Office of the Saskatchewan Information and Privacy Commissioner

REVIEW REPORT 206-2025

Financial and Consumer Affairs Authority of Saskatchewan

September 22, 2026

Summary: The Applicant submitted an access to information request under *The Freedom of Information and Protection of Privacy Act* (*FOIP*) to the Financial Consumer Affairs Authority of Saskatchewan (FCAA). FCAA responded to the Applicant by providing some records but refusing access to others pursuant to the following sections of *FOIP*:

- 15(1)(b)(i) (injurious to the enforcement of an Act or a regulation);
- 15(1)(c) (disclose information with respect to a lawful investigation);
- 15(1)(k) (disclose information respecting a law enforcement matter);
- 17(1)(a) (advice, proposals, recommendations, analyses, or policy options developed by or for a government institution);
- 17(b)(i) (consultations or deliberations involving employees of a government institution);
- 22(a) (solicitor-client privilege);
- 22(b) (prepared by or for legal counsel for a government institution);
- 22(c) (correspondence between legal counsel for a government institution and any other person); and
- 29(1) (third party personal information) of *FOIP*.

FCAA also relied upon the confidentiality provision in section 85 of *The Real Estate Act* as another reason for refusing the Applicant access to some records.

The Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).

Part I: FCAA requested that the Commissioner discontinue the review on the grounds that the Applicant's request for review was vexatious and not made in good faith pursuant to section 50(2) (the Commissioner may discontinue a review) of *FOIP*.

The Commissioner found that FCAA had not demonstrated that the Applicant's request for review was frivolous or vexatious or not made in good faith.

Part II: The Commissioner made the following findings:

(1) FCAA properly claimed section 23(3) of *FOIP* and section 12(i) of *The Freedom of Information and Protection of Privacy Regulations* to the records set out in the Schedule of Section 85 Records;

(2) FCAA established a *prima facie* claim of solicitor-client privilege and justified the application of section 22(a) of *FOIP* to the records noted in Appendices B, C and D of this Report;

(3) FCAA properly applied section 15(1)(c) of *FOIP*;

(4) The records identified as non-responsive to the access request are indeed non-responsive;

(5) FCAA properly invoked section 12(1)(a)(i) of *FOIP*; and

(6) FCAA completed a reasonable search for records.

The Commissioner recommended that:

(1) FCAA release to the Applicant the 16 records in the *Schedule of Privileged Records I* that were included in the schedule for "transparency and record integrity purposes" but over which it is not claiming solicitor-client privilege;

(2) FCAA continue to manage the 42 records set out in the *Schedule of Section 85 Records I* and the 4 records set out in *Schedule of Section 85 Records II* in accordance with section 85 of *The Real Estate Act*;

(3) FCAA continue to refuse access to the records noted in the tables at Appendices B, C and D of this Report pursuant to section 22(a) of *FOIP*;

(4) FCAA continue to refuse access to records pursuant to section 15(1)(c) of *FOIP*;

(5) FCAA continue to withhold the non-responsive records; and

(6) FCAA take no further action regarding search.

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I BACKGROUND

[1] In 2024, the Applicant submitted a conflict of interest complaint to the Financial and Consumer Affairs Authority of Saskatchewan (FCAA). The individual that is at the centre of the Applicant's conflict of interest complaint is alleged to be an employee of the Saskatchewan Real Estate Commission (SREC) at the material time.

[2] On June 13, 2025, the Applicant submitted an access to information request to the FCAA for records related to the conflict of interest allegation. The Applicant's access to information request was for information about the alleged employee and we reproduce the entire request in Appendix A to this Report.[1]

[3] In a letter dated July 11, 2025, FCAA advised the Applicant that it was extending the 30-day response period by an additional 30 days pursuant to section 12(1)(a)(i) of *The Freedom of Information and Protection of Privacy Act* (*FOIP*).[2]

[4] In a letter dated August 13, 2025, FCAA informed the Applicant that it was providing the Applicant access to some of the records. However, some of the information in the records had been redacted, in part or in full, pursuant to sections 15(1)(b)(i), (c), (k), 17(1)(a), (b)(i), 22(a), (b), (c) and 29(1) of *FOIP*. FCAA also noted some of the information was withheld pursuant to the confidentiality provision in section 85(1) of *The Real Estate Act*.[3]

[5] On August 14, 2025, the Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).

[6] On February 3, 2026, OIPC notified FCAA and the Applicant that a review would commence. OIPC invited both FCAA and the Applicant to provide submissions.

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[1] Redactions to the replicated access request are applied by OIPC to protect the identities of the Applicant and others referred to in the access request.

[2] *The Freedom of Information and Protection of Privacy Act*, S.S. 1990-91, c F-22.01, as amended.

[3] *The Real Estate Act*, S.S. 1995 c. R-1.3, as amended.

[7] On February 4, 2026, the Applicant provided a submission to OIPC, to which the Applicant appended further materials on May 25, 2026, and June 11, 2026.

[8] On May 5, 2026, FCAA provided OIPC with some of the records at issue (as detailed in the Records at Issue section of this Report).

[9] On May 20, 2026, FCAA provided a submission to OIPC. FCAA did not provide OIPC permission to share its submission with the Applicant. Paragraphs 19 to 24 of the FCAA submission was a request that the Commissioner exercise their discretion to discontinue the review on the grounds that the application was vexatious and not made in good faith.

[10] On June 12, 2026, FCAA provided OIPC with consent to share paragraphs 19 to 24 of its submission, the discontinuance argument, with the Applicant.

[11] On June 12, 2026, the Applicant provided a response to the FCAA request for a discontinuance. On July 6, 2026, the Applicant supplied further materials on the discontinuance issue.

[12] On July 30, 2026, FCAA provided OIPC with the following:

1. *Schedule of Privileged Records I*
2. *Schedule of Privileged Records II*
3. *Schedule of Section 85 Records I*
4. Letter of Context – Section 85 of *The Real Estate Act* Records
5. Letter of Context Solicitor Client Records

[13] On August 4, 2026, FCAA provided OIPC with an affidavit respecting the records to which it was claiming solicitor-client privilege.

[14] On August 5, 2026, FCAA provided an affidavit respecting the records to which it claimed the confidentiality provision found in section 85 of *The Real Estate Act*. In this affidavit the FCAA submitted that *The Real Estate Act* prevails over the provisions of *FOIP*

pursuant to section 23(3)(m) of *FOIP* and section 12(i) of *The Freedom of Information and Protection of Privacy Regulations*[4] (*FOIP Regulations*).

[15] On August 19, 2026, FCAA provided an Index of Records. It also provided additional records to which it had applied section 15 of *FOIP*.

[16] On August 20, 2026, FCAA provided:

- *Schedule of Privileged Records III* with a supplementary affidavit respecting records to which it claimed solicitor-client privilege.
- *Schedule of Section 85 Records II* with a supplementary affidavit respecting records to which it claims the confidentiality provision in section 85 of *The Real Estate Act*.

[17] On August 24, 2026, FCAA provided OIPC with an index of non-responsive records.

