

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER ATIA2026-DEI-03

October 15, 2026

Village of Edgerton

Case File Numbers 041410, 042130, 042131 and 042132

Office URL: www.oipc.ab.ca

Summary: The head of the Village of Edgerton (the Public Body) made four decisions to disregard four of the Applicant's access requests under section 9(1) of the *Access to Information Act* (ATIA). The Commissioner found the Public Body had not met its duty to assist under section 12 of ATIA and was therefore not permitted to disregard the Applicant's access requests. The Commissioner ordered the Public Body to respond to the access requests in accordance with its obligations under ATIA.

Statutes Cited: AB: *Access to Information Act*, S.A. 2024, c. A-1.4, ss. 2, 9, 15; *Access to Information Regulation* 133/2025, ss. 5, 6; *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000 c. F-25

Authorities Cited: AB: Orders ATIA2026-TEI-01; ATIA2025-DEI-01; ATIA2026-DEI-02

Cases Cited: *Alberta Energy v Alberta (Information and Privacy Commissioner)*, 2024 ABKB 198; *Alberta Energy v Alberta (Information and Privacy Commissioner)*, 2025 ABCA 163; *Dagg v Canada (Minister of Finance)*, 1997 CanLII 358 (SCC)

TABLE OF CONTENTS

I.	BACKGROUND	2
II.	ISSUE.....	3
III.	DISCUSSION OF ISSUE	4
	a) The Applicant's Access Requests and the Public Body's Decisions to Disregard	4
	b) The Public Body's Duty to Assist the Applicant Under Section 12(1)	7
	c) The Public Body's Requirement to Process the Access Requests in Accordance with ATIA	15
IV.	ORDER.....	16

I. BACKGROUND

[para 1] The Applicant has a historical dispute with the Village of Edgerton (the Public Body) relating to bylaw complaints and other issues between the parties. Related matters include proceedings before the court,¹ involvement with the RCMP,² a review by the Alberta Ombudsman,³ and prior requests for review and complaints to my office by the Applicant regarding concerns with the Public Body under the repealed *Freedom of Information and Protection of Privacy Act* (FOIP). The RCMP have met with the parties and have been involved in attempts to de-escalate and mediate the issues between them.⁴

[para 2] As part of a series of communications between the Applicant and the Public Body regarding ongoing issues, on February 13, 2025, the head of the Public Body notified the Applicant that the Applicant's ongoing actions constituted harassment of a municipal official and set out terms for the Applicant to meet. In May 2025, the Public Body unilaterally implemented communication restrictions, such that the Applicant may only send written communications to the Public Body by mail. Pursuant to these restrictions, the Public Body will not accept email communications from the Applicant and has prevented the Applicant from attending Public Body premises in person.⁵ On October 31, 2025, the Applicant attended the Public Body's premises in person in contravention of the communication restriction. On March 5, 2026, the Alberta Ombudsman upheld the communication restrictions as

¹ Page 1 of filed Affidavit (provided by Applicant on February 25, 2026).

² As described in the Public Body's submission dated February 19, 2026.

³ March 5, 2026 letter from Alberta Ombudsman to Public Body re Applicant's complaint.

⁴ Public Body's submission dated February 19, 2026.

⁵ May 29, 2025 letter from Public Body notifying Applicant of Stage 3 communication and office access restrictions pursuant to Policy #P-1 and November 5, 2026 [sic] letter from Public Body notifying Applicant of breach of Stage 3 restrictions.

administratively and procedurally fair.⁶ The Applicant was charged with trespass to premises, but the trespassing charge was dismissed by the Alberta Court of Justice on May 7, 2026. The Court also, without making a conclusive finding, raised concerns about the potential overbreadth of the Public Body's policy that led to the communication restrictions and questioned its constitutionality. The Court observed that "harassment" under the Public Body's policy was defined such that people in positions of power within the Public Body could exclude anyone who had any disagreement with them.⁷

[para 3] The issue before me is not to resolve the issues between the Applicant and Public Body, or to review the fairness of the communication restrictions or the constitutionality of the policy leading to the communication restriction, or other matters of conflict between the parties. These background facts provide context to the matter before me, that being the Public Body's decisions to disregard the Applicant's Access Requests under section 9 of ATIA.

[para 4] On June 11, 2025, the *Access to Information Act* (ATIA) replaced FOIP. As a result, access requests made to public bodies after this date are subject to ATIA, not FOIP. In late 2025, the Applicant made four access to information requests (the Access Requests) to the Public Body under ATIA. Two Access Requests were received by the Public Body on or about October 14, 2025 and two were received on December 1, 2025. All four Access Requests are for information relating to the Applicant's bylaw complaint files. Although the Applicant was banned from attending Public Body premises when the Access Requests were made, two of them request to "view" the Applicant's "complete bylaw complaint file in person". The December requests are identical to the October requests, other than the expanded date range, which the Applicant lengthened to the date of the later requests.

