

Court File No:

FEDERAL COURT

BETWEEN:

GAGE HAUBRICH

- and -

CANADIAN TAXPAYERS FEDERATION

Applicants

- and -

ATTORNEY GENERAL OF CANADA

Respondent

APPLICATION PURSUANT to Sections 18 and 18.1 of the *Federal Courts Act*, R.S.C. 1985, c
F-7

NOTICE OF APPLICATION

TO THE RESPONDENT.

A PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the applicants. The relief claimed by the applicants appear below.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicants. The applicant requests that this application be heard at Vancouver, British Columbia.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must file a notice of appearance in Form 305 prescribed by the [Federal Courts Rules](#) and serve it on the applicants' solicitor or, if the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the [Federal Courts Rules](#), information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Date: _____ Issued by: _____
Registry Officer

Address of 701 West Georgia Street
court office: Vancouver, BC V7Y 1B6

TO: **ATTORNEY GENERAL OF CANADA**

Department of Justice Canada
British Columbia Regional Office
900 – 840 Howe Street
Vancouver, BC V6Z 2S9

agc_pgc_vancouver@justice.gc.ca

AND TO: **OFFICE OF THE INFORMATION COMMISSIONER OF CANADA**

30 Victoria Street
Gatineau, QC K1A 1H3

signification.service@oic-ci.gc.ca

APPLICATION

1. The Applicants make an Application for:
 - (a) An Order in the nature of mandamus, pursuant to sections 18 and 18.1 of the *Federal Courts Act*, R.S.C. 1985, c F-7, compelling the Information Commissioner of Canada (the “**Commissioner**”) to conclude its investigation concerning OIC File No. 5824-00305 / Institution File No. A-2023-14937 (the “**Investigation**”) into the Applicants’ complaint made under subsection 30(1) of the *Access to Information Act*, RSC 1985, c A-1 (“**ATIA**”), and issue its report to the Applicants under subsection 37(2), within a fixed and reasonable period of time to be determined by this Honourable Court;
 - (b) In the alternative, or in addition, a declaration that the Commissioner has failed to perform its statutory duties under the *ATIA* by failing to conduct and conclude the Investigation without undue delay;
 - (c) In the alternative, or in addition, a declaration that the Commissioner’s failure to complete the Investigation within a reasonable time infringes the Applicants’ rights under section 2(b) of the *Canadian Charter of Rights and Freedoms*, in that the delay unjustifiably interferes with the Applicants’ ability to receive and disseminate government information as part of their expressive activity, effectively precluding meaningful commentary on matters of public importance; and
 - (d) Such further and other relief as this Honourable Court may deem just.

2. The grounds for the Application are:

The Applicants

- (a) The Canadian Taxpayers Federation (“**CTF**”) is a federally incorporated, not-for-profit citizens’ organization that advocates for lower taxes, reduced government waste, and increased government accountability.
- (b) Gage Haubrich is employed as the Prairie Director of the CTF and, at all material times, acted on behalf of the CTF in submitting the underlying access to information request and complaint giving rise to the Investigation.
- (c) The Applicants often seek government information under the *ATIA* to support their public-interest advocacy and reporting on government spending and accountability. Access to timely information is essential to the Applicants’ public-interest mandate and expressive activities, including educating the public, participating in policy debate, and engaging in democratic oversight of government spending.

The Commissioner

- (d) The Office of the Information Commissioner of Canada (the “**OIC**”) is the Government of Canada’s independent oversight body responsible for receiving and investigating complaints concerning access-to-information requests made to federal institutions pursuant to the *ATIA*. As such, the OIC/Commissioner is a federal board, commission, or other tribunal within the meaning of section 2(1) of the *Federal Courts Act* and is therefore subject to judicial review by this Court under section 18.1.

- (e) Pursuant to section 30 of the *ATIA*, the Commissioner has a statutory duty to investigate complaints made regarding refusals or delays in responding to access-to-information requests.
- (f) Upon receiving a complaint, the Commissioner is required to examine the matter, make findings, and issue a final report to the complainant and head of the government institution under section 37(2) of the *ATIA*. If the Commissioner finds the complaint was well-founded, an additional report to the government institution is required under section 37(1).
- (g) A completed investigation and the issuance of a report are necessary steps for a complainant to meaningfully challenge a government institution's refusal or withholding of records, including by seeking judicial review under section 41 of the *ATIA* where appropriate. Until a report is issued, the complaint process cannot be concluded and the Applicants cannot pursue further recourse.
- (h) As such, the Commissioner is required to carry out her investigative duties in a timely manner and without undue delay, consistent with the purpose of the *ATIA* to provide timely public access to government information.
- (i) The timely completion of investigations is essential to ensuring that the right of access to government information is meaningful and effective, and not frustrated by administrative delay.

Background, Complaint and Investigation

- (j) Central to the Applicants' advocacy is taxpayer expenditure on new programming, which includes the Government of Canada's proposed Assault-Style Firearms Compensation Program (the "**Program**").

