



Form 66 (Rule 16-1 (2))

S 266 171

No.
Vancouver Registry

In the Supreme Court of British Columbia

BETWEEN

MEHDI ALAEI TAFTI

PETITIONER
~~PLAINTIFF~~

AND

Shervin 'Shaun' Ghavami, Ari Rahmanian, Ghavami Consulting Group Ltd., Rahmanian Consulting Group Ltd., John Doe, The Owners, Strata Plan LMS 1866 and Its Council, The Owners, Section 1, Strata Plan LMS 1866 and Section 1 Executive, The Owners, Section 2, Strata Plan LMS 1866 and Section 2 Executive, the City of Vancouver, and the Office of Information & Privacy Commissioner

~~DEPENDANTS~~ **RESTONDENTS**

PETITION TO THE COURT

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

ON NOTICE TO:

- Shervin 'Shaun' Ghavami, and Ghavami Consulting Group Ltd.; address for service: 3302-33 Smithe St., Vancouver, BC, V6B 0B5; email: Ghavami.shervin@gmail.com
- Ari Rahmanian and Rahmanian Consulting Group Ltd.; address for service: 10530 245B St., Maple Ridge, V2W 1G5; email for service: unknown.
- The Owners, Strata Plan LMS 1866 and Its Council; address for service: 989 Nelson Street, Vancouver, BC, V6Z 2S1, c/o Mr. Milad Firouzi, Strata property manager; email: Milad.Firouzi@TribeMgmt.com,
- The Owners, Section 1, Strata Plan LMS 1866 and Section 1 Executive; address for service: 989 Nelson Street, Vancouver, BC, V6Z 2S1, c/o Ms. Sarjinder Dhaliwal, Director; email: S.Dhaliwal@Celayix.com,
- The Owners, Section 2, Strata Plan LMS 1866 and Section 2 Executive; 970 Burrard Street, V6Z 2R4; email for service: unknown
- City of Vancouver, City Clerk's Office (Access to Information & Privacy Division), 453 West 12th Avenue, Vancouver, BC V5Y 1V4; email: Sian.Madsen@vancouver.ca
- Office of the Information and Privacy Commissioner for British Columbia; address for service: PO Box 9038 Stn. Prov. Govt., Victoria B.C. V8W 9A4; email: info@oipc.bc.ca

The address of the registry is: 800 Smithe Street, Vancouver, BC, V6Z 1A8

The petitioner(s) estimate(s) that the hearing of the petition will take up to one day, depending on the responses received.

[Check whichever one of the following boxes is correct.]

☒ [X] This matter is an application for judicial review.

☐ [] This matter is not an application for judicial review.

This proceeding is brought for the relief set out in Part 1 below, by

[Check whichever one of the following boxes is correct and complete any required information.]

☒ [X] the person(s) named as petitioner(s) in the style of proceedings above

☐ [] Mehdi Alaei Tafti

If you intend to respond to this petition, you or your lawyer must

(a) file a response to petition in Form 67 in the above-named registry of this court within the time for response to petition described below, and

(b) serve on the petitioner(s)

(i) 2 copies of the filed response to petition, and

(ii) 2 copies of each filed affidavit on which you intend to rely at the hearing.

Orders, including orders granting the relief claimed, may be made against you, without any further notice to you, if you fail to file the response to petition within the time for response.

Time for response to petition

A response to petition must be filed and served on the petitioner(s),

(a) if you were served with the petition anywhere in Canada, within 21 days after that service,

(b) if you were served with the petition anywhere in the United States of America, within 35 days after that service,

(c) if you were served with the petition anywhere else, within 49 days after that service, or

(d) if the time for response has been set by order of the court, within that time.

(1)	The ADDRESS FOR SERVICE of the petitioner(s) is: 1180 Victoria Drive, Vancouver, BC, V5L 4G5; E-mail address for service (if any) of the petitioner(s): mehdi.a.tafti@gmail.com
(2)	The name and office address of the petitioner's(s') lawyer is: N/A

Claim of the Petitioner(s)

Part 1: ORDER(S) SOUGHT

1. Judicially review, and set aside the Order F26-47 of Adjudicative Director Elizabeth Barker, issued June 16, 2026,
2. Allow fresh evidence, including as received by the Petitioner on August 6, 2026, and all evidence digitally provided/referred to the OIPC ahead of Order F26-47 for review,

3. Upon review the unsevered documents at issue in Order F26-47 (to be provided by the OIPC under seal), their disclosure to the Petitioner, or preservation in the alternative,
4. Remit the matter to the OIPC, if this Honourable Court distinguishes *The Owners, Strata Plan VR 1120 v. Civil Resolution Tribunal* 2022 BCCA 189, at para 53-55, here,
5. Such other Orders this Honourable Court deems just, to move things forward, and
6. Costs.

