



**City Council
Electronic Meeting**

**Council Chambers, City Hall
6911 No. 3 Road
Monday, January 26, 2026
7:00 p.m.**

Pg. # ITEM

MINUTES

1. *Motion to:*

- CNCL-9** (1) *adopt the minutes of the Regular Council meeting held on January 12, 2026;*
- CNCL-14** (2) *adopt the minutes of the Special Council meeting held on January 19, 2026; and*
- (3) *adopt the minutes of the Regular Council meeting for Public Hearings held on January 19, 2026 (distributed separately).*



AGENDA ADDITIONS & DELETIONS

PRESENTATION

Nancy Small, Tourism Richmond, to present the Excellence Award for Innovation given to the City of Richmond for the Heritage Boat Restoration Program at Britannia Shipyards.

COMMITTEE OF THE WHOLE

2. *Motion to resolve into Committee of the Whole to hear delegations on agenda items.*

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3. Delegations from the floor on Agenda items.

PLEASE NOTE THAT FOR LEGAL REASONS, DELEGATIONS ARE NOT PERMITTED ON ZONING OR OCP AMENDMENT BYLAWS WHICH ARE TO BE ADOPTED OR ON DEVELOPMENT PERMITS/DEVELOPMENT VARIANCE PERMITS.

4. *Motion to rise and report.*

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RATIFICATION OF COMMITTEE ACTION

CONSENT AGENDA

PLEASE NOTE THAT ITEMS APPEARING ON THE CONSENT AGENDA WHICH PRESENT A CONFLICT OF INTEREST FOR COUNCIL MEMBERS MUST BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

CONSENT AGENDA HIGHLIGHTS

- Receipt Of Committee Minutes
- Community Safety Committee Motion
- Award Of Contract – 8490P Supply And Delivery of Computer Equipment and Related Services

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ITEM

- Application by Vancouver Coastal Health Authority for a Temporary Commercial Use Permit at 5768 Minoru Boulevard
- Richmond Youth Advisory Committee 2025 Annual Report and 2026 Work Program
- Richmond Social Development Advisory Committee 2025 Annual Report and 2026 Work Program
- Land use applications for first, second and third reading:
 - 8560 Heather Street – Rezone from Small-Scale Multi-Unit Housing (RSM/M)” Zone to “Small-Scale Multi-Unit Housing (RSM/S)” Zone (Haven Craft Homes Ltd. – applicant)
 - 12871, 12873, 12875 Railway Avenue – Rezone from Low Density Townhouses (RTL1)” Zone to “Medium Density Low Rise Apartments (RAM1)” Zone (City of Richmond – applicant)

5. *Motion to adopt Items No. 6 through No. 13 by general consent.*

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Consent
Agenda
Item

6. COMMITTEE MINUTES

That the minutes of:

- (1) *the Community Safety Committee meeting held on January 13, 2026; (distributed separately)*
- (2) *the General Purposes Committee meeting held on January 19, 2026; and (distributed separately)*
- (3) *the **Planning Committee** meeting held on January 20, 2026; be received for information.*

CNCL-16

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Consent
Agenda
Item

7. COMMUNITY SAFETY COMMITTEE MOTION

(File Ref. No.) (REDMS No.)

COMMUNITY SAFETY COMMITTEE RECOMMENDATION

That a letter be sent to the Provincial Health Officer and Vancouver Coastal Health requesting information, on a monthly basis, on the overdoses and deaths from overdoses in Richmond.

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Consent
Agenda
Item

8. **AWARD OF CONTRACT – 8490P SUPPLY AND DELIVERY OF
COMPUTER EQUIPMENT AND RELATED SERVICES**

(File Ref. No. 04-1300-01) (REDMS No. 8254315)

CNCL-21

See Page CNCL-21 for full report

GENERAL PURPOSES COMMITTEE RECOMMENDATION

- (1) *That Contract 8490P – Supply and Delivery of Computer Equipment and Related Services be awarded to 341234 BC Ltd. (Microserve), for an initial five-year term at an estimated contract value of \$2,572,107 exclusive of taxes, as described in the report titled “Award of Contract – Supply and Delivery of Computer Equipment and Related Services”, dated December 19, 2025, from the Director, Information Technology;*
- (2) *That the Chief Administrative Officer and the General Manager, Finance and Corporate Services be authorized to extend the initial five-year contract, up to the maximum total term of seven years, for the maximum total amount of \$3,748,680, as described in the report titled “Award of Contract – Supply and Delivery of Computer Equipment and Related Services” dated December 19, 2025, from the Director, Information Technology; and*
- (3) *That the Chief Administrative Officer and the General Manager, Finance and Corporate Services be authorized to execute Contract 8490P Supply and Delivery of Computer Equipment and Related Services and all related documentation with 341234 BC Ltd. (Microserve).*



Consent
Agenda
Item

9. **APPLICATION BY VANCOUVER COASTAL HEALTH AUTHORITY
FOR A TEMPORARY COMMERCIAL USE PERMIT AT 5768
MINORU BOULEVARD**

(File Ref. No. TU 25-029652) (REDMS No. 8257148)

CNCL-26

See Page CNCL-26 for full report

PLANNING COMMITTEE RECOMMENDATION

- (1) *That the application by Vancouver Coastal Health Authority for a Temporary Commercial Use Permit for the property at 5768 Minoru Boulevard, to allow “Parking, non-accessory” as a permitted use, be considered for a period of three years from the date of issuance; and*

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Pg. # ITEM

- (2) *That this application be forwarded to the February 17, 2025, Public Hearing at 5:30pm in the Council Chambers of Richmond City Hall.*

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Consent
Agenda
Item

10. **RICHMOND YOUTH ADVISORY COMMITTEE 2025 ANNUAL REPORT AND 2026 WORK PROGRAM**
(File Ref. No. 07-3425-01) (REDMS No. 8248798)

CNCL-37

See Page CNCL-37 for full report

PLANNING COMMITTEE RECOMMENDATION

- (1) *That the Richmond Youth Advisory Committee's 2025 Annual Report, as outlined in the report titled "Richmond Youth Advisory Committee 2025 Annual Report and 2026 Work Program", dated December 19, 2025, from the Director, Community Social Development, be received for information; and*
- (2) *That the Richmond Youth Advisory Committee's 2026 Work Program be approved.*

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Consent
Agenda
Item

11. **RICHMOND SOCIAL DEVELOPMENT ADVISORY COMMITTEE 2025 ANNUAL REPORT AND 2026 WORK PROGRAM**
(File Ref. No. 08-4055-01) (REDMS No. 8225073)

CNCL-45

See Page CNCL-45 for full report

PLANNING COMMITTEE RECOMMENDATION

- (1) *That the Richmond Social Development Advisory Committee's 2025 Annual Report, as outlined in the report titled "Richmond Social Development Advisory Committee 2025 Annual Report and 2026 Work Program", dated December 19, 2025, from the Director, Community Social Development, be endorsed; and*
- (2) *That the Richmond Social Development Advisory Committee's 2026 Work Program be approved.*

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Item

12. **APPLICATION BY HAVEN CRAFT HOMES LTD. FOR REZONING AT 8560 HEATHER STREET FROM “SMALL-SCALE MULTI-UNIT HOUSING (RSM/M)” ZONE TO “SMALL-SCALE MULTI-UNIT HOUSING (RSM/S)” ZONE**

(File Ref. No. RZ 24-049110) (REDMS No. 8230084)

CNCL-54

See Page CNCL-54 for full report

PLANNING COMMITTEE RECOMMENDATION

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10730, for the rezoning of 8560 Heather Street from “Small-Scale Multi-Unit Housing (RSM/M)” to “Small-Scale Multi-Unit Housing (RSM/S)” zone, be introduced and given first, second and third reading.



Consent
Agenda
Item

13. **APPLICATION BY CITY OF RICHMOND FOR REZONING AT 12871, 12873, 12875 RAILWAY AVENUE FROM “LOW DENSITY TOWNHOUSES (RTL1)” ZONE TO “MEDIUM DENSITY LOW RISE APARTMENTS (RAM1)” ZONE**

(File Ref. No. RZ 25-029406) (REDMS No. 8251599)

CNCL-71

See Page CNCL-71 for full report

PLANNING COMMITTEE RECOMMENDATION

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10734, to amend the “Medium Density Low Rise Apartments (RAM1)” zone, and to rezone 12871, 12873, 12875 Railway Avenue from “Low Density Townhouses (RTL1)” zone to “Medium Density Low Rise Apartments (RAM1)” zone, be introduced and given first, second and third reading.



CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON-CONSENT AGENDA ITEMS

GENERAL PURPOSES COMMITTEE

Mayor Malcolm D. Brodie, Chair

14. **PROPOSED UPDATE TO RICHMOND'S DEMOLITION WASTE AND RECYCLABLE MATERIALS BYLAW NO. 9516 TO INCREASE DIVERSION**

(File Ref. No. 10-6125-07-04) (REDMS No. 8206701)

CNCL-90

See Page CNCL-90 for full report

GENERAL PURPOSES COMMITTEE RECOMMENDATION

Opposed: Cllrs. Loo and McNulty

- (1) *That each of the following bylaws be introduced and given first, second and third readings:*
 - (a) *Demolition Waste and Recyclable Materials Bylaw No. 9516, Amendment Bylaw No. 10664;*
 - (b) *Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 10717; and*
- (2) *That the implementation plan as outlined in the report titled "Proposed Update to Richmond's Demolition Waste and Recyclable Materials Bylaw No. 9516 to Increase Diversion", dated December 4, 2025, from the Director, Climate and Environment, be approved.*



LAW AND COMMUNITY SAFETY DIVISION

ADDED 15. **APPROVAL TO COMMENCE COURT PROCEEDINGS CHALLENGING THE ORDER OF THE INFORMATION AND PRIVACY COMMISSIONER – PUBLIC SAFETY CAMERA SYSTEM PROGRAM**

(File Ref. No. 10-6450-07-07, 10-6450-07-07) (REDMS No. 8295045, 8295967)

CNCL-117

See Page CNCL-117 for full report

See Page CNCL-231 for staff memorandum

STAFF RECOMMENDATION

That the commencement of Court proceedings in the Supreme Court of British Columbia seeking to judicially review and quash and set aside the Order of the Information and Privacy Commissioner dated January 14, 2026, and seeking necessary Court declarations confirming the legality of the City of Richmond's Public Safety Camera System Program, be approved.



PUBLIC ANNOUNCEMENTS AND EVENTS

NEW BUSINESS

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BYLAWS FOR ADOPTION

- CNCL-109** Richmond Zoning Bylaw 8500, Amendment **Bylaw No. 10726**
(10011 River Drive, ZT 25-007646)
Opposed at 1st Reading – None.
Opposed at 2nd/3rd Readings – None.

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- CNCL-111** Consolidated 5 Year Financial Plan (2026-2030) **Bylaw No. 10727**
Opposed at 1st/2nd/3rd Readings – None.

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ADJOURNMENT

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Regular Council

Monday, January 12, 2026

Place: Council Chambers
Richmond City Hall

Present: Mayor Malcolm D. Brodie
Councillor Chak Au (by teleconference)
Councillor Carol Day
Councillor Laura Gillanders
Councillor Kash Heed
Councillor Andy Hobbs
Councillor Alexa Loo
Councillor Bill McNulty
Councillor Michael Wolfe

Corporate Officer – Claudia Jesson

Call to Order: Mayor Brodie called the meeting to order at 7:00 p.m.

RES NO. ITEM

MINUTES

- R26/1-1 1. It was moved and seconded
That:
- (1) *the minutes of the Special Council meeting held on December 17, 2025, be adopted as circulated;*
 - (2) *the minutes of the Regular Council meeting for Public Hearings held on December 15, 2025, be adopted as circulated; and*
 - (2) *the Metro Vancouver 'Board in Brief' dated November 28, 2025, be received for information.*

CARRIED



Regular Council
Monday, January 12, 2026

COMMITTEE OF THE WHOLE

- R26/1-2 2. It was moved and seconded
That Council resolve into Committee of the Whole to hear delegations on agenda items (7:01 p.m.).

CARRIED

3. Delegations from the floor on Agenda items – None.

- R26/1-3 4. It was moved and seconded
That Committee rise and report (7:02 p.m.).

CARRIED

CONSENT AGENDA

- R26/1-4 5. It was moved and seconded
That Items No. 6 through No. 8 be adopted by general consent.

CARRIED

6. **COMMITTEE MINUTES**

That the minutes of:

- (1) *the Public Works and Transportation Committee meeting held on December 17, 2025;*
- (2) *the Parks, Recreation and Cultural Services Committee meeting held on December 17, 2025;*
- (3) *the Finance and Audit Committee meeting held on January 5, 2026;*
- (4) *the General Purposes Committee meeting held on January 5, 2026;*
and
- (5) *the Planning Committee meeting held on January 6, 2026;*
be received for information.

ADOPTED ON CONSENT

2.



**Regular Council
Monday, January 12, 2026**

7. RICHMOND CHILD CARE DEVELOPMENT ADVISORY COMMITTEE 2025 ANNUAL REPORT AND 2026 WORK PROGRAM

(File Ref. No. 01-0100-30-CCDE1-01) (REDMS No. 8219745, 8219641, 8219700)

- (1) That the Richmond Child Care Development Advisory Committee's 2025 Annual Report, as outlined in the report titled, "Richmond Child Care Development Advisory Committee 2025 Annual Report and 2026 Work Program", dated December 5, 2025, from the Director, Community Social Development, be received for information; and*
- (2) That the Richmond Child Care Development Advisory Committee's 2026 Work Program be approved.*

ADOPTED ON CONSENT

8. RICHMOND ACCESSIBILITY ADVISORY COMMITTEE 2025 ANNUAL REPORT AND 2026 WORK PROGRAM

(File Ref. No. 01-0100-30-RACC1-01) (REDMS No. 8226803, 8171259, 8173982)

- (1) That the Richmond Accessibility Advisory Committee's 2025 Annual Report, as outlined in the report titled "Richmond Accessibility Advisory Committee 2025 Annual Report and 2026 Work Program", dated December 5, 2025, from the Director, Community Social Development, be received for information; and*
- (2) That the Richmond Accessibility Advisory Committee's 2026 Work Program be approved.*

ADOPTED ON CONSENT

NON-CONSENT AGENDA ITEMS



Regular Council
Monday, January 12, 2026

GENERAL PURPOSES COMMITTEE

Mayor Malcolm D. Brodie, Chair

9. **RESPONSE TO METRO VANCOUVER'S REFERRAL: METRO 2050 REGIONAL GROWTH STRATEGY AMENDMENT PROPOSED BY THE CITY OF SURREY FOR THE PROPERTY LOCATED AT 6480 – 152 STREET**

(File Ref. No. 01-0157-30-RGST1) (REDMS No. 8228746)

R26/1-5

It was moved and seconded

That the Metro Vancouver Regional District Board be advised that the City of Richmond has no concerns on the proposed amendment to the Metro 2050 Regional Growth Strategy and that this recommendation and accompanying report titled "Response to Metro Vancouver's Referral: Metro 2050 Regional Growth Strategy Amendment Proposed by the City of Surrey for the Property Located at 6480 – 152 Street", dated December 11, 2025 from the Director, Policy Planning be provided to the Metro Vancouver Regional District Board.

The question on the motion was not called as discussion ensued with respect to (i) development pressures to nearby agricultural land, (ii) concerns regarding building on flood plain, (iii) protecting agricultural land, (iv) urban containment boundary requirements, and (iv) potential uses for the land if taken out of the Agricultural Land Reserve (ALR) zone.

The question on Resolution R26/1-5 was then called and it was **CARRIED** with Cllrs. Day and Wolfe opposed.

PUBLIC ANNOUNCEMENT



Regular Council
Monday, January 12, 2026

Mayor Brodie announced that Council recently reviewed the governance structure of the Richmond Olympic Oval and determined that the Oval will continue to be operated by a Municipally owned Corporation with its Board of Directors appointed by Council. Council look forward to continue working with the Board and together implementing enhancements to strength accountability, transparency, community access and operational efficiencies to ensure the continued long term success of the Oval and its facilities, programs and services.

BYLAW FOR ADOPTION

R26/1-6

It was moved and seconded

That Housing Agreement (5766 and 5788 Gilbert Road) Bylaw No. 9739, Amendment Bylaw No. 10692 be adopted.

CARRIED

ADJOURNMENT

R26/1-7

It was moved and seconded

That the meeting adjourn (7:16 p.m.).

CARRIED

Certified a true and correct copy of the Minutes of the Regular meeting of the Council of the City of Richmond held on Monday, January 12, 2026.

Mayor (Malcolm D. Brodie)

Corporate Officer (Claudia Jesson)



**Special Council
Monday, January 19, 2026**

Place: Anderson Room
Richmond City Hall

Present: Mayor Malcolm D. Brodie
Councillor Carol Day
Councillor Laura Gillanders
Councillor Kash Heed (by teleconference)
Councillor Andy Hobbs
Councillor Alexa Loo
Councillor Bill McNulty
Councillor Michael Wolfe

Corporate Officer – Claudia Jesson

Absent: Councillor Chak Au

Call to Order: Mayor Brodie called the meeting to order at 4:00 p.m.

RES NO. ITEM

Mayor Brodie recessed the meeting at 4:01 p.m. for the General Purposes Committee meetings.

The meeting reconvened at 5:24 p.m. with all members of Council present, excluding Councillor Au.



Special Council
Monday, January 19, 2026

RES NO. ITEM

GENERAL PURPOSES COMMITTEE

1. **COUNCILLOR CHAK AU**
 (File Ref. No.) (REDMS No.)

SP26/1-1

It was moved and seconded

That:

WHEREAS subsection 54(3) of the Local Government Act, [RSBC 2015] CHAPTER 1, as amended, provides that a council may decide that a by-election is not to be held if all of the circumstances listed in subsection 54(3) apply;

THEREFORE, BE IT RESOLVED, that pursuant to subsection 54(3) of the Local Government Act, the Council of the City of Richmond confirms the City of Richmond will not hold a by-election to fill the vacancy in the event of any Council member resignation as contemplated in this resolution.

CARRIED

ADJOURNMENT

SP26/1-2

It was moved and seconded

That the meeting adjourn (5:25 p.m.).

CARRIED

Certified a true and correct copy of the Minutes of the Special meeting of the Council of the City of Richmond held on Monday, January 19, 2026.

Mayor (Malcolm D. Brodie)

Corporate Officer (Claudia Jesson)



Planning Committee

Date: Tuesday, January 20, 2026

Place: Anderson Room
Richmond City Hall

Present: Councillor Bill McNulty, Chair
Councillor Alexa Loo
Councillor Carol Day
Councillor Andy Hobbs

Absent: Councillor Chak Au

Also Present: Councillor Michael Wolfe (by teleconference)

Call to Order: The Chair called the meeting to order at 4:00 p.m.

MINUTES

It was moved and seconded

That the minutes of the meeting of the Planning Committee held on January 6, 2026, be adopted as circulated.

CARRIED

AGENDA ADDITIONS

The Chair advised that Development Cost Charges (DCC) Rates be added to the agenda as Item No. 3A and Hamilton Environmentally Sensitive Areas (ESA) be added to the agenda as Item No. 3B.

PLANNING AND DEVELOPMENT DIVISION

**1. APPLICATION BY VANCOUVER COASTAL HEALTH AUTHORITY
FOR A TEMPORARY COMMERCIAL USE PERMIT AT 5768
MINORU BOULEVARD**

(File Ref. No. TU 25-029652) (REDMS No. 8257148)

Discussion ensued regarding (i) the capacity of the current parkade and the proposed temporary parking spaces, (ii) additional parking for staff at lots on Alderbridge Way and Elmbridge Way, which were introduced last year, and (iii) the proposed shuttle service to transport Vancouver Coastal Health (VCH) staff to and from Richmond General Hospital, operated between 6:00 a.m. and 6:00 p.m., with secure parking at the subject site continuing to be available to VCH staff outside of these hours.

Jo-Ann Tait, Vice President, Richmond Community Services, VCH, advised that (i) the surface parking lot on hospital grounds will remain and (ii) staff are currently permitted to park in the parkade and any of the surface lots from 3:00 p.m. until 6:00 a.m., with visitor parking being prioritized between 6:00 a.m. until 3:00 p.m.

Further discussion ensued regarding (i) the need for additional staff parking during peak periods, (ii) staff transitioning towards green transportation options, such as carpooling and participation in the VCH Transit Subsidy Program, (iii) assessing current and projected parking demand at Richmond General Hospital, (iv) prioritizing on-site parking for patients and visitors, (v) permitting parking as a temporary use for a period of up to three years, and (vi) coordination among Alliance Partners, including VCH and construction teams, to establish construction scheduling and sequencing.

It was moved and seconded

- (1) *That the application by Vancouver Coastal Health Authority for a Temporary Commercial Use Permit for the property at 5768 Minoru Boulevard, to allow “Parking, non-accessory” as a permitted use, be considered for a period of three years from the date of issuance; and***
- (2) *That this application be forwarded to the February 17, 2025, Public Hearing at 5:30pm in the Council Chambers of Richmond City Hall.***

CARRIED

The following **referral motion** was introduced:

It was moved and seconded

That staff obtain information from Vancouver Coastal Health regarding the size of their workforce, current and projected parking needs, and planned parking development, and report back.

Planning Committee
Tuesday, January 20, 2026

The question on the referral motion was not called as discussion ensued regarding current and projected parking needs, with staff advising that (i) the ultimate design for the new hospital has not yet been finalized, and as a result, parking provision for the redevelopment cannot yet be determined and (ii) City staff meet with the project team on a bi-weekly basis, and as this is a design-build project, a substantial design has not yet been developed and building permit applications have not yet been submitted.

The question on the referral motion was then called and it was **CARRIED**.

2. **RICHMOND YOUTH ADVISORY COMMITTEE 2025 ANNUAL REPORT AND 2026 WORK PROGRAM**

(File Ref. No. 07-3425-01) (REDMS No. 8248798)

Committee expressed gratitude to staff for their work with the Youth Advisory Committee.

It was moved and seconded

- (1) *That the Richmond Youth Advisory Committee's 2025 Annual Report, as outlined in the report titled "Richmond Youth Advisory Committee 2025 Annual Report and 2026 Work Program", dated December 19, 2025, from the Director, Community Social Development, be received for information; and*
- (2) *That the Richmond Youth Advisory Committee's 2026 Work Program be approved.*

CARRIED

3. **RICHMOND SOCIAL DEVELOPMENT ADVISORY COMMITTEE 2025 ANNUAL REPORT AND 2026 WORK PROGRAM**

(File Ref. No. 08-4055-01) (REDMS No. 8225073)

It was moved and seconded

- (1) *That the Richmond Social Development Advisory Committee's 2025 Annual Report, as outlined in the report titled "Richmond Social Development Advisory Committee 2025 Annual Report and 2026 Work Program", dated December 19, 2025, from the Director, Community Social Development, be endorsed; and*
- (2) *That the Richmond Social Development Advisory Committee's 2026 Work Program be approved.*

CARRIED

COUNCILLOR BILL MCNULTY

3A. DEVELOPMENT COST CHARGES (DCC) RATES

(File Ref. No.) (REDMS No)

The following **referral motion** was introduced:

It was moved and seconded

That staff investigate the impact of freezing of the current DCC rates in the short and long term, and report back in three months.

The question on the referral motion was not called as discussion ensued regarding (i) the impact of the City's 1% municipal assist factor compared to the 50% assist factor, (ii) fees dependent on unit size, jurisdiction, and other factors, and (iii) the consultation timeline, with results and any potential bylaw updates to be brought forward for Council consideration in the coming months.

In response to queries from Committee, staff advised that (i) to date, there has been no decision with respect to changing the City's DCC bylaw, (ii) the City has been using a 1% municipal assist factor at least the last two decades, (iii) the City has undergone major reviews of the DCC program over the last few years, including proposed DCC Program and Amenity Cost Charges Program being endorsed as the basis for public consultation, and (iv) DCCs are used to fund City-wide infrastructure needed to support development, and that if these charges are not applied to new development, the costs would need to be covered by another funding source, such as the existing tax base or Provincial or Federal funding.

The question on the referral motion was then called and it was **CARRIED**.

3B. HAMILTON ENVIRONMENTALLY SENSITIVE AREAS (ESA)

(File Ref. No.) (REDMS No)

The following **referral motion** was introduced:

It was moved and seconded

That staff investigate the current ESA designations of the townhouse designated properties on the west side of Boundary Road from Westminster Highway to Thompson Road, to Highway 91, and report back.

The question on the referral motion was not called as discussion ensued regarding (i) the approximate number of properties within the subject area, including ones that may have an ESA designation or partial ESA designation and (ii) looking at the process of reviewing ESAs and the outstanding referral that looks at potentially removing ESA designations from private properties.

Planning Committee
Tuesday, January 20, 2026

The question on the referral motion was then called and it was **CARRIED**.

4. MANAGER'S REPORT

(i) *Proposed Revisions to the BC Building Code*

Staff advised that proposed revisions to the BC Building Code, scheduled for implementation in March 2026, include the following: (i) acceptance of a wider range of approved building materials, assemblies and design solutions based on the Federal Government's Construction Materials Center assessments, rather than mandatory testing, (ii) an alternate path to compliance for the development of secondary suites, (iii) new criteria for materials in structural engineering design to improve safety, (iv) additional guidance for seismic assessments and solutions for seismic upgrades and retrofits of existing buildings, and (v) revised energy efficiency step code criteria for smaller houses in colder climates.

(ii) *2026 Lulu Awards for Urban Design*

Staff advised that the City of Richmond's Lulu Awards, which are held every four years and recognize, celebrate and inspire excellence in urban design in the City of Richmond, are now live, with the submission period for the 2026 awards running from January 13 to March 31, 2026. Private and public sector projects are eligible, and anyone may nominate a project.

