



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 231-2025

City of Regina

November 28, 2025

Summary:

The Applicant requested bylaw enforcement records for a specified address from the City of Regina (City). The Applicant also requested that the City waive the \$20 application fee for their access to information request. The City refused to grant a waiver of the application fee pursuant to section 8(1)(a) (waiver of application fee if the application involves the personal information of the applicant) of *The Local Authority Freedom of Information and Protection of Privacy Regulations* stating that the Applicant's request did not involve their personal information. The Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner with respect to the decision of the City to not grant their request for a waiver of the application fee.

OIPC concluded that, based on the wording of the Applicant's request, that there is a likelihood the Applicant's personal information could be included in this access request and therefore the Commissioner found that the circumstances may exist for a waiver of the application fee. Given that this office has concluded there is a likelihood that the Applicant's access request involves the Applicant's own personal information, the Commissioner recommended that within 30 days of issuance of this Report, the City reconsider its exercise of discretion with respect to the Applicant's request for a waiver of the application fee.

I BACKGROUND

[1] This Report involves a dispute over \$20. On August 14, 2025, the City of Regina (City) received an email from the Applicant, that requested as follows:¹

...I mention in light of the city of Regina last correspondence and the action they intend to take that the urgency of a foia for all encounters I have had with the city bylaw enforcement from the day I became owner of this property [specified address] in [specified area of the City]. Including the 2023 snow removal fiasco that affected me quite drastically. Also last year when [Individual 1] bylaw enforcement officer did attend my property to leave bylaw infraction notice for bags of compost neatly arrange in wait to be added to my compost and tree branches left in between my garage and neighbors garage to prevent the homeless people and drug addicts from leaving broken crack pipes and blood filled needles and defecating on our garages up until this point I had picked up defecation there and needles 6 times. A series of pictures were taken not even related to the work that needed to occur including pictures of my neighbors property where in conversations the bylaw enforcement department could not distinguish between my neighbors white garage and my grey garage stating that their garage at a different street address was grey as well it was not it is white. They had boards a old christmas tree that were not on my property. In having a phone conversation with [Individual 1] [they] did attend my residence at a later date accompanied with another bylaw officer. I asked [them] to identify any other problems other that the two things that I had been told that needed to be cleaned up in 48 hours. The tree branches in between the garages were to deter those choosing to do drugs and leave needles and broken crack pipes as the city of Regina has failed to properly address this as well as the provincial government and also the federal government has failed to address the homelessness drug addiction and mental illness. In the subsequent visit where [Individual 1] did attend with another bylaw officer I made sure I had clarification about any of the plants growing on my property as the city for the time that I first removed my lawn and planted in excess of 2000 Saskatchewan Indigenous wildflowers trees grasses and shrubs had the city of Regina give my bylaw infractions for weeds call plants of Treaty Four Territory weeds. This is when [Individual 1] made a statement that the city of Regina no longer did weed control that the Municipality of Sherwood was responsible for the city of Regina weed control enforcement. I made calls out to the Municipality of Sherwood and had conversations with the people in charge of weed control for the Municipality of Sherwood and asked him if they had undertaken the city of Regina's weed control enforcement and [they] said that it was a lie they had never done or undertaken this task at this time. I phoned the supervisor of bylaw enforcement for the city of Regina and asked [them] who has this task of weed

¹ The use of square brackets in this Report are amendments by OIPC to quotes to preserve the identity of the Applicant and City employees.

control and enforcement where [they] did also make this statement that the Municipality of Sherwood was responsible for this task of the city of Regina's weed control, when I confronted [them] and told [them] I had made calls out to the supervisor of the Municipality of Sherwood and asked them this they stated that they had never taken charge of the city of Regina's weed control program so this statement that [Individual 1] and [Individual 2] who was the supervisor of bylaw enforcement did in fact both lie to me. After I told [them] this the supervisor hung up on me when confronted by this truth. I will be needing because of the time sensitive nature regarding the actions that the taxation department has undertake and steps about to occur will need to obtain this information about the prementioned correspondence, recorded telephone conversations in it's entirety...

- [2] On August 18, 2025, the Applicant emailed the City providing the following regarding their request for waiver of fees associated with their access to information request:

... I know you are the city clerks office have waived fees for application and processing for other matters and that is why I would request this same following past precedent...

- [3] On August 20, 2025, the City contacted the Applicant by telephone as requested. The City advised the Applicant that the "\$20 application fee would be required, as requests for property do not constitute the personal information of an individual." The City reiterated its position in an email to the Applicant dated August 21, 2025:

...a request for information relating to a property - such as a request for bylaw enforcement records - is not considered personal information because it relates to a property and not to an individual. You are correct that such a record may contain personal information - such as your name in conjunction with your address or phone number - but this is incidental to the record. All other information in that record is not considered personal. If another individual were to request bylaw information relating to a property, they would receive much of the information in those records, excepting personal information such as resident names and phone numbers.

