logic of the applicant's position. In the applicant's view, by choosing to use their home to generate STR income, an STR operator has crossed a threshold into a commercial domain where they should not expect an enhanced level of privacy over the physical location of where they operate their STR business. The applicant's position is that STR hosts should expect some discomfort and confrontation as a natural consequence of their decision to operate a type of business that is politically controversial and considered by many to contribute to systemic housing insecurity.

[211] On the other hand, the City has enacted a regime through the Bylaw that only permits STR operations at an operator's principal residence. My understanding from the City's evidence is that this was done to enable residents of the City to earn additional income without inadvertently reducing available housing stock for those who want to reside in the City. The consequence is exactly the situation that is present throughout this reconsideration: An address that would be commercial in nature in most other circumstances has been inextricably connected to the STR operators' principal residence where they live their private lives.

[212] Taking these competing perspectives into account, I am of the view that the primary source of this tension is the City's decision to limit STR operations to principal residences. I recognize there is a desire to hold the City accountable for the current STR regime and Bylaw. However, disclosing the STR addresses themselves would not serve this objective. Instead, disclosure would only serve to expose the STR operators to any member of the public with sufficient motivation to locate and engage with them at their home and online.

[213] The ultimate consequence of disclosing the STR addresses would be to instantly reveal the exact location where the STR operators live their private lives. The various harms discussed in this s. 22 analysis can rationally be expected to result from disclosure. Therefore, I find that the applicant has not met their burden to establish that disclosing the STR addresses would not constitute an unreasonable invasion of the STR operators' personal privacy.

[214] I conclude that s. 22(1) applies to all of the STR addresses and the City is required to refuse to disclose them on that basis.

[215] On the other hand, I find that disclosing the business licence numbers would not constitute an unreasonable invasion of any third parties' personal privacy.

[216] I understand that the business licence numbers, by virtue of their presence on STR listings, could enable the association of an address with a specific STR listing. However, there are substantial barriers to ascertaining this information, namely the fact that this process requires the listing to be active and that it be successfully booked before an address is revealed. Moreover, a list of business licence numbers is already publicly available. In light of my decision about the STR addresses, I do not need to consider the possibility that all business licence numbers will be instantly linked to the STR addresses using Spreadsheet B, which shows both sets of information side-by-side.

[217] Consequently, the City is not required to refuse to disclose the business licence numbers under s. 22(1).

CONCLUSION

[218] For the reasons given above, I make the following order under s. 58 of FIPPA:

1. The City is required under s. 22(1) to refuse to disclose all of the STR addresses.
2. Subject to items #3 and 4 below, the City is not authorized to refuse to disclose the STR addresses under ss. 15(1)(l), 15(1)(f) or 19(1)(a).

3. I confirm the City's decision to refuse to disclose, under s. 15(1)(f), the STR addresses associated with the STR operators who provided statements to the City in categories A, B, and C, as well as Respondents #13, 125, 155, and 179 of category D.
4. I confirm the City's decision to refuse to disclose, under s. 19(1)(a), the STR addresses associated with the STR operators who provided statements to the City in categories A, B, C, and F, as well as Respondents #13, 125, 155, and 179 of category D.
5. The City is not required or authorized to refuse to disclose the STR business licence numbers under ss. 15(1)(f), 15(1)(l), 19(1)(a), or 22(1). I require the City to give the applicant access to the business licence numbers.
6. The City must copy the OIPC registrar of inquiries on the cover letter and records it gives the applicant in compliance with item #5 above.

[219] Pursuant to s. 59(1) of FIPPA, the City is required to comply with this order by June 23, 2026.

May 11, 2026

ORIGINAL SIGNED BY

Alexander R. Lonergan, Adjudicator

OIPC File No.: F19-79634