ADJOURNMENT

It was moved and seconded

That the meeting adjourn (4:40 p.m.).

CARRIED

Certified a true and correct copy of the
Minutes of the meeting of the Planning
Committee of the Council of the City of
Richmond held on Tuesday, January 20,
2026.

Councillor Bill McNulty
Chair

Shannon Unrau
Legislative Services Associate






To:	General Purposes Committee	Date:	December 19, 2025
From:	Grant Fengstad Director, Information Technology	File:	04-1300-01/2025-Vol 01
Re:	Award of Contract – 8490P Supply and Delivery of Computer Equipment and Related Services		

Staff Recommendations

1. That Contract 8490P – Supply and Delivery of Computer Equipment and Related Services be awarded to 341234 BC Ltd. (Microserve), for an initial five-year term at an estimated contract value of \$2,572,107 exclusive of taxes, as described in the report titled “Award of Contract – Supply and Delivery of Computer Equipment and Related Services”, dated December 19, 2025, from the Director, Information Technology;
2. That the Chief Administrative Officer and the General Manager, Finance and Corporate Services be authorized to extend the initial five-year contract, up to the maximum total term of seven years, for the maximum total amount of \$3,748,680, as described in the report titled “Award of Contract – Supply and Delivery of Computer Equipment and Related Services” dated December 19, 2025, from the Director, Information Technology; and
3. That the Chief Administrative Officer and the General Manager, Finance and Corporate Services be authorized to execute Contract 8490P Supply and Delivery of Computer Equipment and Related Services and all related documentation with 341234 BC Ltd. (Microserve).

Grant Fengstad
Director, Information Technology
(604-276-4096)

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Finance Department	<input checked="" type="checkbox"/>	
Purchasing	<input checked="" type="checkbox"/>	
SENIOR STAFF REPORT REVIEW	INITIALS:	APPROVED BY CAO
		

Staff Report

Origin

The City has implemented a “best practice” refresh program to ensure IT assets offer the best value and are updated when they reach the end of their lifecycle. Corporate computers are replaced every five years, keeping technology current for City employees and allowing them to work efficiently and meet community needs. Implementing a managed refresh schedule minimises risk by proactively planning equipment replacements, rather than responding to unforeseen device failures. Additionally, the program facilitates the direction of transitioning from desktops to laptops for knowledge-based workers.

Information Technology currently oversees an inventory of approximately 720 desktop computers and 800 laptops. During the COVID-19 pandemic, a strategic transition was implemented to equip staff with laptops rather than desktops.

This report supports Council’s Strategic Plan 2022-2026 Focus Area #4 Responsible Financial Management and Governance:

Responsible financial management and efficient use of public resources to meet the needs of the community.

4.1 Ensure effective financial planning to support a sustainable future for the City.

4.2 Seek improvements and efficiencies in all aspects of City business.

This report supports Council’s Strategic Plan 2022-2026 Focus Area #5 A Leader in Environmental Sustainability:

Leadership in environmental sustainability through innovative, sustainable and proactive solutions that mitigate climate change and other environmental impacts.

5.3 Encourage waste reduction and sustainable choices in the City and community.

Analysis

RFP Process

RFP 8490P - Supply and Delivery of Computer Equipment and Related Services was posted to BC Bid on September 22, 2025, and closed on October 20, 2025.

The RFP set out the City’s requirements for computer equipment for a five-year period, detailing technical specifications, quantities required by year and service level expectations.

Four proposals were received by the closing date from the following proponents:

- 341234 BC Ltd. (Microserve)

- Compugen Inc.
- Island Key Computers
- ADGTech Solutions Inc.

Review Process

Staff initially evaluated the four proposals against pre-determined criteria that included:

- Proponent profile and experience, including references
- Ability to meet technical requirements, including stated specifications
- Financial proposal and value offering
- Circular economy assessment

Based on the submitted proposals, staff evaluated and scored against the evaluation criteria with the results summarized in Table 1.

Table 1- Results of Evaluation

Proponent	Weighted Evaluation Score	Proposed price to supply required equipment for five-year contract term
341234 BC Ltd. (Microserve)	91.7%	\$2,572,107
Compugen Inc.	79.8%	\$3,028,297
Island Key Computers	74.3%	\$2,789,635
ADG Tech Solutions	66.3%	\$3,521,085

Once the first phase of the evaluation was concluded, staff then asked the primary proponent to provide representative equipment that was directly evaluated against requirements and suitability.

Based on the team's evaluation of proposals and the results of the second phase technical testing and certification process, the proposal received from 341234 BC Ltd. (Microserve) received the highest overall score (shown in Table 1) which reflected their capability to meet all of the operational requirements described in the RFP and provide best value to the City due to favourable pricing.

As part of the value offering, Microserve is contributing funds towards integrating their supply management system to our IT asset management system, which will ensure all assets are captured upon shipment.

Contract Term

The recommended contract length is for an initial five-year term with an option to renew for an additional two-year term, for a maximum of seven years.

Financial Impact

The total value of the contract for the initial five-year term is estimated to be \$2,572,107, excluding taxes. Funding for these expenditures has been approved by Council as part of the 2026 Capital Budget and is captured as part of the five-year financial plan. The forecasted spend for the additional two-year term is \$1,176,573 and will be included in the future years' capital submissions as part of the annual budget process for Council's consideration.

Conclusion

This report presents the results of a competitive procurement process for Contract 8490P – Supply and Delivery of Computer Equipment and Related Services. It is recommended that the contract be awarded to 341234 BC Ltd. (Microserve) for an initial five-year term, with the option to extend the contract for an additional two-year term, to a maximum of seven years, upon mutual consent of both parties. This is for an estimated total value of \$3,748,680 exclusive of taxes.



Grant Fengstad
Director, Information Technology
(604-276-4096)

GF:gf



City of Richmond

Report to Committee

To: Planning Committee

Date: January 5, 2026

From: Joshua Reis
Director, Development

File: TU 25-029652

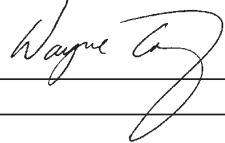
Re: **Application by Vancouver Coastal Health Authority for a Temporary Commercial Use Permit at 5768 Minoru Boulevard**

Staff Recommendations

1. That the application by Vancouver Coastal Health Authority for a Temporary Commercial Use Permit for the property at 5768 Minoru Boulevard, to allow "Parking, non-accessory" as a permitted use, be considered for a period of three years from the date of issuance; and
2. That this application be forwarded to the February 17, 2025, Public Hearing at 5:30pm in the Council Chambers of Richmond City Hall.

Joshua Reis
Director, Development
(604-247-4625)

JR:ak
Att. 3

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Transportation	<input checked="" type="checkbox"/>	

Staff Report

Origin

Pejman Alanjari, authorized agent for Vancouver Coastal Health (VCH) Authority, and with authorization from KVS Restructuring Inc., has applied to the City of Richmond for a Temporary Commercial Use Permit (TCUP) to allow non-accessory parking as a permitted use at 5768 Minoru Boulevard in order to facilitate approximately 277 temporary Richmond General Hospital staff-only parking stalls. The proposed TCUP supports the demolition of the existing hospital parkade and hospital expansion construction activities. A location map and aerial photo are provided in Attachment 1.

The subject site is currently zoned “High Density Mixed Use and Affordable Rental Housing (ZMU46) – Lansdowne Village (City Centre)” and contains a former residential sales centre and paved surfaces.

Findings of Fact

A Development Application Data Sheet providing details about the proposal is attached (Attachment 2).

Surrounding Development

Development immediately surrounding the subject site is as follows:

To the North: Immediately to the north is a City-owned parcel zoned “School and Institutional Use (SI)” designated to become a linear park under the City Centre Area Plan (CCAP). Across Lansdowne Road is a single-storey building containing a car dealership on property zoned “Industrial Retail (IR1)” and designated for “Urban Centre T5” and “Park”, and “Mixed Use” under the CCAP.

To the East: Across the lane are one to two-storey commercial buildings on lots zoned “Auto-Oriented Commercial (CA)” and a residential tower on property zoned “Downtown Commercial (CDT1)”. These properties are all designated for “Urban Core T6” under the CCAP.

To the South: A two-storey commercial building on property zoned “Auto-Oriented Commercial (CA)” and designated for “Urban Centre T5” under the CCAP.

To the West: Across Minoru Boulevard are single-storey commercial and light-industrial buildings on lots zoned “Industrial Retail (IR1)” and designated for “Urban Centre T5” under the CCAP.

Related Policies & Studies

Existing Legal Encumbrances

There are existing City Statutory right-of-Ways (SRWs) registered on Title of the subject property for sanitary services. The applicant is aware that no development is permitted in this area.

In addition, a number of legal encumbrances are registered on the subject property's Title as part of the previous rezoning and Development Permit (DP) approvals (RZ 18-807640 & DP 19-881156). The DP has lapsed and a new DP application is required to facilitate development. Any adjustments to the legal agreements will be considered as part of a new DP. The applicant's legal professional has reviewed and confirmed that the proposed temporary use does not conflict with existing agreements. Staff have also reviewed and concur.

Official Community Plan / City Centre Area Plan

The Official Community Plan (OCP) allows TCUPs to be considered in areas designated "Industrial", "Mixed Employment", "Commercial", "Neighbourhood Service Centre", "Mixed Use", "Limited Mixed Use" and "Agricultural" (outside of the Agricultural Land Reserve), where deemed appropriate by Council and subject to conditions suitable to the proposed use and the surrounding area. The subject site's OCP and CCAP designations are "Mixed Use" and "Urban Centre T5" respectively. The proposed temporary commercial use for non-accessory parking is consistent with the OCP's land use designations and applicable policies.

Richmond Zoning Bylaw 8500

The subject property is zoned "High Density Mixed Use and Affordable Rental Housing (ZMU46) – Lansdowne Village (City Centre)", which permits a range of residential and commercial uses. The TCUP would allow "parking, non-accessory" as a temporary permitted use, which is generally compatible with the surrounding land uses. "Parking, non-accessory" describes parking that is not associated with a permitted use of the property.

Local Government Act

The *Local Government Act* states that TCUPs are valid until the date the permit expires or three years after issuance, whichever is earlier, and that an application for one extension to the permit may be made and issued for up to three additional years at the discretion of Council.

Public Consultation

Notification signage has been installed on site. Staff have not received any comments from the public about the TCUP application in response to the on-site signage or early notification mail-out. Should Council endorse the staff recommendation, the application will be forwarded to a future Public Hearing meeting, where any area resident or interested party will have an opportunity to comment. Public notification for the Public Hearing will be provided as per the *Local Government Act*.

Analysis

The subject site currently contains a vacant residential sales centre and paved surfaces and is being used to store building materials and for parking. In March 2022, the property was rezoned and a DP was issued for a high-rise mixed-use development (RZ 18-807640 & DP 19-881156); the DP has since lapsed.

The applicant is proposing to use the subject site as an interim parking solution during the construction of a new parkade at the Richmond General Hospital. A three-year lease agreement between the property owner and VCH is due to commence in January 2026.

A total of 277 temporary parking spaces are proposed for exclusive use by VCH staff, with vehicle access provided from Minoru Boulevard and from the east lane. VCH has indicated that parking will be provided to staff at a nominal rate, which will offset the costs of the lease. The proposed parking area includes six accessible spaces in compliance with Zoning Bylaw requirements. The proposed parking area will utilize existing hard surface areas and resurface portions of the site with asphalt. Parking on the subject site will be available to staff 24 hours, 7 days a week.

A shuttle service is proposed to operate from the subject site to transport VCH staff to and from Richmond General Hospital (Attachment 3). This will be operated by VCH from Monday to Friday, between the hours of 6:00am to 6:00pm. Secure parking at the subject site will continue to be available to VCH staff outside of these hours, with staff arranging their own transportation to and from Richmond General Hospital.

The applicant proposes to enforce parking and mitigate security risks by providing the following Crime Prevention through Environmental Design features:

- Securing and closing the existing residential sales centre on the property to the public for the duration of the temporary parking use.
- Perimeter vinyl-coated wire fencing around the entire site.
- Secure site access by a FOB or PIN system.
- Downward lighting throughout the site to support pedestrian and driver safety.
- Installation of on-site emergency “help” buttons.
- Installation of CCTV and monitoring by VCH security.
- Provision of mobile security patrols and parking enforcement.
- Installation of wayfinding measures.

Financial Impact

None.

Conclusion

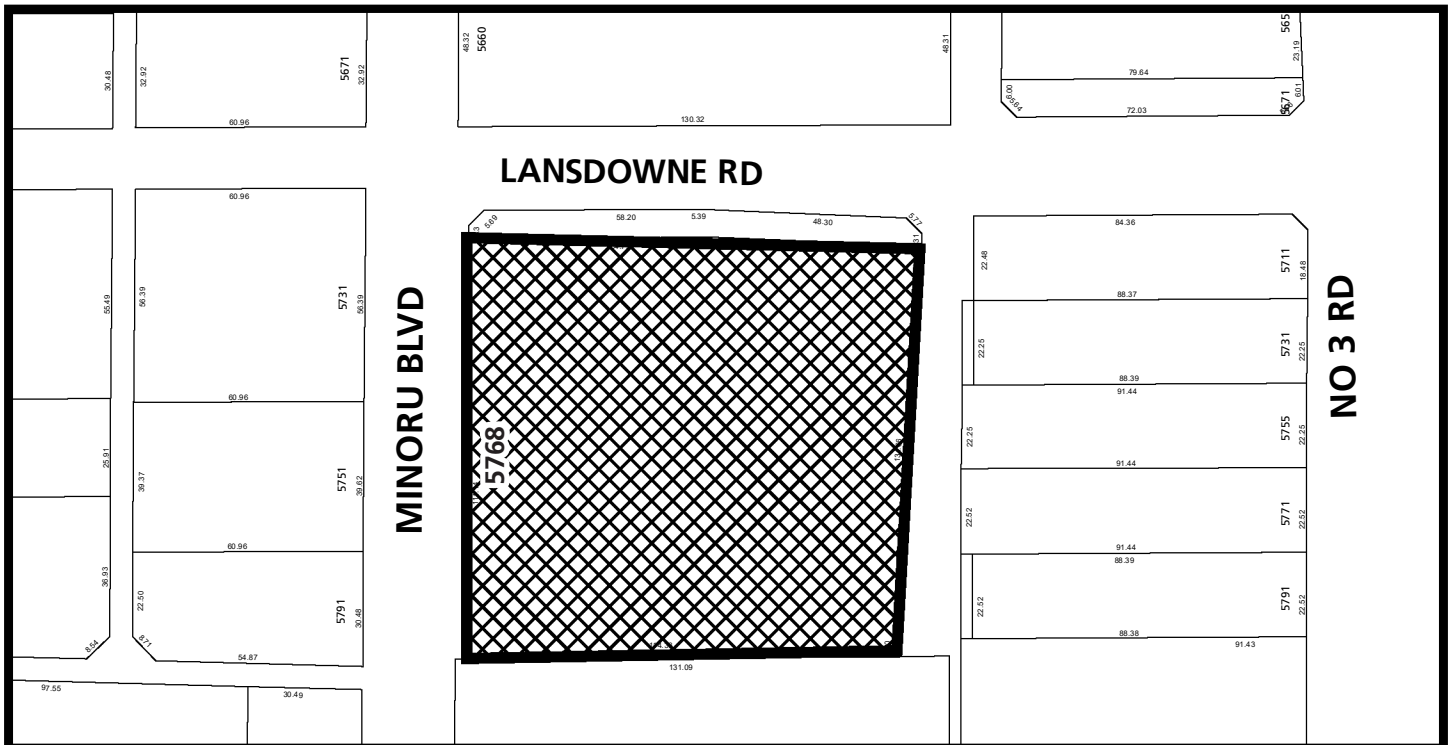
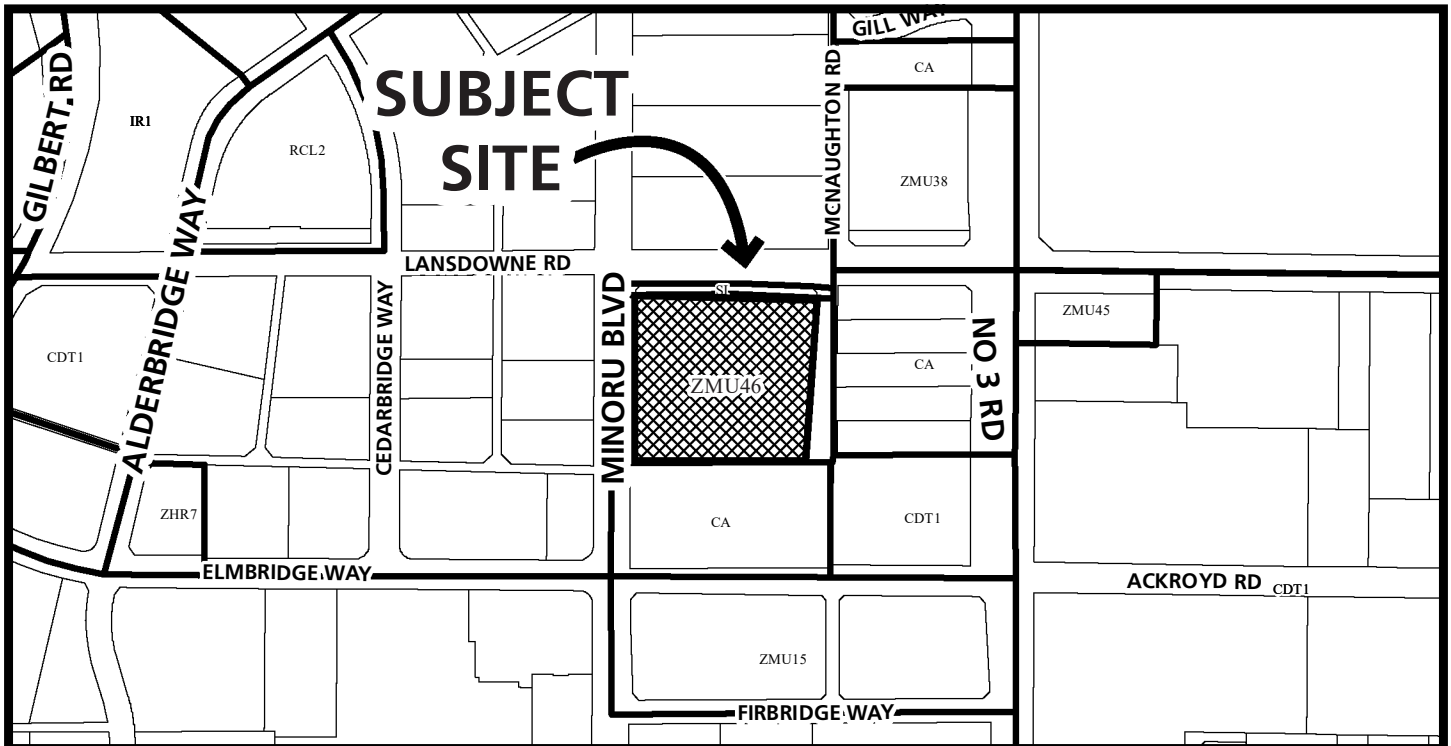
It is recommended that the attached Temporary Commercial Use Permit be issued to the applicant to allow “parking, non-accessory” as a permitted use at 5768 Minoru Boulevard on a temporary basis for a period of three years from the date of issuance.



Ashley Kwan
Planner I
(604) 276-4173

AK:js

- Att. 1: Location Map and Aerial Photo
 2: Development Application Data Sheet
 3: Letter from VCH regarding shuttle service and on-site parking



TU 25-029652

Original Date: 12/10/25
Revision Date:

Note: Dimensions are in METRES



City of
Richmond



TU 25-029652

Original Date: 12/10/25
Revision Date:

Note: Dimensions are in METRES



TU 25-029652

Attachment 2

Address: 5768 Minoru Boulevard

Applicant: Vancouver Coastal Health Authority

Planning Area(s): City Centre, Lansdowne Village

	Existing	Proposed
Owner:	KSV Restructuring Inc., Court appointed Receiver of Minoru View Homes Ltd.	No change
Land Uses:	Vacant Sales Centre Building	Parking, Non-Accessory
OCP Designation:	Mixed Use	No change
Zoning:	High Density Mixed Use and Affordable Rental Housing (ZMU46) – Lansdowne Village (City Centre)	No change

On Development Site	Bylaw Requirement	Proposed	Variance
Off-Street Parking Spaces	Standard: Min. 50% Small: N/A Accessible: 2%	Standard: 182 (66%) Small: 89 (32%) Accessible: 6 (2%) Total: 277	None



December 22, 2025

Attention: City of Richmond

Re: 5768 Minoru Blvd (TU – 029652)

VCH is in the process of leasing 5768 Minoru Boulevard to serve as a dedicated parking lot for Richmond Hospital staff. The site will be a pay-for-use facility in accordance with VCH's staff parking policy.

To facilitate convenient transportation between the parking site and the hospital, VCH is planning a shuttle service. This service will operate weekdays (M – F) for approximately 12 hours, ensuring staff can travel to and from the parking location and the hospital with ease.

A handwritten signature in black ink, reading "G. Malenstyn".

Gail Malenstyn

Vice President Richmond and Vancouver Acute Services



City of Richmond

Temporary Commercial Use Permit

No. TU 25-029652

To the Holder: Vancouver Coastal Health Authority

Property Address: 5768 Minoru Boulevard

Address: 520 W 6th Avenue, Vancouver, British Columbia, V5Z 1A1

1. This Temporary Commercial Use Permit is issued subject to compliance with all of the Bylaws of the City applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Temporary Commercial Use Permit applies to and only to those lands shown cross-hatched on the attached Schedule "A" and any and all buildings, structures and other development thereon.
3. The subject property may be used for the following temporary commercial uses:

"Parking, non-accessory".
4. Any temporary buildings, structures and signs shall be demolished or removed and the site and adjacent roads shall be maintained and restored to a condition satisfactory to the City of Richmond, upon the expiration of this permit or cessation of the use, whichever is sooner.
5. The land described herein shall be developed generally in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit as Schedule "B" which shall form a part hereof.
6. If the Holder does not commence the construction permitted by this Permit within 24 months of the date of this Permit, this Permit shall lapse and the security shall be returned in full.
7. This Permit is not a Building Permit.

AUTHORIZING RESOLUTION NO. _____
DAY OF _____, _____.

ISSUED BY THE COUNCIL THE

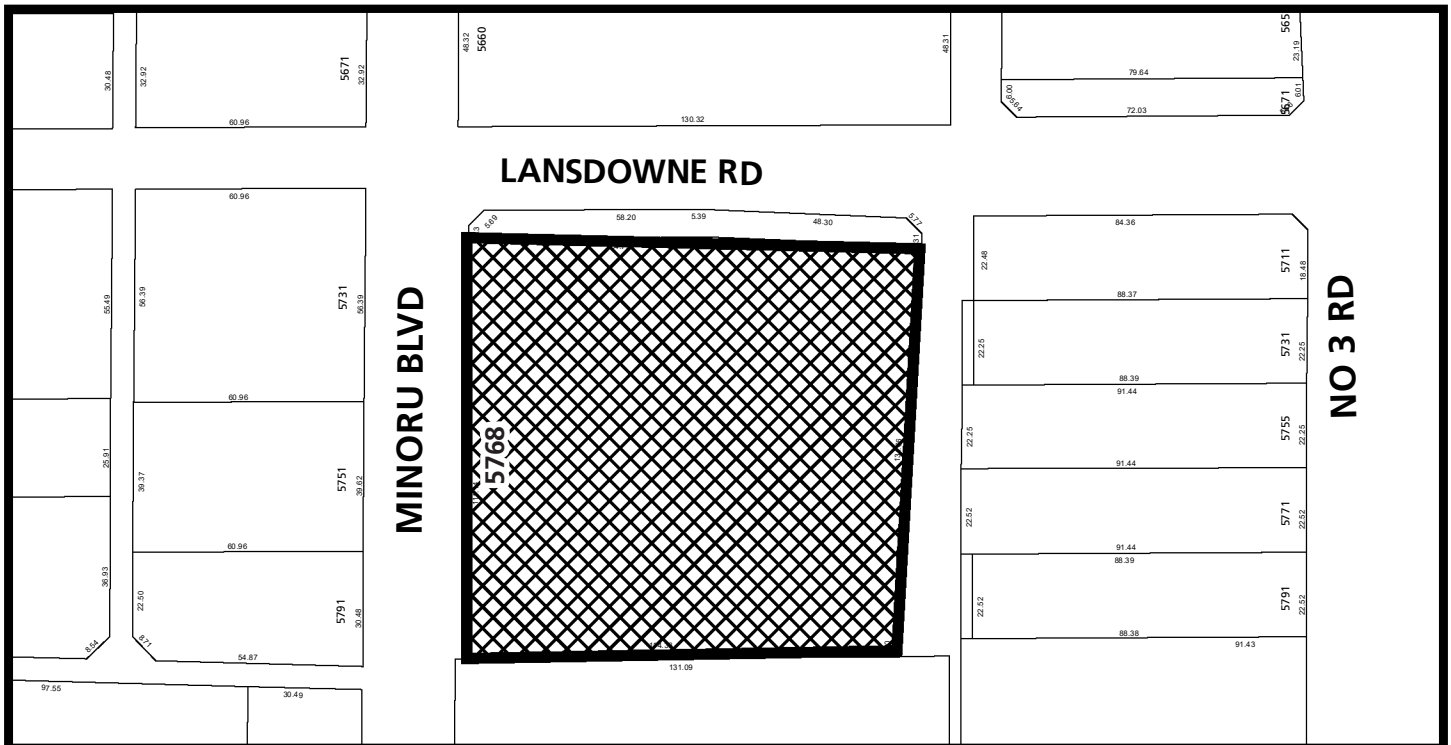
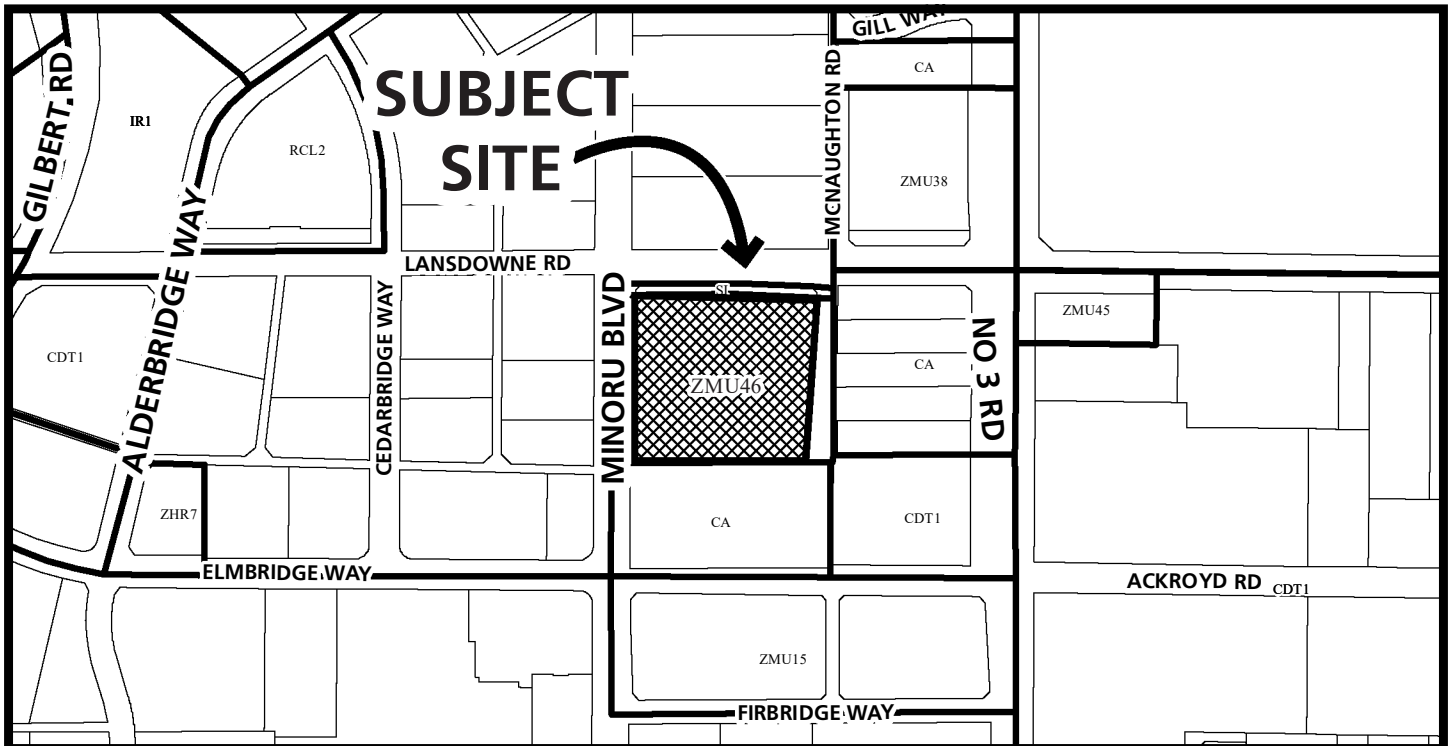
DELIVERED THIS _____ DAY OF _____, _____.

