



## **Investigator's Fact Report**

**In the Matter of a Request for Review between**

**Kirkness Pacific Holdings Ltd. ("third party")  
and  
the City of Chilliwack ("public body")**

**Written Inquiry under  
the *Freedom of Information and Protection of Privacy Act* ("FIPPA")  
Office of the Information and Privacy Commissioner**

- 1) On March 6, 2015, the applicant asked the public body for information relating to the removal and deposit of soil substances by a third party, and specifically Schedules A through E of the applicable Bylaw, as completed by the third party for the years 2011 and 2012.
- 2) On March 29, 2015, the public body gave the third party notice of the access request in accordance with s. 23 of FIPPA, and invited it to make representations on whether the requested information is exempted from disclosure. On April 10, 2015, the third party objected to disclosure on the basis that it would be harmful to its business interests under s. 21 of FIPPA.
- 3) Despite the third party's objection, the public body decided to disclose the information to the applicant. The third party requested a review of that decision on June 2, 2015.
- 4) Mediation failed to settle the matter, and the third party requested that it proceed to inquiry.
- 5) The Investigator's draft Fact Report was issued to the third party and the public body on October 21, 2016.
- 6) The applicant who originally requested the information will be invited to make submissions at the inquiry. He has consented to having his identity and contact information shared with the third party for the purpose of exchanging submissions.
- 7) At the inquiry, the Adjudicator will consider whether the public body is required to refuse to disclose the information at issue under s. 21 of FIPPA.
- 8) The information at issue is found on various copies of the Schedules to the Bylaw, as completed by the third party.

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Office of the Information and Privacy Commissioner

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