II RECORDS AT ISSUE

[18] There are 32 records to which FCAA refused the Applicant full access pursuant to the discretionary exemption in section 15(1)(b)(i), (c) and (k) of *FOIP*. The 32 records, which total 68 pages, were listed as follows:

- Record 274;
- Record 275;
- Record 325;
- Record 326;
- Record 328;
- Record 332;
- Record 333;
- Record 334;
- The sole attachment to Record 334;
- Record 342;
- Record 343;
- Record 344;
- Record 345;

[4] *The Freedom of Information and Protection of Privacy Regulations*, RRS c F-22.01 Reg 1, as amended.

- Record 346;
- Record 347;
- Record 348;
- Record 352;
- Record 353;
- Record 354;
- Record 355;
- Record 356;
- Record 357;
- Record 358;
- Record 359;
- Record 360;
- Record 361;
- Record 362;
- Attachment (b) to Record 363 [5]
- Record 364;
- Record 453; [6]
- Record 454; [7] and
- Record 534.

[19] The *Schedule of Privileged Records I* lists 339 records (1,297 pages). FCAA applied sections 17(1)(a), 22(a), (b) and (c) of *FOIP* to 324 of the 339 records listed in the *Schedule of Privileged Records I* and withheld these records in full. FCAA included 16 records in the *Schedule of Privileged Records I* for what it termed: "transparency and record integrity purposes". OIPC received no information whether these records had been previously disclosed to the Applicant and since FCAA failed to claim an exemption to these 16 documents, our first recommendation is that they be disclosed in their entirety to the Applicant within 30 days of the issuance of this Report.

[20] *Schedule of Privileged Records II* lists 73 records (277 pages) to which FCAA applied sections 15(1)(b)(i), (c), (k), 17(1)(b)(i), 22(a), (b) and (c) of *FOIP* and withheld these records in full.

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[5] Attachment (a) to Record 363 was released to the Applicant.

[6] Portions of this record were redacted as "non-responsive". These portions are addressed in Part II – Item #4 of this Review Report.

[7] *Ibid.*

[21] *Schedule of Privileged Records III* lists 21 records (74 pages) to which FCAA applied sections 15(1)(b)(i), (c), (k), 17(1)(b)(i), 22(a), (b) and (c) of *FOIP* and withheld these records in full.

[22] *Schedule of Section 85 Records I* lists 42 records (202 pages) that were withheld in full pursuant to the confidentiality provision in section 85 of *The Real Estate Act*.

[23] *Schedule of Section 85 Records II* lists 4 records (11 pages) that were withheld in full pursuant to the confidentiality provision found in section 85 of *The Real Estate Act*.

[24] Finally, FCAA further identified 105 records and attachments (380 pages) that were withheld in full as non-responsive:

- Record 73;
- Record 74;
- Record 75;
- Record 371;
- Record 372;
- Record 378 and attachments (a) and (b);
- Record 383 and attachments (a) and (b);
- Record 386 and attachments (a) to (c) inclusive;
- Record 387;
- Record 405;
- Record 406;
- Record 407;
- Record 408 and attachments (a) to (f) inclusive;
- Record 409 and attachments (a) to (f) inclusive;
- Record 410 and attachments (a) to (v) inclusive;
- Record 411 and attachments (a) and (b);
- Record 412 and attachments (a) to (f) inclusive;
- Record 437;
- Record 441;
- Record 443 and attachments (a) and (b);
- Record 444;
- Record 446;
- Record 447;
- Record 448;
- Record 449;
- Record 450;

- Record 452;
- Record 460;
- Record 461;
- Record 462;
- Record 463;
- Record 464 and attachments (a) and (b);
- Record 465;
- Record 466;
- Record 467;
- Record 468;
- Record 490;
- Record 491;
- Record 497;
- Record 498;
- Record 499;
- Record 500;
- Record 501;
- Record 502;
- Record 503;
- Record 504;
- Record 505;
- Record 506;
- Record 509;
- Record 513;
- Record 514; and
- Record 515.

[25] FCAA also identified that portions of two records that had previously been withheld pursuant to sections 15(1)(b)(i), (c) and (k) of *FOIP*, were now categorized as being non-responsive and therefore withheld.[8]

[8] See Record 453 and Record 454 in paragraph [18] of this Report.

III DISCUSSION OF THE ISSUES

Jurisdiction

[26] FCAA qualifies as a "government institution" as defined by section 2(1)(d)(ii) of *FOIP* and section 3(a) and PART I of the Appendix of *FOIP Regulations*. OIPC has jurisdiction to conduct this review under PART VII of *FOIP*.

PART I

The Request for Discontinuance

[27] FCAA submitted that the Applicant's application for review is frivolous and/or vexatious. FCAA also submitted that the application was not made in good faith. Both of these submissions were grounded in section 50(2) of *FOIP*. Section 50(2) of *FOIP* provides:

> **Review or refusal to review**
> **50**(2) The commissioner may refuse to conduct a review or may discontinue a review if, in the opinion of the commissioner, the application for review:
>
> (a) is frivolous or vexatious;
>
> ...
> (b) is not made in good faith;

[28] The prime objective of *FOIP* is to provide individuals with a right of access to records in the possession or control of a government institution. The Supreme Court of Canada has found this right to be quasi-constitutional. [9] Access to information legislation was enacted to ensure that government institutions do not function under a hidden veil of secrecy. It is accepted that the public has a right to know how government institutions act on their behalf.

[9] *Canada (Information Commissioner) v Canada (Minister of National Defence)*, 2011 SCC 25, [2011] 2 SCR 306 at paragraphs [40] and [79].

All of this is subject to the legal exemptions that are contained within *FOIP*. The relevant principles were explained very recently by the Supreme Court: [10]

> [2] Access to information promotes transparency, accountability, and meaningful public participation. Without adequate knowledge of what is going on, legislators and the public can neither hold government to account nor meaningfully contribute to decision making, policy formation, and law making. In this way, FOI [Freedom of Information] legislation is intended not to hinder government but to "improve the workings of government" by making it "more effective, responsive and accountable" to both the legislative branch and the public.

[29] In the past, OIPC has found the following definitions helpful:

- A request is "vexatious" when the primary purpose of the request is not to gain access to information, but to continually or repeatedly harass a government institution or to obstruct or grind a government institution to a standstill. It is usually taken to mean an intent to annoy, harass, embarrass or cause discomfort. A request is not vexatious simply because a government institution is annoyed or irked because the request is for information, the release of which may be uncomfortable for the government institution. However, *FOIP* must not become a weapon for disgruntled individuals to use against a government institution for reasons that have nothing to do with the purposes of the Act. Some examples of vexatious proceedings occur when the proceeding is used as a collateral attack to a main issue, where the proceeding is sued to initiate proceedings that are hopeless, where the Applicant persistently engages in inappropriate behaviour, where the Applicant makes unsubstantiated allegations of conspiracy or misconduct and where the Applicant uses scandalous or inflammatory language. [11]

- "Good faith" means a state of mind denoting honesty of purpose, freedom from intention to defraud, and a state of mind that is faithful to one's duty or obligation. Good faith is an intangible quality encompassing honest belief, the absence of malice and the absence of design to defraud or take advantage. "Not in good faith" means the opposite of "good faith", generally implying or involving actual or constructive fraud, or a design to mislead or deceive another, or a neglect or refusal to fulfill some duty or

[10] *Ontario (Attorney General) v Ontario (Information and Privacy Commissioner)*, 2024 SCC 4 at paragraph [2].