Part 2: FACTUAL BASIS

1. the adjudicator's error in principle in denying accommodation for disabilities, proceeding on a hybrid basis as sought by the Petitioner; and denying a *bare minimis* hearing, led to multiple errors.
2. Time is of the essence, given that reactivating the Petitioner's appeal is partly contingent upon disclosure. The delay has prejudiced the hearing of new/fresh evidence, and its leave to appeal.
3. At issue here is the nexus of oppression and spoliation. The Petitioner's pleadings in V-S-175641 specifically cited §71 of the *Strata Property Act* ("SPA"); but the defendants' concealment of facts, including as related to §71 of the SPA, has continued even after trial. New and fresh evidence are proof/indicia that the defendants (and/or their lawyers) engaged in abuse of process. In particular:
 - I. *Tafti v. Davis* 2020 BCSC 567 (rendered at the outset of the CoViD court closures), at para 20, was *per incuriam*, inconsistent and failed to have regard to a binding authority or the SPA; it was based on defense misrepresentation of use/abuse of the *entire* Strata Corp.'s water-based cooling for data centre needs being "Commercial litigation", it stripped the defendant Strata Corp. of its sole constituent Sections: SS&C Technologies Canada Corp. v Bank of New York Mellon Corp. 2026 SCC 29 ("SS&C"), at para 1, 12 and 62.
 - II. The Petitioner adduced the Strata statutory disclosures with which he sought alignment in its Bylaws to remedy item 1, *supra*. As pleaded, he applied for remediation (based on recurrent water damages) and bylaw reform (both were dismissed without notice during his closing submissions). By his Notice of Application filed and served March 22, 2023, he sought "Clarity/enforcement of Iyer J.'s Order (2020 BCSC 507, at para 34(ii))". The defendants **falsely** submitted having complied with it; *and* (Messrs. John Davies and Evan Lanaras as fiduciaries) doubled down with perjuries leading to *Tafti v. Davis* 2024 BCSC 567; which has proven unworkable, and whose rationale has eroded by significant societal and legal change: *SS&C, supra*, at para 5-6, 9, 135-139, 143-146, and 156. Specifically, Crossin J.'s related supplantation of "a computer server" (2024 BCSC 567 at para 200), is **untethered** from evidence given of Mr. Lum's "data centre" which has used *most of two sub-floors (inaccessible until February 14, 2025), including the Strata Corp.'s common property and assets, since 2008*. Reliant on perjuries (e.g., para 210; ignoring proof thereof in the defendants' Affidavit evidence), *despite preceding defense* engineering testimony *in line with* the Petitioner's [trial] submission that the cooling tower(s) are "**both** [fluid and atmospheric]"; Crossin J. misapprehended the Petitioner's claim as being based on [an] atmospheric cooling [tower] only, thus ignoring ongoing **water**/mold damages.

- III. Crossin J. refused to hear the Petitioner’s reconsideration Notice of Application, filed and served September 16, 2024, which spoke to causation, directing him to file *another* application, on the new expert report establishing [recent] harm he’d suffered from mold.
 - IV. Scrutiny of spoliated (*Section-split*, HDD *only*) evidence provided to the Petitioner by a former Strata treasurer, revealed it was misguided analysis; leading him to rectify it with the Strata Corp.’s joint, HDD+CDD analysis. Apprised that this was forthcoming, the insurer’s in-house lawyers had his main appeal dismissed as abandoned. He then brought his application for reconsideration blow. Said lawyers, who *hadn’t* filed a timely Response (ergo delaying its hearing), at its hearing **misrepresented** the subject [ab]use as “purely Commercial” before Weatherill J., replacement judge, and reiterated this in Chambers to bar the Petitioner’s appeal of his new and fresh evidence.¹ Iyer JA. declared (indexed 2025 BCCA 317 at para 35): “... the record demonstrates that [the Petitioner] is unable to conduct the present appeal in compliance with the Rules.” The defendants’ undue influence, fraud, abuse of process including spoliation, and collusion are squarely to blame.
 - V. In seeking expert opinion to verify his HDD+CDD analyses of said ‘**Commercial enterprise**’ as meeting the test of “a person of science”; the Petitioner was advised by CEP Forensic on August 6, 2026, that they were retained on this matter in 2022 (when trial commenced), and in conflict of interest, citing the Residential Section address.² The disclosures whose full production the Petitioner seeks *also* speak to spoliation/collusion.
4. Critical to the judicial review of the Order of the OIPC Adjudicator Director Elizabeth Barker (“Barker Adj. Dir.”) indexed as F26-47 2026 BCIPC 59; is her failure to consider **§70(2)(b)** of the *Strata Property Act* (which amendment occurred during trial), which was **not considered at trial**.
5. At issue is water damage from **condensation-induced water hammer** (“CIWH”), due to steam-generated-by-water used to cool an **unapproved** data centre in the common property mechanical room of the Petitioner’s mixed-use home. The Petitioner’s amended relief from his claim commenced in **2015**, sought “A Permanent, mandatory injunction requiring the Corporation to amend and repeal its bylaws, as appropriate to align with the statutory declaration of Strata Plan LMS 1866, and an order to give this remedy force, including appointment of an administrator, as per §174 of *the Act*, if required.” Initially pitched to the owners as benefiting the entire building, this venture was **misrepresented** before, during and after trial as a *solely* Commercial Enterprise, which [mis]led the judge to sidestep this relief, including its “public interest” aspects.³ In 2020 (ahead of trial), Messrs. Shervin ‘Shaun’ **Ghavami** and Ari **Rahmanian** (or the latter’s affiliate “Hamid”) formed ‘consulting’ **companies** which purchased unit 2007, whose illegal alterations