- (k) On July 14, 2023, the Applicants submitted a request to the Royal Canadian Mounted Police (“**RCMP**”) under the ATIA seeking:
- “...all communications, reports, analysis, records, budgets, or other documents showing costs incurred or projected costs of running the ‘RCMP Firearm Compensation Team’... [including] final versions of documents... [excluding] draft versions... [and] French versions where English exists... [including] documents in which Cabinet confidences can be severed... for the period June 29, 2022 to July 11, 2023.”
- (l) On January 9, 2024, the RCMP provided a response that included a ten-page document titled *E Division Implementation Plan*, outlining anticipated implementation activities and associated projected costs, including salaries, overtime, accommodations, travel, supplies, and use of capital assets for the “E” Division of the RCMP, located in the province of British Columbia.
- (m) On January 15, 2024, the Applicants submitted a second ATIA request to the RCMP seeking copies of similar implementation plans from the remaining RCMP divisions with respect to the Program for the period January 1, 2023 to January 12, 2024.
- (n) On April 4, 2024, the RCMP responded to this second request and withheld records in full pursuant to subsection 16(2) and paragraphs 21(1)(b) and 21(1)(c) of the ATIA.
- (o) As the Applicants had already obtained a copy of one such implementation plan, they filed a complaint with the OIC on April 17, 2024 (the “**Complaint**”).
- (p) On April 23, 2024, the OIC acknowledged receipt of the Complaint and advised that the Investigation would be undertaken.

- (q) On June 6, 2024, approximately two months later, an investigator with the OIC requested additional information and submissions from the Applicants.
- (r) On June 19, 2024, the Applicants provided detailed submissions to the investigator explaining why the RCMP's application of subsection 16(2) and paragraphs 21(1)(b) and 21(1)(c) was improper.
- (s) On November 18, 2024, the OIC advised the Applicants that the RCMP was now withholding the information pursuant to subsection 69(1) of the *ATIA*, and that the investigator had made a preliminary finding that subsection 69(1) appeared to have been properly applied.
- (t) The Applicants were invited to make additional submissions before December 2, 2024, after which the Investigation would be concluded and a recommendation made to the Commissioner for issuance of a final report.
- (u) On November 28, 2024, the Applicants were granted an extension to December 9, 2024.
- (v) On December 3, 2024, the Applicants submitted their final representations.
- (w) Despite the investigator's indication that the Investigation would then be concluded and a recommendation made to the Commissioner, no further communication was received from the Respondent for nearly six months.
- (x) On May 30, 2025, the Applicants followed up with the OIC seeking an update on the status of the Investigation and report.

- (y) On September 8, 2025, the OIC advised that a second investigator had now been assigned, that no substantive update could be provided, and that the Applicants would have an additional opportunity to make further final representations.
- (z) To date, nearly nineteen months after the complaint was filed, the Applicants have not been advised when the Investigation will be completed, nor have they received a report.

The Delay is Unreasonable and Unlawful

- (aa) The Commissioner's investigation is reviewable for lawfulness, respect for jurisdiction, and fairness.
- (bb) The Commissioner's powers under sections 30(1)(a), 32, and 37 of the *ATIA* are fettered and non-discretionary. There is a public duty to act in this case.
- (cc) The Commissioner's duty to provide a report to a complainant under section 37(2)(a) of the *ATIA* is owed to the Applicants, and this duty necessarily requires an investigation under paragraph 30(1)(a).
- (dd) There has been a prior demand for performance by the Applicants, and a reasonable amount of time has been provided for the Commissioner to comply with this demand.
- (ee) The Commissioner has failed to carry out her statutory duty to investigate and report on the Applicants' complaint in a timely manner and without undue delay.
- (ff) The delay has been longer than the nature of the investigation process requires; the Applicants are not responsible for the delay; and the Commissioner has not

provided any timeline for completion of the investigation or issuance of a report, nor any reasonable explanation for the continued delay.

- (gg) The Commissioner's delay has prevented the conclusion of the complaint process under the *ATIA*, thereby frustrating the Applicants' statutory right to a meaningful and timely investigation, and ultimately hindering the Applicant's right of access to government records under section 4 of the *ATIA*.
- (hh) The Commissioner's delay has prevented the issuance of a report under subsection 37(2) of the *ATIA*, which is necessary for the Applicants to obtain an effective remedy and pursue further recourse, including judicial review of the institution's decision, where appropriate.
- (ii) The delay has effectively deprived the Applicants of timely access to government information, undermining the purpose of the *ATIA* to ensure prompt public access to records held by government institutions.
- (jj) The delay interferes with the Applicants' ability to receive and disseminate government information as part of their public interest advocacy and reporting on matters of public importance, including the Program, thereby impairing their right to expressive activity protected under section 2(b) of the *Canadian Charter of Rights and Freedoms*.
- (kk) The delay in this case is unreasonable.
- (ll) The Applicants have no other adequate remedy to compel the Commissioner to fulfill her statutory duty within a reasonable time.

(mm) The orders sought in the Application are of practical value and effect.

(nn) There is no equitable bar to the relief sought.

(oo) It is just and appropriate for this Honourable Court to intervene to ensure that the Commissioner carries out her statutory duties and that the Applicants' right to timely access to government information is preserved. The balance of convenience favours granting the orders sought in the Application.

3. The Applicants relies on the following statutes and rules:

(a) The *Federal Courts Act*, R.S.C. 1985, c F-7.

(b) The *Federal Court Rules*, SOR/98-106.

(c) The *Access to Information Act*, RSC 1985, c A-1.

(d) The *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11.

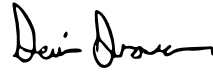
(e) Such further and other grounds as counsel may advise and this Honourable Court may deem just.

4. The Application will be supported by the following material:

(a) The Affidavit of Gage Haubrich, to be sworn;

(b) Such further and other documentary evidence as counsel may advise and this Honourable Court permits.

November 7, 2025



Devin Drover
Lawyer for the Applicants



Spencer C.J. Evans
Lawyer for the Applicants

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