[11] OIPC Review Report 197-2026 at paragraph [18].

> other contractual obligation, not prompted by an honest mistake as to one's rights, but by some interested or sinister motive.[12]

[30] In every request for a discontinuance, the facts must be analyzed for a pattern of conduct that amounts to an abuse of the right of access. One factor alone, or multiple factors in concert with each other, can lead to a finding that a request is an abuse of the right of access. The following elements are considered when determining if there is a pattern of conduct that amounts to an abuse of the right of access:

> 1. ***The number of requests:*** when they are excessive by reasonable standards;
> 2. ***Nature and scope of the request:*** when they are excessively broad and varied and varied in scope or unusually detailed;
> 3. ***Purpose of the request:*** when the requests are framed with the intention of accomplishing a malicious objective other than an access request. For example, claims that are made to simply harass, break or burden the system of a government institution are abusive of the access to information scheme. The fact that parallel legal proceedings have been launched do not constitute a barrier to access to information;
> 4. ***Timing of the request:*** when the timing of the access request is connected to the occurrence of some other related event, such as a court or tribunal proceeding;
> 5. ***Wording of the request:*** when the request itself or subsequent communications are offensive, vulgar, derogatory or contain unfounded allegations.

[31] FCAA offered two reasons to support its contention that the Applicant's request for review should be discontinued pursuant to section 50(2) of *FOIP*. The first reason was that the purpose of the Applicant's access request was not one grounded in advancing transparency for its own sake but was aimed at leveraging the access regime to support a private dispute. FCAA referenced the language of the introductory language of the Applicant's access request:

> These records are essential to substantiate my claims of SREC's [Saskatchewan Real Estate Commission's] bad faith, procedural violations, and [Name of

[12] *Ibid*.

> SREC employee]'s misconduct under *The Real Estate Act* and *The Real Estate Regulations* (R-1.3 Reg 1) (the Regulations) in a potential civil action.

[32] We are content that the Applicant's sole purpose of the access request is to gain access to information. The potential use of documents to support arguments in other proceedings constitutes a legitimate purpose under the Saskatchewan access to information regime.[13] Nothing in *FOIP* speaks to the use an applicant may make of the information once granted.

[33] The second reason offered by FCAA is related to the perceived conduct of the Applicant. FCAA said the Applicant's conduct prior to, and after, the submission of the access request was disruptive. By this the FCAA noted that the Applicant has repeatedly contacted other FCAA employees for updates on the status of the complaint. The FCAA alleges that the Applicant refuses to rely on established communication channels and has frustrated the investigative process:

> When viewed in context, this conduct reflects a level of persistence that goes beyond a reasonable effort to obtain information and instead supports the conclusion that the subsequent Access Request forms part of a broader, vexatious course of conduct.

[34] This FCAA claim is bald in that the FCAA failed to provide any evidence that the *primary purpose* of Applicant's access request was rooted in an ulterior motive other than the desire to pursue access to information.

[35] OIPC finds that FCAA has not demonstrated that the Applicant's request for review was frivolous or vexatious or not made in good faith. The review of the substantive issues will continue in PART II below.

PART II

1. The confidentiality provision of *The Real Estate Act*

[13] ON OIPC Order PO-4035 at paragraph [46].

[36] As noted in the Records at Issue section of this Report at paragraphs [22] and [23] above, FCAA cited section 85(1) of *The Real Estate Act* as its reason for refusing access to the following:

- 42 records (202 pages) set out in the *Schedule of Section 85 Records I*. These records are emails and attached documents that were sent or received from staff of the Office of the Superintendent[14], including the Deputy Superintendent of Real Estate and Executive Director, Insurance and Real Estate Division. The emails are dated between July 2024 to May 2025.

- 4 records (11 pages) set out in the *Schedule of Section 85 Records II*. These four records are an email received from an external party as well as three records containing information received from an external party.

[37] The application of section 23 of *FOIP* must be considered when a government institution identifies a confidentiality provision from another Act.

[38] Section 23 of *FOIP* works to establish a balance between competing interests. It recognizes that there may be circumstances where the legislature determines that the access rights as set out in other statutes speaks specifically to the disclosure of information for that legislative scheme. Section 23 of *FOIP* makes it clear that the default position must be that *FOIP* will apply unless an alternative confidentiality provision is listed in section 23(3) of *FOIP* or *FOIP Regulations*.

[39] Section 23 of *FOIP* is a primacy clause that ensures that the fundamental rights enshrined in *FOIP* are given proper deference when interpreting legislative intent as to its application in conjunction with other statutes. This primacy clause is a strong expression of legislative intent and is a tool to ensure that public policy objectives are met. Legislature is presumed to draft legislation in such a way that there not be a conflict between statutes.[15]

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[14] *Supra,* footnote 3 - Section 2(aa) of *The Real Estate Act* defines "superintendent" as follows:

> **2** In this Act:
> ...
> (aa) **"superintendent"** means the superintendent of real estate appointed pursuant to subsection 79(1);

[40] OIPC uses the following three-part test to determine the proper access venue whether it be PARTS II and III of *FOIP* or section 85 of *The Real Estate Act*, or if they act together:

1. Does compliance with one law involve the breach of the other?
2. Does one law supplement the other?
3. Does one law duplicate the other?

[41] Section 23 of *FOIP* clearly states that the privacy provisions in *FOIP* will surrender to the prescribed provisions of any Act that is set in the *FOIP Regulations*:

> **Confidentiality provisions in other enactments**
> **23**(1) Where a provision of:
>
> (a) any other Act; or
>
> (b) a regulation made pursuant to any other Act;
>
> that restricts or prohibits access by any person to a record or information in the possession or under the control of a government institution conflicts with this Act or the regulations made pursuant to it, the provisions of this Act and the regulations made pursuant to it shall prevail.
>
> …
> <u>(3) Subsection (1) does not apply to the following provisions, and those provisions prevail:</u>
>
> ...
> <u>(m) any prescribed Act or prescribed provisions of an Act;</u>
>
> [Emphasis added]

[42] Section 12(i) of *FOIP Regulations* provides:

> **Confidentiality provisions in other enactments**
> **12** For the purposes of clauses 23(3)(m) and (n) of the Act, the following provisions are prescribed as provisions to which subsection 23(1) of the Act does not apply:
>
> ...
> (i) section 85 of *The Real Estate Act*;

[15] OIPC Review Report 101-2023 at paragraph [29].