¹ Petitioner’s 1st Affidavit in Response to Petition No. VLC-SS-254490, made Oct 8, 2025, including its Exhibit “20” (pp 110-240): Petitioner’s written submissions on the related appeal, filed August 7, 2025.

² Email of Mr. Geoff Wowk, P.Eng., CFEI, CVFI, with Specialties in Mechanical Engineering, Fire and Explosions, to the Petitioner, dated August 6, 2026, responsive to the Petitioner’s draft expert instruction letter; and the Petitioner’s reply email of August 14, 2026.

³ E.g., Affidavit #35 of Mehdi Alaei Tafti, made May 21, 2025, in V-S-175641, Exhibit “11”, pp 144-145 of 211: Petitioner’s transcript of his closing submissions in V-S-175641

instigated City investigations, related documents to which are sought. So, Barker Adj. Dir. **‘finds’ in error** (at para 54) that disclosure of what the Petitioner “already knows” is “limited to the suite number because there is nothing to suggest that the Petitioner knows the other personal information that has been severed from the records.” Further, unit 2007’s ‘Resident’ at that time is a witness, including if related to one of the aforesaid; especially Mr. Ghavami, qua fiduciary-in-conflict.

6. Civil Action No. V-S-529321,⁴ including its proposed amendments, alleges (a) fraud on the Courts, and the severed documents, *in conjunction with* ignored [trial] evidence, would also establish (b) ensnarement of, and/or collusion with the Residential Section during trial (incl. Mr. Ghavami as its executive member), and (c) Strata negligence in addressing damages brought on by the illegal operations, ‘by virtue of necessity’.

7. At its para 1, Barker Adj. Dir. *specifies* “computer system” –which was not made explicit in the City’s submissions— before stating **in error at para 3** that “the City reconsidered its severing decision and gave the Petitioner access to the information that it had withheld under s. 15(1)(l).” as basis for her **erroneous** ‘finding’: “that information and s. 15(1)(l) are not in dispute”, so she fails to consider its (perverted) relevance. It’s entirely unclear what information, if any, was unredacted to form her state of mind. §15(1) of FIPPA was removed from the City’s submissions, however.

8. At its para 5, Barker Adj. Dir. **errs** insofar as the documents *were repeatedly* provided digitally, including by way of cloud-share links in the Petitioner’s April 1, 2025, submissions. Further, she writes “The applicant did not dispute what the registrar said about this”. Though the Registrar (R. Rohrick) didn’t identify what was missing; she wrote “some of them refer to documents that may be mediation material.” **No mediation was held**, however, and **none** of the provided documents were identified as “without prejudice”. Ergo, she **errs** at para 7 whereas the accommodation sought was a hybrid hearing; she **opted not to hear** the Petitioner (at para 11); alleging (at para 10) “I cannot see any credibility issues to be decided, nor did the Petitioner identify any.”

9. The Petitioner’s submissions to the OIPC on May 11, 2024, stated, *inter alia*, the following:

“The [severed] disclosures refer to an “enclosed balcony”,² which, along with the ensuing flood in unit 2007, requires investigation for the reasons which follow. First, the Electra has not previously had any balconies. Second, **I’m investigating whether said ‘balcony’ was used to mount Suspended Stages, to raise a cooling tower to the Electra’s roof.** Scaffolding was mounted around the Electra for months, which was finally packed up by September 6, 2023.

“The timeline of alterations made in unit 2007 match misrepresentations made, first to the Residential Section executive (as early as October 18, 2022), and then the Court, respecting “two”/ ‘multiple’ cooling towers. This is despite two strata depreciation reports depicting the Electra’s cooling tower as being common property of the strata corporation³ (as distinct from two towers belonging to its respective Residential and Commercial Sections), and an expert engineer’s report commissioned by the strata, confirming the same. According to the independent expert report by

⁴ Petitioner’s 2nd Affidavit in Response to Petition No. VLC-SS-254490, made March 25, 2026, including its Exhibit “2”: Petitioner’s proposed (free) amended pleadings in V-S-529321

the strata's appointed engineer, "bad practice" involving the Electra's cooling tower, in addition to taking up to half its refrigeration capacity, led to "dust and soot" entering the Electra's water. The aforesaid, along with an excerpt from an earlier interim judgment averring to the same, are referred to in my letter to the insurer-appointed counsel for the Electra, dated May 3, 2024, a copy of which is also enclosed under the same cover for your perusal. The Electra's cooling tower permit has also been suspended temporarily by the city of Vancouver due to elevated *Legionella* counts."