MAYOR

CORPORATE OFFICER



City of Richmond

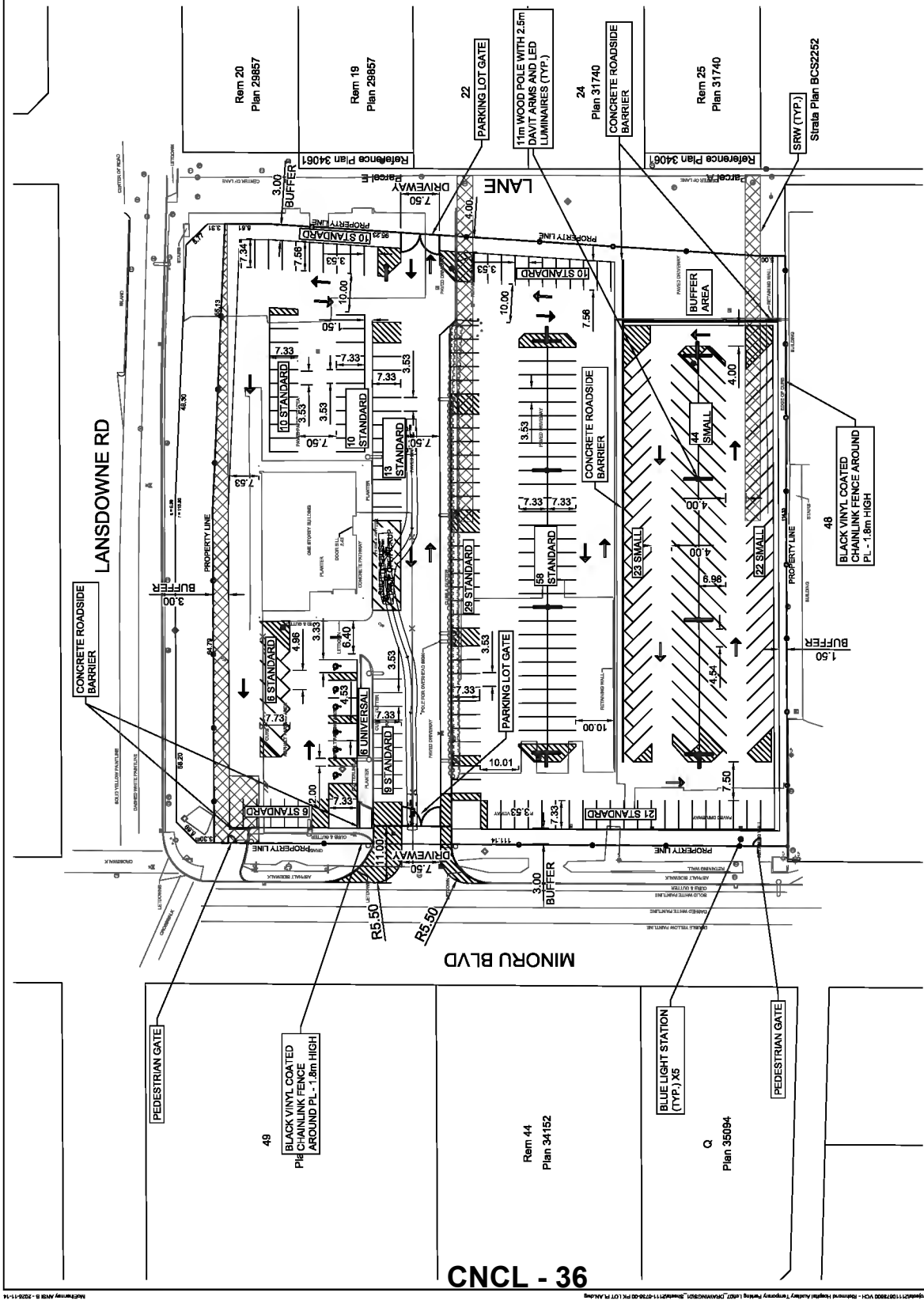


TU 25-029652
SCHEDULE "A"

Original Date: 12/10/25
Revision Date:

Note: Dimensions are in METRES

CNCL - 36

[illegible]



City of Richmond

Report to Committee

To: Planning Committee
From: Kim Somerville
Director, Community Social Development
Date: December 19, 2025
File: 07-3425-01/2025-Vol 01
Re: **Richmond Youth Advisory Committee 2025 Annual Report and 2026 Work Program**

Staff Recommendations

1. That the Richmond Youth Advisory Committee's 2025 Annual Report, as outlined in the report titled "Richmond Youth Advisory Committee 2025 Annual Report and 2026 Work Program", dated December 19, 2025, from the Director, Community Social Development, be received for information; and
2. That the Richmond Youth Advisory Committee's 2026 Work Program be approved.

Kim Somerville
Director, Community Social Development
(604-247-4671)

Att. 2

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Recreation & Sport Services	<input checked="" type="checkbox"/>	
SENIOR STAFF REPORT REVIEW	INITIALS: 	APPROVED BY CAO

Staff Report

Origin

The Richmond Youth Advisory Committee (YAC) was established in January 2024 to act as a resource and provide advice to Council regarding the planning, development and implementation of policies, programs and services that directly impact youth. This report presents the 2025 Annual Report and the 2026 Work Program for the committee.

This report supports Council's Strategic Plan 2022–2026 Focus Area #1 Proactive in Stakeholder and Civic Engagement:

Proactive stakeholder and civic engagement to foster understanding and involvement and advance Richmond's interests.

This report also supports the Social Development Strategy (2025–2035) Strategic Direction #4 Strengthen Community Voice and Engagement:

4.3 Encourage and support people with different and relevant experiences, skills and backgrounds to participate in City advisory committees and collaborative tables.

This report also supports the Richmond Youth Strategy 2022–2032 Strategic Priority #2: Voice:

2.1 Increase opportunities for youth to provide meaningful input into City-related matters that impact them including youth from equity-deserving groups.

2.2 Promote and seek youth engagement in program, service and facility development and on topics in the community that impact youth.

Analysis

The YAC is composed of up to 15 voting members, including 10 citizen appointees and five organizational representatives. The 10 citizen appointees include nine youth between 13 to 24 years and one individual over 24 years who plays a supportive role in youths' lives. The City supports the YAC by appointing a Council Liaison, Staff Liaison and Parks, Recreation and Culture Representative as non-voting members to serve as points of contact between the committee and the City, ensuring effective alignment with City policies and initiatives.

2025 Annual Report

Activities undertaken by the YAC are outlined in the 2025 Annual Report (Attachment 1). Highlights of these activities are as follows:

- Identifying priority areas of focus for 2025 based on community trends and data, input from youth and community organizations, and the City's Youth Strategy;
- Gaining knowledge about community resources and programs available to youth and young adults, including services provided by the RCMP Youth Section, Building Safer Communities Fund, Touchstone Family Association, Pathways Clubhouse and Richmond Public Library;

- Engaging in fulsome discussions to help inform the development of policies and strategies, such as:
 - The State of Youth Report to inform Canada's Youth Policy;
 - The City's Economic Development Strategy;
 - The City's Minoru Precinct Dictional Wayfinding Project; and
 - Tourism Richmond's Tourism Master Plan; and
- Providing a youth perspective on the planning and implementation of City initiatives that support actions in the City's Youth Strategy, including events such as Sunset Snacks and Employment Connections.

2026 Work Program

The 2026 Work Program (Attachment 2) outlines the YAC's priorities for 2026. The proposed priorities for the committee include:

- Acting as a resource to the City by providing recommendations and input on issues related to youth and young adults in Richmond;
- Inviting guest speakers to present on programs and services available to youth and emerging trends facing youth and young adults in Richmond in order to build YAC members' capacity in providing advice on youth-related matters;
- Providing input and feedback on the implementation of the City's Youth Strategy; and
- Promoting engagement opportunities and programs for youth that are led and supported by the City, including youth involvement in the upcoming municipal election through the City's Youth at the Booth initiative.

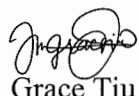
In 2026, the YAC will continue to meet to discuss youth-related matters, advise Council and staff as necessary, and provide a youth lens on various City initiatives that directly impact youth and young-adults in the community, as requested.

Financial Impact

None.

Conclusion

The 2025 Annual Report provides a summary of the activities undertaken by the YAC in 2025. The YAC 2026 Work Program outlines the committee's priorities for the upcoming year to provide advice to Council and staff on matters that directly impact youth and continue to support the implementation of the City's Youth Strategy. It is recommended that the YAC 2025 Annual Report be received for information and 2026 Work Program be approved.



Grace Tiu
Planner 2, Youth
(604-276-4110)

Att. 1: Richmond Youth Advisory Committee 2025 Annual Report
2: Richmond Youth Advisory Committee 2026 Work Program

8248798

Richmond Youth Advisory Committee 2025 Annual Report

Introduction

The purpose of the Richmond Youth Advisory Committee (YAC) is to act as a resource and provide advice to Council regarding the planning, development and implementation of policies, programs and services that directly impact youth and young adults in Richmond. The YAC supports the City's commitment to amplifying youth voices and ensuring their perspectives are considered. This includes supporting the implementation of the City's Youth Strategy 2022–2032.

This Annual Report serves as a summary of the YAC's key activities from the 2025 calendar year.

2025 Membership

The composition of the YAC includes up to 15 Council-appointed members – nine citizen representatives between 13 to 24 years, one citizen representative over 24 years and up to five organization representatives. The organizations represented include: Richmond Addiction Services Society (RASS), Aspire Richmond, Foundry Richmond, Vancouver Coastal Health (VCH) and Richmond School District (SD38).

The YAC consisted of 14 voting members in 2025.

Citizen Appointees

- Owen Chan, Chair
- Wendy Zhang, Vice-Chair
- Jasamine Bains, Citizen Member
- Maryum Butt, Citizen Member
- Ekatarina Gofsky, Citizen Member
- Mengna Ma, Citizen Member
- Nayis Majumder, Citizen Member
- Miranda Se, Citizen Member
- Priesha Thakur, Citizen Member
- Joe Vu, Citizen Member

Organizational Representatives

- Ravinder Johal, SD38
- Alvin Li, RASS
- Jason Liu, Aspire Richmond
- Gregg Loo, VCH and Foundry Richmond

The YAC also included four non-voting representatives. The four non-voting members included:

- Councillor Carol Day, Council Liaison
- Stefanie Myler, Area Coordinator, Parks, Recreation and Culture Representative
- Gabriel Narciso, Recording Secretary
- Grace Tiu, Planner 2 (Youth), Staff Liaison

2025 Highlights

The YAC held nine meetings in between January and November 2025. The committee provided a youth perspective on a number of City strategies and initiatives, as well as current and emerging trends. Committee members also gained an awareness of the programs and services available to youth in the community, which they actively shared amongst their networks.

Highlights of the YAC's work and participation in youth-related initiatives in 2025 included:

- **Guest Speakers** – Numerous guest speakers shared information and sought input from YAC members. Invited guests in 2025 included:
 - Sergeant Thomas Ohara, RCMP (Youth Section programs)
 - Kiran Shergill, City of Richmond (Building Safer Communities Fund)
 - Florence Bergeron and Roy Murnaghan, Students Commission of Canada (State of Youth Report to inform Canada's Youth Policy)
 - Paul Clark and Jordan Young, Intervistas and Susan Rybar, Vardo Creative (Tourism Richmond's Tourism Master Plan engagement)
 - Shant Goswami, City of Richmond (City's DEI roles)
 - Naaz Sidhu, Richmond Multicultural Community Services (RMCS) (insights from RMCS' BIPOC Inclusion and Capacity Building Anti-Racism Series)
 - Ash O'Grady, Andy Buitrago and Soph Lim-Metz, Pathways Clubhouse (Youth and Youth Adults Programs available to youth)
 - Jyotika Dangwal, City of Richmond (City's draft Social Development Strategy)
 - Mohamed Ibramin, Touchstone Family Association (programs available to youth and families)
 - Hashir Safi and Julie-Anne Toda-Sinclair, City of Richmond (engagement on the City's Economic Development Strategy)
 - Genevieve Valteau, Richmond Public Library (Teen Ambassador program and programs available to youth)
- **Annual Work Program** – In 2025, YAC identified priority areas of focus and aligned them to its Work Program and the Council-adopted Youth Strategy. YAC is committed to supporting the City in the ongoing Youth Strategy implementation.

- **Engagement and Discussion** – The YAC provided insights into current and emerging youth trends related to physical activity; sense of belonging and the role of supportive adults; and enhancing promotion of youth programs and services. Feedback was shared with appropriate City departments and partners. YAC representatives attended a focused discussion on the Minoru Precinct Directional Wayfinding Project and a virtual information session on the Richmond Official Community Plan Update. YAC members were invited to participate in Let's Talk Richmond surveys about the Lansdowne Parks and Open Space Master Plan, the draft Social Development Strategy and the Economic Development Strategy. Committee members were also encouraged to share these engagements with youth in their networks.
- **Involvement in City Initiatives** – YAC members participated in City initiatives that support actions in the City's Youth Strategy. A YAC member joined the planning team for Sunset Snacks, a summer event hosted by the City, Kwantlen Polytechnic University and Vancouver Coastal Health. This event aimed to encourage youth to connect with one another and spend time outdoors. YAC representatives are currently involved in the planning of Employment Connections, an event to connect youth with employment-related community supports. Youth involvement ensures that these initiatives consider youth perspectives and are responsive to youth needs.
- **Parks, Recreation and Culture Monthly Reports** – Through the monthly reports presented by the Parks, Recreation and Culture Representative, YAC members gained further knowledge of the programs and services offered to youth by the City and Community Associations and Societies. Discussions at YAC meetings also provided an opportunity for committee members to provide feedback and insights to help inform the planning and implementation of Parks, Recreation and Culture programs and services for youth and young adults.

Conclusion and Acknowledgments

In 2025, YAC continued to demonstrate its commitment to ensuring youth voices are included in the policies, programs and services that impact them the most. Through YAC's work, the committee supported the implementation of the City's Youth Strategy, contributed to a deeper understanding of emerging youth needs and trends, and provided input on several plans, strategies, discussions and initiatives related to youth.

The Richmond Youth Advisory Committee would like to extend our gratitude to the Mayor and Councillors for their continued support. The committee would also like to thank Council Liaison Carol Day for keeping the YAC informed about issues arising and resources that impact youth.

Report prepared by:

*Owen Chan, Chair
Richmond Youth Advisory Committee*

Richmond Youth Advisory Committee 2026 Work Program

The Richmond Youth Advisory Committee's (YAC) proposed 2026 Work Program outlines several initiatives with associated actions that support the YAC's mandate to act as a resource and provide advice to Council regarding the planning, development and implementation of policies, programs and services that directly impact youth and young adults in Richmond.

YAC Proposed 2026 Work Program		
Initiative	Actions	Expected Outcome
1. Participate in a YAC orientation and identify priority topics of interest and opportunities to form subcommittees.	<p>1.1 Members participate in an orientation to the YAC to learn about the roles and responsibilities of advisory committee members, the YAC Terms of Reference and the City's current strategies and initiatives related to youth.</p> <p>1.2 Members may indicate an interest in participating in YAC subcommittees and taking on additional related roles within the scope of the YAC Terms of Reference.</p>	<p>Members are aware of and understand the following:</p> <ul style="list-style-type: none"> • The YAC Terms of Reference • Their role as an appointed member of the YAC • The YAC 2026 Work Program • Current City strategies and initiatives related to youth • Additional opportunities for involvement as part of the YAC
2. Build on knowledge and understanding of youth issues and emerging trends through information sharing, guest speakers and educational opportunities.	<p>2.1 Monitor issues and emerging trends that impact or benefit youth in the community by inviting guest speakers to present at regular YAC meetings.</p> <p>2.2 Provide youth perspective to contribute to a deeper understanding of emerging trends.</p> <p>2.3 Identify and participate in internal and external youth-related educational opportunities, information sessions and special events to learn about issues and trends impacting youth that can inform the City's policies or practices.</p>	<p>Members of the YAC are informed of issues and trends raised by Richmond youth and that impact Richmond youth.</p> <p>The YAC is informed and well-equipped to provide youth perspectives and recommendations to City staff and Council.</p>

YAC Proposed 2026 Work Program		
Initiative	Actions	Expected Outcome
3. Act as a resource to the City by providing recommendations and perspectives on issues relating to youth in Richmond.	<p>3.1 Respond to Council requests and provide advice on issues relating to youth in Richmond, including opportunities for youth engagement at the upcoming municipal election.</p> <p>3.2 Provide input on City plans, strategies, projects and policies that impact youth, as requested.</p> <p>3.3 Participate in and promote initiatives related to the implementation of the Youth Strategy.</p> <p>3.4 Provide input and feedback to City staff on programs and services for youth.</p>	<p>Members of the YAC provide ongoing feedback on City strategies, policies and initiatives related to youth.</p> <p>YAC work is aligned with City priorities related to youth in Richmond.</p> <p>YAC work informs policy and initiatives related to youth.</p>
4. Support the implementation of the City's Youth Strategy.	<p>4.1 Provide input and feedback on initiatives led and supported by the City that address actions identified in the Youth Strategy, as requested.</p> <p>4.2 Participate in initiatives related to the implementation of the Youth Strategy, as appropriate.</p>	Members of the YAC are involved in the implementation of actions listed in the Youth Strategy, as appropriate.
5. Encourage public awareness and engagement on youth-related matters.	5.1 Promote opportunities for youth to participate in public engagement opportunities and programs led and supported by the City.	The YAC helps to increase awareness of opportunities for Richmond youth to provide input on initiatives that impact them.



City of Richmond

Report to Committee

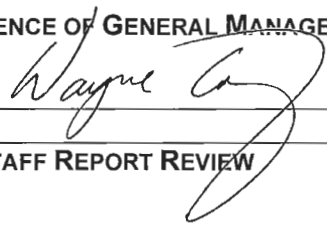


To: Planning Committee
From: Kim Somerville
Director, Community Social Development
Date: December 19, 2025
File: 08-4055-01/2025-Vol 01
Re: **Richmond Social Development Advisory Committee 2025 Annual Report and 2026 Work Program**

Staff Recommendations

1. That the Richmond Social Development Advisory Committee's 2025 Annual Report, as outlined in the report titled "Richmond Social Development Advisory Committee 2025 Annual Report and 2026 Work Program", dated December 19, 2025, from the Director, Community Social Development, be endorsed; and
2. That the Richmond Social Development Advisory Committee's 2026 Work Program be approved.

Kim Somerville
Director, Community Social Development
(604-247-4671)

Att. 2

REPORT CONCURRENCE	
CONCURRENCE OF GENERAL MANAGER 	
SENIOR STAFF REPORT REVIEW	INITIALS: 
APPROVED BY CAO 	

Staff Report

Origin

The Richmond Social Development Advisory Committee (RSDAC) was established in February 2025 to act as a resource and provide advice to City Council regarding social policies and services that contribute to the social well-being and quality of life of Richmond community members.

This report supports Council's Strategic Plan 2022–2026 Focus Area #1 Proactive in Stakeholder and Civic Engagement:

Proactive stakeholder and civic engagement to foster understanding and involvement and advance Richmond's interests.

This report also supports Council's Strategic Plan 2022–2026 Focus Area #6 A Vibrant, Resilient and Active Community:

Vibrant, resilient and active communities supported by a wide variety of opportunities to get involved, build relationships and access resources.

Analysis

The RSDAC is composed of up to 15 voting members, including two citizen appointees and 13 organizational representatives that represent non-profit organizations with expertise across diverse areas of social development. The City supports the RSDAC by appointing a City Council Liaison and Staff Liaison as non-voting members to serve as the primary point of contact between the Committee and the City, ensuring effective communication and alignment with City initiatives.

2025 Annual Report

In its inaugural year, the RSDAC convened its first meeting in July 2025. Activities undertaken by the RSDAC are outlined in the 2025 Annual Report (Attachment 1). Highlights of the Committee's work included:

- Engaging in a work planning process to identify aligned values, contributions and commitments among RSDAC members to advancing social development in Richmond.
- Providing valuable input on the development of the Social Development Strategy (2025–2035).
- Staying informed of updates to the Social Development Strategy (2025–2035) and other City initiatives that advance the social well-being of community members, including:
 - Inviting staff to present on the Social Development Strategy's community engagement findings and draft strategic directions and priority actions; and
 - Advising staff on the City's new Economic Development Strategy to support synergies between social and economic development goals and to advance social equity and inclusion in Richmond's economic future.

2026 Work Program

The 2026 Work Program (Attachment 2) outlines the RSDAC's priorities in the coming year. The proposed 2026 Work Program priorities for the Committee include:

- Providing input on the implementation of initiatives to advance actions in the Social Development Strategy (2025–2035);
- Pursuing opportunities to collaborate on priority social issues that require cross-sectoral partnerships and joint initiatives; and
- Organizing and hosting presentations from other groups in the community to learn more about social development best practices that can be applied in Richmond.

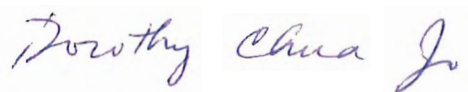
The RSDAC will continue to provide recommendations on the City's response to current and emerging social trends and needs in Richmond, drawing on the Committee's expertise and diverse perspectives on priority social issues within the community. The RSDAC is committed to supporting the objectives of the Social Development Strategy (2025–2035), including advising on the Strategy's implementation in addition to various City initiatives as requested.

Financial Impact

None.

Conclusion

The RSDAC 2025 Annual Report provides a summary of the activities undertaken by the Committee during its inaugural year. The RSDAC 2026 Work Program outlines the Committee's priorities for 2026 to advance social policies and services that contribute to the social well-being and quality of life of Richmond community members. It is recommended that the RSDAC 2025 Annual Report be endorsed and 2026 Work Program be approved.



Dorothy Jo
Program Manager, Social Planning
(604-276-4391)

- Att. 1: Richmond Social Development Advisory Committee 2025 Annual Report
2: Richmond Social Development Advisory Committee 2026 Work Program

Richmond Social Development Advisory Committee 2025 Annual Report

Introduction

The RSDAC acts as a resource and provides advice to City Council regarding social policies and services that contribute to the social well-being and quality of life of Richmond community members. Through its role, the RSDAC also supports the implementation and monitoring of the Social Development Strategy (2025–2035). The Richmond Social Development Advisory Committee (RSDAC) was established by City Council on February 24, 2025, with its inaugural meeting held on July 10, 2025. The 2025 RSDAC Annual Report is prepared for Council in accordance with the Terms of Reference. This report serves as a summary of the RSDAC's key activities, highlights and guest presentations from the 2025 calendar year.