[43] The combination of section 23(3) of *FOIP* and section 12 of *FOIP Regulations* provides that the confidentiality provision in section 85 of *The Real Estate Act* must prevail over the access provisions set out in *FOIP*. Section 85(1) of *The Real Estate Act* provides:

> **Restrictions on access to information**
> **85**(1) Notwithstanding *The Freedom of Information and Protection of Privacy Act*, any information submitted or provided to the superintendent or the Commission, or obtained through an audit, examination, investigation or inspection pursuant to this Act, is not open to inspection or available for access by any person except by the following:
>
> (a) those members of the public service of Saskatchewan employed in the office of the superintendent or those employees of the Commission whose responsibilities require them to inspect or have access to the information;
>
> (b) those persons who are authorized, in writing, by the superintendent or the Commission to inspect or have access to the information.

[44] The access provisions in PARTS II and III of *FOIP* conflict with the confidentiality provision in section 85 of *The Real Estate Act* such that the provisions of the latter statute must prevail. If records fall within the statutory provision of section 85 of *The Real Estate Act*, individuals cannot exercise their access to information right pursuant to the provisions of *FOIP*.

[45] The government institution should be able to demonstrate that the record or information in question falls within the statutory provision not subject to the *FOIP* access scheme. To demonstrate that records fall within the confidentiality provision set out in section 85 of *The Real Estate Act*, FCAA provided the following:

- *Schedule of Section 85 Records I;*
- *Schedule of Section 85 Records II;*
- A Letter of Context;
- Affidavit of Records sworn by the Chair and Chief Executive Officer (CEO) of FCAA regarding the records set out in *Schedule of Section 85 Records I;*
- Affidavit of Records sworn by the Chair and CEO of FCAA regarding the records set out in *Schedule of Section 85 Records II.*

[46] The records set out in in the *Schedule of Section 85 Records I* and *Schedule of Section 85 Records II* contain information that was submitted or provided to the Superintendent as regulatory oversight activities undertaken under *The Real Estate Act*. The records, as described earlier, consist of:

- emails dated between July 2024 and May 2025 (and attached documents) that were sent or received from staff of the Office of the Superintendent, including the Deputy Superintendent and Executive Director, Insurance and Real Estate Division; and

- an email from an external party as well as three documents containing information received from an external party.

[47] In the Letter of Context and the two Affidavits, FCAA asserted that the records set out in *Schedule of Section 85 Records I* and the *Schedule of Section 85 Records II* are directly connected to the regulatory oversight activities undertaken pursuant to *The Real Estate Act*. FCAA added that the records comprise, among other things, records showing exchange of information with staff of the Office of the Superintendent, and related materials obtained in the context of the review of the matter which is the subject of the access request.

[48] Since such information relates to regulatory oversight activities pursuant to section 85 of *The Real Estate Act*, the FCAA has passed the hurdle and established that the confidentiality provision set out in section 85 of *The Real Estate Act* prevails in this matter. FCAA has properly claimed the application of section 23(3) of *FOIP* and section 12(i) of *FOIP Regulations* to the 42 records set out in the *Schedule of Section 85 Records I* and the 4 records set out in *Schedule of Section 85 Records II*. The FCAA must continue to manage these records in accordance with section 85 of *The Real Estate Act*. The Applicant has no right of access to these records pursuant to the provisions in *FOIP*.

2. The application of the exemption in section 22(a) of *FOIP*

[49] Section 22(a) of *FOIP* provides:

> **Solicitor-client privilege**
> **22** A head may refuse to give access to a record that:

> (a) contains any information that is subject to any privilege that is available at law, including solicitor-client privilege;

[50] Solicitor-client privilege under section 22(a) of *FOIP* applies to records involving communications between solicitor and client. This includes communications that encompass the seeking/giving of legal advice that is intended by the parties to be confidential.[16] The Supreme Court of Canada has instructed that solicitor-client privilege applies equally to in-house counsel working on behalf of the government as it does to independent or private counsel.[17]

[51] In *University of Saskatchewan v Saskatchewan (Information and Privacy Commissioner)*, Chief Justice Richards relied on guidance provided by the Supreme Court of Canada to the effect that production of documents to which a claim of solicitor-client privilege is being asserted should only occur when there is a reason to believe the claim is either unfounded or wrongly applied. Chief Justice Richards said:[18]

> [49] The touchstone principle engaged by this branch of the University's submission has been clearly established by the Supreme Court. A discretionary statutory authority to abrogate solicitor-client privilege must be exercised so as to interfere with the privilege only to the extent "absolutely necessary" to achieve the goals of the legislation in question….
>
> …
>
> [72] The knowledge of these various legal engagements no doubt indicated to the Commissioner that at least some documents subject to solicitor-client privilege would almost inevitably fall within the scope of the applicant's access to information request. <u>In other words, there was certainly no basis in fact to suggest the University's claim of privilege was ill-founded in a general or overall sense…</u>
>
> [79] Justice Binnie, writing for a unanimous Court in *Canada (Privacy Commissioner) v Blood Tribe Department of Health*, 2008 SCC 44, observed

[16] *Descôteaux et al. v Mierzwinski*, [1982] 1 SCR 860 at pages 870-873; *Alberta (Information and Privacy Commissioner) v University of Calgary*, 2016 SCC 53, [2016] 2 SCR 555 at paragraphs [40] to [45].

[17] *Pritchard v. Ontario (Human Rights Commission)*, [2004] 1 S.C.R. 809, 2004 SCC 31 at paragraphs [19] to [21].

[18] *University of Saskatchewan v Saskatchewan (Information and Privacy Commissioner)*, 2018 SKCA 34 at paragraphs [49], [72], [79]

that the Privacy Commissioner's position was grounded on an overly-broad conception of when it was appropriate for her to abrogate solicitor-client privilege. Justice Binnie said this:

> [16] It is undisputed that the employer in this case properly asserted by affidavit its solicitor-client privilege. At that stage there was a "presumption of fact, albeit a rebuttable one, to the effect that all communications between client and lawyer and the information they shared would be considered prima facie confidential in nature." There was no basis in fact put forward by the Privacy Commissioner to show that the privilege was not properly claimed. As to the complainant, her concern was about what the employer did, not about the legal advice (if any) upon which the employer did it.
>
> [17] The only reason the Privacy Commissioner gave for compelling the production and inspection of the documents in this case is that the Employer indicated that such documents existed. She does not claim any necessity arising from the circumstances of this particular inquiry. The Privacy Commissioner is therefore demanding routine access to such documents in any case she investigates where solicitor-client privilege is invoked. <u>Even courts will decline to review solicitor-client documents to adjudicate the existence of privilege unless evidence or argument establishes the necessity of doing so to fairly decide the issue</u>…

[Emphasis added]

[52] In sum, a party asserting a claim of solicitor-client privilege must allege a presumption of fact, albeit rebuttable, that all communication between client and lawyer are *prima facie* confidential in nature. Any arguments supporting the privilege are to be made in the hypothetical. Courts are reluctant to peel back the privilege unless the party advocating otherwise can demonstrate that there is no basis in fact to apply the privilege or that the privilege is misapplied. If the threshold is met, it is a high threshold to pierce.[19]

[53] FCAA has exerted a *prima facie* claim of solicitor client privilege over the pages set out in *Schedule of Privileged Records I*, *Schedule of Privileged Records II* and *Schedule of Privileged Records III*.