10. Citing Strata Corp.'s failed settlement vote premised on pushing full steam ahead with the apparently related common alterations, he wrote "It also bears noting here that, in *Burnaby (City)*, Re 2023 BCIPC 30, at paragraph 30, adjudicator Erika Syrotuck found the following:

"[30] The Supreme Court of Canada said that settlement privilege can be set aside where "on balance, a competing public interest outweighs the public interest in encouraging settlement."¹² The Supreme Court went on to say that "[t]hese countervailing interests include **allegations of misrepresentation, fraud, or undue influence**".¹³ In addition, communications protected by settlement privilege can be disclosed where the existence or **scope of a settlement is in issue**.¹⁴" [Emphases added.]

11. As the Petitioner submitted to the OIPC, "I have made all the aforesaid allegations in my case. In any event, as an owner, I am a member of the 'defendant' strata in the litigation council wanted to settle, in part, I allege, because I was harmed by said "bad practice"." The Petitioner also found caselaw on **collusion, after the insurer's in-house lawyers took over to bar him from due process.**

12. He further noted that his "**pending court application for fresh evidence relies in part on clarity to be obtained respecting the 'enclosed balcony' and flood in unit 2007, and a full and clear explanation of why each of the other Commercial Section units, and 970 Burrard Street (the Commercial Section itself), were named in the city's Legal Notice No. CF-2023-002224.**" Said fresh evidence was heard by a replacement judge (Weatherill J.) during which the illegal operations were *again* **misrepresented as "purely against the Commercial Section"**.⁵ Its main Appeal has become inactive, partly due to the delay in OIPC's decision-making process, and fulsome evidence requires the severed disclosures. The same holds true for Civil Action No. V-S-529321.

13. At para 15, Barker Adj. Dir. **partly errs** in noting "The applicant owns and resides in a suite in a strata condominium." The Petitioner's January 28, 2025, letter seeking review, which opened by noting "I battled **serious illness** in the past two weeks", cited access to water and steam data having enabled him to corroborate (using HDD+CDD statistical physical analysis) the Strata Corp. 2014-2015 engineering reports –**misrepresented** at trial—and then states the following:

"Practically, this has translated to hot humid interiors in summers (despite 'availability' of HVAC units), water hammer and water slugs,¹ and deluges of water² and mold damage. Personally, this has translated to **seizures, a meningioma (excised in 2014), and ultimately forced me out of my home.**"

"... where[as] the Electra's cooling system was misrepresented to the presiding judge, as a former Residential executive member, it is also pertinent to note that the subject violations were –as a

⁵ CA50747: transcript of the hearing before Weatherill J. on May 26, 2026; pg. 113; lines 40-47; pg. 114, line 1.

matter of probability— an attempt to avoid costs, i.e. cover up for the lies and half-truths told at trial. To use the Persian expression, being generous from the Caliph’s purse, is not warranted here (the ‘Caliph’ being the owners of Strata Plan LMS 1866 here, under the *Strata Property Act*).

“... the violations in question are **not** limited to violations of city bylaws but are (**concurrently**) also violations of many provisions of the *Strata Property Act* and the *Electra’s* bylaws.”

14. Barker Adj. Dir. articulates a test at para 19 which she has not met here, as she is **not** “knowing what the information is and knowing all of the circumstances” to determine “what constitutes “clearly in the public interest” under s. 25(1)(b)” of *FIPPA*. Immediately following her citation of the Petitioner’s submissions dated April 3, 2025 (at para 23) she **alleges in error** (at para 24) that the Petitioner’s hasn’t explained “the disputed information engages the public’s interest or provide evidence that suggests it does.” Said submissions, however, state the following (at pp 1-2):

“... on **April 5, 2023**, I was in Court arguing for rebuttal of misrepresentations respecting, *inter alia*, the Electra’s HVAC system, while Ms. Cho’s **same-day** investigation, across the street, respecting unit 2007’s ‘enclosed balcony’ listed multiple units of the defendant corporation, apparently aimed at concealing the very issues I was arguing, **against** an ownership vote ...⁵