[para 5] In four separate decisions the head of the Public Body disregarded all four Access Requests under various subsections of 9(1) of ATIA.

[para 6] On March 17, 2026, my office accepted the Applicant's request to review the Public Body's two November 26, 2025 decisions and two January 15, 2026 decisions to disregard the Applicant's Access Requests under various subsections of 9(1) of ATIA. The matter proceeded directly to inquiry without mediation or investigation as is my office's standard practice under ATIA when considering whether a public body properly disregarded an access request as permitted by section 9 of ATIA.

II. ISSUE

[para 7] There is one issue in this inquiry for each of the four decisions made by the Public Body; it is as follows:

Did the head of the Public Body properly disregard the request as permitted by section 9 of the Act?

⁶ March 5, 2026 letter from Alberta Ombudsman.

⁷ May 7, 2026 Transcript, Action No. A68515532R at p. 18, Lines 20 – 41 and p. 19 at Lines 1 – 3.

III. DISCUSSION OF ISSUE

a) The Applicant's Access Requests and the Public Body's Decisions to Disregard

[para 8] I adopt and incorporate herein my discussion of the operation of ATIA in Orders ATIA2025-DEI-01 and ATIA2026-DEI-02. In particular, in ATIA2026-DEI-02, I stated at paragraph 5:

The purposes of ATIA in sections 2(a) to (c) create a right of access to the records in the custody or under the control of a public body subject to limited and specific exceptions as set out in the Act and provide for independent reviews of decisions made by public bodies concerning access requests. It has been held by our Supreme Court of Canada that "[t]he overarching purpose of access to information legislation, then, is to facilitate democracy. It does so in two related ways. It helps to ensure first, that citizens have the information required to participate meaningfully in the democratic process, and secondly, that politicians and bureaucrats remain accountable to the citizenry".⁸ The right of access in ATIA together with the significant importance of these rights in Canadian society mean that ATIA must be given a broad and liberal interpretation by public bodies when interpreting its provisions to achieve its aims. Additionally, section 10 of the *Interpretation Act* requires an enactment to be construed as being remedial, and be given the fair, large and liberal construction and interpretation that best ensures the attainment of its objects.

[para 9] The Public Body stated that over the past several years, it has had recurring issues with the Applicant regarding bylaw enforcement. It has "observed a recurring pattern in how certain bylaw-related matters progress. In multiple instances, non-compliance issues have required bylaw-enforcement action to be initiated. Following the commencement of these enforcement steps, the same individual has subsequently submitted broad FOIP or ATIA requests seeking extensive documentation from their entire bylaw file." The Public Body stated it has come to expect three consistent elements when it works with the Applicant on an administrative file: 1) A challenge to the municipality's authority to act, 2) A FOIP/ATIA access request, and 3) A request for external review, such as by the Office of the Ombudsman.

[para 10] On or around the dates of October 10 – 12, 2025, the Applicant made two access requests to the Public Body (Access Requests #1 and #2). On November 27, 2025, the Applicant made the same two access requests (Access Requests #3 and #4), but expanded the date range to the date of the later request (November 27, 2025).

Access Request #1 (Public Body File #01-10-14-25; OIPC File 041410) and Access Request #4 (Public Body File #02-01-12-25; OIPC File 042132)

[para 11] Access Requests #1 and #4 are worded identically, other than the time range. Access Requests #1 and #4 are for the following:

I would like to make a Personal Information Request for a Complete Copy of My Village of Edgerton Bylaw Complaint File from Dates:

[Access Request #1] January 1, 2023 to October 10, 2025

[Access Request #4] January 1, 2023 to November 27, 2025

⁸ *Dagg v Canada (Minister of Finance)*, [1997 CanLII 358](#) (SCC), dissenting views, at para 61.

I would like a Quote for Black and White Paper Copies including a Page Count should that Cost Exceed \$50 I would like the Option to Receive the Bylaw Complaint File in Digital PDF Format.

The Public Body's Disregard Decisions for Access Requests #1 and #4

[para 12] The head of the Public Body disregarded Request #1 under sections 9(1)(a) and (b) on November 26, 2025. Request #4 was disregarded by the head on January 15, 2026 under sections 9(1)(a), (b), (c), and (e).

[para 13] In its decision to disregard Request #1, the Public Body first noted several concerns with the request; however, none of these concerns warrant the Public Body refusing to provide a response under section 9, and I do not consider them further in this matter. The Public Body stated Request #1 was being disregarded under sections 9(1)(a) and (b) as follows:

Even if your submission had met the formal requirements, the request is being disregarded based on the nature and manner of your communication, as permitted by section 9(1) of the relevant legislation:

Power to disregard requests

9(1) The head of a public body may disregard a request under section 7(1) is

- (a) responding to the request would unreasonably interfere with the operations of the public body or amount to an abuse of the right to make a request because the request has been made repeatedly or in a systematic nature,
- (b) the request is abusive, threatening, frivolous or vexatious or is made in an abusive or threatening manner.