[54] OIPC provides a generic description of the records set out in all three schedules.

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[19] *Canada (Privacy Commissioner) v Blood Tribe Department of Health*, [2008] 2 SCR 574, 2008 SCC 44 at paragraphs [16] and [17].

[55] The *Schedule of Privileged Records I* lists a total of 339 records divided into three categories: (1) Communication between legal counsel and client representatives; (2) Work product from legal counsel (or work product); and (3) Records that were either provided by the Applicant or are otherwise in the Applicant's possession. FCAA submitted:

- Category (1): FCAA indicated that the term "client representatives" denotes the various individuals within FCAA to whom legal counsel provided support in connect with the matter that is the subject of the access request.
- Category (2): FCAA submitted that "work product from legal counsel" or "work product" embraces the provision of legal advice or direction, and the various forms of work product that is instrumental and connected to the framing of legal opinion and the other types of legal services contemplated in section 22(b) and (c) of *FOIP*.
- Category (3): In its Letter of Context, FCAA clarified that it was not claiming solicitor-client privilege over 16 records. Rather, these 16 records were either provided by the Applicant to FCAA or are otherwise already in the Applicant's possession. However, FCAA included these records in the *Schedule of Privileged Records I* "for transparency and record integrity purposes, as they were attached to email communications involving legal counsel, for which [it is] asserting solicitor-client privilege." Since the FCAA has applied no other exemptions to these records, OIPC recommends that FCAA release these 16 records to the Applicant within 30 days of the issuance of this Report.

[56] OIPC was provided with no evidence to the contrary to challenge the *prima facie* claim by the FCAA in this case and as such, the claim is unrebutted.[20] A detailed schedule of these records is reviewed in **Appendix B** to this Report.

[57] The *Schedule of Privileged Records II* lists a total of 73 records where FCAA divided the records into two descriptive categories: (1) Communication between legal counsel and client representatives; and (2) Legal document prepared on behalf of an external party by their lawyer. FCAA submitted that the records in the second category also included attachments in emails from external parties that were used by legal counsel in the preparation of, and giving of, legal advice. FCAA indicated that the records from external parties were also being withheld pursuant to the confidentiality provision set out in section

[20] *Ibid*.

85 of *The Real Estate Act*. However, it included the second category of records in the *Schedule of Privileged Records II* for transparency and record integrity purposes. A detailed schedule of these records is reviewed in **Appendix C** to this Report.

[58] The *Schedule of Privileged Records III* lists a total of 21 records (74 pages) where FCAA divided the records into two descriptive categories: (1) Communication between legal counsel and client representatives (including handwritten notes of discussions pertaining to, or stemming from, legal advice and opinion provided by legal counsel); and (2) work product based on legal advice and analysis from legal counsel. A detailed schedule of these records is reviewed in **Appendix D** to this Report.

[59] FCAA provided an affidavit that accompanied each of the three schedules of privileged records. The affidavits were sworn by an affiant who had direct knowledge of the content of, and context associated with, the records to which the solicitor-client privilege claim was asserted.

[60] The party seeking to avoid disclosure must put the relevant context before the reviewing body or face the possibility that the onus will not be met. The context must clearly establish the legal advice component of the privilege and if it does not, the records will not be covered by the claim of privilege. OIPC is satisfied that FCAA has met the required threshold as demonstrated in the tables at of this Report that fully explains the context for each claim of solicitor-client privilege. With regard to records 63 and 68 as set out in *Schedule of Privileged Records II* – legal documents prepared by legal counsel to an external party – there is no evidence that the external party has waived the privilege. As such, these legal documents prepared for an external party remain *prima facie* confidential.

[61] As noted in the Background of this Report, OIPC invited the Applicant to provide a submission as part of this review on February 3, 2026. While the Applicant did provide submissions in the course of this review, there were no arguments to rebut FCAA's *prima facie* claim of solicitor-client privilege.

[62] With respect to the records noted in the tables at Appendices B, C and D, FCAA has established a *prima facie* claim of solicitor-client privilege and justified the application of section 22(a) of *FOIP*.

[63] Since section 22(a) of *FOIP* applies to the records set out in *Schedule of Privileged Records I*, *Schedule of Privileged Records II* and *Schedule of Privileged Records III*, there is no need to consider whether sections 15(1)(b)(i), (c), (k), 17(1)(a), (b)(i), 22(b), (c), or 29(1) of *FOIP* apply to the records set out in these schedules.

3. The application of the exemption in section 15(1)(c) of *FOIP*

[64] FCAA applied section 15(1)(c) of *FOIP* to the records previously listed in paragraph [18] of this Report.

[65] It should be noted that a portion from Record 453 and another portion from Record 454 were redacted as "non-responsive." These portions will be dealt with later in this Report to determine non responsivity.

[66] Section 15(1)(c) of *FOIP* provides:

> **Law enforcement and other investigations**
> **15**(1) A head may refuse to give access to a record, the release of which could:
>
> > ...
> > (c) interfere with a lawful investigation or disclose information with respect to a lawful investigation;

[67] OIPC uses the following two-part test to determine if section 15(1)(c) of *FOIP* applies:[21]

1. Does the government institution's activity qualify as a "lawful investigation"?
2. Does one of the following exist?

[21] OIPC Review Report 211-2025 at paragraph [48].

(a) Could the release of the information interfere with a lawful investigation?

(b) Could the release of the information disclose information with respect to a lawful investigation?

[68] Section 15 of *FOIP* uses the word "could" instead of the phrase "could reasonably be expected to" as in other provisions in *FOIP*. The threshold for "could" involves a showing of a possibility that disclosure of the information could interfere with a lawful investigation or could disclose information with respect to a lawful investigation. There does not need to be a likelihood of such happening, but just an objective possibility on the facts.[22]

[69] The words "in respect of" convey some connection between two related subject matters within a very broad connection.[23]

[70] Further, the definition of "lawful investigation" is an investigation that is authorized or required and permitted by law.[24] The government institution should always identify the legislation that authorizes the investigation. An investigation can be concluded or ongoing for this exemption to apply.[25]

[71] For the first part of the two-part test, FCAA indicated that an investigation was commenced as a result of the Applicant's conflict of interest complaint. Section 81(1)(a) of *The Real Estate Act* provides that the Superintendent may "inquire into or investigate any matter" that the Superintendent considers necessary respecting the administration of the Act. We are satisfied that the first part of the two-part test is met.

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[22] *Saskatchewan Government Insurance v Giesbrecht*, 2025 SKCA 10 at paragraphs [73] to [80].

[23] *Nowegijick v The Queen*, [1983] 1 SCR 29 at page 39. As adopted by *CanadianOxy Chemicals Ltd. v. Canada (Attorney General)*, [1999] 1 SCR 743 at paragraphs [15] to [16].

[24] OIPC Review Report 199-2025 at paragraph [22].

[25] *Leo v. Global Transportation Hub Authority*, 2019 SKQB 150 at paragraph [24] and *Evenson v Saskatchewan (Ministry of Justice)*, 2013 SKQB 296 at paragraphs [40] to [44].