- [4] The City added that for the reason noted above, it would not waive the \$20 application fee, and that the Applicant would need to pay the application fee for the City to proceed with processing the request. Attached to the email was a letter to the Applicant that stated as follows:

This is to acknowledge clarification of this request, received by the City during our telephone call on August 20, 2025. Clarification provided during this phone call is interpreted as follows:

All records relating to bylaw enforcement for the address [specified address], including but not limited to:

- Recorded phone calls with applicant [Name of Applicant]
- Letters sent to this address
- All internal correspondence relating to this address, including but not limited to: case files, emails, text messages, and Teams messages

Time period: January 1, 2003 to August 20, 2025

Please reply to confirm this is correct.

...

Please note that we have not received your \$20 application fee. Payment of a \$20 application fee is required...

...

Once we receive your application fee, we will start to process your request and will let you know if any of the following apply:

- clarification is required to identify the requested records;
- fees apply in addition to the \$20 application fee;
- extension of the third day time frame is required.

...

[5] In the attached letter, the City also advised the Applicant that if they were not satisfied, they could contact the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) to request a review.

[6] The Applicant refused to pay the \$20 application fee and on August 26, 2025, the Applicant forwarded a copy of the August 21, 2025 letter from the City to this office. On August 27, 2025, the Applicant responded to this office stating:

The city has waived the processing fee for other foias by myself but they can be selective and use the statement that we did this as a gesture of good will and I believe that this sets a precedent that if this has been done it should be followed and not hide by a case by case discretion. This would set a precedent that they could also use for their benefit and disallow complete and bias of transparency.

[7] The City advised this office that on September 5, 2025, the Applicant called to ask that their name be added to the wording of the access request to avoid the fee. The City explained that adding their name could limit the number of bylaw enforcement records as they may not contain their name but nonetheless agreed to add the Applicant's name to the wording of the access request.

[8] On September 8, 2025, the City emailed a letter to the Applicant stating:

This is to acknowledge an additional clarification of this request, received by the City during our phone call on September 5, 2025. Clarification provided during this phone call is interpreted as follows:

All records relating to bylaw enforcement for the address [specified address], owned by [Name of Applicant], including but not limited to:

- Recorded phone calls with the applicant [Name of Applicant]
- Letters sent to this address
- All internal correspondence relating to this address, including but not limited to: case files, emails, text messages, and Teams messages

Time period: January 1, 2003 to August 20, 2025

Please reply to confirm this is correct.

...

In our phone conversation of September 5, we also discussed the application fee. We will be unable to offer a waiver of this fee, but, as noted, we do apply an automatic \$100 waiver to processing fees, and you will not be charged processing fees for any records that may be considered your personal information.

...

[9] On September 17, 2025, OIPC requested that the Applicant confirm whether they would like to request a review of the decision of the City to not waive the \$20 application fee. The Applicant responded on that same day that, because of personal financial hardship and past precedent of the City to waive processing fees, they would like OIPC to proceed with its review.

[10] On September 30, 2025, in an effort towards early resolution of this matter, OIPC asked the City if it would be willing to reconsider waiving the \$20 application fee. The City

responded on October 1, 2025 stating “we are not willing to waive the application fee as we are following procedure and applying the LA FOIP legislation as intended...applying fees in the same manner we would any other.”

[11] On October 3, 2025, OIPC notified the City and the Applicant that a review would proceed.

[12] On November 5, 2025, OIPC received a submission from the City, that was *not* to be shared with the Applicant. The Applicant did not provide OIPC with a submission.

II RECORDS AT ISSUE

[13] There are no records at issue since this is a review of the decision of the City to not grant a waiver of the \$20 application fee for the Applicant’s access to information request.

III DISCUSSION OF THE ISSUES

1. Jurisdiction

[14] The City qualifies as a “local authority” pursuant to section 2(1)(f)(i) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*.² As there are reviewable grounds as noted in the notice of review, OIPC has jurisdiction and is undertaking a review of this matter pursuant to PART VI of *LA FOIP*.³

2. Do circumstances exist for a waiver of the application fee?

² [*The Local Authority Freedom of Information and Protection of Privacy Act*](#), S.S. 1990-91, c. L-27.1, as amended.

³ The authority to consider the Applicant’s request for review can be found at section 38(1)(a.2) of *LA FOIP*, which provides that an applicant may apply to the Commissioner for a review where an applicant believes that all or part of the fee should be waived pursuant to section 9(5) of *LA FOIP*.