Your communications accompanying this and previous requests have been determined to be abusive, vexatious, and threatening. Specifically, your assertions of "Governance Deficiencies" are baseless, accusatory, and designed to harass Village staff, including the Head of the Public Body. Your statement that the Village is "engaging in a concerted effort to withholding information, destroying evidence, or intimidation, mislead, obstruct or interfere with an investigation" is entirely unsubstantiated, vexatious and constitutes abusive conduct. [emphasis in original]

[para 14] The Public Body provided additional reasons to disregard Access Request #1 under the *Occupational Health and Safety Act* stating, in part, that the Applicant's conduct was "classified as a hazard to Village employees".

[para 15] In its decision to disregard Request #4, the Public Body provided a summary table, citing the provisions it relied on and providing reasons for disregarding the Applicant's request under sections 9(1)(a), (b), (c) and (e) as follows:

- 9(1)(a) The volume, nature and pattern of your submissions, particularly when combined with the lack of sufficient detail (see 9(1)(d)), constitute an unreasonable interference with the normal operations of the public body.
- 9(1)(b) This reason is cited due to documented issues: The public body notes that your request and subsequent communications fall under the definition of abusive or vexatious behavior. As you are subject to a P-1 communication policy and have continued in harassing behavior, the request is disregarded on the grounds of conduct.

- 9(1)(c) We have identified that a significant portion of the information requested have already been released to you previously, rendering the inclusion of these records redundant.
- 9(1)(e) OPIC [sic] file #032175 [an OIPC Senior Information and Privacy Manager] states, “An applicant has a responsibility to be clear in what s/he wants when making an access request. That includes being precise with respect to the information sought....”

Nearly Three years’ worth of files is not specific.

Access Request #2 (Public Body File #02-10-14-25; OIPC File 042130) and Access Request #3 (Public Body File #01-01-12-25; OIPC File 042131)

[para 16] Access Requests #2 and #3 are worded identically, other than the time range. Access Requests #2 and #3 are for the following:

I WOULD LIKE TO VIEW MY COMPLETE BYLAW COMPLAINT FILE WITH THE VILLAGE OF EDGERTON IN PERSON AT THE EARLIEST POSSIBLE CONVIENCE [sic].

Time Ranges: Access Request #2 – MAY 16, 2016 TO OCTOBER 12, 2025
Access Request #3 – MAY 16, 2016 TO NOV 27, 2025

The Public Body’s Disregard Decisions for Access Requests #2 and #3

[para 17] Section 7 of ATIA describes how an applicant can make an access request. Under section 7(4), an applicant may ask for (a) a copy of the record or (b) to examine the record. The Public Body disregarded Request #2 under sections 9(1)(a)(b) and (c) on November 26, 2025. Request #3 was disregarded on January 15, 2026 under section 9(1)(a).

[para 18] In its decision to disregard Request #2, the head of the Public Body provided a summary table, citing the provisions relied on and providing reasons for disregarding the Applicant’s request under sections 9(1)(a), (b), and (c) as follows:

- 9(1)(a) The volume, nature and pattern of your submissions, particularly when combined with the lack of sufficient detail (see 9(1)(d)), constitute an unreasonable interference with the normal operations of the public body.
- 9(1)(b) This reason is cited due to documented issues: The public body notes that your request and subsequent communications fall under the definition of abusive or vexatious behavior. As you are subject to a P-1 communication policy and have continued in harassing behavior, the request is disregarded on the grounds of conduct.
- 9(1)(c) We have identified that certain elements of the information requested have already been released to you previously, rendering the inclusion of these records redundant.

[para 19] The head of the Public Body provided reasons to disregard Request #3 as follows:

Unreasonable Interference with Operations (ATI Act, Section 9(1)(a)):

- The volume and nature of the records related to your bylaw enforcement file are so large that responding to the request, including the necessary review, copying, and processing for disclosure would unreasonably interfere with the operations of the Village of Edgerton.

- Furthermore, your attempts to gain access to Village property, which is subject to trespass charges, constitutes an abuse of the right to make a request where the response would require an interaction that jeopardizes the safety of public servants.

[para 20] The Public Body provided additional reasons to disregard Access Request #3 under the *Occupational Health and Safety Act*.