2025 Membership

The RSDAC is composed of up to 15 voting members, including two citizen appointees and 13 organizational representatives. These organizations have demonstrated leadership and expertise across diverse areas of social development, including newcomer integration, mental health and addiction, accessibility, food security, poverty reduction, children, youth and families, and homelessness. In 2025, the RSDAC had 13 voting members and two organizational representative vacancies (Chimo Community Services and the Ministry of Social Development and Poverty Reduction) which are expected to be filled in 2026.

Citizen Appointees:

- Farzana (Ana) Himani
- Guang (Light) Ma

Organizational Representatives:

- Parm Grewal, Richmond Multicultural Community Services
- Hajira Hussain, Richmond Food Bank Society
- Ravinder Johal, Richmond School District
- Mae Malixi, Turning Point Recovery Society
- Nancy Pagani, Richmond Centre for Disability
- Prabath Pullay, The Salvation Army
- Daniel Remedios (Chair), Richmond Addiction Services Society
- Daniel Suen, Connections Community Services Society
- Jo-Ann Tait (Vice-Chair), Vancouver Coastal Health
- Ruth Taverner, Richmond Family Place
- Susan Walters, Richmond Public Library

Non-Voting City of Richmond Representatives:

- Councillor Bill McNulty, Council Liaison
- Dorothy Jo, Program Manager, Social Planning, Staff Liaison
- Olivia Pow, Planner 2 (Social Planning), Recording Secretary

2025 Meeting Highlights

The RSDAC held four meetings in 2025 between July and November 2025. Meetings focused on building committee capacity for effective collaboration to fulfill its mandate, sharing knowledge on current and emerging social issues, and providing input on City strategies and initiatives related to social development. Highlights of the 2025 RSDAC meetings are outlined below:

1. The RSDAC engaged in a work planning process, which involved a review of the Committee's Terms of Reference and the City's Draft Social Development Strategy (2025–2035). The Committee discussed shared values, member contributions towards key areas of social need, and commitments to advancing social development in Richmond as identified by the Social Development Strategy.
2. The RSDAC shared their expertise and knowledge during the development and completion of the Social Development Strategy (2025–2035). This included approaches to engaging equity-deserving groups during community engagement, providing feedback on the recommended actions included in the draft strategy, and discussing strategies for implementation and evaluation, as well as opportunities to strengthen collective impact.

Guest Speakers and Presenters

The RSDAC hosted guest speakers to highlight forthcoming City strategies and initiatives and to discuss opportunities to strengthen collaboration on intersecting and priority social issues in Richmond. Invited guests included:

July

Draft Social Development Strategy Overview, Melanie Burner, City of Richmond

Melanie Burner presented a broad overview of the Draft Social Development Strategy, introducing the strategy's purpose, initial community engagement process, community profile and summarizing key themes, findings and proposed strategic directions.

October

Draft Social Development Strategy Phase 2 Community Engagement, Jyotika Dangwal, City of Richmond

Jyotika Dangwal built on the earlier overview by examining key themes and findings in detail, outlining draft priority actions for the proposed strategic directions, sharing engagement opportunities for the second phase of community engagement, and discussing next steps toward finalizing the strategy.

November

New Economic Development Strategy, Julie-Anne Toda-Sinclair, City of Richmond

Julie-Anne Toda-Sinclair presented on the new Economic Development Strategy, which will address both current and future needs to keep Richmond competitive and resilient. The new strategy will guide Richmond in supporting a resilient, inclusive, and sustainable economy that balances growth, environmental responsibility and community well-being.

Summary of Phase 2 Community Engagement Results, Jyotika Dangwal, City of Richmond
Jyotika Dangwal shared results from the second phase of community engagement on the Draft Social Development Strategy, outlining public feedback, planned revisions to the strategy and next steps, including the forthcoming report for Council's adoption of the final strategy.

Conclusion and Acknowledgements

Since its inaugural meeting in July 2025, the Richmond Social Development Advisory Committee demonstrated its commitment to advancing social development in Richmond. Through its work, the Committee supported the development of the Social Development Strategy (2025–2035) and contributed to a deeper understanding of emerging social issues in the community. We look forward to building on this work in 2026, with a focus on supporting implementation and monitoring progress of the Social Development Strategy (2025–2035) and fostering collaboration across sectors to address priority social needs in Richmond.

We thank our Council Liaison Bill McNulty for keeping the RSDAC informed on Council issues, and Dorothy Jo, Staff Liaison, for her guidance and coordination since the Committee was established early this year.

Respectfully submitted by:

Daniel Remedios
Chair, Richmond Social Development Advisory Committee

**Richmond Social Development Advisory Committee
2026 Work Program**

The proposed 2026 Work Program aligns with the Richmond Social Development Advisory Committee's (RSDAC) mandate to act as a resource and provide advice to City Council regarding priority social issues in the community and the implementation and monitoring of the City's Social Development Strategy 2025–2035.

This Work Program supports City Council's Strategic Plan 2022–2026 Strategic Focus Area #1 Proactive in Stakeholder and Civic Engagement:

1.2 Advocate for the needs of Richmond in collaboration with partners and stakeholders.

This Work Program also supports City Council's Strategic Plan 2022–2026 Strategic Focus Area #6 A Vibrant, Resilient and Active Community:

6.1 Advance a variety of program, services, and community amenities to support diverse needs and interests and activate the community.

RSDAC 2026 Work Program

The RSDAC will give priority to the following initiatives in 2026 as outlined in the table below.

Richmond Social Development Advisory Committee 2026 Work Program	
#1	Act as a resource and provide advice to City Council regarding issues and opportunities related to social development.
RSDAC Actions	<ul style="list-style-type: none"> • Provide input on Council referrals through the Staff Liaison, as appropriate. • Deliver formal presentations or written submissions to Council on topics related to social development.
Expected Outcome(s)	<ul style="list-style-type: none"> • Council receives timely, relevant and community-informed advice to guide policy decisions. • Council is equipped to address emerging issues as they arise.
#2	Provide input on the implementation of initiatives to advance actions in the Social Development Strategy 2025–2035.
RSDAC Actions	<ul style="list-style-type: none"> • Provide input on proposed City strategies, programs, initiatives or policies that advance social development, including those from other City departments that impact the social well-being of the community. • Compile an inventory of existing community programs and services to identify gaps and opportunities. • Participate in discussions on advancing Strategic Direction #1: Improve Access to Basic Needs, including mapping existing resources available through RSDAC members.
Expected Outcome(s)	<ul style="list-style-type: none"> • City initiatives better reflect the needs and priorities of diverse populations.
#3	Identify emerging issues, trends and best practices related to social development in Richmond.
RSDAC Actions	<ul style="list-style-type: none"> • Track demographic shifts, economic pressures and public health data to identify new challenges or opportunities. • Discuss any key social issues or concerns impacting Richmond residents. • Track changes in provincial and federal policies, funding programs and sector-wide initiatives that impact Richmond.
Expected Outcome(s)	<ul style="list-style-type: none"> • The City is alerted early to emerging social issues. • Residents feel their experiences and insights are reflected in City priorities.
#4	Assist in the development of metrics to support the monitoring and evaluation of the Social Development Strategy in order to measure successes and progress related to policy, initiatives, programs and services.
RSDAC Actions	<ul style="list-style-type: none"> • Collaborate with City staff and key partners to identify meaningful indicators aligned with the Strategy's goals. • Assess current data sets and reporting tools to determine what can be leveraged or improved. • Suggest metrics that reflect lived experiences, equity outcomes and community impact. • Provide feedback on draft evaluation tools before full implementation.
Expected Outcome(s)	<ul style="list-style-type: none"> • The City adopts indicators that effectively measure progress toward social development goals. • The City uses evaluation results to refine programs and allocate resources more effectively to better meet community needs.

	<ul style="list-style-type: none"> • The public can track how initiatives are performing over time.
#5	Pursue opportunities to collaborate on priority social issues that require cross-sectoral partnerships and joint initiatives.
RSDAC Actions	<ul style="list-style-type: none"> • Monitor member agencies' needs through discussions at meetings and other mechanisms, such as surveys and interviews. • Participate in committees and/or task groups that align with the RSDAC's mandate. • Map overlapping goals among City departments, nonprofits, health authority, school district, and other key partners. • Promote sharing of data, best practices and lessons learned between sectors to strengthen collective impact.
Expected Outcome(s)	<ul style="list-style-type: none"> • Members are able to work together and collaborate on joint initiatives that align with the RSDAC's mandate. • Increased coordination between the City and community organizations leads to more effective service delivery. • Programs and services address complex issues more effectively through integrated approaches. • Shared efforts reduce duplication and maximize impact across sectors.
#6	Organize and host presentations from other groups in the community to learn more about social development best practices that can be applied in Richmond.
RSDAC Actions	<ul style="list-style-type: none"> • Invite guest speakers to present on topics relevant to membership and their clients. • Organizational members and/or groups in Richmond to present on initiatives that address the unique challenges in Richmond.
Expected Outcome(s)	<ul style="list-style-type: none"> • Members are informed about best practices on social service issues. • Members are able to network with and learn from each other as well as from guest speakers.
#7	Produce work programs, annual reports and other relevant reports for Council endorsement or approval.
RSDAC Actions	<ul style="list-style-type: none"> • Prepare and submit an annual report for 2026 and a proposed work program for 2027.
Expected Outcome(s)	<ul style="list-style-type: none"> • A summary of key activities of the Committee is included in the annual report and a list of key actions that will be undertaken in the upcoming year is included in the proposed work program.



City of Richmond

Report to Committee

To: Planning Committee
From: Joshua Reis
Director, Development

Date: December 15, 2025
File: RZ 24-049110

Re: Application by Haven Craft Homes Ltd. for Rezoning at 8560 Heather Street from "Small-Scale Multi-Unit Housing (RSM/M)" Zone to "Small-Scale Multi-Unit Housing (RSM/S)" Zone

Staff Recommendation

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10730, for the rezoning of 8560 Heather Street from "Small-Scale Multi-Unit Housing (RSM/M)" to "Small-Scale Multi-Unit Housing (RSM/S)" zone, be introduced and given first, second and third reading.

Joshua Reis
Director, Development
(604-247-4625)

JR:eml
Att. 6

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Housing Office	<input checked="" type="checkbox"/>	 _____ _____ _____
Transportation	<input checked="" type="checkbox"/>	
Engineering	<input checked="" type="checkbox"/>	

Staff Report

Origin

Haven Craft Homes Ltd. (Hari Gill), on behalf of the property owner (Gurinder Birring), has applied to the City of Richmond to rezone 8560 Heather Street from “Small-Scale Multi-Unit Housing (RSM/M)” zone to “Small-Scale Multi-Unit Housing (RSM/S)” zone to facilitate the property to be subdivided to create two new lots. The applicant proposed to construct a single-family dwelling on each new lot, each with a secondary suite. Access is to be provided from Heather Street. A location map and aerial photograph of the subject site are provided in Attachment 1. A survey of the proposed subdivision is provided in Attachment 2.

Findings of Fact

A Development Application Data sheet providing details of the development proposal is provided in Attachment 3.

Subject Site and Existing Housing Profile

The existing single-family dwelling is currently owner-occupied.

Surrounding Development

Development immediately surrounding the site is as follows:

- To the North: Single-family residential developments on lots zoned “Small-Scale Multi-Unit Housing (RSM/M)” fronting Dayton Avenue.
- To the South: A single-family residential development on a lot zoned “Small-Scale Multi-Unit Housing (RSM/S)” fronting Heather Street.
- To the East: A single-family residential development on a lot zoned “Small-Scale Multi-Unit Housing (RSM/S)” fronting Dayton Avenue.
- To the West: Single-family residential developments on lots zoned “Small-Scale Multi-Unit Housing (RSM/M)” and “Small-Scale Multi-Unit Housing (RSM/S)” fronting Heather Street.

Existing Legal Encumbrances

There is an existing 3.0 metre wide Statutory Right-of-Way (SRW) along the subject site’s east property line for sanitary sewer services. The applicant is aware that encroachment into the SRW is not permitted.

Related Policies & Studies

Official Community Plan – Broadmoor Planning Area

The subject property is designated as “Neighbourhood Residential” in the Official Community Plan (OCP) and is located in the Broadmoor Planning Area and is designated for “Low Density Residential in the Broadmoor Area – Ash Street Sub Area Plan (Attachment 4).

The City has considered a number of rezoning applications in the area, which have resulted in lots between 9.0 and 10.0 m wide (11.0 m for corner lots). The proposed rezoning and subdivision are consistent with the designation.

Floodplain Management Implementation Strategy

The proposed redevelopment must meet the requirements of the Richmond Floodplain Designation and Protection Bylaw 8204. Registration of a flood indemnity covenant on Title is required prior to final adoption of the rezoning bylaw.

Public Consultation

A rezoning sign has been installed on the subject site. Staff have not received any comments from the public about the rezoning application to date.

Bill 44 prohibits a Local Government from holding a Public Hearing on a residential rezoning bylaw that is consistent with the OCP. The proposed rezoning meets the conditions established in Bill 44 and is consistent with the OCP. Accordingly, City Council may not hold a Public Hearing on the subject rezoning application.

Analysis

This redevelopment proposes to rezone and subdivide an existing single-family lot into two new single-family lots with vehicular access for both new lots off Heather Street. This rezoning and subdivision are consistent with the lot fabric and vehicular access along Heather Street. Similar applications to rezone and subdivide properties have been approved in the surrounding neighbourhood.

Transportation and Site Access

The subject site currently has vehicle access from Heather Street. Vehicle access to the proposed Lot 1 and proposed Lot 2 will be from Heather Street. The existing driveway to the site from Heather Street is to be closed permanently. The applicant will be responsible for the removal of the existing driveway letdown. The new driveway crossings are to be constructed to meet the requirements of the City of Richmond's Engineering Design Specifications. This work is to be designed and constructed as part of the required Servicing Agreement (SA) to be entered into prior to subdivision.

Tree Retention and Replacement

The applicant has submitted a Certified Arborist's Report, which identifies on-site and off-site tree species, assesses tree structure and condition and provides recommendations on tree retention and removal relative to the proposed development.

The City's Tree Preservation Coordinator and Parks Department have reviewed the Arborist's Report and support the Arborist's findings with the following comments:

- Two (2) trees, tag #0706 (cherry tree, 51 cm caliper) and tag #0707 (cherry tree, 47 cm caliper) are both in very poor condition.

Tree #0706 has been repeatedly topped and is also in conflict with the driveway access. Tree #0707 has been severely topped, and the main stem is compromised. Both trees are recommended for removal with replacement at a 2:1 ratio.

The applicant is required to plant replacement trees at a ratio of 2:1 as per the OCP. Replacement trees are to be of the following minimum sizes.

No. of New and Replacement Trees	Minimum Caliper of Deciduous Replacement Trees	Minimum Height of Coniferous Replacement Tree
4	8.0 cm	4.0 m

Prior to final adoption of the rezoning bylaw, the applicant must submit a Landscape Security of \$3,000.00 (\$750/tree) to ensure that all four new trees will be planted, monitored and maintained. A tree management plan is provided in Attachment 5.

Affordable Housing Strategy

The applicant proposes to construct a second unit (which can include a secondary suite) on each future lot. The second unit would be a minimum area of 33.7 m² (356.58 ft²). To ensure that two units are built to the satisfaction of the City in accordance with the City's Affordable Housing Strategy, the applicant is required to enter into a legal agreement registered on Title to each lot, stating that no final Building Permit (BP) inspection will be granted until two units (which may include a secondary suite being a minimum one-bedroom 33.7 m² [356.58 ft²] in size) is constructed to the satisfaction of the City in accordance with the BC Building Code and Richmond Zoning Bylaw 8500 or, the owner submits to the City a cash contribution in lieu of a second dwelling unit on a future lot, consistent with the Affordable Housing Strategy. Registration of this legal agreement is required prior to final adoption of the rezoning bylaw.

Sustainability

Prior to BP issuance, the applicant will be required to submit a report, signed and sealed by a Qualified Professional, confirming that the proposed design is compliant with the energy efficiency targets as set out in the BC Energy Step Code: either to Step 5 w/ EL-2 or Step 4 w/ EL-3 or alternatively Step 3 w/ EL-4.

Site Servicing and Frontage Improvements

Prior to subdivision approval, the applicant must enter into an SA for the design and construction of the required site servicing and frontage improvements as described in Attachment 6, including but not limited to:

- Removal of the existing driveway letdown;
- Installation of two new driveway crossings;
- Heather Street frontage to be upgraded with a new 2.0 m sidewalk at the property line, a new 1.5 m treed/grassed boulevard and a new 0.15 m curb and gutter; and
- water, storm and sanitary service connections.

Complete details of the site servicing and frontage improvements required for this application are included in the rezoning considerations in Attachment 6.

Financial Impact

This rezoning application results in an insignificant Operational Budget Impact (OBI) for off-site City infrastructure.

Conclusion

This application is to rezone the property at 8560 Heather Street from "Small-Scale Multi Unit Housing (RSM/M)" zone to "Small-Scale Multi Unit Housing (RSM/S)" zone to permit the property to be subdivided to create two new lots, each with a single-family home and a secondary suite.

This rezoning application complies with the land use designations and applicable policies for the subject site that are contained within the OCP.

The list of rezoning considerations are included in Attachment 6, which has been agreed to by the applicant (signed concurrence on file).

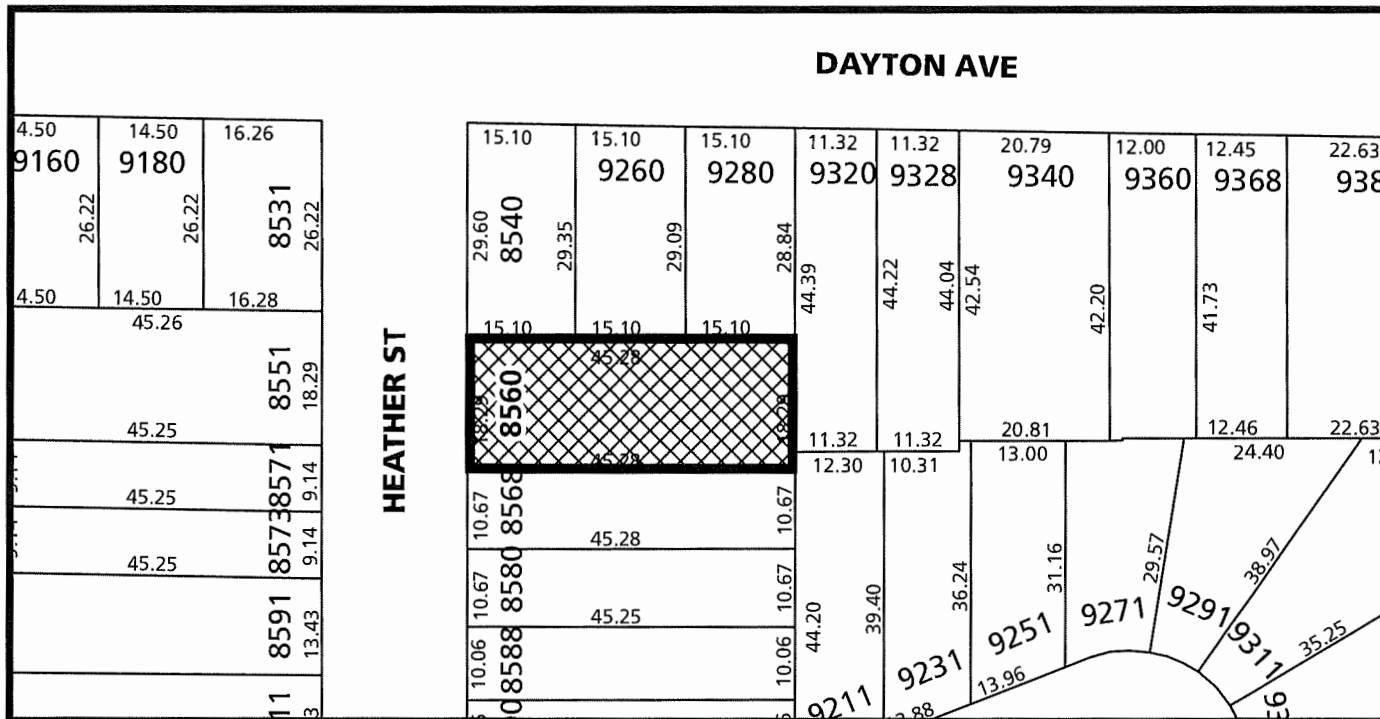
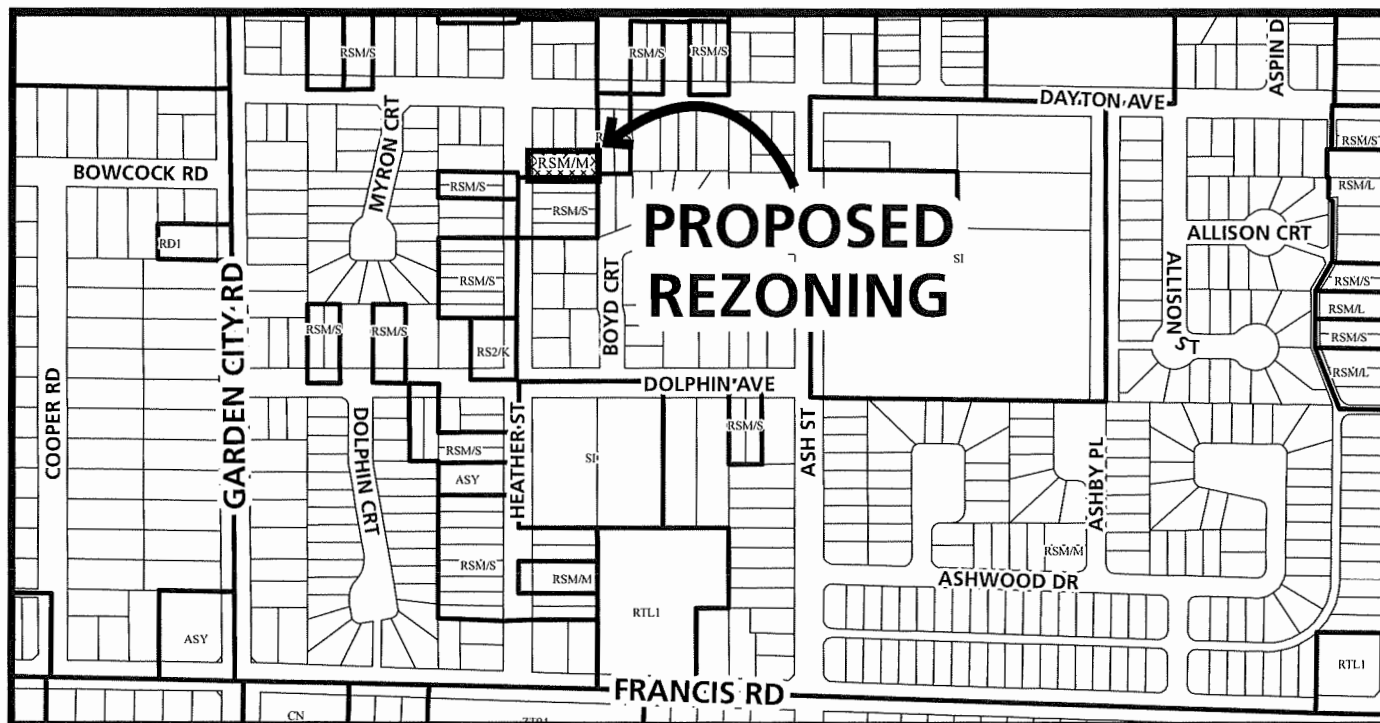
It is recommended that Richmond Zoning Bylaw 8500, Amendment Bylaw 10730 be introduced and given first, second and third reading.



