OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER
for British Columbia

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May 10, 2011

To the Parties:

Reconsideration—Order F09-06—Inquiry under Part 5 of the *Freedom of Information and Protection of Privacy Act* between An Applicant and University of British Columbia ("public body") and Third Parties — OIPC File No.: F07-30736 — Public Body File No.: N-06-223

On November 25, 2009, Commissioner Loukidelis wrote to the parties, inviting further submissions on whether or not the public body has custody or control of the records the applicant requested with respect to UBC Properties Investment Ltd., UBC Research Enterprises Inc. and UBC Investment Management Trust. He invited further submissions, as the result of order of the British Columbia Supreme Court, by the consent of the parties to set aside part of Order F09-06 requiring the public body to process the applicant's request for records with respect to the above named companies. The Court remitted that part of the order for hearing before the Commissioner.

On November 27, 2009, counsel for the public body requested that the inquiry be held in abeyance pending the outcome of the Court of Appeal with respect to *Simon Fraser University v. British Columbia (Information and Privacy Commissioner)*, 2009 BCSC 1481, which involved Order F08-01. The parties agreed to hold the Inquiry in abeyance. The Court of Appeal has dismissed the petition as moot, on the grounds that the petitioner had died. As a result, the Office of the Information and Privacy Commissioner is now recommencing the Inquiry, and I am the responsible adjudicator. I therefore invite the parties to make any submission they may wish to make on the issue of whether or not the public body has custody or control of the records mentioned above, including in light of *Simon Fraser University v. British Columbia (Information and Privacy Commissioner)*, in accordance with the following schedule:

Schedule for Submissions

Initial submissions due: May 31, 2011

Reply submissions due: June 7, 2011

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Mail: PO Box 9038, Stn Prov Govt, Victoria BC V8W 9A4
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T. 250 387 5629 F. 250 387 1696
Toll free through *Enquiry BC* 800 663 7867 or 604 660 2421 (Vancouver)
W. www.oipc.bc.ca

Please refer to the attached instructions and contact list for making your submissions.

If you have any questions, please call the Registrar at (250) 356-7953 or by using the toll-free Enquiry B.C. line which is (604) 660-2421 for the Greater Vancouver Area.

Yours sincerely,

Jay Fedorak
Adjudicator