

FILE NO. - 94/002

**REPORT WITH RESPECT TO THE APPLICATION FOR REVIEW  
OF [REDACTED] WITH RESPECT TO INFORMATION REQUESTED  
FROM SASKATCHEWAN PROPERTY MANAGEMENT CORPORATION**

[REDACTED], the Applicant herein, made a request to Saskatchewan Property Management Corporation ("SPMC") for "... the amount of money the Saskatchewan Archives Board pays in annual lease fees for its office space on Hillsdale."

By letter dated February 8, 1994, SPMC advised the Applicant that her request was refused:

"This information cannot be released because:

- (a) It is information, the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of the Saskatchewan Property Management Corporation (SPMC);
- (b) It is information, the disclosure of which could reasonably be expected to prejudice the economic interest of the Government of Saskatchewan or SPMC;
- (c) It is information, the disclosure of which could reasonably be expected to result in financial loss or gain to a third party, prejudice the competitive position of a third party, or interfere with the contractual negotiations of a third party

Information of this nature is exempt from access according to subsections 18(1)(d), 18(1)(f) and 19(1)(c).

Having received the Request for Review, I advised SPMC that I intended to proceed with a review and requested that they give notice of this review to the landlord in accordance with Section 51(1) of *The Freedom of Information and Protection of Privacy Act* (the "Act"). Subsequently, I received submissions from the landlord and further submissions from SPMC. In addition, submissions were received from Greystone Capital Management Inc. on behalf of the mortgagee of the building in question known as the Parkway Office Building located at 3303 Hillsdale Street in Regina. The arguments which have been advanced in the course of this review are substantially the same as those which I considered in an earlier report with respect to [REDACTED] and the Saskatchewan Liquor Board (No. 92/009). Rather than repeat what I said then, I am attaching hereto, for the information of the parties, a copy of that Report.

I am quite unable to understand how it can be asserted by SPMC that they will be harmed in some vague fashion, presumably by having to pay higher rents, when at the same time they support the position of the landlord who suggests that the landlord will be harmed because disclosure of rents will allegedly result in lower rents being paid. It would appear to me that neither party can assert harm if market forces produce a higher or lower rent from time to time, and that the public interest is best served by an open market in which fully informed parties reach a fair and reasonable agreement.

It has been brought to my attention that since 1976, the policy of SPMC has been not to disclose rents with respect to specific leases. Having reviewed the materials

submitted to me, I have great difficulty in finding any rational basis for such a policy. In any event, no government institution can maintain such a policy in the face of the express provisions of the Act which requires disclosure except with respect to information or records which come within some specific exception in the Act.

As a result of my review, I have concluded that:

- (a) there is no explicit agreement between the parties that the rent specified in the lease in question was to be held confidential;
- (b) the relationship between the parties does not give rise to an implied promise of confidentiality;
- (c) the disclosure of the rent will not give rise to a reasonable expectation of harm to either the landlord or to SPMC.

Accordingly, it is my recommendation that the information requested by the Applicant be provided to her.

Dated at Regina, Saskatchewan this 14th day of November, 1994.

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**Derril G. McLeod, Q.C.,  
Commissioner of Information and  
Privacy for Saskatchewan**