

Action Number: S084569  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

In the matter of the *Judicial Review Procedure Act*,  
R.S.B.C. 1996, c. 241 (as amended)

And in the matter of the *Freedom of Information and Protection  
of Privacy Act*, R.S.B.C. 1996, c. 165 (as amended)

And in the matter of Order F08-10 of the Delegate of the Information and  
Privacy Commissioner for British Columbia, dated May 21, 2008

BETWEEN:

**MOUNT ARROWSMITH TEACHERS' ASSOCIATION and  
BRITISH COLUMBIA TEACHERS' FEDERATION**

PETITIONERS

AND:

**OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER  
FOR BRITISH COLUMBIA, BOARD OF EDUCATION OF  
SCHOOL DISTRICT NO. 69 (QUALICUM), BRITISH COLUMBIA  
PUBLIC SCHOOL EMPLOYERS' ASSOCIATION, [REDACTED]  
and [REDACTED]**

RESPONDENTS

**ORDER**

BEFORE } THE HONOURABLE *rk* } Wednesday, the 19<sup>th</sup> day  
          } JUSTICE *Brooke* } of August, 2009.

THE APPLICATION of the Mount Arrowsmith Teachers' Association and  
British Columbia Teachers' Federation, coming on for hearing at the Law Courts  
at 800 Smithe Street in Vancouver, British Columbia, on the 19<sup>th</sup> day of August,  
2009, and on hearing Morgan A. Rea, counsel for the applicants, Keith E.W.

Mitchell, counsel for the Board of Education of School District No. 69 (Qualicum) and British Columbia Public School Employers' Association, and Susan E. Ross, counsel for the Information and Privacy Commissioner for British Columbia, and [REDACTED] and [REDACTED] having been duly served with the application but not entering appearances;

THIS COURT ORDERS, on the consent of the appearing parties, that:

1. the application for judicial review is granted;
2. the part of Order F08-10 of the Delegate of the Information and Privacy Commissioner for British Columbia, dated May 21, 2008, that relates to and requires the Board of Education of School District No. 69 (Qualicum) to give access to information in record 262 (the "grievance records"), is set aside on the ground that s. 21(1) of the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165, requires the Board of Education of School District No. 69 (Qualicum) to refuse access; and
3. no costs are ordered.


By the Court:

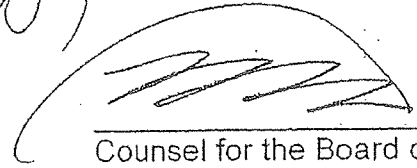
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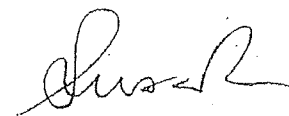
Registrar

Agreed as to form:

  
\_\_\_\_\_  
Counsel for the Petitioners



  
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Counsel for the Board of Education of School District No. 69 (Qualicum) and British Columbia Public School Employers' Association

  
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Counsel for the Information and Privacy Commissioner for British Columbia