“... the **public [health] interests** of occupiers, not just the owners, are at issue. Concurrently, at issue is Residential owners ought not be charged ‘sewage’ fees, calculated by the City of Vancouver as 85% of water use, in circumstances where new evidence indicates, that most of that water use, in the first instance, is to cool a computer server farm in the Electra’s sub-basement. **Reuse** of said water carrying “thermal pollution”,⁸ has also caused wear and tear due to the interaction of water and steam, ravaging the building’s HVAC/plumbing/mechanical systems. While, by my analysis, water [**reuse**]⁹ accounts for some of the requisite water needed for computer servers, it is mostly done through **reduced performance of Residential HVAC units**, with the balance apparently obviated by disconnecting heat exchangers for Commercial floors, again done **without** ownership approval or disclosure¹⁰ (this relates to **high Residential ‘steam’ costs**, as water is boiled in cooling the server farm). My experience also includes uncalled-for **scolding tap water**, related to 2022-2023 alterations to quadrants within this Heritage Class “A” tower. The Electra’s cooling tower permit was also **thrice** suspended due to high *Legionella* counts.⁷

15. Having cited “whether the matter relates to a systemic problem rather than to an isolated situation” at para 21 of her reasons, as a basis for engaging “public interest”; she clearly treats the severed disclosures as pertaining to an isolated incident, which is a **palpable and overriding error of fact**. Thus, her claim at para 22 that “s. 25(1)(b) does not apply and there is no objectively material public importance to the disclosure of the records” is an **error of mixed fact and law**.

16. Further, the Petitioner identified that “public [strata] interest, which militates in favor of **immediate, proactive disclosure**” at page 4 of the April 5, 2023, letter, *again* referring to *his* “**uninhabitable**” home, and his especial vulnerability to mold toxins. Although –guided by BCIPC precedents— his submissions on public interest were *case-specific* to the Electra, the emergent issues are hardly unique to the Petitioner. Recent protestations include, but are not limited to:

- I. Vancouver data centre approval(s) raising alarms with citizens in recent days,^{6, 7}
- II. “Vancouver City Council punts decision on Telus-Westbank AI data centre proposal in Mount Pleasant until after election”⁸
- III. Nanaimo residents expressing concern about data centre approval, the ensuing noise, and excess demand for that city’s water,⁹
- IV. BC Green leader Emily Lowan calling for a moratorium on data centres on May 15, 2026,¹⁰ and
- V. The [Erin] Brockovich AI Data Centre Reporting (Initiative), which as of this filing date, has listed 9,030 community reports in the U.S.¹¹; and which includes articles such as “Data Centre Controversy Unseats Powerful Utah Lawmaker”.¹²

17. Significantly, most of the units in the [defendant] Strata Corp. (“The Electra”) are not inhabited by their owners; and the available evidence is **contrary to an informed consensus ad item on the data centre**, and the illegal, unapproved mechanical basement/penthouse alterations related thereto. Per the Petitioner’s submissions, the health and safety of the Electra occupiers, is a public interest, where rent exceeds the owners’ valuation in comparison to living at the Electra. Ergo, Barker Adj. Dir.’s ‘finding’ (at para 25) that “the information in dispute is not about a matter that engages the public interest” and that disclosure is not “clearly in the public interest” are **erroneous**.

18. In *addition* to the information Barker Adj. Dir. correctly found the City should disclose to the Petitioner, of those listed *at para 31* of her reasons, the following remain at issue:

1. The “Resident’s” name and contact information— whereas the subject Notice/Order cited multiple Commercial addresses at the Electra— would assist as the Resident is a witness;
2. “a photograph of the interior of the Resident’s suite” would probably assist an independent investigation by a mechanical/HVAC/plumbing expert on water damage and **CDWI**;
3. “The details of the Resident’s life” shared with the inspector may well speak to the **concealment** of further illegal alterations; given the City’s reference to an ‘**enclosed balcony**’, and its corresponding timeline with Suspended Stages, to fix perjury on ‘two’/ “multiple cooling” towers on the Electra’s roof; and
4. “[T]he location of another suite which was responsible for flooding in the Resident’s suite”, is a report to the City, so those details –including who alleged, and who, if any, took responsibility— are **in dispute**.

⁶ <https://www.facebook.com/reel/1564920245262397>

⁷ <https://www.facebook.com/reel/1054740433894026>

⁸ <https://dailyhive.com/vancouver/m3-mount-pleasant-vancouver-telus-westbank-ai-data-centre-decision-deferred>

⁹ <https://thediscourse.ca/nanaimo/residents-concerned-about-nanaimo-data-centre>

¹⁰ <https://bcgreens.ca/emily-lowan-supports-opposition-to-nanaimo-data-centre-continues-calls-for-moratorium-at-press-conference/>

¹¹ <https://www.brockovichdatacenter.com/>

¹² <https://thehill.com/homenews/campaign/5939668-utah-data-center-voter-backlash/>

19. It warrants pausing to note the City –which submitted (at para 3 of page 1 on March 3, 2026) that “the OIPC is not merely a neutral adjudicator in this matter”, is **not itself neutral**. The Electra’s data centre, given its central location, serves as a “last mile” relay node in facilitating *other* data centre operations. In any event, at issue is not just its illegality, but its unsafe implementation. The **indiscernible** “Development Corp.”, listed on the DP-215532 is listed as “20th Fl[oo]r” of 970 Burrard St.; but *post*-stratification, the 20th floor is Residential; further, said permit is dated **1994** (further ‘unsevered’ City disclosures, pg. 8/36). The City ought to have known (and were well advised) that the ‘enclosed balcony’ alterations were *not just* without permit, but that reliance on this expired permit was [to further] an act of **concealment**. Tort of negligent investigation is at issue; and may engage with the City, in this respect.