- [15] Section 5 of *The Local Authority Freedom of Information and Protection of Privacy Regulations (LA FOIP Regulations)* outlines the prescribed fees in relation to an access to information request made under *LA FOIP*.⁴ Section 5(1) of *LA FOIP Regulations* prescribes that a \$20 application fee is due when an access to information request is made:

5(1) An application fee of \$20 is payable at the time an application for access to a record is made.

- [16] Section 9(5) of *LA FOIP* provides that a local authority can waive payment of all or part of the prescribed fees (as outlined at section 5 of *LA FOIP Regulations*) as follows:

9(5) Where a prescribed circumstance exists, the head may waive payment of all or any part of the prescribed fee.

- [17] Section 8 of *LA FOIP Regulations* outlines circumstances in which local authorities may waive the payment of fees. The Applicant raised financial hardship as one of the reasons for requesting the waiver of the application fee. Section 8(1)(b) of *LA FOIP Regulations* outlines circumstances where a local authority may waive all or part of a prescribed fee if the payment of fees will cause substantial financial hardship and if giving access to the records is in the public interest. However, an application fee is not one of the prescribed fees contemplated in that provision. While an applicant's financial circumstances may be a factor for consideration in the exercise of discretion for a waiver of any fee, it is not technically a consideration in determining if circumstances exist for a waiver of the application fee.⁵

- [18] The conditions for the waiver of an application fee are outlined in section 8(1)(a) of *LA FOIP Regulations*. This section allows a local authority to waive the payment of the \$20

⁴ [*The Local Authority Freedom of Information and Protection of Privacy Regulations*](#), c. L-27.1 Reg 1 (July 1, 1993), as amended.

⁵ Section 8(1)(b) of *LA FOIP Regulations* allows a head of a local authority to waive payment of the prescribed fees set out in sections 5(2) to 5(4) of the *LA FOIP Regulations* if payment will cause a substantial financial hardship to the Applicant and in the opinion of the head of the local authority, giving access to the record is in the public interest. The application fee is a prescribed fee found at section 5(1) of *LA FOIP Regulations* and therefore, is not one of the prescribed fees contemplated in section 8(1)(b) of *LA FOIP Regulations*.

application fee if the access to information request involves a request for the Applicant's own personal information:

8(1) For the purposes of subsection 9(5) of the Act, the following circumstances are prescribed as circumstances in which a head may waive payment of fees:

(a) with respect to the fees set out in subsection 5(1), if the application involves the personal information of the applicant;

[Emphasis added]

[19] Section 9(5) of *LA FOIP* provides a local authority with the discretion to waive all or part of a prescribed fee. This means that, for section 8(1)(a) of *LA FOIP Regulations*, *even if* the Applicant's access to information request involves the Applicant's own personal information, it is still within the discretion of the local authority to refuse to waive the application fee. Fees however should be fair and judiciously applied.

[20] In this case, to determine if circumstances exist for a waiver of the application fee, the head of a local authority must first determine whether the application involves the personal information of the Applicant. If it does, then the head must go on to ask whether, having regard to all relevant interests, should the fee waiver be granted.

[21] To make things clear, it appears that the Applicant is only looking for bylaw enforcement records related to their property.

[22] In its submission, the City was adamant that "a request for bylaw enforcement records [in] relation to a property is not a request for personal information...".

[23] Personal information is defined by means of a list in section 23(1) of *LA FOIP*, though the list is not exhaustive. Personal information is information that is about an identifiable individual, and that is personal in nature. Information is about an identifiable individual if the individual can be identified from the information; examples include a person's name

or social insurance number. Further, information is personal in nature if it provides something personal in nature about the individual.⁶

- [24] On its website, the City provides that “no application fee is required” for access to information requests for an Applicant’s own personal information; however, it notes that it does not consider requests for records regarding complaints against a property to be personal information:⁷

Personal information consists of information provided to the City of Regina. Personal information does not include everywhere your name is mentioned in records nor does it include complaints against your property.

[Emphasis added]

- [25] The submission from the City provided the following regarding how it arrived at the conclusion that the application does not involve personal information of the Applicant:

21. LA FOIP defines “personal information” as “personal information about an identifiable individual that is recorded in any form.” A property is not an identifiable individual. Conducting a search for records relating to bylaw enforcement against a property necessitates searching for a property address, and not for an individual’s name. A search for these records using an individual’s name would not yield all responsive records, as many records would reference only the property address and not an individual’s name. This is especially true in the case of the portion of the applicant’s request which seeks “All internal correspondence relating to this address, including but not limited to: case files, emails, text messages, and Teams messages”.