[para 21] In summary, all four Access Requests relate to the Applicant's bylaw complaint file with the Public Body. The time range for Requests #1 and #4 starts at January 1, 2023 and goes to October 10, 2025 (for Request #1) and to November 27, 2025 (for Request #4). Requests #2 and #3 are for a longer time period and, as is permitted by section 7(4) of ATIA request examination of the Applicant's bylaw complaint file, rather than a copy. The Public Body disregarded the Access Requests under various subsections of 9(1) of ATIA.

b) The Public Body's Duty to Assist the Applicant Under Section 12(1)

[para 22] Before disregarding a request under section 9(1) of ATIA, a public body must first meet its duty to assist an applicant, that is, it must make every reasonable effort to assist an applicant and must respond openly, accurately, and completely, and in accordance with the ATIA Regulation. I have previously explained this as follows:

A Public Body must make every reasonable effort to assist an applicant before disregarding a request

The authority of a public body to disregard an access request is triggered after the public body has met its duty to assist by making "every reasonable effort" to help an applicant make an access request that will enable them to obtain the records sought, and in doing so, responds to the applicant "openly, accurately, and completely", which, as indicated, requires it to meet the section 5 requirements in the Regulation as set out above

It is only after the public body has met this duty to assist that it may exercise its authority under section 9(1) to disregard an access request. In doing so, a public body should carefully consider the consequences for an applicant, which is a denial of their access rights. That said, a public body is not expected to spend countless hours and resources to the detriment of its operations in trying to work with an applicant so that the applicant may make a sufficiently clear access request. I acknowledge that this task for a public body may be unachievable where an applicant refuses to work with the public body towards the objective of creating a sufficiently clear access request that the public body is able to process. In this process, applicants are expected to work in good faith with a public body towards this objective. As indicated, a public body's threshold for its duty to assist as it relates to the right of access is to make "every reasonable effort" and to respond to an applicant "openly, accurately, and completely". If a public body has met this threshold in its attempts to work with an applicant and, despite these efforts, is still unable to process the access request because the request is not sufficiently clear, then a public body may exercise its section 9(1) authority.⁹

[para 23] In its initial submission, the Public Body explained that it operates with a lean administrative team, consisting of two full-time office staff and part-time historical records support. Only the Chief Administrative Officer (the head of the Public Body) has the specialized training to respond to access to information requests. The Public Body explained it had competing obligations and that responding to the Applicant's requests "involved the review of more than 300 pages of material, which is a substantial burden for a small municipality with limited administrative capacity".

⁹ ATIA2026-DEI-02, *Leduc County (Re)*, [2026 CanLII 92306](#) (AB OIPC) at paras 32 - 33.

[para 24] The Public Body took the position that the Access Requests for the Applicant's bylaw complaint files were seeking "broad, undefined documentation" and outlined a recurring pattern where, when the Applicant is involved in bylaw-related, non-compliance issues requiring enforcement action, the Applicant would seek extensive documentation regarding their bylaw files, and would escalate matters with regulatory authorities. The Public Body stated it provides the Applicant with:

"copies of all correspondence in both electronic form and through registered mail. These materials comprise the vast majority of the records [the Applicant] later requests through FOIP or ATIA, yet [the Applicant] continues to request full file disclosures rather than identifying the specific documents [the Applicant] requires. The Village can provide full files when necessary; however the current bylaw related files consists of more than 30 folders, each containing multiple pages, not including the significant volume of material submitted to the Village by [the Applicant] of the confirmation pages showing that [the Applicant] received each communication..."

[para 25] The Public Body disregarded Request #4 under subsection 9(1)(e) (as well as subsections (a), (b) and (c)), and explained its reasons for finding the request was overly broad:

The public body has determined that this request is overly broad due to the scope, volume and resource demands involved. The applicant is seeking almost three years' worth of records, which constitutes a substantial portion of the Village's bylaw-related and administrative file history. Based on previous reviews of similar requests, the responsive records for this timeframe would exceed 300 individual pages, each of which must be located, verified, reviewed line-by-line for mandatory and discretionary exceptions and prepared for release in accordance with the Freedom of Information and Protection of Privacy Act [sic].

[para 26] The Public Body asserted that, given its other competing responsibilities, "processing a multi-year, full-file request of this scale is not feasible without jeopardizing the Village's ability to meet its other statutory obligations." The Public Body explained it did not attempt to clarify the request with the Applicant "because extensive prior efforts to obtain clarity from the applicant have been unsuccessful, and the applicant has demonstrated a consistent pattern of submitting broad, imprecise, and duplicative requests". The Public Body referred to previous access requests made by the Applicant under the repealed FOIP Act and described its concerns with these former requests. The Public Body further stated that given its "limited administrative resources as a small municipality, further attempts to clarify the same repetitive issues are not reasonable or proportionate" and it would not expect further clarification attempts to "resolve the deficiencies in the request".

[para 27] On July 23, 2026, I wrote the parties requesting additional information from the Public Body as follows: [footnotes omitted]

I am currently reviewing the Village of Edgerton's (the Public Body) four decisions under section 9(1) of the *Access to Information Act* (ATIA). The Public Body has made a number of assertions in its February 19, 2026 submission. I am writing to request additional information and evidence from the Public Body in regard to its assertions.

The OIPC's Guidance Document for reviews of a decision to disregard a request under section 9 of ATIA states:

A public body bears the burden to provide sufficient evidence to establish that the section 9 decision is reasonable or justified in the circumstances. A public body is expected to "put its best

foot forward with evidence” to support its decision to deprive the applicant of their quasi-constitutional right of access.