20. Barker Adj. Dir.’s ‘finding’ about the “**flooding** in the Resident’s suite” (at para 32) is misinformed like her **misapprehension** that the Petitioner was a ‘resident’ at the time of her ‘review’, given the information that this was related to co-owners of unit 2007, undertaking illegal alterations. She supplants her theory of causation for the Petitioner’s, without full information, in error. This misapprehension compounded at para 33, when she avers to “the location of the suite that was responsible for flood damage”, where this **symptom** casually switches from “suite” to an “individual” she *thinks* lives in the same building as the Petitioner. The Petitioner has repeatedly heard reports from penthouse owners (amongst others) of fire sprinklers going off over his many years of living there *previously*, of which the Vancouver Fire Department has hundreds of records (referred to in the Petitioner’s Affidavits). **The majority of these did not involve a fire however;**¹³ but the building’s depreciation report *does* recommend testing its fire sprinkler system for **hot water**¹⁴ (boiled in cooling the illegal data centre in the Electra’s sub-basement). There’s no suggestion that the City investigators of unit 2007 took VFD reports, *nor* the Electra’s depreciation reports, into account. Ergo, like the City apparently has to date, Barker Adj. Dir. **palpably errs** at para 50 in claiming: “There is nothing in the Petitioner’s submission or the records that suggests the personal information at issue would provide the public with anything of value in terms of scrutinizing how the City operates.” Whereas the explanation of why the severed disclosure may assist and/or “would promote public health, safety or the protection of the environment” was overlooked, not absent; she also **errs** in that respect at para 51.

21. Barker Adj. Dir. lays out the four-prong test for application of §22(2)(c) of FIPPA at para 52, which is **applicable to this Petitioner**. Whereas the trial judge (a) dismissed the Petitioner’s petition remediation, (b) simply ignored the bylaw reform aspect of his claim, and (c) refused to hear the reconsideration application which, *inter alia*, referred to (a), *supra*; the Petitioner referred

¹³ Petitioner’s 26th Affidavit in V-S-175641, filed and served March 18, 2024, para 68; cited at the outset of pg. 10/28 of Exhibit “A” of his 30th Affidavit therein: his Notice of Application filed and served September 16, 2026

¹⁴ Petitioner’s 28th Affidavit in V-S-175641, filed and served September 9, 2024, para 18 and **Exhibit “17”**: RDH’s Second Depreciation Report, Appendix B, pg. 23 of 32, “**Fire 08**” (pg. 271); Appendix H, pg. 9 of 12, “**Fire 08**”, including “J02: Test **extra high temperature** on **sprinkler** heads” and “R01: **Replace all heads**, or submit representative sample of heads for testing by recognized testing agency at the 50th anniversary, to the satisfaction of the authority having jurisdiction, in accordance with NFPA 25.” (**pg. 325**)

to his “appeal” in his OIPC submissions.¹⁵ She makes the following **palpable and overriding errors of fact** at paragraph 53¹⁶ of her reasons, which will be dealt with under Legal Basis (below):

“The applicant’s submission refers to his lawsuits [plural] and given what he says about them, I understand they ended unsuccessfully for him. He does not explain how the personal information at issue in this inquiry would have any bearing on, or is necessary to prepare for, a proceeding that is underway or contemplated.” [emphases added.]

22. Suffice it to say here that; although **no hearings have been held to date** respective of Civil Action No. V-S-529321, its proposed amended paragraph 45(a)-(r)¹⁷ refer to relevant evidence the Petitioner adduced or attempted to adduce. Further, an application for spoliated forensic evidence averred to on August 6, 2026, will be brought as early as possible; whether or not this Honourable Court orders unsevered disclosures on this judicial review, *nisi prius*. Ergo, even as the Petitioner is facing compounding errors, a preservation order is just, including for to reactive his appeal(s).

Part 3: LEGAL BASIS

1. First, per Fraser, Peter, John W. Horn, and Susan A. Griffin. *The Conduct of Civil Litigation in British Columbia*. 2nd ed., 2 vols., LexisNexis, 2007–. Loose-leaf; updated August 2025:

“§37.11 DISCOVERY OF FRESH EVIDENCE

Before a final order has been entered, a court has jurisdiction to re-open a trial in order to allow a party to tender fresh evidence. Once a final order is entered, the court is normally *functus officio* [].