Emma Lovas
Planning Technician – Design
(604-276-4262)

EML:js

- Att. 1. Location Map
 2. Site Survey and Subdivision Plan
 3. Development Application Data Sheet
 4. Ash Street Sub-Area Plan Bylaw 7100
 5. Tree Management Plan
 6. Rezoning Considerations



RZ 24-049110

Original Date: 12/19/24
Revision Date:

Note: Dimensions are in METRES



City of
Richmond



RZ 24-049110

Original Date: 12/10/24

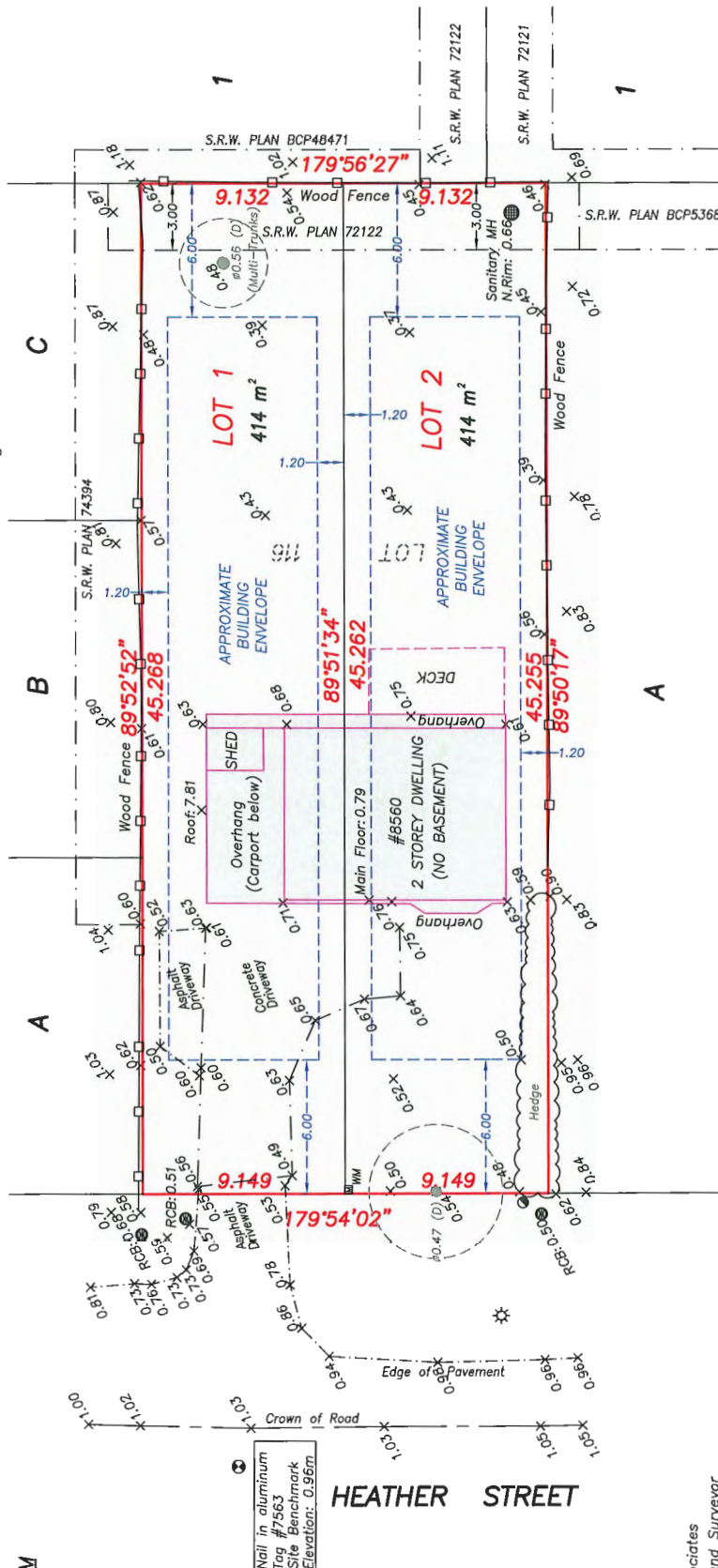
Revision Date:

Note: Dimensions are in METRES

TOPOGRAPHIC SURVEY AND PROPOSED SUBDIVISION OF LOT 116 SECTION 22 BLOCK 4 NORTH RANGE 6 WEST NEW WESTMINSTER DISTRICT PLAN 31912

#8560 HEATHER STREET,
RICHMOND, B.C.
P.I.D. 000-506-788

ZONING: RSM/M



CERTIFIED CORRECT:
LOT DIMENSION ACCORDING TO
FIELD SURVEY.

- LEGEND:**
- (D) denotes deciduous
 - ⊙ denotes round catch basin
 - MH denotes manhole
 - WY denotes water meter
 - ⊙ denotes lamp standard
 - ⊙ denotes power post

NOTE:
Elevations shown are based on
City of Richmond HPN
Benchmark network.
Benchmark: GCM #51649
Control Monument 77H4983
Elevation: 1.001m

NOTE:
Use site Benchmark Tag #7563 for
construction elevation control.

JOHNSON C. TAM, B.C.L.S., C.L.S.

JULY 2nd, 2024.

Copyright
J. C. Tam and Associates
Canada and B.C. Land Surveyor
115 - 8833 Odlin Crescent
Richmond, B.C. V6X 3Z7
Telephone: 214-8928
Fax: 214-8929
E-mail: office@jctam.com
Website: www.jctam.com
Job No. 8207
FB-437 P125-128
Drawn By: KA

DWG No. 8207-TOPO



RZ 24-049110

Attachment 3

Address: 8560 Heather Street

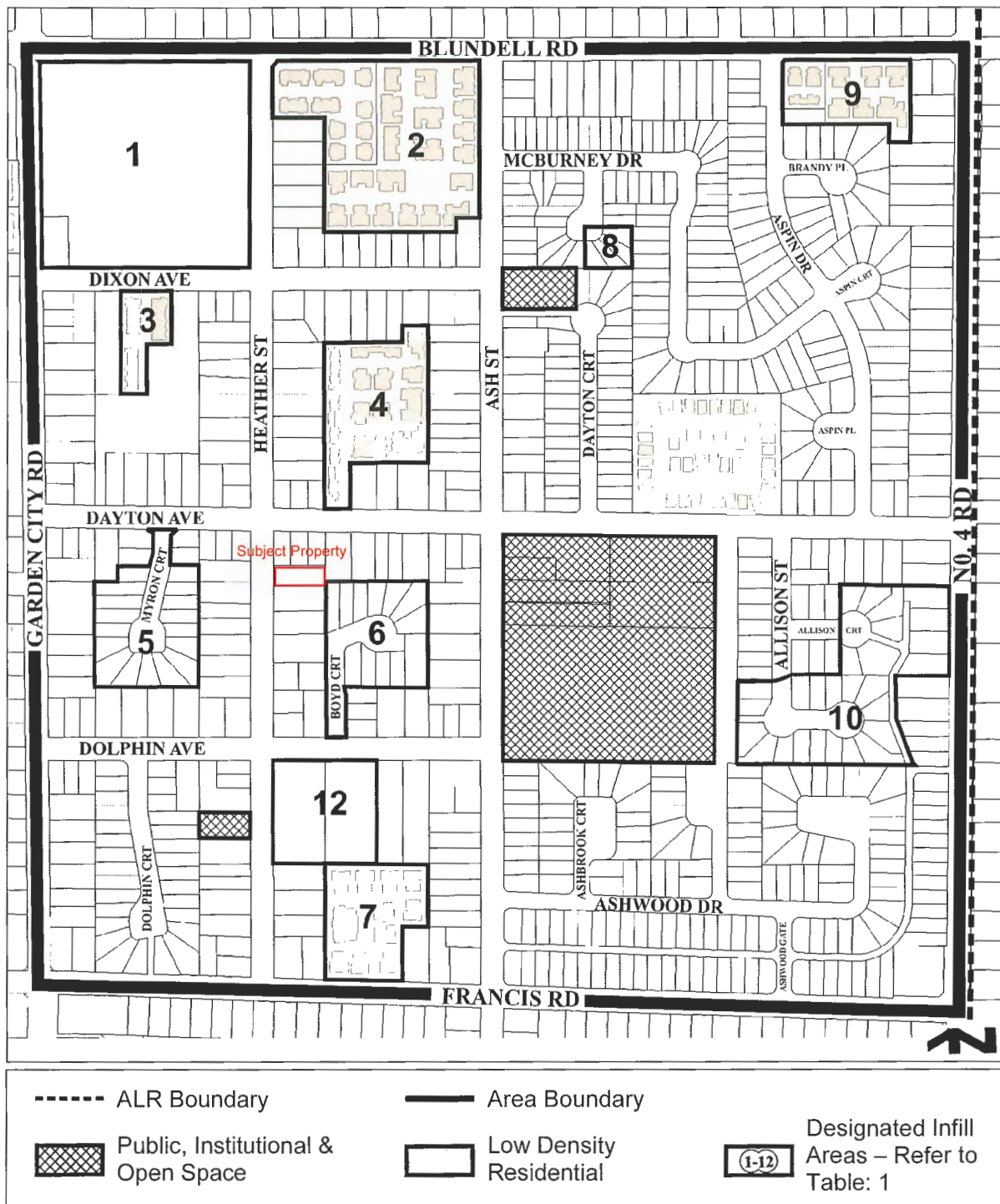
Applicant: Haven Craft Homes Ltd.

Planning Area(s): Broadmoor

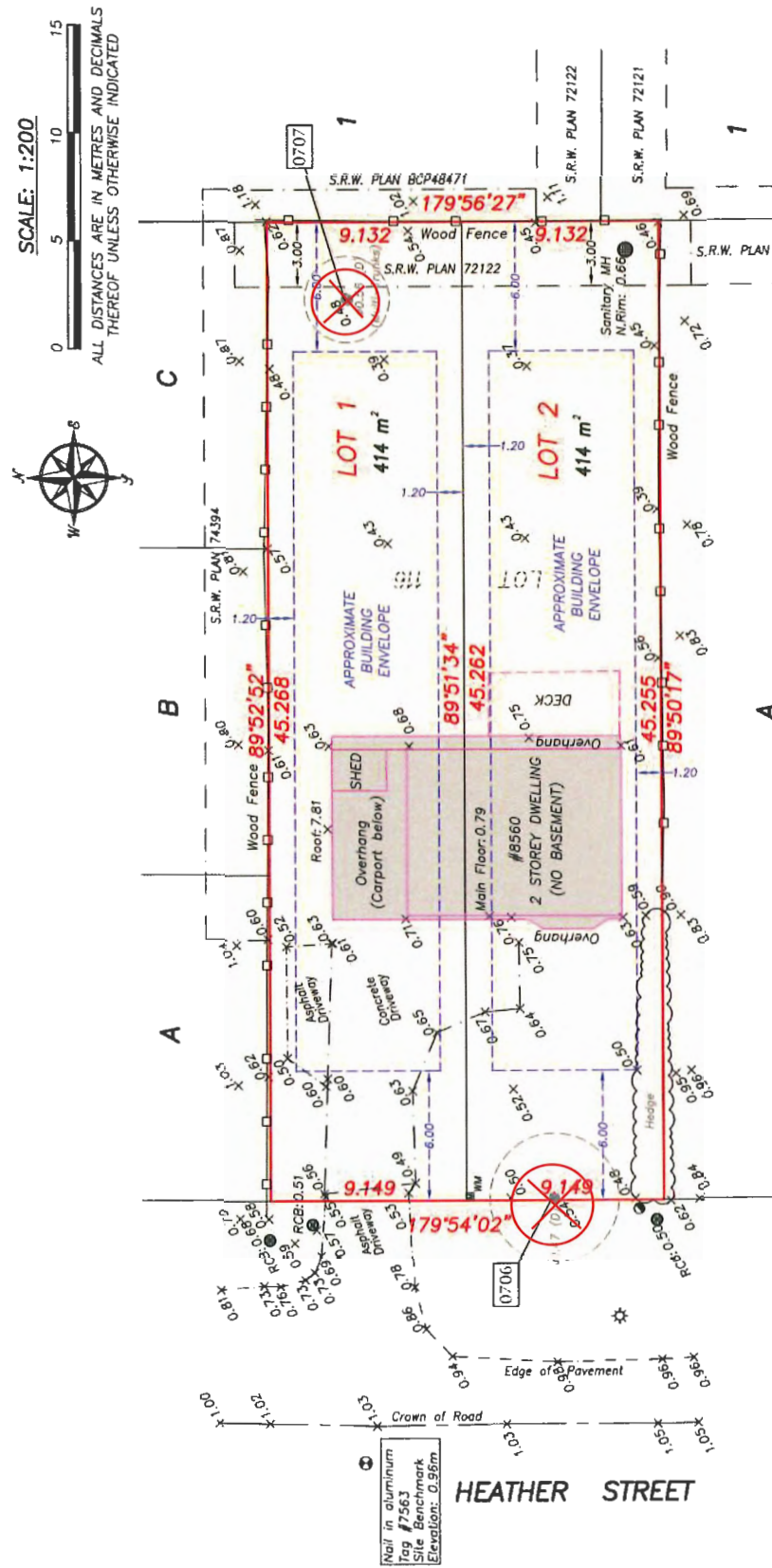
	Existing	Proposed
Site Area	828.0 m ²	Lot 1: 414.0 m ² Lot 2: 414.0 m ²
Land Uses	Single-Detached	Single-Detached
OCP Designation	Neighbourhood Residential	Neighbourhood Residential
Zoning:	Small-Scale Multi-Unit Housing (RSM/M)	Small-Scale Multi-Unit Housing (RSM/S)
Number of Units	1	Lot 1: 2 Lot 2: 2

On Future Subdivided Lots	Bylaw Requirement	Proposed	Variance
Floor Area Ratio	Max. 0.55 for lot area up to 464.5 m ² plus 0.3 for area in excess of 464.5m ²	Max. 0.55 for lot area up to 464.5 m ² plus 0.3 for area in excess of 464.5m ²	None permitted
Lot Coverage (% of lot area)	Building: Max. 45% Non-Porous Surfaces: Max. 70%	Building: Max. 45% Non-Porous Surfaces: Max. 70%	None permitted
Setback – Front Yard	Min. 6.0 m	Lot 1: 7.93 m Lot 2: 7.93 m	None permitted
Setback – North Side Yard	Min. 1.2 m	Lot 1: 1.23m Lot 2: 1.20m	None permitted
Setback – South Side Yard	Min. 1.2 m	Lot 1: 1.22m Lot 2: 1.23m	None permitted
Setback – Rear Yard	Min. 6.0 m	Lot 1: 12.8 m Lot 2: 12.7 m	None permitted
Height (m)	Max. 10.0 m	Lot 1: 9.0 m Lot 2: 9.0 m	None permitted
Lot Size	270.0 m ²	Lot 1: 414.0 m ² Lot 2: 414.0 m ²	None permitted
Off-street Parking Spaces	0.5 per unit	4 (2 per lot)	None permitted

City of Richmond

Land Use MapBylaw 9489
2016/07/18

Tree Management Plan





City of
Richmond

Rezoning Considerations
Development Applications Department
6911 No. 3 Road, Richmond, BC V6Y 2C1

Address: 8560 Heather Street

File No.: RZ 24-049110

Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 10730, the developer is required to complete the following:

1. **(Landscape Security)** Submission of a Landscape Security in the amount of \$3,000.00 (\$750/tree) to ensure that a total of two (2) replacement trees are planted and maintained on each lot proposed (for a total of four (4) trees); minimum 8.0 cm deciduous caliper or 4.0 m high conifers). **NOTE: minimum replacement size to be as per Tree Protection Bylaw No. 8057 Schedule A – 3.0 Replacement Trees.**
2. **(Flood Indemnity Covenant)** Registration of a flood indemnity covenant on title (2.9 m GSC – Area A).
3. **(Dwelling Units, Secondary Suite)** Registration of a legal agreement on title to ensure that no final Building Permit inspected is granted until either:
 - a) A minimum of two (2) dwelling units, each with an area of a minimum of 33.7 m² (356.58 ft²), one (1) of which may be a secondary suite with an area of a minimum of 33.7 m² (356.58 ft²), are constructed on each future lot, to the satisfaction of the City in accordance with the BC Building Code and the City's Zoning Bylaw; or
 - b) The owner submits to the City a cash contribution in lieu of a second dwelling unit on a future lot, consistent with the Affordable Housing Strategy.
4. **(Fees - Notices)** Payment of all fees in full for the cost associated with the First Reading Notices, consistent with the City's Consolidated Fees Bylaw No 8636, as amended.

At Subdivision* stage, the developer must complete the following requirements:

1. A Demolition Permit will be required for demolition of the existing building on the subject site.
2. Pay the current year's taxes, following year's estimates taxes (If approval is sought on or after September 1st in any year), Development Cost Charges (City and GVS & DD), School Site Acquisition Charge, Address Assignment Fees, and the costs associated with the completion of the required servicing works.
3. Enter into a Servicing Agreement* for the design and construction of engineering infrastructure improvements. A Letter of Credit or cash security for the value of the Service Agreement works, as determined by the City, will be required as part of entering into the Servicing Agreement. Works include, but may not be limited to:

Water Works

- a) Using the OCP Model, there is 317.0 L/s of water available at a 20 psi residual at the Heather St frontage. Based on your proposed development, your site requires a minimum fire flow of 95 L/s.
- b) At Developer's cost, the Developer is required to:
 - i) Submit Fire Underwriter Survey (FUS) or International Organization for Standardization (ISO) fire flow calculations to confirm development has adequate fire flow for onsite fire protection. Calculations must be signed and sealed by a Professional Engineer and be based on Building Permit Stage building designs.
 - ii) Review hydrant spacing on all road frontages and install new fire hydrants as required to meet City spacing requirements for the proposed land use.

- iii) Re-use the existing water service connection at the Heather St frontage to service proposed southern lot to be created from the subdivision application.
- c) At Developer's cost, the City will:
 - i) Complete all tie-ins for the proposed works to existing City infrastructure.
 - ii) Relocate the existing water meter currently located in 8560 Heather St to the west into the boulevard, eliminating the requirement for a right of way to contain the water meter.
 - iii) Install a new water service connection tied into the existing 200mm watermain at the Heather St frontage to service the northern lot, complete with a water meter in the boulevard just west of the property line. The details of the water service connection shall be finalized via the servicing agreement review.

Storm Sewer Works:

- d) At Developer's cost, the Developer is required to:
 - i) Provide an erosion and sediment control plan for all on-site and off-site works, to be reviewed as part of the servicing agreement design.
 - ii) Confirm the condition of the existing storm sewer laterals (e.g. SLAT89221 and SLAT69390) and connections (e.g. STCN156379 and STCN156391) at the northwest and southwest corner of the development site along the Heather St frontage, via CCTV inspection.
 - (1) If the CCTV inspection confirms adequate condition for the proposed development, re-use the existing storm lateral and connection lines to service the proposed northern and southern lot.
 - (2) If the CCTV inspection confirms inadequate condition for the proposed development, the existing lateral and connection lines shall be replaced with new pipes.
 - iii) Confirm the condition of the existing storm inspection chambers (e.g. STIC53310 and STIC42464) at the northwest and southwest corner of the development site along the Heather St frontage.
 - (1) If the inspection chambers are in an adequate condition for the proposed development, re-use the existing inspection chambers to tie in the storm lateral and connection lines.
 - (2) If the inspection chambers are in an inadequate condition for the proposed development, the existing inspection chambers shall be replaced with new inspection chambers.
- e) At Developer's cost, the City will:
 - i) Complete all tie-ins for the proposed works to existing City infrastructure.
 - ii) Replace the existing lateral and connection lines with a new pipe, complete with an inspection chamber, if the CCTV inspection confirm inadequate condition of the existing storm system along Heather St frontage.

Sanitary Sewer Works:

- f) At Developer's cost, the Developer is required to:
 - i) Not start onsite excavation or foundation construction until completion of rear-yard sanitary works by City crews.
 - ii) Not encroach into the City's sanitary sewer right of way along the east property line with proposed trees, retaining walls, non-removable fences, or other non-removable structures. The proposed retaining wall along the north and south property line encroach into the existing sanitary right of way along the east property line, which is not acceptable. Retaining walls and tie backs to facilitate site raising at the existing right of ways that contain the existing sanitary lines along the east property line are not permitted because these will obstruct maintenance access to the sanitary lines.
 - iii) Upgrade the existing 150mm diameter sanitary lateral SLAT9355 along the entire east property line of 8560 Heather St to a 200mm diameter sewer system as per the City's Engineering specifications. The south-end of the new sanitary main shall be tied into the existing sanitary manhole SMH1230, and the north-end of the new sanitary main shall be tied into the new sanitary manhole installed in replacement of the existing sanitary inspection chamber SIC3441.
 - (a) Maintain the sanitary service connections in an operating condition for the neighbouring properties affected by the sanitary sewer works to be done (e.g. 8540 Heather St, and 9260, 9280, 9320, 9328 Dayton Ave) while the ultimate sanitary line is being constructed. This may require a bypass to convey the sanitary flows from 8540 Heather St and 9260, 9280, 9320, 9328 Dayton Ave to the nearest existing sanitary manhole while the required ultimate sanitary line is being constructed. This

may require written consent from the owners of the neighbouring properties to allow the required sanitary bypass works in private properties.

- iv) Replace the existing inspection chamber SIC3441, located at the southeast corner of 9280 Dayton Ave, with a new sanitary manhole to tie in the new 200mm diameter sewer along the east property line of 8560 Heather St and the existing 150mm diameter lateral along the north property line of 8560 Heather St.
- v) The developer is required to send a notification letter to the adjacent property owners for any required sanitary works that may impact access to their site, landscaping features, fences, and other private improvements. Each property must be sent a notification letter via registered mail that includes the scope of works, the potentially effected items (i.e. landscaping, driveways, fences, private trees, etc.), and the proposed impact mitigation strategy. Prior to sending the letters to the property owners, each letter must be submitted to the City for review and approval.
- vi) Confirm the condition of the existing sanitary sewer connection SCON26262 at the southeast corner of the development site, via CCTV inspection.
 - (1) If the CCTV inspection confirms adequate condition for the proposed development, re-use the existing sanitary connection SCON26262 to service the proposed southern lot.
 - (2) If the CCTV inspection confirms inadequate condition for the proposed development, the existing connection SCON26262 shall be replaced with a new pipe and tied into the existing manhole SMH1230 to service the proposed southern lot.
- vii) Install a new sanitary service connection tied into the new 200mm sanitary main along the east property line of the development site, complete with an inspection chamber in a right of way, to service the northern lot. The exact location of the sanitary service connection shall be finalized during the servicing agreement process.
- viii) Provide a 1.5m x 1.5m right of way for the required sanitary inspection chamber to service the proposed northern lot from the sanitary main along the east property line of the development site.

g) At Developer's cost, the City will:

- i) Complete all tie-ins for the proposed works to existing City infrastructure.

Street Lighting:

h) At Developer's cost, the Developer is required to:

- i) Review street lighting levels along all road and lane frontages, and upgrade as required.

Frontage Improvements

- a) The following frontage improvements will be required at the applicant's cost as part of the Servicing Agreement:
 - (1) The existing driveway along the site's Heather Street frontage shall be closed permanently. The applicant is responsible for the removal of the existing driveway letdown and replace with curb, gutter and boulevard
 - (2) The new driveway crossings are to be constructed to meet the requirements of the City of Richmond's Engineering Design Specifications.
 - (3) The applicant shall be required to construct the following along the full frontage of the site along Heather Street:
 - (a) From east to west, starting at the property's west property line:
 - (i) Minimum 2.0 m wide sidewalk;
 - (ii) Minimum 1.5 m wide boulevard
 - (iii) 0.15 m curb and gutter;
 - (iv) Curb and gutter alignment to accommodate the total pavement width of 9.0 m curb face to curb face.

General Items:

- i) At Developer's cost, the Developer is required to:

- i) Complete other frontage improvements as per Transportation requirements.
 - (a) The proposed driveway for the southern lot is in conflict with the existing pole and the proposed location is not as per the City's specification under Bylaw No 7222 Schedule B and C. Any proposal of driveways must be clear of the existing pole.
- ii) Coordinate with BC Hydro, Telus and other private communication service providers:
 - (1) Before relocating/modifying any of the existing power poles and/or guy wires within the property frontages.

The existing pole located near the southwest corner of the development site may need to be relocated based on the required frontage improvements, subject to Transportation requirements. Any proposal of driveways must be clear of the existing pole.
- iii) Not encroach into City rights-of-ways with any proposed trees, retaining walls, or other non-removable structures. Retaining walls proposed to encroach into rights-of-ways must be reviewed by the City's Engineering Department.
- iv) Coordinate the servicing agreement design for this development with the servicing agreement(s) for the adjacent development(s), both existing and in-stream. The developer's civil engineer shall submit a signed and sealed letter with each servicing agreement submission confirming that they have coordinated with civil engineer(s) of the adjacent project(s) and that the servicing agreement designs are consistent. The City will not accept the 1st submission if it is not coordinated with the adjacent developments. The coordination letter should cover, but not be limited to, the following:
 - (a) Corridors for City utilities (existing and proposed water, storm sewer, sanitary and DEU) and private utilities.
 - (b) Pipe sizes, material and slopes.
 - (c) Location of manholes and fire hydrants.
 - (d) Road grades, high points and low points.
 - (e) Alignment of ultimate and interim curbs.
 - (f) Proposed street lights design.
- v) Enter into, if required, additional legal agreements, as determined through the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering, including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.

Prior to Building Permit Issuance, the developer must complete the following requirements:

1. Submission of a Construction Parking and Traffic Management Plan to the Transportation Department. Management Plan shall include location for parking for services, deliveries, workers, loading, application for any lane closures, and proper construction traffic controls as per Traffic Control Manual for works on Roadways (by Ministry of Transportation) and MMCD Traffic Regulation Section 01570.
2. Provide Plans that are compliant with City's EV-Ready Construction Requirements and Zoning Bylaw and demonstrate that all new residential parking stalls will be equipped with Level 2 energised outlets or higher.
3. Provide a report, signed and sealed by a Qualified Professional, confirming that the proposed plans are in compliance with the energy efficiency targets set out in the BC Energy Step Code: to either Step 5 w/ EL-2 or Step 4 w/ EL-3 or alternatively Step 3 w/ EL-4.
4. Obtain a Building Permit (BP) for any construction hoarding. If construction hoarding is required to temporarily occupy a public street, the air space above a public street, or any part thereof, additional City approvals and associated fees may be required as part of the Building Permit. For additional information, contact the Building Approvals Department at 604-276-4285.

Note:

- * This requires a separate application.

- Where the Director of Development deems appropriate, the preceding agreements are to be drawn not only as personal covenants of the property owner but also as covenants pursuant to Section 219 of the Land Title Act.

All agreements to be registered in the Land Title Office shall have priority over all such liens, charges and encumbrances as is considered advisable by the Director of Development. All agreements to be registered in the Land Title Office shall, unless the Director of Development determines otherwise, be fully registered in the Land Title Office prior to enactment of the appropriate bylaw.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable/rent charges, letters of credit and withholding permits, as deemed necessary or advisable by the Director of Development. All agreements shall be in a form and content satisfactory to the Director of Development.

- Additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering may be required including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.
- If the development will be constructed in phases and stratified, a [Phased Strata Subdivision Application](#) is required. Each phase of a phased strata plan should be treated as a separate parcel, each phase to comply with the Richmond Zoning Bylaw 8500 in terms of minimum lot area, building setback and parking requirements. Please arrange to have the City's Approving Officer review the proposed phased boundaries in the early DP stages. To allow sufficient time for staff review and preparation of legal agreements, the application should be submitted at least 12 months prior to the expected occupancy of development.
- Applicants for all City Permits are required to comply at all times with the conditions of the Provincial *Wildlife Act* and Federal *Migratory Birds Convention Act*, which contain prohibitions on the removal or disturbance of both birds and their nests. Issuance of Municipal permits does not give an individual authority to contravene these legislations. The City of Richmond recommends that where significant trees or vegetation exists on site, the services of a Qualified Environmental Professional (QEP) be secured to perform a survey and ensure that development activities are in compliance with all relevant legislation.

Signed _____

Date _____



**Richmond Zoning Bylaw 8500
Amendment Bylaw 10730 (RZ 24-049110)
8560 Heather Street**

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. The Zoning Map of the City of Richmond, which accompanies and forms part of Richmond Zoning Bylaw 8500, is amended by repealing the existing zoning designation of the following area and by designating it **"SMALL-SCALE MULTI-UNIT HOUSING (RSM/S)"**.

P.I.D 000-506-788

Lot 116 Section 22 Block 4 North Range 6 West New Westminster Plan NWP31912

2. This Bylaw may be cited as **"Richmond Zoning Bylaw 8500, Amendment Bylaw 10730"**.



FIRST READING

SECOND READING

THIRD READING

OTHER CONDITIONS SATISFIED

ADOPTED

CITY OF RICHMOND
APPROVED by 
APPROVED by Director or Solicitor 

MAYOR

CORPORATE OFFICER



City of Richmond

Report to Committee

To: Planning Committee

Date: December 17, 2025

From: Joshua Reis
Director, Development

File: RZ 25-029406

Re: Application by City of Richmond for Rezoning at 12871, 12873, 12875 Railway Avenue from "Low Density Townhouses (RTL1)" Zone to "Medium Density Low Rise Apartments (RAM1)" Zone

Staff Recommendation

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10734, to amend the "Medium Density Low Rise Apartments (RAM1)" zone, and to rezone 12871, 12873, 12875 Railway Avenue from "Low Density Townhouses (RTL1)" zone to "Medium Density Low Rise Apartments (RAM1)" zone, be introduced and given first, second and third reading.

Joshua Reis
Director, Development
(604-247-4625)

JR:mt
Att. 4

REPORT CONCURRENCE

CONCURRENCE OF GENERAL MANAGER

Staff Report

Origin

The City of Richmond has initiated an application to rezone 12871, 12873 and 12875 Railway Avenue (“subject site”) from the “Low Density Townhouses (RTL1)” zone to the “Medium Density Low Rise Apartments (RAM1)” zone, to align the zoning for the subject site with its existing land use and three and a half storey apartment form. The subject site is currently legal non-conforming. A location and aerial map of the subject site are provided in Attachment 1.

The proposed rezoning is not in anticipation of new development. Accordingly, a Development Permit (DP), Building Permit (BP) and servicing upgrades are not required.

Background

History of Subject Site’s Zoning Designation

On May 9, 1988, a DP (DP 87-377) was issued to permit the construction of the subject site’s existing three and a half storey apartment buildings in conformance with its then “Multiple Family Residential Districts III (MF/3)” zoning. A BP was subsequently issued in January 1989.

Three months later, a City-wide Zoning Bylaw update was finalized when Zoning Bylaw 5300 was adopted in April 1989. As a result, after the BP was issued but prior to the apartments being built, the subject site’s MF/3 zone was replaced with the “Townhouse District (R2)” zone. Other existing apartment buildings previously zoned MF/3 were rezoned to the “Townhouse & Apartment District (R3)” zone in alignment with their existing land use and apartment form. Despite its apartment form, the subject site was rezoned R2, resulting in its legal non-conforming status, which has remained until the present day.

In 2009, the City adopted Zoning Bylaw 8500. As a result, the subject site was rezoned from the R2 zone to its current “Low Density Townhouses (RTL1)” zoning. Comparable apartment buildings were rezoned from the R3 zone to the “Medium Density Low Rise Apartments (RAM1)” zone. This rezoning application proposes to rezone the subject site to the RAM1 zone, consistent with comparable apartment buildings that were also zoned MF/3 prior to 1989.

In 2025, the strata approached the City about these inconsistencies between the properties' use and zoning. The City is undertaking this rezoning to rectify the initial miscategorising of the site in 1989. No development is proposed and the strata are aware and supportive of this administrative change.

Findings of Fact

A Development Application Data Sheet providing details about the subject rezoning is provided in Attachment 2.

The subject site is a 2.8-acre, panhandle shaped property at the terminus of Railway Avenue. It includes three, three and a half storey apartment buildings containing 78 stratified dwelling units and an underground parking garage with 156 parking stalls. The subject site and underground parking are accessed from Railway Avenue.

The previously issued BP drawings for the subject site that are associated with the approved DP (DP 87-377) are provided in Attachment 3 for information purposes only.

Surrounding Development

The existing development immediately surrounding the subject site is as follows:

To the North: Across Railway Avenue are single-detached homes on properties zoned “Small Scale Multi Unit Housing (RSM/M)” and the Railway Moncton Community Gardens on a property zoned “School & Institutional Use (SI)”.

To the South: A four-storey, 112-unit apartment development on a property zoned “Residential/Limited Commercial (RCL1)”.

To the East: Across from a pedestrian pathway connecting Railway Avenue and Westwater Drive is Tomekichi Homma Elementary School on a property zoned “School & Institutional Use (SI)”.

To the West: Across Railway Avenue is a 43-unit townhouse development on a property zoned “Low Density Townhouses (RTL1)”.

Related Policies & Studies

Official Community Plan / Steveston Area Plan

The subject property is designated as “Apartment Residential” in the Official Community Plan (OCP), and the Steveston Area Plan designates the subject site as “Multiple Family”, consistent with its current apartment form (Attachment 4). The subject rezoning complies with both the “Apartment Residential” and “Multiple Family” land use designations.

Public Consultation

Bill 44 prohibits a Local Government from holding a Public Hearing on a residential rezoning bylaw that is consistent with the OCP. The proposed rezoning meets the conditions established in Bill 44 and is consistent with the OCP. Accordingly, City Council may not hold a Public Hearing on the subject rezoning application.

The strata council is aware of and supportive of the rezoning application.

Analysis

This City initiated rezoning is to align the zoning for the properties at 12871, 12873 and 12875 Railway Avenue, with its existing land use and apartment form, consistent with the zoning of similar developments in the area. As new development is not proposed as part of the subject rezoning, no changes to the site’s existing form and architectural character, parking and site access or landscaping are proposed.

The existing apartment buildings at the subject site are generally in compliance with the RAM1 zone, except for density, building height and setback provisions. As part of the subject rezoning, the RAM1 zone would be amended to accommodate the existing development, with the following amendments applicable only to the subject site to permit:

- A maximum Floor Area Ratio (FAR) of 0.85;
- A change of the maximum building height from 15.0 m to 16.0 m; and
- A change of the front and side yard setback from 6.0 m to 4.0 m.

The amendments address the subject site's existing development and facilitate RAM1 zoning in keeping with comparable apartment buildings zoned MF/3 prior to 1989.

Financial Impact

None.

Conclusion

Staff recommend that Richmond Zoning Bylaw 8500, Amendment Bylaw 10734, to amend the "Medium Density Low Rise Apartments (RAM1)" zone, and to rezone 12871, 12873, 12875 Railway Avenue from "Low Density Townhouses (RTL1)" zone to "Medium Density Low Rise Apartments (RAM1)" zone, be introduced and given first, second and third reading.



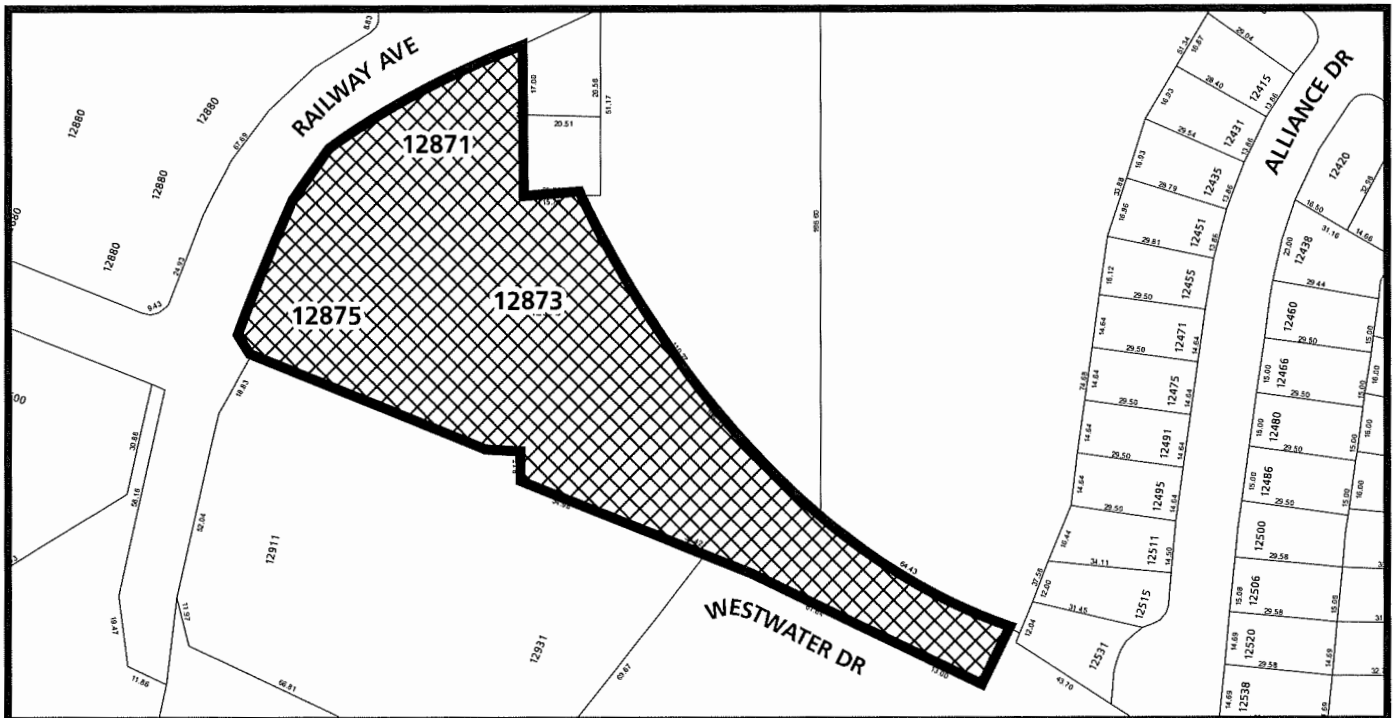
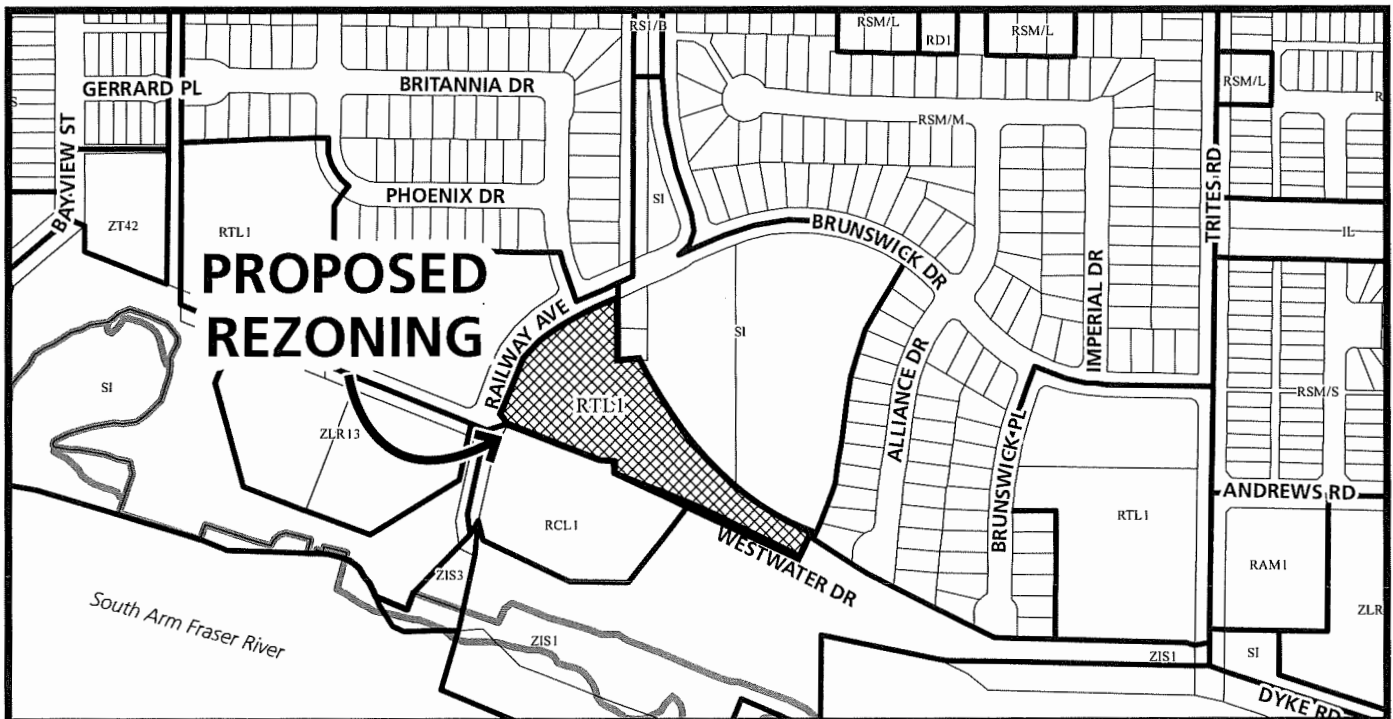
Mark Tennenhouse
Planning Technician
(604-276-4090)

MT:aa

- Att.
- 1: Location Map
 - 2: Development Application Data Sheet
 - 3: Previously Approved Building Permit Plans for the Subject Site
 - 4: Steveston Area Land Use Map



City of
Richmond



RZ 25-029406

Original Date: 12/09/25
Revision Date:

Note: Dimensions are in METRES



City of
Richmond



RZ 25-029406

Original Date: 12/09/25
Revision Date:

Note: Dimensions are in METRES



RZ 25-029406

Attachment 2

Address: 12871, 12873, 12875 Railway Avenue

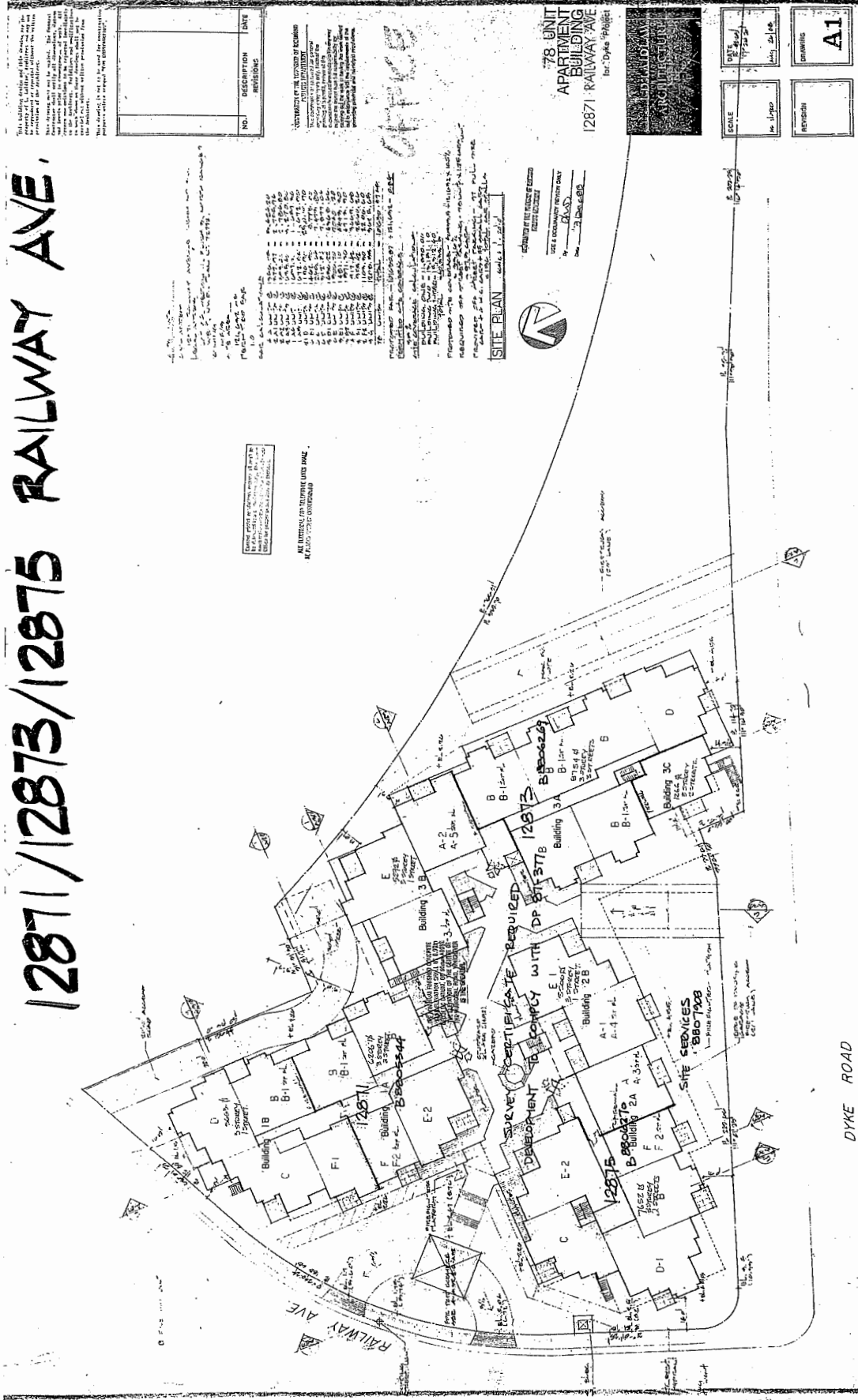
Applicant: City of Richmond

Planning Area(s): Steveston

	Existing	Proposed
Owner:	NW3101 Westwater Views	NW3101 Westwater Views
Site Size (m²):	11,299.98m ²	11,299.98m ²
Land Uses:	Housing, Apartment	Housing, Apartment
OCP Designation:	Apartment Residential	Apartment Residential
Area Plan Designation:	Multiple Family	Multiple Family
Zoning:	RTL1	RAM1
Number of Units:	78	78

	Bylaw Requirement (RAM1)	Existing	Variance
Floor Area Ratio (FAR):	0.85	0.84	None
Buildable Floor Area (m ²):	Max. 9604.9 m ²	9,441.8 m ²	None
Lot Coverage (% of lot area):	Building: Max. 50% Non-porous Surfaces: Max. 80%	Building: 33.2% Non-porous Surfaces: Max. <60%	None
Lot Dimensions (m):	Min. Width: 30.0 m Min Depth: 35.0 m	Width: 66 m Depth: 150 m	None
Setbacks (m):	Front: Min. 4 m Rear: Min. 4 m Side: Min. 4 m Exterior Side: Min. 4 m	Front: Min. 4.87 m Rear: Min. 100 m Side: Min. 4.0 m Exterior Side: Min. 4.5	None
Height (m):	16.0 m	15.9 m	None
Parking	156	156	None

12871/12873/12875 RAILWAY AVE.



ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. NO ASSURANCE IS MADE AS TO THE ACCURACY OF THE INFORMATION SHOWN HEREON.

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NO.	DESCRIPTION	DATE
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100	ISSUED FOR PERMIT	12/15/2011



78 UNIT
APARTMENT
BUILDING
12871 RAILWAY AVE
for Dyke Project



SCALE	1" = 20'
DATE	12/15/2011
BY	J. J. J.
CHECKED	J. J. J.
APPROVED	J. J. J.
REVISION	
NO.	A1

This building design and construction are the property of the architect and shall remain confidential. No part of this design shall be reproduced or transmitted in any form or by any means electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the written permission of the architect.

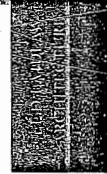
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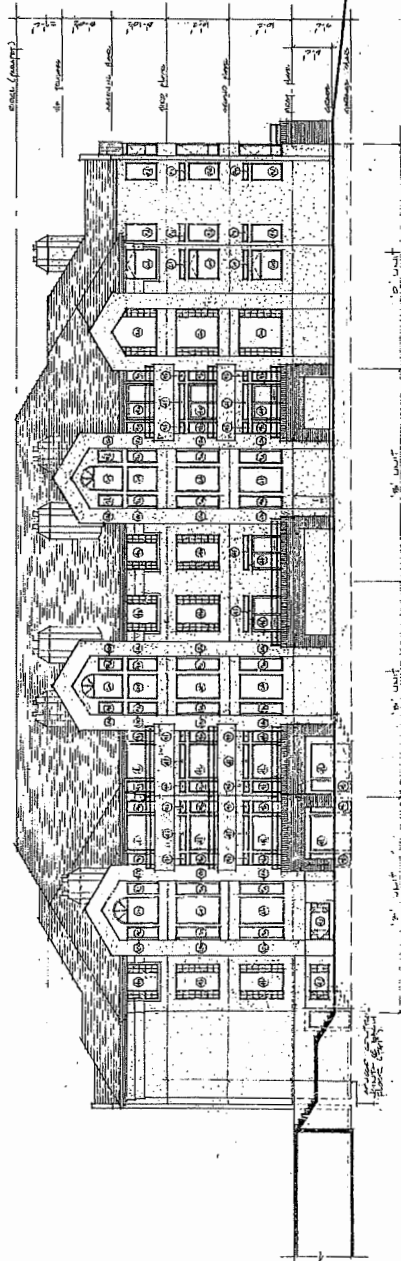
NO.	DESCRIPTION	DATE

CONTINUATION OF THE DESIGN OF BUILDING
 12871 RAILWAY AVE
 for Doyle, Inc.

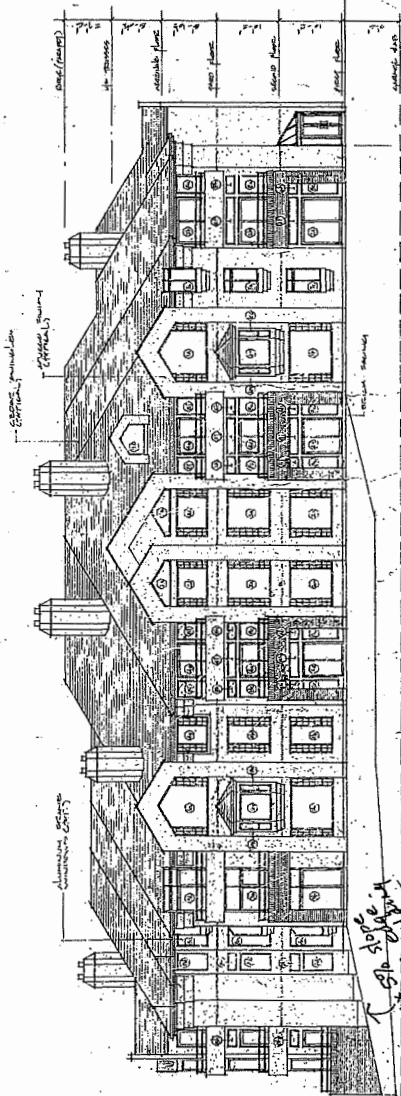
78 UNIT
 APARTMENT
 BUILDING
 12871 RAILWAY AVE
 for Doyle, Inc.



SCALE	DATE
1/4" = 1'-0"	Aug 20, 1968
REVISION	NO.



EAST ELEVATION - BUILDING 1



WEST ELEVATION - BUILDING 1

This drawing was prepared by the Architect and is not to be used for construction purposes unless stated "for construction".

This drawing was prepared by the Architect and is not to be used for construction purposes unless stated "for construction".

NO.	DESCRIPTION	DATE

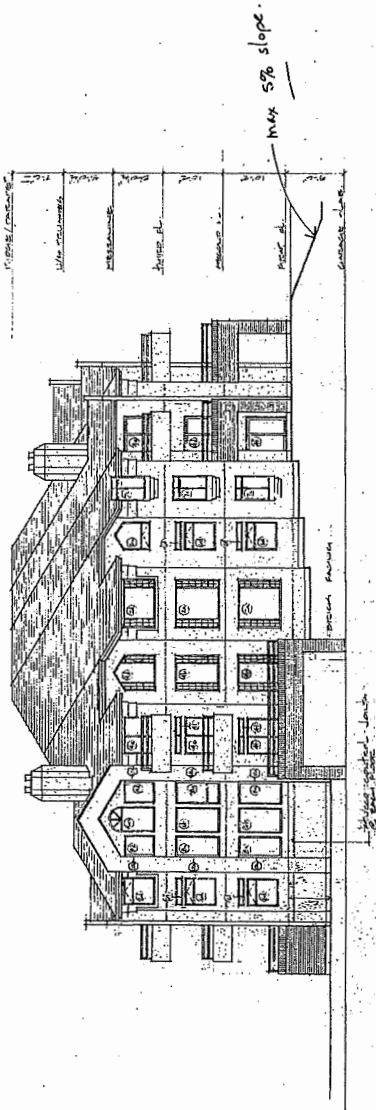
CONSTRUCTION OF THE BUILDING OF RECORD
 TO BE USED FOR THE PURPOSE OF RECORD
 AND NOT FOR THE PURPOSE OF CONSTRUCTION
 THIS DRAWING WAS PREPARED BY THE ARCHITECT AND IS NOT TO BE USED FOR CONSTRUCTION PURPOSES UNLESS STATED "FOR CONSTRUCTION".

