

Court File No:

FEDERAL COURT

BETWEEN:

GAGE HAUBRICH

- and -

CANADIAN TAXPAYERS FEDERATION

Applicants

- and -

COMMISSIONER OF THE ROYAL CANADIAN MOUNTED POLICE

Respondent

APPLICATION PURSUANT to section 41 of the *Access to Information Act* (R.S.C., 1985, c. A-1)

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

TO: **COMMISSIONER OF THE ROYAL CANADIAN MOUNTED POLICE**
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. Gage Haubrich and the Canadian Taxpayers Federation (“CTF”; together, the “Applicants”) make an Application for:

- (a) An Order pursuant to section 49 of the *Access to Information Act*, RSC 1985, c A-1 (“*ATIA*”) requiring the respondent, the Commissioner of the Royal Canadian Mounted Police (the “Respondent”), to release the records requested under Access request number A-2023-14937 (OIC file number: 5824-00305) (the “Requested Records”) to the Applicants within 30 days of Judgment being rendered in this Application;
- (b) In the alternative, an Order remitting the decision of whether to release the Requested Records to a different decision maker;
- (c) Costs of this Application;
- (d) Such further and other relief as this Honourable Court may deem just.

2. The grounds for the Application are:

The Applicants

- (a) The 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 carried out by the Office of the Information Commissioner (the “**OIC**”).

- (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 Respondent

- (d) The Respondent is the professional head of the Royal Canadian Mounted Police (the “**RCMP**”), and exercises control and management of the RCMP under the direction of the Minister of Public Safety, including overseeing the Assault-Style Firearms Compensation Program (the “**Program**”).

Background, Complaint and Investigation

- (e) Central to the Applicants’ advocacy is taxpayer expenditure on new programming, which includes the Program.
- (f) On July 14, 2023, the Applicants submitted a request to the 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.”

- (g) 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 (the “**Plan**”).
- (h) 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 (defined above as the “**Requested Records**”).
- (i) 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*.
- (j) As the Applicants had already obtained a copy of one such implementation plan, they filed a complaint with the OIC pursuant to paragraph 30(1)(a) of the *ATIA* on April 17, 2024 (the “**Complaint**”).
- (k) On April 23, 2024, the OIC acknowledged receipt of the Complaint and advised that an investigation would be undertaken under OIC file number: 5824-00305 (the “**Investigation**”).
- (l) On June 6, 2024, an investigator with the OIC requested additional information and submissions from the Applicants.

- (m) 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.
- (n) On November 18, 2024, the OIC advised the Applicants that the RCMP was now withholding the information as a Cabinet confidence 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.
- (o) 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 Information Commissioner for issuance of a final report.
- (p) On November 28, 2024, the Applicants were granted an extension to December 9, 2024.
- (q) On December 3, 2024, the Applicants submitted their final representations.
- (r) 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.
- (s) On May 30, 2025, the Applicants followed up with the OIC seeking an update on the status of the Investigation and report.

- (t) 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.
- (u) On November 7, 2025, after 18 months had elapsed since the Complaint was submitted and with no resolution in sight, the Applicants filed an application with the Court seeking, *inter alia*, an order in the nature of mandamus compelling the Information Commissioner to conclude the Investigation and issue a report to the Applicants, within a fixed and reasonable period of time (the “**Mandamus Application**”).
- (v) On November 19, 2025, the OIC advised that, prior to submitting their preliminary findings for a final review, they had learned that the requirements of subsection 69(1) had not been met, and, therefore, could not be accepted. As a result, the RCMP maintained its initial application of subsection 16(2) and paragraphs 21(1)(b) and (c) to the entirety of the Requested Records, and the OIC shifted its Investigation to focus on whether those exemptions were properly applied. As of that date, the OIC’s assessment of those exemptions remained ongoing.
- (w) On January 20, 2026, the Applicants requested an update on the Investigation.
- (x) On January 26, 2026, the OIC wrote to the Applicants requesting final representations regarding the Complaint. The OIC investigator advised that the RCMP had confirmed that all the Requested Records constituted Cabinet confidences and should be excluded in accordance with subsection 69(1) and that the RCMP had previously released the Plan in error. The investigator further stated

that the OIC did not have access to review information on which this exclusion had been applied.

- (y) On January 28, 2026, the Applicants advised that they did not intend to make any further submissions in light of the raising of subsection 69(1).

The Information Commissioner's Final Report

- (z) On February 5, 2026, the Information Commissioner issued the final report with respect to the Complaint, pursuant to subsection 37(2) of the *ATIA* (the “**Report**”).
- (aa) The Report confirmed that the OIC could not review information to which the Cabinet confidences exclusion had been applied, but rather could only request confirmation that the records are Cabinet confidences. Paragraph 69(1)(g) of the *ATIA* was found to exclude records that contain information about the contents of any record within a class of records referred to in paragraphs (a) to (f), and that paragraph 69(1)(a) excluded memoranda the purpose of which is to present proposals or recommendations to Council. The Investigation had also confirmed that the exception provided in subsection 69(3) did not apply.
- (bb) Having reviewed the RCMP's response confirming that the Requested Records are Cabinet confidences, the OIC had not found any reasonable basis upon which to challenge the validity of the exclusion.
- (cc) For these reasons, the Report stated that the Complaint was not well founded.

- (dd) As the issuance of the Report had rendered the Mandamus Application moot, the Applicants discontinued the Mandamus Application on February 19, 2026.

The Requested Records are not excluded under subsection 69(1)

- (ee) This Application is brought pursuant to subsection 41(1) of the *ATIA*.
- (ff) Under section 49 of the *ATIA*, the Court has the jurisdiction to order the head of a government institution to disclose a record or part thereof where the head of the government institution refuses to disclose a record requested under Part 1 of the *ATIA* and such refusal was not authorized by law.
- (gg) Paragraph 69(1)(a) of the *ATIA* excludes from the operation of the *ATIA* memoranda for the purpose of which is to present proposals or recommendations to the Queen's Privy Council for Canada. Paragraph 69(1)(g) excludes records that contain information about the contents of any records within a class of records referred to in paragraphs (a) to (f).
- (hh) The RCMP has taken the position that the Plan constitutes a Cabinet confidence and was therefore released in error. The Plan is an operational document, describing logistical matters, including, *inter alia*:
- (i) the estimated number of firearms involved;
 - (ii) front end processing, collection and firearm drop-offs;
 - (iii) storage of firearms;
 - (iv) transportation of firearms;
 - (v) destruction of firearms by shredding;
 - (vi) staffing;
 - (vii) estimated timeframes;

- (viii) reporting; and
 - (ix) projected expenses.
- (ii) The Plan has no direct or indirect information about the contents of Cabinet discussions. If the Requested Records are of the same character as the Plan, then they are not excluded from the *ATIA* as Cabinet confidences by operation of subsection 69(1) of the *ATIA*.
- (jj) The Respondent was not authorized to exclude these documents from production under subsection 69(1) of the *ATIA*, or otherwise.
3. The Applicants rely on the following statutes and rules:
- (a) The *Federal Court Rules*, SOR/98-106.
 - (b) The *Access to Information Act*, RSC 1985, c A-1.
 - (c) 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.

Date: March 13, 2026



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