Upon an appeal being taken from an order, an application may be made to the Court of Appeal to hear fresh evidence [].

Whether or not the order has been affirmed on appeal, a new action (but perhaps not an application) may be brought to set aside an entered order on the grounds that fresh evidence has been discovered since the hearing. In such case, the litigant must show that some equitable principle is applicable, such as fraud, collusion, or undue influence. New evidence alone is not enough to justify setting aside an entered judgment.

It seems the judge hearing such an action may not only set aside the judgment in the original action but may hear the new trial, though normally it is better that the matter be referred back to the judge who heard the original trial. ...” [Emphases added; footnotes omitted.]

2. Given the adjudicator’s twin errors in assuming (a) the Petitioner was fully barred from due process (reflecting only on his experience), and (b) assuming that the severed disclosures were related to an isolated incident; the Petitioner relies on *The Owners, Strata Plan VR 1120 v. Civil Resolution Tribunal* 2022 BCCA 189, including at para 53-55, on whether this Court should remit or decide this matter. If this Court leans toward deciding the issue, it must level the playing field by allowing fresh evidence to balance spoliated evidence, including as averred to by CEP Forensic on August 6, 2026; which came after Order No. F26-47: SS&C Technologies Canada Corp. v Bank

¹⁵ Petitioner’s submissions to OIPC dated April 1, 2026, pg. 1, item 7; citing footnote 1, *supra*; also provided a cloud-share link to said submissions filed in the Court of Appeal.

¹⁶ The Petitioner strongly disputes footnote 34 of Adj. Dir. Barker’s reasons in its finding of ‘fact’, for certainty.

¹⁷

of *New York Mellon Corp.* 2026 SCC 29 (“SS&C”), at para 1, 5-6, 9, 12, 62, 135-139, 143-146, and 156. In that case, this Court should also exercise its discretion to admit the balance of fresh evidence, which were accessible to the OIPC, but ignored.

3. In the alternative, even if this Court was unconvinced of spoliation having occurred during this review, (which would be circular, given that Adj. Dir. Barker proceeded on a false economy, and wholly misconstrued the context leading to Order No. F26-47); this Court is not *functus*, whereas the Petitioner submits he was subject to all three circumstances articulated in *R. v. Sullivan* 2022 SCC 19, at para [73-]75 to varying degrees (the first being true even of many *previous* appellate decisions, as the Petitioner’s on-hold appellate submissions assiduously elucidated):

- “1. The rationale of an earlier decision has been undermined by subsequent appellate decisions;
2. The earlier decision was reached *per incuriam* (“through carelessness” or “by inadvertence”); or
3. The earlier decision was not fully considered, e.g. taken in exigent circumstances.”¹⁸

4. It behooves the Petitioner to remind this Court that misrepresentation and concealment do not make good law, and a *nisi prius* judgment ought not be rendered in a vacuum. Given that the Supreme Court of Canada hearing in *H.N. v. Board of Education of School District No. 61 (Greater Victoria), et al*, SCC No. 41910, is pending; the Petitioner may also rely on its counterpart, *Democracy Watch v. Canada (Attorney General)* 2026 SCC 28, for completeness; and in support of his right to judicial review *generally*.

5. In the interest of time and brevity, the Petitioner further relies on precedents filed in support of his previous Court submissions (with a table of authorities to be filed in support of this Petition), and in support of his submissions to the OIPC, including as found in items 4-8 of Part 4, *infra*.

Part 4: MATERIAL TO BE RELIED ON

1. OIPC Order No. F26-47
2. Videos of the Petitioner’s walk-through of the Electra’s mechanical room - basement
3. City of Vancouver *FIPPA* Responses, including as dated April 11, 2024,
4. Petitioner’s letter to the OIPC dated May 11, 2024,
5. Petitioner’s letter and enclosures dated November 28, 2024, addressed to counsel for Strata Plan LMS 1866, with Ms. Sara Balouchi of the OIPC and other respondents copied thereon
6. Petitioner’s letter dated January 28, 2025, in response to the letter of Ms. Sara Balouchi of the OIPC dated January 8, 2025, (with the caveat that he was not aware of the City’s sewage calculation method at that time) and his follow-up email correspondence with [Ms. Balouchi of] the OIPC on January 29-31, 2025, inclusive,

¹⁸ Factum of the intervenor Public Interest Litigation Institute, in *H.N. v. Board of Education of School District No. 61 (Greater Victoria), et al*, SCC No. 41910, pg.