I am requesting further particulars in two areas regarding the Public Body’s evidence. First, it is not clear whether the Public Body met its duty to assist the Applicant under section 12 of ATIA before it decided to disregard the access requests before me (Access Requests). Second, while the Public Body has made a number of assertions regarding its decisions, it has provided insufficient evidence to support these assertions.

1. The Public Body’s Duty to Assist

Section 12(1) of ATIA sets out a public body’s duty to assist by making every reasonable effort to assist applicants.

12(1) Subject to the regulations, the head of a public body must make every reasonable effort to assist applicants and to respond to each applicant openly, accurately and completely, and in accordance with the regulations.

Section 5 of the ATIA Regulation (Regulation) clarifies this duty:

5(1) For the purposes of section 12(1) of the Act, the duty to make every reasonable effort to assist applicants and to respond to each applicant openly, accurately and completely includes a duty to

- (a) engage with an applicant in a way that provides an applicant with every reasonable opportunity to
 - (i) provide additional information to enable the public body to locate and identify a requested record within a reasonable time with reasonable effort,*
 - (ii) narrow a request that is overly broad,*
 - (iii) make an incomprehensible request comprehensible,**
- (b) respond to an applicant’s requests in plain language, and*
- (c) provide information to an applicant on the kinds of records the public body has in its custody or under its control and offer suggestions on how an applicant may adjust a request to enable the request to be processed.*

Section 5(2) of the Regulation outlines the factors I must consider when determining whether a public body has met its duty to assist:

5(2) For the purposes of section 12(1) of the Act, the following factors must be considered when assessing whether the head of a public body has made every reasonable effort to assist an applicant and to respond to each applicant openly, accurately and completely:

- (a) the size of the public body;*
- (b) the number of hours required to assist or respond to the applicant;*
- (c) the number of staff required to assist or respond to the applicant;*
- (d) the impact on the regular operations of the public body.*

In order to determine whether the Public Body was permitted to disregard the Applicant’s Access Requests under section 9(1), I must first be satisfied it met its duty to assist the Applicant. In the Public Body’s February 19, 2026 submission, it stated the following:

The Village did not attempt to clarify the specific request because extensive prior attempts to obtain clarity from the applicant have been unsuccessful, and the applicant has demonstrated a consistent pattern of submitting broad, imprecise and duplicative requests.

The Public Body referred to previous access requests made by the Applicant, including 2024-12-12-01 and 2024-12-12-02, and asserts they contained insufficient detail to process, as well as 2024-12-11-01, which it processed. It then continued as follows:

The applicant has established a pattern of:

- Submitting broad, full-file requests despite previously receiving the records through email and registered mail,
- Refusing to identify the specific documents sought,
- Challenging the Village's authority to act,
- Initiating multiple complaint avenues when asked to clarify requests, and
- Engaging in communication that the village has previously determined to be abusive or vexatious in formal FOIP correspondence

Given this documented behaviour, combined with the Village's limited administrative resources as a small municipality, further attempts to clarify the same repetitive issues are not reasonable or proportionate.

Conclusion

Based on the applicant's history, his ongoing refusal to provide clarity despite explicit direction from both OIPC and the Village, and the documented vexatious nature of previous correspondence, the Village did not attempt to clarify this specific request.

Further clarification attempts would continue to impose an unsustainable administrative burden on a small public body and would not be expected to resolve the deficiencies in the request.

This evidence submitted by the Public Body suggests that it is the Public Body's position that its previous attempts to assist the Applicant for prior access requests made by [them], as described, apply to the Access Requests such that it has met its duty to assist for these Access Requests based on past interactions. Whether this is the case can only be determined through evidence. The onus is on the Public Body to establish that it has met its duty to assist for these Access Requests.

Evidence from the Public Body may include records demonstrating its prior efforts to assist the Applicant with [their] Access Requests and how these efforts meet the Public Body's duty to assist in section 12(1) of ATIA and section 5(1) of the Regulation in relation to the Access Requests.

The Public Body has already provided some of the information I am required to consider. For example, under the ATIA Regulation, section 5(2)(a), I understand the Public Body has two full-time staff and one part-time historical records support, and under the ATIA Regulation section 5(2)(c), I understand that only the Chief Administrative Officer (the CAO) has the specialized training to respond to access to information requests. However, I require additional information to consider sections 5(2)(b) and (d) of the ATIA Regulation.