[72] FCAA asserted that the records to which it claimed the exemption in section 15(1)(c) of *FOIP* are records "with respect to" its ongoing investigation, including documents gathered by investigators, correspondence between investigators and others, internal correspondence, among others. Upon review, these records include:

- emails involving FCAA employees. Based on the content of the emails and the subject lines, these emails appear to be about an investigation undertaken by FCAA. The dates of the emails range from July 25, 2024 to May 8, 2025;
- a letter by FCAA to Saskatchewan Real Estate Commission regarding the complaint submitted by the Applicant; and
- a summary of facts prepared by FCAA regarding the Applicant's complaint.

[73] The OIPC review of these records reveals that they contain information that are "with respect to" FCAA's investigation. Therefore, the second part of the two-part test is met.

[74] Both parts of the two-part test are met. FCAA properly applied section 15(1)(c) of *FOIP* the records listed in paragraph [18] of this Report.

[75] The application of the exemptions in sections 15(1)(b)(i) and (k) of *FOIP* to these records is now moot. As mentioned, we will still consider if the FCAA's claim that portions of Record 453 and Record 454 are non-responsive is valid.

4. Non-responsive records

[76] FCAA claimed that the 105 records (380 pages) listed in paragraph [24] of this Report are non-responsive:

[77] Further, FCAA identified that portions of Record 453 and Record 454 were also being withheld as non-responsive material.

[78] FCAA provided OIPC with an index of the non-responsive records, which included the description of the contents of the records.

[79] Non-responsive information is not relevant to an access request. Factors to consider regarding relevancy include the scope of the access request, the stated timeframe and/or the subject matter of the request. Separate items of information must be viewed in the context of the record as a whole.

[80] In correspondence with OIPC, FCAA explained that its search for records responsive to the access request was "intentionally expansive." As a result, the expansive search for records caught records that are "entirely unrelated to the access request."

[81] Based on descriptions as provided by the FCAA, we find the records are non-responsive. In the future, this office requires copies of the non-responsive records from all government institutions for our review. FCAA failed to supply these records to this office due to systemic failure on their part. However, this file has been subject to such an inordinate delay that originated solely from the FCAA, we have chosen to accept the submissions of the government institution in this instance. The Applicant is free to utilize the appeal section of *FOIP* to remedy any discontent. This office has no rule-making authority, and we debated filing a summons for these documents but in the interest of avoiding further delay on what we believe to be a trite issue – this Report was issued on the basis of the descriptions that we were provided below.

[82] The FCAA explained that many of the records (such as Records 408, 409, 410 and 411) are emails that outline an employee's schedule for a particular week, which references the Applicant's name. These emails contain attachments that contain records that are unrelated to the Applicant's access request, including requests for out-of-province travel, briefing notes on matters unrelated to the Applicant or their access request. Below are other examples of records that it has been submitted are non-responsive and why according to the FCAA:

- Out of office email messages;
- Performance review documents of various employees;
- Operational Plans; and
- Handwritten notes on trivial details such as a note for staff to call the Applicant.

[83] While some of these records may reference the Applicant by name (for example, in the employee's schedule for the week, or for staff to call the Applicant), they do not contain substantive records sought by the Applicant.

[84] Further Records 387, 405, 441, 444, 465, 466, 467, and 468 were created after the Applicant submitted the access request. Since these records did not exist at the time of the access request, these records are outside the scope of the access request.

[85] OIPC is satisfied that the 105 records and portions of the records Record 453 and Record 454 identified by FCAA as non-responsive to the access request are non-responsive.

5. Extension of time

[86] In a letter dated July 11, 2025, FCAA informed the Applicant that it was extending the original 30 day-response period set out in section 7 of *FOIP* by an additional 30 days pursuant to section 12(1)(a)(i) of *FOIP*. [26] Sections 12(1)(a)(i) and 12(2) of *FOIP* provide:

> **Extension of time**
> **12**(1) The head of a government institution may extend the period set out in section 7 or 11 for a reasonable period not exceeding 30 days:
>
> (a) where:
>
> (i) the application is for access to *a large number of records* or necessitates a search through *a large number of records*;
> …
>
> (2) A head who extends a period pursuant to subsection (l) shall give notice of the extension to the applicant within 30 days after the application is made.
>
> [Emphasis added]

[87] Factors to be considered include the number of pages of responsive records and whether the records require special handling, searching and vetting. In the past, OIPC has

[26] FCAA received the Applicant's access request on June 13, 2025. FCAA sent this letter of extension on July 11, 2025, which was 28 days after receiving the access request. Therefore, FCAA sent this letter within the time set out in section 12(2) of *FOIP*.

considered that more than 500 pages of records constituted *a large number of records* for the purposes of section 12(1)(a)(i) of *FOIP*.[27]

[88] In its submission, FCAA once again fell short of its statutory duty in that it did not explain or provide any context for the extension of time pursuant to section 12 of *FOIP*.

[89] Our review of the quantum of material that was searched and identified by FCAA in this access request reveals that 511 records, or 1,929 pages, of responsive records were identified. The number is even larger if we were to include the non-responsive records that had to be vetted and identified as non-responsive. The OIPC threshold for what is considered a "large number of records" is met. Given this, FCAA properly invoked section 12(1)(a)(i) of *FOIP*.

6. Search for records

[90] Section 5 of *FOIP* provides an applicant with the right to access records in the possession or under the control of a government institution. Section 5 of *FOIP* provides:

> **Right of access**
> **5** Subject to this Act and the regulations, every person has a right to and, on an application made in accordance with this Part, shall be permitted access to records that are in the possession or under the control of a government institution.

[91] In this case, the Applicant sought records regarding SREC in the possession, or under the control of FCAA. However, as set out in FCAA's section 7 decision letter, dated August 13, 2025, the Applicant did not receive any such records. Therefore, the Applicant sought a review of FCAA's efforts to search for records.

[92] During a telephone call with OIPC on May 25, 2025, the Applicant alleged a twofold foundation for the belief that FCAA did not conduct a reasonable search for records. First, the Applicant reported that they had not received any records that centered on the alleged

[27] OIPC Review Report F-2014-003 at paragraph [15].

