

Date: November 14, 2025

File No: 0580-20-2025-13

Via email to: [REDACTED]

Dear Gary Webster:

**Subject: Request for Access to Records Under the *Freedom of Information and Protection of Privacy Act* (the Act)**

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I am writing regarding your request sent October 10, 2025 for access to the following records from between January 1, 2023 and October 10, 2025:

1. All contracts, purchase orders, and change orders related to the Dike Design / Deployable Flood Barrier project.
2. All bids, proposals, or sole-source justifications for work awarded to Thurber Engineering or any other firm specific to the dike upgrade project.
3. All emails, memos, or briefing notes between Village staff, consultants, and Council relating to “seepage mitigation,” including testing results, risk assessments, or cost estimates.
4. Any internal cost-benefit analysis or feasibility studies comparing “deployable barrier” vs “permanent wall” or other mitigation options.
5. Copies of all project funding applications, grant agreements, and correspondence with provincial/federal agencies regarding this project.

**Timeline of Request and Correspondence**

On October 10, 2025 I responded advising that the \$10 application fee must be paid pursuant to section 75(1)(a) of the Act before the request could be processed. On October 15, 2025, the Village received payment of the application fee, thereby commencing the timeframe to respond under section 7(4)(d) of the Act.

On October 17, 2025 I provided a fee estimate in the amount of \$210.00 and requested a deposit of \$105.00 to proceed with the request. Pursuant to section 7(4) of the Act, the timeframe to respond is suspended until the matter of the fee estimate is addressed. On October 17, 2025, you requested a fee waiver pursuant to section 75(5)(b) of the Act which states:

- 75(5) If the head of a public body receives an applicant's written request to excuse payment of all or part of the fees required under subsection (1) (b), the head of the public body may excuse payment, if, in the head of the public body's opinion,
- (b) the record relates to a matter of public interest, including the environment or public health or safety.

On October 22, 2025, I advised that section 75(6) of the Act allows the public body 20 days to respond to a request to waive fees and that you could expect a response by no later than November 17, 2025. I also advised that narrowing the scope of the request, particularly item 5, could help reduce the time spent and therefore the fees. You responded on October 22, 2025 advising that item 5 can be amended to read:

*“Copies of all project funding applications, grant agreements, and correspondence with provincial and/or federal agencies that specifically relate to the dike upgrade project, seepage mitigation, or deployable barrier design and funding.”*

It is the Village’s position that this amended wording clarifies but does not narrow the scope of item 5 as previously requested. Additionally, on November 6, 2025, I advised that there are three grant applications starting in 2021 associated with the dike upgrade project and suggested expanding the timeframe to ensure those records are captured. Expanding the timeframe requires more time to search and produce records.

To confirm, the final wording of item 5 is as follows:

*“Copies of all project funding applications, grant agreements, and correspondence with provincial and/or federal agencies that specifically relate to the dike upgrade project, seepage mitigation, or deployable barrier design and funding from January 1, 2021 to October 10, 2025.”*

### **Public Interest Fee Waiver Request**

Assessing a fee waiver request under section 75(5)(b) of FOIPPA is a two-part process. The first requires that I consider the following to determine whether the records relate to a matter of public interest:

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

I have reviewed the above factors in relation to the documents you have requested and have determined that most of the items requested meet the threshold for public interest, while some do not.

The second part of the process is to determine whether the fees should be waived. To do so, I must consider:

1. Is the applicant's primary purpose for making the request to use or disseminate the information in a way that can reasonably be expected to benefit the public or is the primary purpose to serve a private interest?
2. Is the applicant able to disseminate the information to the public?

In your email to me dated October 17, 2025 you indicate: *"Regarding the fee estimate: I am formally requesting that the fee be waived under the public interest provisions of the Freedom of Information and Protection of Privacy Act. The dike upgrade project directly affects public safety, environmental protection, and emergency preparedness for the entire community. It is clearly a matter of public interest, not a private one, and the disclosure of this information benefits the broader public."*

Despite the fact that some records do not meet the threshold required for a public interest fee waiver, I have made a determination to waive the fees in full. This determination has been made in the interest of resolving the fee waiver request in a timely manner to the benefit of both the Village and you as the applicant, and to eliminate the need for further discussion regarding a nominal fee for searching and producing records.

#### **Response Date**

Section 7(4)(a) of the Act states that the 30 business day timeframe to respond resumes upon the head of the public body excusing the applicant from paying all fees for the services. Accordingly, and based on the above-noted timeline, we will respond by no later than December 29, 2025. We will make every effort to make the records available to you sooner if possible.

Please contact me at 604-796-2171 or [REDACTED] if you have any questions

Sincerely,



Amanda Graham  
FOIPP Coordinator/Corporate Officer