The Public Body states that this request involves "the review of more than 300 pages of material, which is a substantial burden for a small municipality with limited administrative capacity". **I request that the Public Body provide me information under ATIA Regulation section 5(2)(b) as to the number of hours required to assist or respond to the Applicant and under section 5(2)(d) of the ATIA Regulation, I am requesting additional information as to the impact on the regular operations of the Public Body.**

In addition, in considering whether a public body has met its duty to assist, section 5(3) of the ATIA Regulation provides guidance on the information I must consider when assessing whether providing access to a record would unreasonably interfere with the operations of a public body, including:

- (a) *the size of the public body;*
- (b) *the number of hours required to provide the applicant with access to a record;*
- (c) *the number of staff required to provide the applicant with access to a record;*
- (d) *the regular duties of the staff whose involvement is required to provide the applicant with access to a record;*
- (e) *the impact of providing access to a record on the operations and resources of the public body.*

The Public Body has provided me with the information I am required to consider under sections 5(3)(a) and (c). I am requesting the additional information I am required to consider under sections 5(3)(b), (d), and (e) of the ATIA Regulation. The Public Body has estimated approximately 300 responsive pages to the Applicant's requests. **Please provide information regarding the number of hours it would take to provide the Applicant with access to these records requested in the Access Requests (ATIA Regulation section**

5(3)(b)). Please also provide information regarding the regular duties of the CAO (as well as any other staff whose involvement is required to provide the Applicant with access to a record) and information about the impact of providing access to these records on the operations and resources of the Public Body (ATIA Regulation sections 5(3)(d) and (e)).

2. Evidence Regarding the Public Body's Decisions to Disregard Under Section 9(1) of ATIA

Assuming the Public Body met its duty to assist the Applicant under section 12(1) of ATIA, I will then require additional evidence regarding its decisions to disregard under section 9(1) of ATIA. This table outlines my understanding of the Public Body's decisions under review in this inquiry:

Request	Summary of Access Request	Date Submitted by Applicant (mm/dd/yy)	Date Received By Public Body (mm/dd/yy)	Date of Disregard Decision (mm/dd/yy)	Reasons for Disregard under 9(1)	Public Body File #	OIPC File #
#1	Complete copy of bylaw complaint file Jan 1, 2023 – Oct 10, 2025	10/10/25	unknown	11/26/25	(a) and (b)	01-10-14-25	041410
#2	View complete bylaw complaint file in person May 16, 2016 – Oct 10, 2025	10/12/25	10/14/25	11/26/25	(a), (b), and (c)	02-10-14-25	042130
#3	View complete bylaw complaint file in person May 16 2016 – Nov 27, 2025	11/27/25	12/1/25	1/15/26	(a)	01-01-12-25	042131
#4	Complete copy of bylaw complaint file Jan 1, 2023 – Nov 27, 2025	11/27/25	12/1/25	1/15/26	(a), (b), (c), and (e)	02-01-12-25	042132

If any information above is incorrect, please let me know.

Application of Section 9(1)(a)

The Public Body applied different subsections of 9(1) in some of the decisions, but all four decisions included section 9(1)(a) of ATIA. The Public Body has provided assertions as to how responding to the Access Requests would unreasonably interfere with its operations and amount to an abuse of the right to make a request.

In order to assist me with my review of the Public Body's decisions under section 9(1)(a), the Public Body may provide me with information and evidence about:

- The number of requests the Applicant has previously made for [their] bylaw complaint files as well as any other access requests or complaints;
- When those requests or complaints were made and the date ranges (it would be helpful to include information as to whether there is overlap between those prior requests and the ones that were disregarded under section 9(1));

- Steps taken by the Public Body to respond to these previous requests including whether the requests were processed or other steps that were taken;
- Whether the Applicant has previously been provided with some or all of [their] bylaw complaint information through the access to information process;
- The length of time the Public Body has been sending the Applicant [their] bylaw complaint information with delivery tracking and registered mail; and
- Whether there is any information responsive to the Access Requests that the Applicant has not yet received, and if so, what is that information?

Application of Section 9(1)(b)

The Public Body also made three decisions under section 9(1)(b). It is required to provide evidence regarding its decision that the Access Requests were abusive, threatening, frivolous or vexatious or made in an abusive or threatening manner. The Public Body asserted in its February 19, 2026 submission that it had previously determined the Applicant's communications were abusive or vexatious. Copies of these communications, as well as information explaining the circumstances that led to the Applicant being subject to communication restrictions may assist me in my review of this matter.

I note the Public Body has referenced other administrative proceedings, including findings regarding improper usage of Land Titles and proceedings under the *Municipal Government Act*. Information about these proceedings may also assist in my review.

The Public Body has referenced a pattern regarding its interactions with the Applicant. Generally, this pattern is summarized as the Applicant's non-compliance issues require the initiation of bylaw enforcement action. Following this, the Public Body states the Applicant challenges its authority, makes access requests and then commences administrative review or complaint processes. Evidence of this pattern may assist in my review of this matter.

Application of Sections 9(1)(c) and (e)

The Public Body may also provide additional evidence in support of its decisions made under sections 9(1)(c) and (e) of ATIA.

[para 28] The Public Body responded, but unfortunately, it was unable to provide any of the requested information. The Public Body explained that there was a new head of the Public Body, and the current staff were unfamiliar with the matter and were unable to provide any further response to my request for additional information. As such, I am left to determine whether the Public Body met its duty to assist only on the basis of the information it provided in its initial submission.