FCAA conflict of interest complaint. Second, the Applicant explained that the only records that FCAA provided were emails that they had sent to, or received from, the FCAA. Even at that, the Applicant claimed that the FCAA failed to provide the following emails that the Applicant noted in their possession through their dealings with the FCAA:

Email	Date and Time	Sender	Receiver	Subject line
1	August 7, 2024 2:25 p.m.	Financial Institutions Officer, FCAA	Applicant	questions about securities
2	August 26, 2024 10:54 a.m.	Applicant	Financial Institutions Officer, FCAA	SREC; SUNBELT
3	April 15, 2025 2:59 p.m.	Applicant	Director, Insurance and Real Estate Division	Updated contact information
4	Apr 15, 2025 2:49 p.m.	Director, Insurance and Real Estate Division	Applicant	Updated contact information
5	April 15, 2025 10:34 a.m.	Applicant	Director, Insurance and Real Estate Division	Updated contact information
6	April 2, 2025 4:57 p.m.	Applicant	Director, Insurance and Real Estate Division	Updated contact information
7	April 2, 2025 2:42 p.m.	Director, Insurance and Real Estate Division	Applicant	Updated contact information
8	March 27, 2025 10:45 a.m.	Applicant	Director, Insurance and Real Estate Division	Updated contact information
9	March 25, 2025 1:36 p.m.	Director, Insurance and Real Estate Division	Applicant	Updated contact information
10	March 20, 2025 11:19 a.m.	Applicant	Director, Insurance and	Updated contact information

			Real Estate Division	
11	March 10, 2025 3:16 p.m.	Applicant	Director, Insurance and Real Estate Division	Updated contact information
12	February 6, 2025 11:28 a.m.	Applicant	Director, Insurance and Real Estate Division	Updated contact information
13	February 5, 2025 at 4:21 p.m.	Applicant	Director, Insurance and Real Estate Division	Updated contact information
14	February 5, 2025 at 3:55 p.m.	Director, Insurance and Real Estate Division	Applicant	Updated contact information
15	February 4, 2025 5:19 p.m.	Applicant	Director, Insurance and Real Estate Division	Updated contact information

[93] On this twofold basis the Applicant alleges that FCAA has not completed a reasonable search for records.

[94] To address the Applicant's first concern, it is evident that FCAA indeed conducted a search for records. We base this conclusion on the materials FCAA provided to our office for our inspection in the course of this review with respect to the application of the exemption in section 15 of *FOIP*. The materials we did not receive were the solicitor-client privileged documents which we could never have access to in the absence of evidence to the contrary. We did not ever receive the non-responsive records, but we accept on good faith that those records are non-responsive in the interests of issuing this Report.

[95] In the FCAA section 7 decision letter dated August 13, 2025, FCAA failed to inform the Applicant of the number of records (or pages) to which it was refusing the Applicant access. Therefore, the Applicant had no way of knowing how many records were responsive to the access request or if FCAA had completed a search for records at all. In the future it is most helpful to include this information in the section 7 decision letter so that Applicant is

informed of the nature of the search that was undertaken. Nevertheless, based on the volume of materials provided to OIPC and what has been reviewed in the course of the preparation of this Report, it is evident that FCAA conducted a diligent search for records related to the Applicant's conflict of interest matter.

[96] Regarding the Applicant's second concern, OIPC notes that the emails between the Applicant and the Financial Institutions Officer and the Director of Insurance and Real Estate Division (as set out in the table above) are outside of the scope of the access request. Based on the wording of the access request, the Applicant did *not* seek copies of emails between themselves and FCAA employees. There was no reason to provide these emails already in the possession of the Applicant. Nevertheless, after reviewing *Schedule of Privileged Records I* (**Appendix B**), *Schedule of Privileged Records II* (**Appendix C**), *Schedule of Privileged Records III* (**Appendix D**), *Schedule of Section 85 Records I* and *Schedule of Section 85 Records II*, it is evident that FCAA conducted a search with the Financial Institutions Officer and the Director of Insurance and Real Estate Division.

[97] OIPC is satisfied that FCAA conducted a reasonable search for records and should take no further action.

IV FINDINGS

[98] OIPC has jurisdiction to conduct this review under PART VII of *FOIP*.

[99] FCAA has not demonstrated that the Applicant's request for review was frivolous/ vexatious or not made in good faith.

[100] FCAA properly claimed section 23(3) of *FOIP* and section 12(i) of *FOIP Regulations* to the records set out in the *Schedule of Section 85 Records I* and *Schedule of Section 85 Records II*. The Applicant cannot gain access to the records in these schedules by exercising their right of access under *FOIP*.

[101] With respect to the records noted in the tables at **Appendices B**, **C** and **D**, FCAA has established a *prima facie* claim of solicitor-client privilege and justified the application of section 22(a) of *FOIP*.

[102] FCAA properly applied section 15(1)(c) of *FOIP* to the records as listed in paragraph [18] of this Report.

[103] OIPC is satisfied that the records as listed in paragraph [24] of this Report and portions of Record 453 and Record 454 are non-responsive.

[104] FCAA has searched and identified 511 records or 1,929 pages of responsive records. Given the large number of records, FCAA properly invoked section 12(1)(a)(i) of *FOIP*.

[105] OIPC is satisfied that FCAA conducted a reasonable search for records.

V RECOMMENDATIONS

[106] I recommend that FCAA release to the Applicant the 16 records listed in the *Schedule of Privileged Records I* that was included in the schedule for "transparency and record integrity purposes" but that it isn't claiming solicitor-client privilege within 30 days of the issuance of this Report.

[107] I recommend that FCAA continue to manage the 42 records (202 pages) set out in the *Schedule of Section 85 Records I* and 4 records (11 pages) in *Schedule of Section 85 Records II* in accordance with section 85 of *The Real Estate Act*.

[108] I recommend that FCAA continue to refuse access to the records noted in the tables in **Appendices B**, **C and D**, pursuant to section 22(a) of *FOIP*.

[109] I recommend that FCAA continue to withhold the records listed at paragraph [18] of this Report pursuant to section 15(1)(c) of *FOIP*.

[110] I recommend that FCAA continue to withhold the non-responsive records.

[111] I recommend that FCAA take no further action regarding search.

Dated at Regina, in the Province of Saskatchewan, this 22nd day of September, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner

APPENDIX A

Dear Access and Privacy Officer,

Pursuant to *The Freedom of Information and Protection of Privacy Act* (FOIPPA, S.S. 1990-91 , c. F-22.01) and s.81 of *The Real Estate Act* (S.S. 1995, c. R-1.3), which grants the Superintendent of Real Estate powers to investigate and access records held by the Saskatchewan Real Estate Commission (SREC), I request access to records held by the Financial and Consumer Affairs Authority of Saskatchewan (FCAA) and SREC related to my ([Applicant name] and/or [Name of Applicant's business]) conflict-of-interest complaint against Mr. [SREC employee], my business brokering compliance inquiry for [Name of Applicant's business], and SREC's handling of these matters, from June 1, 2023, to April 30, 2025. These records are essential to substantiate my claims of SREC's bad faith, procedural violations, and [SREC employee]'s misconduct under *The Real Estate Act* and *The Real Estate Regulations* (R-1.3 Reg 1) (the Regulations) in a potential civil action.

Requested Records:

Please provide copies of all records, including but not limited to:

1. **FCAA Records:**

   a. Communications (emails, memos, letters, call logs, meeting notes) between FCAA and SREC, including [Names of four individuals] or other SREC employees/commission members, regarding:

      · My ([Name of Applicant and/or [Name of Applicant's business]) conflict-of-interest complaint against [SREC employee] (submitted July 25, 2024, acknowledged September 27, 2024).
      · SREC's referral of my ([Name of Applicant] and/or [Name of Applicant's business]) business brokering activities (June 13, 2024 to September 27, 2024).
      · FCAA's investigation into my ([Name of Applicant] and/or [Name of Applicant's business]) compliance with *The Real Estate Act* (July 19, 2024 to April 25, 2025).

   a. Internal FCAA communications (emails, memos, reports, notes) related to:

      · My ([Name of Applicant] and/or [Name of Applicant's business]) complaint, submitted on July 25, 2024 to [FCAA employee] (finalized to [FCAA employee], August 28, 2024) of the FCAA via email regarding SREC's compliance with *The Real Estate Act*, The Real Estate Regulations, SREC Bylaws, or SREC Code of Conduct - I am seeking these records from July 25, 2024 to June 13th , 2025.

