

File No.: 04-1000-20-2017-265

August 4, 2017

s.22(1)

Dear s.22(1)

Re: Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")

I am responding to your request of July 6, 2017 for:

A final copy of all completed British Columbia Property Transfer Tax Return forms submitted to the BC Ministry of Finance, clearly presenting all information and financial amounts on those forms, in connection with the August 2016 transfer of the "City Exchange land" to Brenhill that was declared at a market value of \$84.5 million dollars, and for the transfer of the "Brenhill Exchange Land" to the City at a declared market value of \$50.1 million dollars; and all other property transfer tax receipts, cost records, and forms for the "Brenhill exchange land" and the "City Exchange land", that were issued or filled out, in respect of these lands that were transferred in the "Land Exchange Contract", as part of the process to clear title to both the Brenhill exchange land and the City Exchange land.

The City responded to your request on July 13, 2017 with the following statement:

The records requested are publicly available on a fee for service basis through the BC Land Title and Survey Office here: <https://apps.ltsa.ca/iam/signup> .

As per section 3(1)(j) of *FIPPA*, records available on a fee for service basis are "out of scope" of the Act. An FOI request is not required in order to obtain the records from the BC Land Title and Survey Office.

During a follow up with the Real Estate Department it was recognized the information provided was incorrect. In fact PTT forms are filed with the Land Titles Office, but not recorded or stored there, but rather with the Department of Finance and not available through the Land Title Office.

The legal department has been able to provide a copy of the Property Transfer Tax form filed by the City for the transfer of the Brenhill Exchange Lands to the City. This is because the City would be responsible for the property transfer tax relating to costs of transferring the title of the Brenhill Exchange lands to the City, but as a municipality, the City is exempt from

paying the said taxes. While the City still submits a PTT Form, no tax is required to be submitted. This is referenced in the response to the second question on the form: "Are you claiming an exemption: 20 - Transfer to municipality, reg. district, etc." A copy of this PTT form is attached.

Further, according to the Agreement, Brenhill would pay any Property Transfer Tax with respect to the transfer of City Lands to Brenhill. Accordingly, Brenhill would be the record holder of that PTT form because it was prepared and submitted by Brenhill. The City does not have a copy of same.

Under section 52 of the Act, and within 30 business days of receipt of this letter, you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your request by writing to: Office of the Information & Privacy Commissioner, info@oipc.bc.ca or by phoning 250-387-5629 and providing: 1) your request number (#04-1000-20-2017-265); 2) a copy of this letter; 3) a copy of your original request; and 4) the reason for your request for review.

Please do not hesitate to contact the Freedom of Information Office at foi@vancouver.ca if you have any questions.

Yours truly,



Barbara J. Van Fraassen, BA
Director, Access to Information & Privacy

Barbara.vanfraassen@vancouver.ca
453 W. 12th Avenue Vancouver BC V5Y 1V4
Phone: 604 .873.7999

Encl.

:bvf