[para 29] Upon receipt of each of the Applicant's four Access Requests, the Public Body had a duty to assist the Applicant under section 12(1) of ATIA. That is, the onus was on the Public Body to make *every reasonable effort* to assist the Applicant and to respond *openly, accurately and completely*. To meet this threshold, under section 5(1) of the ATIA Regulation, the Public Body had to:

5(1) For the purposes of section 12(1) of the Act, the duty to make every reasonable effort to assist applicants and to respond to each applicant openly, accurately and completely includes a duty to

- (a) engage with the Applicant in a way that provided the Applicant with every reasonable opportunity to*
 - (i) provide additional information to enable the Public Body to locate and identify the records requested within a reasonable time with reasonable effort,*
 - (ii) narrow the Access Request because it is overly broad, or*

- (iii) make the Access Request comprehensible if the Public Body determined it to be incomprehensible,*
- (b) respond to the Applicant's questions in plain language, and*
- (c) provide information to the Applicant on the kinds of records it has in its custody or control and offered suggestions on how the Applicant may adjust the Access Request to enable it to be processed.*

[para 30] The evidence before me is that the Public Body did not engage with the Applicant upon receipt of the Access Requests. While the Public Body appeared to be of the opinion that such engagement would be futile based on its previous interactions with the Applicant, it did not provide me the evidence I requested to support this position. The Public Body's duty to communicate in plain language under section 5(1)(b), does not appear to be engaged; however, given the Public Body's failure to engage with the Applicant at all, and in the absence of any evidence that it had previously exhausted its efforts to engage with the Applicant, I cannot find that the Public Body met its duty to engage with the Applicant under section 5(1)(a) of the ATIA Regulation and I cannot find that it met its duty under section 5(1)(c) of the ATIA Regulation.

[para 31] In order to determine whether a public body met its duty to assist an applicant, I am required to consider the factors set out in section 5(2) of the ATIA Regulation.

5(2) For the purposes of section 12(1) of the Act, the following factors must be considered when assessing whether the head of a public body has made every reasonable effort to assist an applicant and to respond to each applicant openly, accurately and completely:

- (a) the size of the public body;*
- (b) the number of hours required to assist or respond to the applicant;*
- (c) the number of staff required to assist or respond to the applicant;*
- (d) the impact on the regular operations of the public body.*

[para 32] The Public Body has only two full-time staff, with one part-time historical records support, and only the head of the Public Body (at the time of the Access Requests) had training to respond to access requests. The Public Body asserted that responding to the Access Requests was "not feasible without jeopardizing the Village's ability to meet its other statutory obligations", which I take to be its position that responding would have a significant impact on its regular operations. However, as indicated in my letter requesting additional information from the Public Body, claiming such a significant impact requires more than a mere assertion.¹⁰ As such, absent additional supporting evidence, I cannot accept the Public Body's claim that it is not feasible for it to respond to the Access Requests. Further, I do not have any information from the Public Body under the ATIA Regulation section 5(2)(b); that is, I do not know the number of hours required to assist or respond to the Applicant. There is, in fact, no evidence before me that the Public Body made any effort at all to engage with the Applicant regarding the Access Requests and it may be, therefore, that very few hours were required to assist or respond to the Applicant. As I am

¹⁰ *Alberta Energy v Alberta (Information and Privacy Commissioner)*, [2024 ABKB 198](#) at paras 16 - 22 (appeal allowed on a narrow, unrelated point regarding only the remedy [2025 ABCA 163](#)).

unable to assess all of the required factors under section 5(2) of the ATIA Regulation, I cannot find that the Public Body made every reasonable effort to assist the Applicant and to respond openly accurately and completely.

[para 33] Similar considerations apply under section 5(3) of the ATIA Regulation. In all four of its disregard decisions, the Public Body relied on section 9(1)(a), holding that responding to the Access Requests would unreasonably interfere with its operations, and therefore I must consider the factors set out in section 5(3) of the ATIA Regulation:

5(3) For the purposes of section 12(2) of the Act, the following factors must be considered when assessing whether providing access to a record would unreasonably interfere with the operations of a public body:

- (a) the size of the public body;*
- (b) the number of hours required to provide the applicant with access to a record;*
- (c) the number of staff required to provide the applicant with access to a record;*
- (d) the regular duties of the staff whose involvement is required to provide the applicant with access to a record;*
- (e) the impact of providing access to a record on the operations and resources of the public body.*

[para 34] From the Public Body's submission, I understand under 5(3)(a) that there are two full time employees, and that, under 5(3)(c), only one employee, the head of the public body, had training to respond to access requests. Further, even without additional information from the Public Body, I can accept that the head of the Public Body has a number of important, complex and competing duties. However, I also require the information set out in sections 5(3)(b) and (e) as to the number of hours required to provide the Applicant with access to a record and the impact of providing access to the records on the operations and resources of the Public Body. The Public Body did not provide this information. In addition, it is troubling that the Public Body's position is that it is "not feasible" to respond to a request where the responsive records are "more than 300 pages". A request of less than 500 pages is not even considered to be a large volume by my office.¹¹ It is not clear, particularly in the absence of any supporting evidence, that responding to a request for 'more than 300 pages' of the Applicant's bylaw complaint files could impact the Public Body to the extent that it is not feasible to respond to the Access Requests. As such, I find the Public Body has not met its burden to establish that responding to the requests would unreasonably interfere with its operations.