78 UNIT
 APARTMENT
 BUILDING
 12871 RAILWAY AVE
 for DME Field

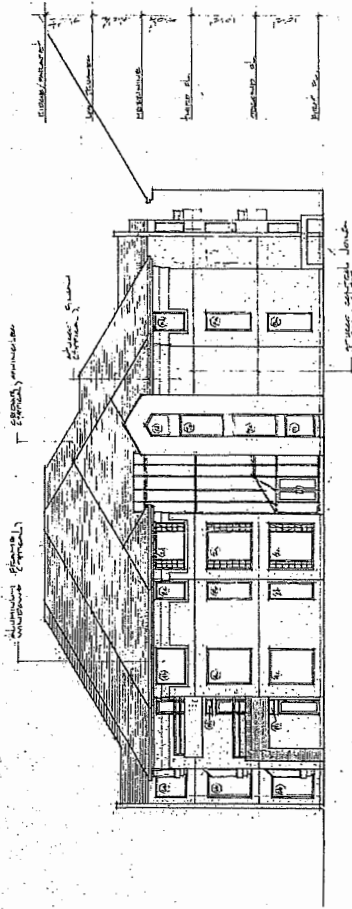


SCALE	DATE
1/4" = 1'-0"	10/10/00
REVISION	DRAWING
	A23

CONSTRUCTION OF THE BUILDING OF RECORD
 TO BE USED FOR THE PURPOSE OF RECORD
 AND NOT FOR THE PURPOSE OF CONSTRUCTION
 THIS DRAWING WAS PREPARED BY THE ARCHITECT AND IS NOT TO BE USED FOR CONSTRUCTION PURPOSES UNLESS STATED "FOR CONSTRUCTION".



NORTH ELEVATION BUILDING 1



SOUTH ELEVATION BUILDING 1

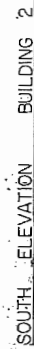
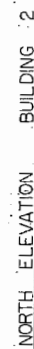
This drawing must not be sealed. The Contractor shall verify all dimensions, quantities and levels prior to commencement of work. All dimensions and quantities shall be reported immediately to the Architect. Variations and modifications shall be shown on these drawings shall not be authorized and without written permission from the Architect.

NO.	DESCRIPTION REVISIONS	DATE
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78 UNIT
APARTMENT
BUILDING
12871 RAILWAY AVE
"for 'Dyne' Protected"

RECEIVED
INVESTIGATION OF THE DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
DATE & OCCASION RECEIVED ONLY
3 Dec 88

DATE	DRAWING
SCALE	REVISION
A24	



NO.	DESCRIPTION	DATE
	REVISIONS	

78 UNIT
APARTMENT
BUILDING
12871 RAILWAY AVE
for: Cyke Projects

By DWS 3 Dec 00

L.D. FAIDLEY
ARCHITECTURE

DATE 10/12/2008

SCALE 16.1

DRAWING
A25



While drawing must not be signed, the General Administrative Staff will verify all documents, drawings and letters prior to commencement of work. All progress and activities to be completed immediately in the schedule. Variations and modifications in work items on these drawings shall not be made without written permission from the Architect.

NO.	DESCRIPTION REVISIONS	DATE

NOTING COPIES:

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DATE 5 Dec 00

78 UNIT
APARTMENT
BUILDING
12871 RAILWAY AVE
for Dyke Project

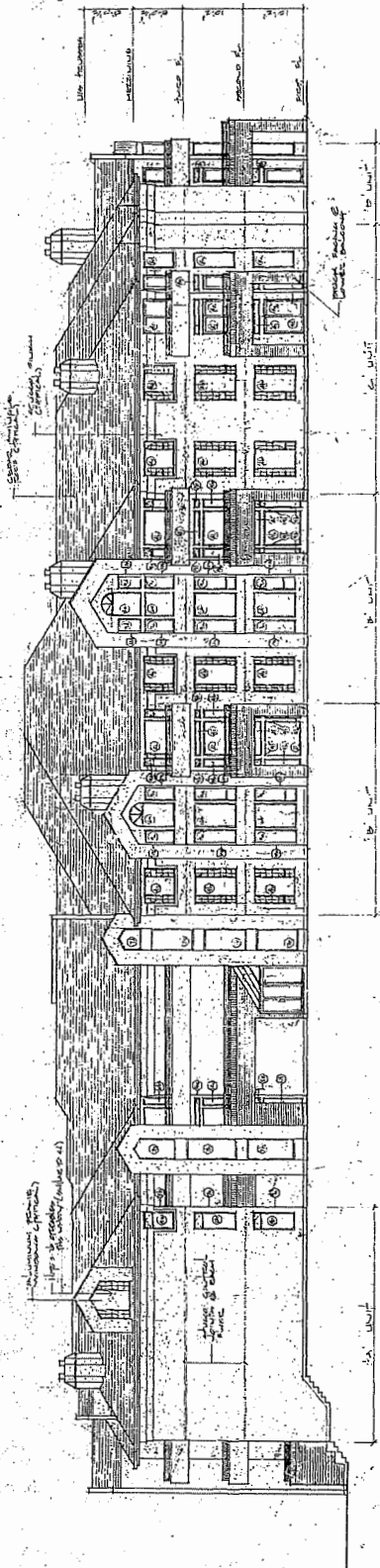
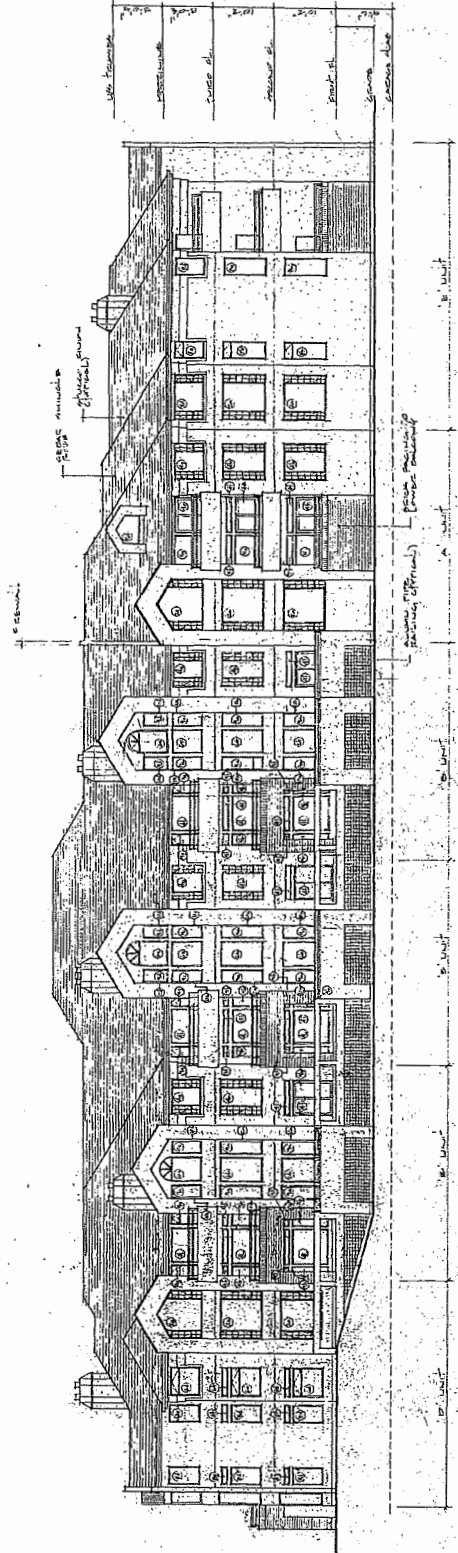
THE JOURNAL OF
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NO.	DESCRIPTION	DATE

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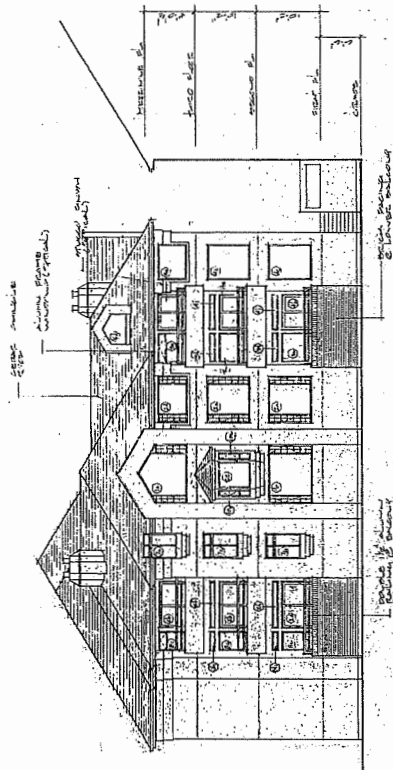
COMMUNICATIONS SECTION
 U.S. DEPARTMENT OF JUSTICE
 WASHINGTON, D.C. 20535

78 UNIT
APARTMENT
BUILDING
12871 RAILWAY AVE
for Dyke - Protection

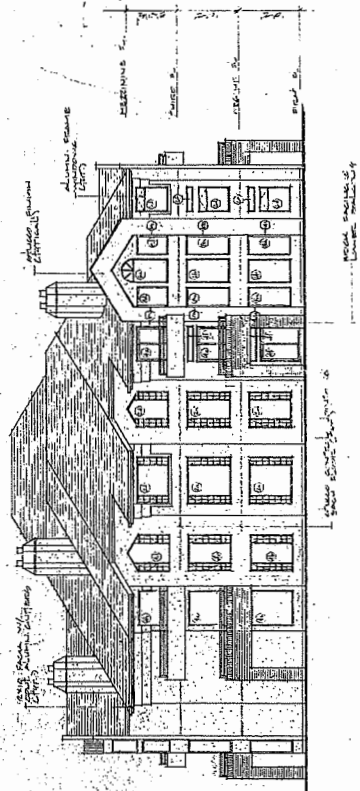
P.D. VIDLAW
ARCHITECTURE

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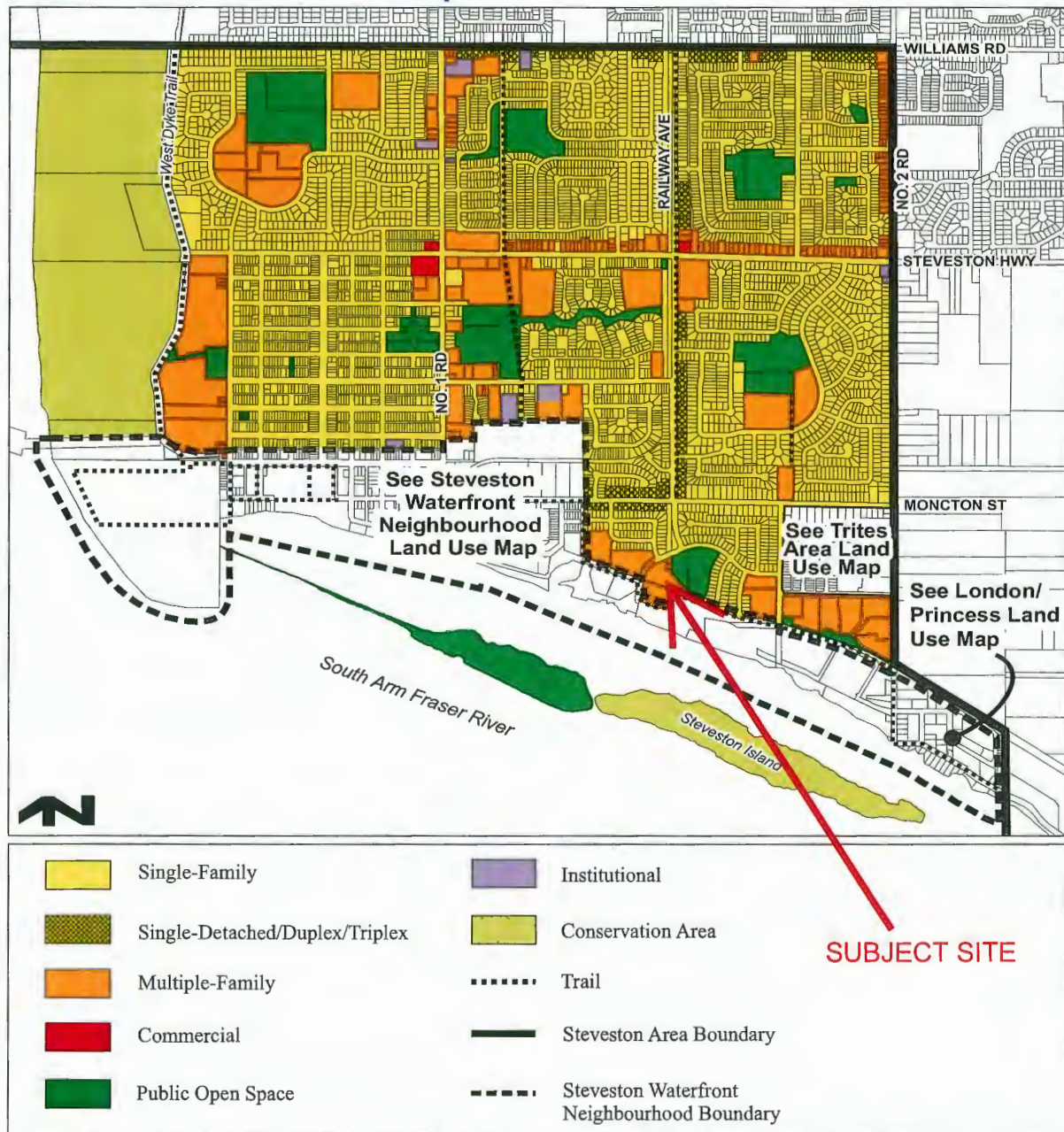


NORTH ELEVATION BUILDING 3



SOUTH ELEVATION BUILDING 3

City of Richmond

Steveston Area Land Use MapBylaw 10155
2023/11/27



**Richmond Zoning Bylaw 8500
Amendment Bylaw 10734 (25-029406)
12871, 12873, 12875 Railway Avenue**

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

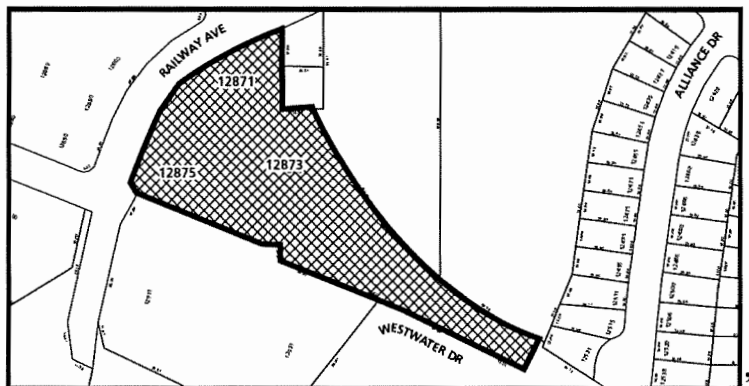
1. The Zoning Map of the City of Richmond, which accompanies and forms part of Richmond Zoning Bylaw 8500, as amended, is further amended by repealing the existing zoning designation for the following area, outlined in bold on “Schedule A attached to and forming part of Bylaw 10734”, and designating it “**Medium Density Low Rise Apartments (RAM1)**”:

Strata Lots 1-78, and the Common Property
Section 11 and 12, Block 3 North
Range 7 West New Westminster District
Strata Plan NWS3101

2. Richmond Zoning Bylaw 8500, as amended, is further amended at Section 8.11 by inserting the following as new subsection 8.11.13.3:

- “3. Notwithstanding Section 8.11.5, 8.11.7 and 8.11.8, the **site** municipally known as 12871, 12873, 12875 Railway Avenue and identified in **figure 1** below shall have:
 - a) a maximum **floor area ratio** of 0.85;
 - b) a maximum **height for buildings** of 16.0 m; and
 - c) a minimum **front yard, interior side yard and exterior side yard** of 4.0 m.

Figure 1



3. This Bylaw may be cited as “**Richmond Zoning Bylaw 8500, Amendment Bylaw 10734**”.

FIRST READING

SECOND READING

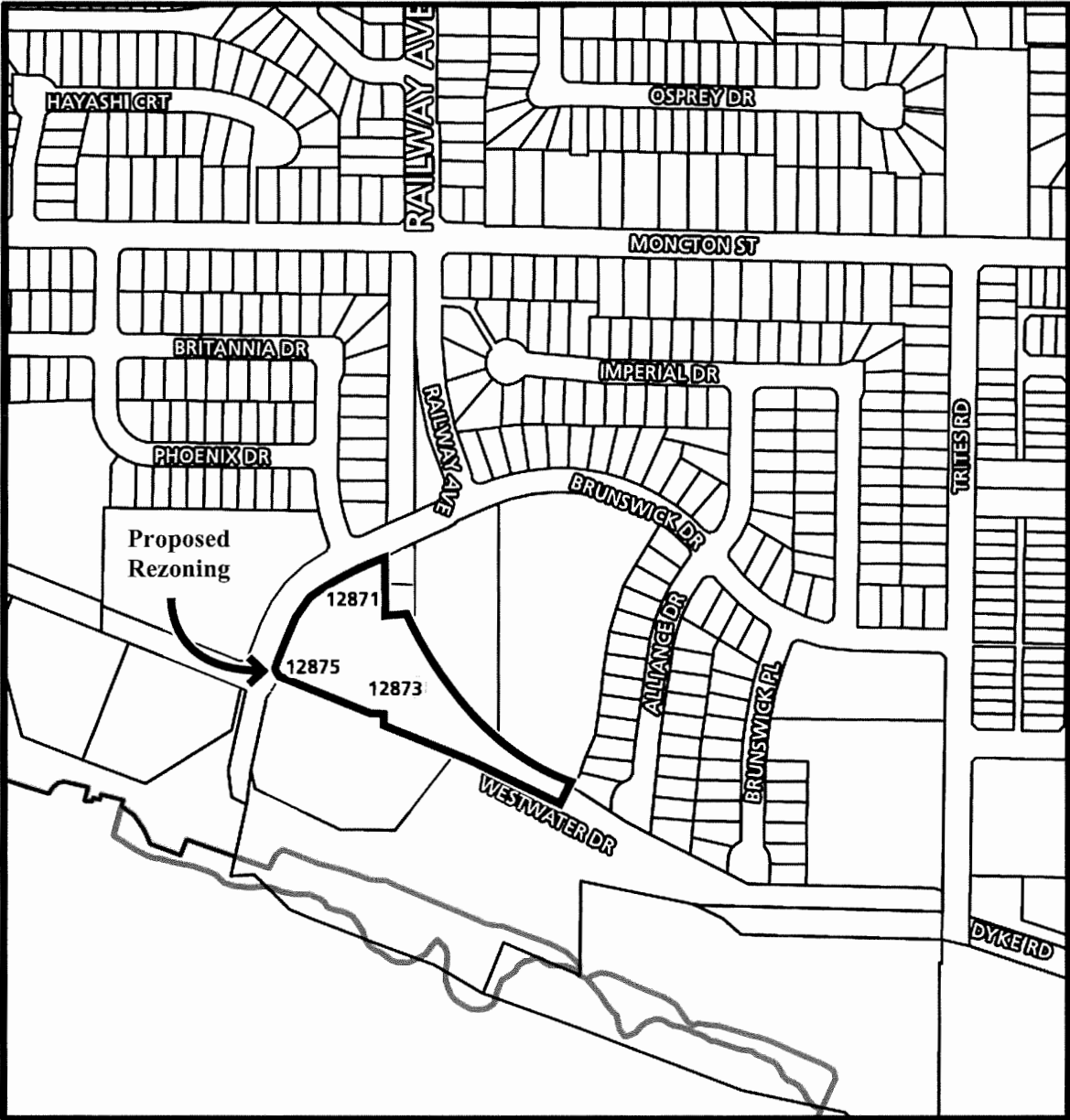
THIRD READING


ADOPTED

CITY OF RICHMOND
APPROVED by <i>MT</i>
APPROVED by Director or Solicitor <i>A. Noe</i>

MAYOR

CORPORATE OFFICER



	<p>Bylaw 10734 Schedule "A"</p>	<p>Original Date: 12/11/25 Revision Date: Note: Dimensions are in METRES</p>
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City of Richmond

Report to Committee

To: General Purposes Committee **Date:** December 4, 2025
From: Chad Paulin **File:** 10-6125-07-04/2025-
Director, Climate and Environment Vol 01
Re: **Proposed Update to Richmond's Demolition Waste and Recyclable Materials
Bylaw No. 9516 to Increase Diversion**

Staff Recommendations

1. That each of the following bylaws be introduced and given first, second and third readings:
 - a. Demolition Waste and Recyclable Materials Bylaw No. 9516, Amendment Bylaw No. 10664;
 - b. Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 10717; and
2. That the implementation plan as outlined in the report titled "Proposed Update to Richmond's Demolition Waste and Recyclable Materials Bylaw No. 9516 to Increase Diversion", dated December 4, 2025, from the Director, Climate and Environment, be approved.

Chad Paulin
Director, Climate and Environment
(604-247-4672)

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Business Services	<input checked="" type="checkbox"/>	
Finance	<input checked="" type="checkbox"/>	
Public Works	<input checked="" type="checkbox"/>	
Building Approvals	<input checked="" type="checkbox"/>	
Community Bylaws	<input checked="" type="checkbox"/>	
Law	<input checked="" type="checkbox"/>	
SENIOR STAFF REPORT REVIEW	INITIALS:	APPROVED BY CAO

Staff Report

Origin

Adopted in 2016 to align with Metro Vancouver's regional waste diversion targets, Richmond's Demolition Waste and Recyclable Materials Bylaw No. 9516 require one- and two-family dwelling demolition projects to divert 70 per cent of materials by weight from landfill. Upon review, 556 demolition permits indicate they are exceeding the target and achieving an average diversion rate of 85 per cent and a compliance rate exceeding 95 per cent, with all recyclable materials processed at local or regional facilities within Metro Vancouver. While compliance rates remain high for one- and two-family dwellings, the Bylaw currently excludes multifamily and non-residential buildings, which generate a substantial share of construction and demolition waste in Richmond.

This report responds to a referral from the October 27, 2025, Council meeting, which requested:

That draft amendments to the City's Demolition Waste and Recyclable Materials Bylaw No. 9516, as outlined in the report titled "Recommendations to Amend Richmond's Demolition Waste and Recyclable Materials Bylaw No. 9516," dated October 9, 2025, from the Director, Climate and Environment, be prepared.

The purpose of this report is to present the proposed *Demolition Waste and Recyclable Materials Bylaw No. 9516, Amendment Bylaw No. 10664*, the related *Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 10717*, and the accompanying implementation plan for Council's consideration.

This report supports Council's Strategic Plan 2022-2026, Focus Area #1 Proactive in Stakeholder and Civic Engagement:

Proactive stakeholder and civic engagement to foster understanding and involvement and advance Richmond's interests.

This report supports Council's Strategic Plan 2022-2026 Focus Area #2 Strategic and Sustainable Community Growth:

Strategic and sustainable growth that supports long-term community needs and a well-planned and prosperous City.

2.3 Ensure that both built and natural infrastructure supports sustainable development throughout the City.

This report supports Council's Strategic Plan 2022-2026 Focus Area #5 A Leader in Environmental Sustainability:

Leadership in environmental sustainability through innovative, sustainable and proactive solutions that mitigate climate change and other environmental impacts.

Analysis

On October 27, 2025, Council directed staff to prepare amendments to the City’s Demolition Waste and Recyclable Materials Bylaw No. 9516. The proposed amendments summarized in Table 1 below are informed by the City’s comprehensive 2024–2025 engagement program with industry stakeholders and other levels of government.

Table 1: Summary of Proposed Amendments to the Bylaw No. 9516

Requirement Area	Description	Bylaw Section(s)	Effective Date(s)
Scope Expansion	Includes multifamily, commercial, institutional, and industrial buildings.	Part Six – Section WORK (Interpretation)	Jan 5, 2027
Diversion Targets – One- and Two-Family Dwellings	80% (Weight)*	Part Two – Section 2.1	Jan 5, 2027
	90% (Weight)*	Part Two – Section 2.1	Jul 1, 2029
Diversion Targets – Multifamily and Non-Residential Buildings	70% (Weight)*	Part Two – Section 2.1	Jan 5, 2027
	80% (Weight)*	Part Two – Section 2.1	Jul 1, 2029
Material Recovery Approach	Establishes requirements to preserve material value through increased diversion, aligned with regional practices. Methodology for achieving diversion is not prescribed.	Part Two – Sections 2.4 and 2.5	Jan 5, 2027
Incorporation of Circular Practices	Specifies circular practices and meets diversion targets; introduces new definitions for <i>Circular Practices</i> , <i>Deconstruction</i> , <i>Relocation</i> , <i>Reuse</i> , <i>Salvage</i> , and <i>Value</i> .	Part Two – Sections 2.4 and 2.5; Part Six – Interpretation	Jan 5, 2027
Enhanced Compliance Reporting	Updates record-keeping and compliance reporting by clarifying recyclable material recovery and reuse documentation, expanding acceptable forms of evidence.	Part Three – Sections 3.1 and 3.2	Jan 5, 2027
Schedules A and B	Replace Schedules A and B with staff-issued Bulletins.	Schedules A and B	Jan 5, 2027
Alignment with Strategic Policies and Plans	Updates <i>WHEREAS</i> clauses to reference the Richmond Circular City Strategy and Community Energy and Emissions Plan.	Preamble	Jan 5, 2027
Administrative Fee for Unclaimed Securities	Introduce an annual \$1,000 administrative fee for each full year a security remains unclaimed after two years from permit issuance.	Part Four – Section 4.3	Jan 5, 2027

*\$3.75 per square foot refundable fee with a maximum of \$75,000 per application.

Proposed Fee Structure and Implementation Plan

Staff recommend maintaining the current fee structure, which includes a \$302 non-refundable application fee and a \$3.75 per square foot refundable deposit, with a maximum of \$75,000 per application. Amendments to the Bylaw Violation Dispute Adjudication Bylaw No. 8122, Schedule A, are proposed to align with the updated definitions and compliance provisions of Part 2 and Part 3 of the Bylaw No. 9516.