- FCAAs ruling (April 25, 2025) that my ([Name of Applicant] and/or [Name of Applicant's business]) activities did not require registration with *The Real Estate Act*.
- Documents provided by SREC (July 25, 2024 to June 13, 2025) to FCAA regarding my ([Name of Applicant] and/or [Name of Applicant's business]) brokering activities and/or the [SREC employee] complaint.
- Records of FCAAs investigation into SREC's conflict of interest (September 27, 2024-June 13, 2025), including findings, correspondence, or recommendations.

2. **SREC Records (Accessible via Superintendent's Powers, s.81 of The Real Estate Act (S. S.** 1995, c. R-1.3)):

   a. Communications (emails, memos, call logs, meeting notes, texts) involving [Name of three individuals], or other SREC employees/commissioners regarding:
      - My ([Name of Applicant] and/or [Name of Applicant's business]) conflict-of-interest complaint against [SREC employee] (submitted July 19-20, 2024 to June 13, 2025)
      - My ([Name of Applicant]) and/or [Name of Applicant's business]) brokering activities or compliance with *The Real Estate Act* (June 14, 2024-June 6, 2025).
      - SREC's referral of my ([Name of Applicant] and/or [Name of Applicant's business]) activities to FCAA (July 19, 2024 to June 13, 2025).

   a. Internal SREC communications (emails, memos, reports, notes) related to:

      My ([Name of Applicant] and/or [Name of Applicant's business]) complaint, including any review, dismissal, or referral decisions (July 19, 2024 to June 13, 2025).
      [SREC employee]'s licensing claim against me ([Name of Applicant] and/or [Name of Applicant's business] between June 14, 2024 to June 13, 2025.

      i. SREC's handling of my ([Name of Applicant's business]) engagement agreement with [Name of two individuals] (December 28, 2023-June 13, 2025).
      - Records of SREC's investigation (if any) into my ([Name of Applicant] and/or [Name of Applicant's business]) complaint, including any review officer or investigation committee actions (pursuant to s.8 and s.6 of the Regulations) between July 19, 2024 to June 13, 2025.
      - Documents sent to or received from FCAA regarding my ([Name of Applicant] and/or [Name of Applicant's business]) complaint or activities between July 19, 2024 to June 13, 2025..

a. Records related to the SREC Code of Conduct's inaccessibility (https://www.srec.ca/comminfocode.asp. June 2024- June 13, 2025), including website error logs, maintenance reports, or decisions to restrict access.

APPENDIX B

Schedule of Privileged Records I	
Record #	**Context**
83, 87, 88 and the attachment to record 88; 89, 92 to 94 and the attachment to record 94; 95 to 102, 104 to 106 and attachment to record 106; 107 to 120 and the attachment to record 120; 121 to 123 and attachments (a) and (b) to record 123; 124 to 137 and the attachment to record 137; 138 and the attachment to record 138; 139 and the attachment to record 139; 141 to 151 and the attachment to record 151; 152 and the attachment to record 152; 153 to 155 and attachments (a) and (b) to record 155; 157, 158 and the attachment to record 158; 159, 160 and the attachment to record 160; 161 and the attachment to record 161; 162 and the attachment to record 162; 163 to 166 and the attachment to record 166;	Communication between legal counsel and client representatives

167 to 172, 173 and the attachment to record 173; 174, 175 to 177 and the attachment to record 177; 178 to 187 and the attachment to record 187; 189, 190 and the attachment to record 190; 191 to 197 and the attachment to record 197; 198 and the attachment to record 198; 199 to 203 and the attachment to record 203; 204, 205 and the attachment to record 205; 206 to 220, 221 and the attachment to record 221; 222 and the attachment to record 222; 223 to 229; 230 to 234 and the attachment to record 234; 235 to 245 and the attachment to record 245; 246 to 273, 276 to 292 and the attachment to record 292; 293 to 297 and the attachment to record 297; 298 to 305 and the attachment to record 305; 306 to 308 and attachment (a) to record 308; 310, 312 to 320.	
83 and the attachment to record 83; 84, 85 and the attachment to record 85; 86 and attachments (a) and (b) to record 86; 89 and the attachment to record 89;	“Work product from legal counsel” or “work product”

90, 91, 92 and attachments (a) and (b) to record 92; 93 and the attachment to record 93; 102 and attachments (a) through to (e) to record 102; 103, 122 and the attachment to record 122; 132 and the attachment to record 132; 135 and the attachment to record 135; 140, 141 and the attachment to record 141; 142 and attachments (a) and (b) to record 142; 143 and the attachment to record 143; 144 and the attachment to record 144; 148 and the attachment to record 148; 149 and the attachment to record 149; 150 and attachments (a) and (b) to record 150; 153 and attachments (a) and (b) to record 153; 154 and the attachment to record 154; 156, 157 and attachments (a) and (b) to record 157; 159 and the attachment to record 159; 186 and attachments (a) through to (e) to record 186; 188, 191 and the attachment to record 191; 219 and the attachment to record 219; 229 and the attachment to record 229; 235 and the attachment to record 235;	

270 and the attachment to record 270; 308 and attachment (b) to record 308; 309 and the attachment to record 309; 310 and attachments (a) and (b) to record 310; 311, 314 and attachments (a) and (b) to record 314; 315 and the attachment to record 315; 316 and the attachment to record 316; 318 and the attachment to record 318; 319 and the attachment to record 319.	

APPENDIX C

Schedule of Privileged Records II	
Record #	**Context**
1 to 5, 31, 32, 34, 35, 37, 44, 47, ; 49 and the attachment to record 49; 57, 58, 61 and the attachment to record 61; The attachment to record 71; 321 and the attachment to record 321; 322, Attachment (b) to record 323; 324 and attachments (a) and (b) to record 324; 329, 336 and the attachment to record 336;	Communication between legal counsel and client representatives

337 to 341, 373, 375, 377, 379, 380, 388 to 396, 399, 400, 401, 402, 403, 404; 417 and the attachment to record 417; 418, 419 and the attachment to record 419; 430, 432, 434 to 436, 438 to 440, 442, 445, 451, 458.	
63, 68	Legal document prepared by legal counsel to external party.

APPENDIX D

Schedule of Privileged Records III	
Record #	**Context**
10, 323, 413 and the attachment to record 413; 470, 492, 494, 495, 496, 507, 508, 510, 511	Communication between legal counsel and client representatives (or handwritten notes of discussions pertaining to, or stemming from, legal advice and opinion provided by legal counsel).
The attachment to record 332; The attachment to record 364; 365, 367, 472, 475, 480, 481.	Work product based on legal advice and analysis from legal counsel.