7. Petitioner's letter *and* enclosures to the City of Vancouver and the OIPC dated April 3, 2025, *with* the link to videos of my walk-through of the Electra's common property, etc. (footnote 8),⁴
8. Petitioner's correspondence to Mr. James Gartshore of the OIPC, dated July 30, 2024, with respect to 'mediation' of this matter,
9. Petitioner's 1st Affidavit in Response to Petition No. VLC-SS-254490, made Oct 8, 2025, including its Exhibit "20" (pp 110-240): Petitioner's written submissions on the related appeal, filed August 7, 2025,
10. Petitioner's 2nd Affidavit in Response to Petition No. VLC-SS-254490, made March 25, 2026, including its Exhibit "2": Petitioner's proposed (free) amended pleadings in V-S-529321
11. Affidavit #1 of Mehdi Alaei Tafti, made Nov 20, 2017, in V-S-175641
12. Affidavit #2 of Mehdi Alaei Tafti, made December 1, 2017, in V-S-175641
13. Affidavit #3 of Mehdi Alaei Tafti, made April 24, 2018, in V-S-175641
14. Affidavit #4 of Mehdi Alaei Tafti, made April 30, 2019, in V-S-175641
15. Affidavit #5 of Mehdi Alaei Tafti, made May 9, 2019, in V-S-175641
16. Affidavit #6 of Mehdi Alaei Tafti, made June 5, 2019, in V-S-175641
17. Affidavit #7 of Mehdi Alaei Tafti, made October 7, 2019, in V-S-175641
18. Affidavit #8 of Mehdi Alaei Tafti, made February 3, 2020, in V-S-175641
19. Affidavit #9 of Mehdi Alaei Tafti, made February 12, 2020, in V-S-175641
20. Affidavit #10 of Mehdi Alaei Tafti, made February 21, 2020, in V-S-175641
21. Affidavit #11 of Mehdi Alaei Tafti, made October 1, 2021, in V-S-175641
22. Affidavit #12 of Mehdi Alaei Tafti, made November 18, 2021, in V-S-175641
23. Affidavit #13 of Mehdi Alaei Tafti, made February 21, 2022, in V-S-175641
24. Affidavit #14 of Mehdi Alaei Tafti, made November 18, 2022, in V-S-175641
25. Affidavit #15 of Mehdi Alaei Tafti, made December 7, 2022, in V-S-175641
26. Affidavit #16 of Mehdi Alaei Tafti, made January 6, 2023, in V-S-175641
27. Affidavit #17 of Mehdi Alaei Tafti, made March 20, 2023, in V-S-175641
28. Affidavit #18 of Mehdi Alaei Tafti, made April 4, 2023, in V-S-175641
29. Affidavit #19 of Mehdi Alaei Tafti, made May 2, 2023, in V-S-175641
30. Affidavit #20 of Mehdi Alaei Tafti, made May 9, 2023, in V-S-175641
31. Affidavit #21 of Mehdi Alaei Tafti, made May 17, 2023, in V-S-175641
32. Affidavit #22 of Mehdi Alaei Tafti, made May 31, 2023, in V-S-175641
33. Affidavit #23 of Mehdi Alaei Tafti, made June 9, 2023, in V-S-175641
34. Affidavit #24 of Mehdi Alaei Tafti, made August 29, 2023, in V-S-175641
35. Affidavit #26 of Mehdi Alaei Tafti, made March 18, 2024, in V-S-175641
36. Affidavit #27 of Mehdi Alaei Tafti, made September 6, 2024, in V-S-175641
37. Affidavit #28 of Mehdi Alaei Tafti, made September 9, 2024, in V-S-175641
38. Affidavit #29 of Mehdi Alaei Tafti, made October 1, 2014, in V-S-175641
39. Affidavit #30 of Mehdi Alaei Tafti, made November 7, 2024, in V-S-175641
40. Affidavit #31 of Mehdi Alaei Tafti, made November 29, 2024, in V-S-175641
41. Affidavit #32 of Mehdi Alaei Tafti, made February 3, 2025, in V-S-175641
42. Affidavit #33 of Mehdi Alaei Tafti, made April 3, 2025, in V-S-175641
43. Affidavit #34 of Mehdi Alaei Tafti, made April 24, 2025, in V-S-175641
44. Affidavit #35 of Mehdi Alaei Tafti, made May 21, 2025, in V-S-175641
45. Affidavit #36 of Mehdi Alaei Tafti, made November 21, 2025, in V-S-175641
46. Affidavit #1 of Mehdi Alaei Tafti, to be made August 21, 2026, in this Petition; to include material/links referred to here; which were not included in the previous Affidavits.
47. Factum of the intervenor Public Interest Litigation Institute, in *H.N. v. Board of Education of School District No. 61 (Greater Victoria), et al*, SCC No. 41910

48. Such other documents and/or evidence, including Exhibits at trial, as may be required, subject to the defendants' response, and/or further Order(s) of this Honourable Court.

Date: August 17, 2026

Signature of ☒ petitioner ☐ lawyer for
petitioner(s)
Mehdi Alaei Tafti

To be completed by the court only:

Order made

☐ in the terms requested in paragraphs of Part 1 of this petition

☐ with the following variations and additional terms:

.....
.....
.....

Date:[date].....

Signature of ☐ Judge ☐ Associate Judge