[para 35] Section 5(4) of the ATIA Regulation sets out record keeping obligations for public bodies:

A public body must create and maintain accurate records that document the public body's decisions and actions, including the public body's communications with applicants, respecting each request for access to a record.

¹¹ See, for example, Order ATIA2026-TEI-01, *Workers' Compensation Board (Re)*, [2026 CanLII 3394](#) (AB OIPC) at para 41.

[para 36] Given the Public Body's inability to respond to my request for further information, I cannot find that the Public Body complied with its duty under section 5(4) of the Regulation. On the evidence before me, other than the Public Body's written decision to disregard each Access Request, it is not clear what other decisions and actions, if any, were taken with respect to the Applicant's Access Requests.

[para 37] For all of the reasons above, I find the Public Body did not meet its duty to assist the Applicant under ATIA.

[para 38] A public body must first meet its duty to assist an applicant before it can disregard a request. Because the Public Body did not meet its duty to assist the Applicant, it was not permitted to disregard any of the Access Requests and, therefore, did not properly disregard the Access Requests under section 9 of ATIA.

[para 39] The Public Body is required to process the Access Requests in accordance with ATIA.

c) The Public Body's Requirement to Process the Access Requests in Accordance with ATIA

[para 40] Some additional discussion may assist the Public Body in responding to the Applicant's Access Requests. Although four separate access requests were made, Access Requests #1 and #4 are identical, with the exception of the time frame, and Access Requests #2 and #3 are identical, with the exception of the time frame. All four requests have significant overlap, in that they all relate to the contents of the Applicant's bylaw complaint file. A request for the Applicant's bylaw complaint information, on the basis of the information before me, does not appear to be overbroad – it appears to be specific and clear. As part of meeting its duty to assist the Applicant when responding, the Public Body may consider engaging with the Applicant to clarify the Access Requests. Given the similarities in all four Access Requests, it appears likely that the Applicant may actually only want access to their complete bylaw complaint file; however, if the Applicant takes the position that the four Access Requests must be handled separately, this does not mean the Public Body must provide four separate responses of mostly identical records. As noted in ATIA2026-DEI-02, a public body may not be required to provide the same records it has previously provided an applicant, but may be required to provide information about the previously provided records to the Applicant.¹²

[para 41] A further point regarding Access Requests #2 and #3 warrants discussion. These requests are identical in that the Applicant requested to view their complete bylaw complaint file in person. Section 7(4)(b) of ATIA provides that an applicant may ask to examine the record, which, presumably is what was intended by the request to view the records in person. Regardless of the merits of any communication restrictions on the Applicant (which is not an issue before me, and on which I make no findings), the evidence is clear that at the time the Applicant made Access Requests #2 and #3, the Applicant was banned from attending the Public Body's premises. Section 15(4) of ATIA states as follows:

¹² ATIA2026-DEI-02, *Leduc County (Re)*, [2026 CanLII 92306](#) (AB OIPC) at para 120, referring to Order FOIP2025-22.

15(4) If the applicant has asked to examine a record or for a copy of a record that cannot reasonably be produced, the applicant

(a) must be permitted to examine the record or part of it, or

(b) must be given access in accordance with the regulations.

[para 42] Section 6 of the ATIA Regulation sets out circumstances where the head of a public body may require that a person be given a copy of a record, rather than the opportunity to examine it on site. Therefore, in engaging with the Applicant as part of its duty to assist the Applicant, and in the event that the Applicant still wishes to view their bylaw complaint files in person, the head may be of the opinion that a circumstance set out in section 6 of the ATIA Regulation applies. That is a matter to be decided by the head in the future if circumstances warrant.

IV. ORDER

[para 43] The issue before me is “Did the head of the Public Body properly disregard the request as permitted by section 9 of the Act?” For the reasons provided above, I find the Public Body is not authorized to disregard the Applicant’s Access Requests #1, #2, #3, and #4 under section 9 of the Act.

[para 44] In accordance with my authority under section 64 of ATIA, I dispose of this issue by making the following order:

- a) I order the Public Body to respond to the Applicant in accordance with its obligations under ATIA.
- b) I further order the Public Body to notify me in writing, within 50 business days of being given a copy of this Order, that it has complied with the Order.

Diane McLeod
Information and Privacy Commissioner