22. In Saskatchewan OIPC Investigation Report #070-2018, the Commissioner found that a “landlord’s property being vacated was not the personal information of the landlord but rather information about the rental property.” In the request which is the subject of this review, the applicant specifically requests “records relating to bylaw enforcement”. Consistent with the findings of Report #070-2018, bylaw enforcement matters such as the grass on a property exceeding prescribed height limits, or the accumulation of debris triggering the “Untidy and Unsightly Property” or “Vermin and Hazards”

⁶ See OIPC [Investigation Report 168-2025, 180-2025](#) at paragraph [10].

⁷ See City of Regina website, [My Own Personal Information – Access to Information Request Form](#) webpage.

provisions found in the Community Standards Bylaw, are not the personal information of an individual but rather information about a property.

...

25. Any individual may request the bylaw enforcement records for a property. This is not treated as a request for another individual's personal information, as it is a request for information relating to a property. It is not considered a request for personal information simply because a property may have an owner or an occupant. As per the Ontario IPC's Order P-23, "The owner of a property may or may not be an individual, and individual property owners may or may not reside in the property they own. In many cases an individual's address may have nothing whatsoever to do with property ownership, as is the case with the large proportion of properties occupied by tenants." While this Order was issued nearly four decades ago, the stance that a property is not an individual remains a foundational one, and there have been no more recent rulings to the City's knowledge that suggest otherwise.

[26] This office has not reviewed the records responsive to this request because they have not yet been produced. We consider all reviews on a case-by-case basis. However, based on the wording of the Applicant's request, this office would like to draw attention to OIPC [Investigation Report 154-2021](#). In this investigation report, OIPC found that an address *could* allow for the identification of an identifiable individual and that information related to bylaw enforcement, while related to the Complainant's property, would also be about the individual's compliance with public health and municipal bylaws and, as such, would constitute their personal information.⁸

[27] Admittedly, we are in a contextual vacuum. Still, based on the wording of the Applicant's request, there is a likelihood that the Applicant's personal information could be involved in this access request. Therefore, there is a finding that circumstances may exist for a waiver of the application fee.

[28] As it has been found that circumstances may exist for a waiver of the application fee, the City must now consider whether, having regard to all relevant interests, if a request for a waiver of fees should be granted.

⁸ See OIPC [Investigation Report 154-2021](#) at paragraphs [17] to [21].

[29] Based on the submission from the City, it does not appear the City considered its exercise of discretion in its decision to refuse the Applicant's request for a waiver of the application fee for this request. This was due to the position taken by the City that bylaw enforcement records related to a property can never involve a request for personal information. We ask the City to reconsider this all or nothing approach.

[30] The Office of the Information and Privacy Commissioner of Alberta Order 97-001 provided the following guidance regarding the principles for properly exercising discretion as follows:⁹

[104.] Because I am acting as an independent decision-maker under section 87(4), I believe that to exercise my discretion properly, I must do more than consider the access principles under the Act. I refer to David Jones and Anne de Villars, *Principles of Administrative Law* (Carswell: Scarborough, Ontario, 1994), p. 174, which sets out the principles for exercising discretion properly:

- (i) having the proper intention
- (ii) acting on adequate material
- (iii) exercising the discretion to obtain a proper result
- (iv) apprehending the law
- (v) not fettering discretion by adopting a policy

[Emphasis added]

[31] This office has no evidence that the City has refused the request for a waiver of the application fee in bad faith or for an improper purpose. But we are concerned that the City may be overly attached to principle without a full consideration of the Applicant's position in this matter. This could constitute an irrelevant consideration.¹⁰ Given that this office has concluded there is a likelihood that the Applicant's access request involves the Applicant's own personal information, there will be a recommendation that the City reconsider its exercise of discretion with respect to the Applicant's request for a waiver of the application fee.

⁹ See Office of the Information and Privacy Commissioner of Alberta [Order 97-001](#) at paragraph [104].

¹⁰ [Ontario \(Public Safety and Security\) v. Criminal Lawyers' Association](#), [2010] 1 SCR 815 at paragraph [71].

IV FINDINGS

[32] OIPC has jurisdiction and is undertaking a review of this matter pursuant to PART VI of *LA FOIP*

[33] Circumstances may exist for a waiver of the application fee.

V RECOMMENDATION

[34] I recommend that within 30 days of issuance of this Report, the City reconsider its exercise of discretion with respect to the Applicant's request for a waiver of the application fee.

Dated at Regina, in the Province of Saskatchewan, this 28th day of November, 2025.

Grace Hession David
Saskatchewan Information and Privacy Commissioner