During consultation on advancing the diversion targets and implementation schedule, industry stakeholders emphasized that the proposed one-year lead time and phased approach to the diversion targets are essential to adjust business models and operations, upgrade processing

capacity, and plan for salvage and reuse. Industry stakeholders expressed strong support for a phased implementation approach, recognizing it as a strategic mechanism to sustain progress, foster innovation, and align with expanding recovery capacity, emerging technologies, and circular business models. While staff will continue to monitor industry capacity and opportunities to advance circular practices, the recommended implementation schedule reflects the timeline as recommended by industry and other stakeholders. Staff will work with industry associations and regional partners to co-develop practical guidance, templates, and examples to support consistent implementation and compliance.

The proposed implementation plan, as outlined in Table 2, includes ongoing engagement, education, support and collaboration with industry throughout 2026. The plan is designed to remain flexible to evolve with emerging opportunities while ensuring alignment with regional circular initiatives prior to the bylaw's effective dates. As the effective date of the amended bylaws is January 5, 2027, applications submitted before this date will not be subject to the updated bylaw requirements. However, through the implementation plan, staff will encourage voluntary early adoption of higher diversion ahead of the effective date.

Table 2: Proposed Implementation Plan 2026 – 2029

Action Area	Key Activities	Timeline
System Integration & Process Alignment	<ul style="list-style-type: none"> • Configure and test AMANDA forms, workflows, and reporting. • Update internal procedures for permit intake and compliance review. • Train City staff on new processes. 	Complete system and updates in Nov 2026; maintain and refine 2027–2029
Development of Bulletins (Schedules A and B)	<ul style="list-style-type: none"> • Develop staff-issued Bulletins to replace Schedules A and B, including definitions, acceptable materials, documentation requirements, and sample templates. • Engage industry stakeholders and regional partners. • Update Bulletins to reflect emerging practices, materials, and markets. 	Develop and finalize Bulletins in Nov 2026; implement and update 2027–2029
Targeted Industry Support	<ul style="list-style-type: none"> • Develop and update technical guides, factsheets, and templates. • Maintain a centralized online resource integrated with the Circular Learning Hub. • Support to address project-specific questions and share lessons 	Launch materials in Oct 2026; provide continuous support 2027–2029
Capacity Building & Workshops	<ul style="list-style-type: none"> • Deliver workshops, webinars, and peer-learning sessions. • Integrate applied learning from pilot projects. • Collaborate to deliver practical training and capacity-building activities. 	Begin training in Nov 2026; expand and repeat sessions 2027–2029
Demonstration Projects	<ul style="list-style-type: none"> • Implement pilot and demonstration projects highlighting recovery of key materials such as concrete, wood, and metals. • Document lessons learned and shared outcomes • Encourage industry participation in testing new recovery approaches, technologies, and circular business models. 	Initiate and continue projects Dec 2026–2029
Collaboration & Innovation	<ul style="list-style-type: none"> • Collaborate with industry, academic institutions, and regional agencies. • Establish a collaborative circular hub to support co-design, innovation, and knowledge exchange across sectors. • Participate in networks to harmonize standards and attract funding. 	Sustain collaboration 2026–2029
Feedback, Monitoring & Iteration	<ul style="list-style-type: none"> • Conduct surveys and consultations with permit applicants, recyclers, and other stakeholders to assess clarity, feasibility, and impacts. • Update tools and guidance based on feedback and emerging best practices. • Integrate findings into future approaches and strategies. 	Begin monitoring in 2027; ongoing updates 2027–2029

Incentives & Policy Alignment	<ul style="list-style-type: none">• Promote cost savings and potential tax incentives linked to salvage, reuse, and high diversion performance where applicable.• Align local implementation with regional and federal circular economy and waste reduction programs.• Use data and findings to inform future metrics, reporting frameworks, and potential incentive or recognition programs.	Advance alignment 2026–2029
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Financial Impact

If approved, updates will be required to the City’s internal file management system AMANDA. A one-time additional level request was approved in the 2026 budget process to request these resources in advance of this report.

Conclusion

The proposed amendment Bylaws presented with this report will increase the required diversion targets for single and multifamily dwellings in a progressive fashion, commencing January 5, 2027, and July 1, 2029, to reduce construction and demolition waste, preserve material value, and advance circular economy practices. Staff will implement a phased approach to facilitate industry readiness and ensure a smooth transition without impacting project timelines. These changes also support the objectives of the Richmond Circular City Strategy by promoting material recovery and reducing embodied carbon in the built environment. Staff will monitor implementation and report back on progress and outcomes.



Marcos Alejandro Badra
Program Manager, Circular Economy
(604-204-8643)

MB:mb



**Demolition Waste and Recyclable Materials Bylaw No. 9516
Amendment Bylaw No. 10664**

The Council of the City of Richmond enacts as follows:

1. **Demolition Waste and Recyclable Materials Bylaw No. 9516**, is amended by deleting the entirety of the Recitals and replacing them with the following:

“**WHEREAS** Part 2, Division 1, Section 8 of the *Community Charter* confers upon the **City** authority to, by bylaw, regulate, prohibit, and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to refuse, garbage or other material that is noxious, offensive or unwholesome, and in relation to the use of waste disposal and recycling services;

AND WHEREAS Part 7, Division 2, Section 194 of the *Community Charter* confers upon the **City** authority to, by bylaw, impose a fee in respect of the exercise of authority to regulate, prohibit or impose requirements;

AND WHEREAS the Greater Vancouver Sewerage and Drainage District, Greater Vancouver Regional District, and their respective member municipalities, including the **City**, have set a target in the Integrated Solid Waste and Resource Management Plan of 70% diversion of municipal solid waste from disposal by 2015;

AND WHEREAS the **Richmond Circular City Strategy** sets a target to achieve 100% circularity by 2050, with objectives of maximizing material reuse, minimizing construction and demolition waste, and reducing embodied carbon through **circular practices** that preserve building material **value**;

AND WHEREAS Richmond’s **Community Energy and Emissions Plan** establishes a target to achieve net-zero greenhouse gas emissions by 2050, including emissions from building operations, transportation, and the anaerobic decomposition of waste, and recognizes the need to reduce emissions associated with building materials and demolition waste as part of the **City’s** transition to a low-carbon, energy-efficient built environment;

AND WHEREAS it is deemed desirable to regulate, prohibit, and impose requirements with respect to the use of waste disposal and recycling services to ensure that waste and recyclable materials resulting from demolition work are managed in a manner that enhances and protects the well-being of the community and the target diversion rate is achieved,

NOW THEREFORE, the Council of the City of Richmond enacts as follows:”

2. **Demolition Waste and Recyclable Materials Bylaw No. 9516**, is amended in Part One: Application and Agreement by deleting in its entirety Section 1.4 and replacing it with the following:

“1.4 Neither the review nor acceptance of a **recycling and waste diversion plan**, or **compliance report** constitutes a representation, warranty, assurance or statement by the **City** that the **owner** has complied with the **Building Bylaw**, this Bylaw, or any other applicable enactment, law, or regulation respecting safety.”

3. **Demolition Waste and Recyclable Materials Bylaw No. 9516**, is amended by deleting the entirety of Part Two: Mandatory Recycling and replacing it with the following:

“PART TWO: MANDATORY RECYCLING

- 2.1 The **work** must achieve the following minimum **waste diversion** rates, measured by the total weight of materials diverted from **disposal**:

(a) **One-family dwellings and two-family dwellings:**

- i) 70% until January 4, 2027;
- ii) 80% from January 5, 2027 to June 30, 2029; and
- iii) 90% from July 1, 2029 onward.

(b) **Multi-family residential and non-residential buildings:**

- i) 70% from January 5, 2027 to June 30, 2029; and
- ii) 80% from July 1, 2029 onward.

- 2.2 At the time of submitting an application for a **building permit** for **work**, a properly completed **recycling and waste diversion plan** regarding the management of **recyclable material** and **waste** must be signed by the **owner** or **agent** and submitted to the **building inspector**.

- 2.3 No person shall commence or continue, or cause or allow the commencement or continuation of, any **work** unless the **building inspector** has approved a **recycling and waste diversion plan** for that **work**.

- 2.4 Where practicable, **recyclable materials** must be **recovered** through **circular practices** that preserve material **value** and enable the **reuse** or **salvage** of **building components**.

- 2.5 If **recyclable material** is removed from a **site**, the **recyclable material** must be removed:

- (a) to a **recycling facility**; or

- (b) in accordance with an approved **recycling and waste diversion plan**, including **reuse** by the **owner** or **agent**, removal to a **recycling facility** or as otherwise set out therein; or
- (c) through other methods specified in the approved **recycling and waste diversion plan**, provided the **recyclable material** is not sent to a **disposal facility**, but is instead managed through selling, donation, repurposing for another project, or any other material recovery approach approved by the **General Manager**.

2.6 If **waste**, other than **recyclable material**, is removed from a **site**, the **waste** must be removed to a **disposal facility**.”

4. **Demolition Waste and Recyclable Materials Bylaw No. 9516**, is amended by deleting the entirety of Part Three: Compliance Reporting and Record Keeping and replacing it with the following:

“PART THREE: COMPLIANCE AND RECORD KEEPING

3.1 To ensure compliance with this Bylaw, the **owner** or **agent** must keep records of the surveying, removal, handling, and management of **recyclable material** and **waste**, the recycling of **recyclable material**, and the **disposal** of **waste**, including:

- (a) payment receipts, donation receipts, selling receipts, weigh bills, inspection reports, clearance letters, sampling reports, waste transport manifests, and recycling verification letters from mixed load **recycling facilities** detailing the percentage of **waste** recycled, **reused** or **disposed**;
- (b) photographs, if applicable, recording the removal of **recyclable material** from the **site** as specified in an approved **recycling and waste diversion plan**;
- (c) any other records that the **building inspector** specifies, at the time of application for a **building permit for work**, must be kept; and
- (d) for **recyclable materials** integrated into another project, a letter of material acceptance from the recipient project owner, general contractor, or site developer confirming the material’s intended **reuse**, or other supporting documentation such as a contract, project permits, or delivery receipts verifying material transfer and integration.

3.2 Within ninety (90) days after **project completion**, the **owner** or **agent** must submit the following to the **building inspector**:

- (a) a properly completed **compliance report**; and
- (b) originals of the records required to be kept under section 3.1 above.”

5. **Demolition Waste and Recyclable Materials Bylaw No. 9516**, is amended by deleting the entirety of Part Four: Fees and replacing it with the following:

“PART FOUR: FEES

- 4.1 Every person who performs, or causes or allows the performance of **work**, must pay the non-refundable **application fee** and the **waste disposal and recycling services fee** at the time of submitting the **recycling and waste diversion plan**.
- 4.2 The holder of the **building permit** for the **work** is eligible for a **fee refund**, as calculated in accordance with the **recycling and waste diversion plan**, if the following have also been completed to the satisfaction of the **building inspector**:
- (a) a **recycling and waste diversion plan**;
 - (b) within ninety (90) days after **project completion**,
 - (i) a **compliance report**;
 - (ii) submission of the originals of the records required to be kept under section 3.1 above; and
 - (iii) an application to the **building inspector** for the **fee refund**; and
 - (c) within seven (7) days of being requested to do so, submission to the **building inspector** of any of the records required to be kept under this Bylaw, in addition to those submitted under 4.2(b)(ii) above, to evaluate eligibility for the **fee refund**.
- 4.3 Where a **waste disposal and recycling services fee** is paid under Section 4.1 and is not refunded pursuant to Section 4.2 by the **two-year date**, the **City** will charge the person who paid the **waste disposal and recycling services fee** an annual **Administrative Fee** for each full year in which there is no **fee refund** following the **two-year date**. The **City** may, but is not required to, pay any **Administrative Fee** owing from the **waste disposal and recycling services fee** held by the **City**, and any **fee return** will be reduced by any amount so used.”

6. **Demolition Waste and Recyclable Materials Bylaw No. 9516**, is amended by deleting the entirety of Part Five: Offences, Penalties and Enforcement and replacing it with the following:

“PART FIVE: OFFENCES, PENALITIES AND ENFORCEMENT

- 5.1 (a) A violation of any of the provisions identified in this bylaw shall result in liability for penalties and late payment amounts established in Schedule A of the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122*, as amended and replaced from time to time; and

(b) A violation of any of the provisions identified in this bylaw shall be subject to the procedures, restrictions, limits, obligations and rights established in the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122*, as amended and replaced from time to time, in accordance with the *Local Government Bylaw Notice Enforcement Act, SBC 2003, c. 60*, as amended and replaced from time to time.

5.2 Any person who gives false information required under this Bylaw is deemed to have committed an infraction of, or an offence against, this Bylaw, and is liable on summary conviction to a penalty of not more than \$50,000 in addition to the costs of the prosecution, and each day that such violation is caused or allowed to continue constitutes a separate offence.

5.3 Any person who contravenes or violates any provision of this Bylaw, or any **building permit for work** issued in connection with this Bylaw, or who suffers or allows any act or thing to be done in contravention or violation of this Bylaw, or any **building permit for work** issued in connection with this Bylaw, or who fails or neglects to do anything required to be done under this Bylaw, or any **building permit for work** issued in connection with this Bylaw, commits an offence and upon conviction shall be liable to a fine of not more than Fifty Thousand Dollars (\$50,000.00), in addition to the costs of the prosecution, and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.”

7. **Development Application Fees Bylaw No. 8951**, is amended by deleting the entirety of Part Six: Interpretation and replacing it with the following:

“PART SIX: INTERPRETATION

6.1 In this Bylaw, unless the context requires otherwise:

AGENT	means a person authorized in writing to act on behalf of the owner in connection with a building permit , including a hired tradesman or contractor.
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ADMINISTRATION FEE	means an annual fee in the amount of \$1,000.00 CAD.
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APPLICATION FEE	means the fee set-out in the City’s <i>Consolidated Fees Bylaw No. 8636</i> , as amended or replaced from time to time.
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BUILDING BYLAW	means the City’s Building Regulation Bylaw No. 7230 , as amended or replaced from time to time.
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BUILDING INSPECTOR	means the Director, Building Approvals Department or those positions or persons
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	designated by Council to act under the Building Bylaw in the place of the manager.
BUILDING PERMIT	has the same meaning defined in the Building Bylaw .
CIRCULAR ECONOMY	means an approach to resource management that maximizes the value of materials by design, through responsible consumption, minimizing waste, and reimagining how resources flow in a sustainable, equitable, and low-carbon economy.
CIRCULAR PRACTICES	means processes that add, retain or recover the value of materials by extending their utility beyond the end of a building's life, including but not limited to deconstruction, relocation, reuse, salvage , recycling or any other approved method by the General Manager that supports material recovery objectives.
CITY	means the City of Richmond.
COMMUNITY CHARTER	means <i>Community Charter</i> , SBC 2003, c. 26, as amended or replaced from time to time.
COMMUNITY ENERGY AND EMISSIONS PLAN	means the City's strategy for reducing greenhouse gas emissions, improving energy efficiency, and transitioning to a low-carbon built environment, approved by Council on March 13, 2025.
COMPLIANCE REPORT	means a report substantially in the form in the recycling and waste diversion plan , as modified from time to time by the building inspector .
COUNCIL	means the Council of the City .
CORPORATE OFFICER	means the person appointed by Council pursuant to section 148 of the <i>Community Charter</i> as the Corporate Officer of the City , or his or her designate.
DECONSTRUCTION	means the systematic disassembly of a building, typically in the reverse order of its construction, in a manner that prioritizes the

recovery of materials for **reuse** or recycling and preserves material **value** by minimizing damage during removal.

DISPOSAL

means:

- (a) the abandonment, discard, or destruction of any materials, substances, or objects; and
- (b) the application, release, or incorporation of materials, substances or objects in or to land.

DISPOSAL FACILITY

means a **facility** that:

- (a) has a valid and subsisting permit, licence, or operational certificate issued under **GVS&DD's Municipal Solid Waste and Recyclable Material Regulatory Bylaw** for the operation of a disposal facility regulated under that bylaw;
- (b) is approved as a disposal facility under the **Integrated Solid Waste and Resource Management Plan**; or
- (c) destroys or landfills **waste** in the course of conducting an industry, trade, or business.

FACILITY

means any land, building, site, or structure.

FEE REFUND

means the refund of a **waste disposal and recycling services fee** paid in respect of a **recycling and waste diversion plan** as calculated in accordance with **recycling and waste diversion plan**.

GENERAL MANAGER

means a senior administrative officer responsible for the overall management and administration of the **City's** operations.

GVS&DD

means the Greater Vancouver Sewerage and Drainage District.

HAZARDOUS MATERIALS

means any material, product, or substance regulated as a controlled product or hazardous waste under the *B.C. Workers Compensation*

Act and *B.C. Environmental Management Act*, respectively, that is present on a **site** or is produced, originates, or results from **work**.

**INTEGRATED SOLID
WASTE AND RESOURCE
MANAGEMENT PLAN**

means **GVS&DD**'s approved Integrated Solid Waste and Resource Management Plan.

MULTI-FAMILY RESIDENTIAL means a building containing three (3) or more dwelling units, including but not limited to apartments, townhouses, and small-scale multi-unit housing.

**MUNICIPAL SOLID WASTE
AND RECYCLABLE
MATERIAL REGULATORY
BYLAW**

means the **GVS&DD**'s *Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 181, 1996*, as amended or replaced from time to time.

NON-RESIDENTIAL BUILDING means a building or portion of a building used for purposes other than residential occupancy, including but not limited to commercial, industrial, and institutional buildings.

ONE-FAMILY DWELLING has the same meaning defined in the **Building Bylaw**.

OWNER

means the registered owner of an estate in fee simple, the registered owner of a leasehold estate and also includes:

- (a) the tenant for life under a registered life estate;
- (b) the registered holder of the last registered agreement for sale;
- (c) an Indian who is an **owner** under the letters patent of a municipality, incorporated under Section 9 of the *Local Government Act*;
- (d) a lessee or licensee with authority to build on land;
- (e) an occupier, tenant or holder of an interest in respect of the surface of water;

(f) the Province or Canada, or a crown corporation or agency of either of them, if the government, corporation or agency applies for a **building permit**, a **gas permit**, or a **plumbing permit** under this bylaw, in respect of **parcel** in which it holds an interest; and

(g) an **agent**.

PROJECT COMPLETION

means the date of completion and final approval of **work** as determined in accordance with the **Building Bylaw**.

RECYCLABLE MATERIAL

means a material, substance, or object that is produced, originates or results from **work** and satisfies at least one of the following:

- (a) is an organic material capable of being composted;
- (b) is managed as a marketable commodity with an established market by the **owner** or operator of a **recycling facility**;
- (c) is processed for recycling through collection, transport, sorting, cleaning, or reprocessing to obtain recovered resources for use in manufacturing a new product or as an intermediate stage in an existing production process;
- (d) is repurposed by adapting a product or its components for a different function than originally intended, without major modifications to its physical or chemical structure;
- (e) is remanufactured through an industrial process that restores a product or component to a like-new condition in terms of quality and performance;
- (f) is being **reused** by the **owner**, or the **agent** on or off the **site** for **construction**;
or

- (g) is a material, product or substance prescribed in the **recycling and waste diversion plan** as a **recyclable material**;

but excluding **hazardous materials**.

RECYCLING FACILITY

means a **facility** or licensed business, other than a **disposal facility** or an incinerator facility, and that:

- (a) has a valid and subsisting permit, licence, or operational certificate issued under the **GVS&DD's Municipal Solid Waste and Recyclable Material Regulatory Bylaw**;
- (b) is required to provide information on quantities of received and transferred material to the **GVS&DD** through the **GVS&DD's Municipal Solid Waste and Recyclable Material Regulatory Bylaw**;
- (c) is approved as (i) a organics processing facility; or (ii) a publicly-owned transfer station or landfill, under the Integrated Solid Waste and Resource Management Plan for purposes other than **disposal**;
- (d) is a drop off depot which is owned or operated by a charitable organization registered under the *Income Tax Act* (Canada) or a non-profit organization to which section 149 of the *Income Tax Act* applies;
- (e) is a **facility** where the owner or operator purchases or otherwise pays valuable consideration for all **recyclable material** received, cleaned, sorted, baled or packaged at the **facility**;
- (f) accepts only asphalt and concrete for the purposes of reprocessing, resale and **reuse**; or
- (g) builds products using recycled or **reused** buildings materials or resells **salvaged** building materials under a valid business license.

RELOCATION	means the partial or total moving of a building or structure to another site without disassembly beyond what is necessary for transport and reinstallation to allow its continued use.
REUSE	means the further or repeated use of building materials for their original purpose or an adapted function without reprocessing, including storage intended for such use.
RICHMOND CIRCULAR CITY STRATEGY	means the City's approved strategy for advancing the circular economy in Richmond, approved by Council .
SALVAGE	means the selective removal of individual materials or building components in a manner that protects them from damage, preserves their value, and keeps them intact for reuse or recycling.
SITE	means any land, building, structure, or improvements where work is or is intended to be performed.
TWO-FAMILY DWELLING	has the same meaning defined in the Building Bylaw .
TWO-YEAR DATE	means that date that is two (2) years following the date of issuance of the building permit for the work .
VALUE	means the gains or benefits derived from satisfying needs or expectations in relation to the use and conservation of materials, which may be financial or non-financial, including but not limited to revenue, savings, productivity, public health, social, environmental benefit, and the reduction of embodied carbon impacts.
WASTE	means any discarded or abandoned material, substance, or object that is produced, originates, or results from work , and any other prescribed material, substance or object, but excluding hazardous materials .

**WASTE DISPOSAL AND
RECYCLING SERVICES FEE**

means the fee set-out in the **City's** Consolidated Fees Bylaw No. 8636, as amended from time to time.

**RECYCLING AND WASTE
DIVERSION PLAN**

means the form of plan approved by the **General Manager**.

WORK

means the demolition, **deconstruction**, or systematic disassembly of a **one-family dwelling**, a **two-family dwelling**, a **multifamily residential building**, or a **non-residential building**, and any accessory structures on the same **site**, regulated by the **Building Bylaw**.

- 6.2 References in this Bylaw to enactments, bylaws of the **City**, or the bylaws or plans of **GVS&DD**, include those enactments, bylaws, and plans as they may be amended or replaced from time to time.
- 6.3 Unless otherwise defined herein, all words or expressions used in this Bylaw have the same meaning as the same or like words or expressions used in the **Building Bylaw**.”
8. **Demolition Waste and Recyclable Materials Bylaw 9516**, is amended by deleting the entirety of Schedule “A”, Schedule “B” and Schedule “C”.
9. This Bylaw is cited as “**Demolition Waste and Recyclable Materials Bylaw 9516, Amendment Bylaw No. 10664**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR_____
CORPORATE OFFICER



**Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122,
Amendment Bylaw No. 10717**

The Council of the City of Richmond enacts as follows:

1. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended is further amended at Schedule A by deleting in its entirety the “Schedule – Demolition Waste and Recyclable Materials Bylaw No. 9516” and replacing it with Schedule 1 attached hereto.:
2. This Bylaw is cited as “**Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 10717**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR

CORPORATE OFFICER



Schedule – Demolition Waste and Recyclable Materials Bylaw No. 9516 Designated Bylaw Contraventions and Corresponding Penalties							
A1 Bylaw	A2 Description of Contravention	A3 Section	A4 Compliance Agreement Available	A5 Penalty	A6 Early Payment Option	A7 Late Payment Option	A8 Compliance Agreement Discount
Demolition Waste and Recyclable Materials Bylaw No. 9516	Period of Time from Receipt (inclusive)		n/a	29 to 60 days	1 to 28 days	61 days or more	n/a
	Failure to submit a completed recycling and waste diversion plan with an application for a building permit for demolition	2.2	No	\$ 475.00	\$ 450.00	\$ 500.00	n/a
	Commencing, continuing, causing or allowing the commencement or continuation of demolition work without an approved recycling and waste diversion plan	2.3	No	\$ 475.00	\$ 450.00	\$ 500.00	n/a
	Removing recyclable material from a site to a location other than a recycling facility or as otherwise set out in an approved recycling and waste diversion plan	2.5	No	\$ 475.00	\$ 450.00	\$ 500.00	n/a
	Removing waste (other than recyclable materials) from a site to a location other than a disposal facility	2.6	No	\$ 475.00	\$ 450.00	\$ 500.00	n/a
	Failure to keep records of the surveying, removal, handling, and management of recyclable material and waste, the recycling of recyclable material and the disposal of waste	3.1	No	\$ 475.00	\$ 450.00	\$ 500.00	n/a



**Richmond Zoning Bylaw 8500
Amendment Bylaw 10726 (ZT 25-007646)
10011 River Drive**

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. Richmond Zoning Bylaw 8500, as amended, is further amended at Section 20.17 [Residential Mixed Use Commercial (ZMU17) – River Drive/No. 4 Road (Bridgeport)] by:
 - a) adding “**health service, minor**” to Section 20.17.2 **Permitted Uses**, in alphabetical order;
 - b) inserting the following as new Section 20.17.11.2, and renumbering the remaining sections accordingly:

“2. A **minor health service** located in this **zone** is only permitted on the following **lot**:
Unit 2005 - 10011 River Drive
(PID 029-745-217)
Strata Lot 60 Sections 14 and 23 Block 5 North Range 6 West New Westminster
District Strata Plan EPS2699.”
2. This Bylaw may be cited as “**Richmond Zoning Bylaw 8500, Amendment Bylaw 10726**”.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

OTHER CONDITIONS SATISFIED

ADOPTED

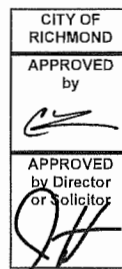
DEC 08 2025

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JAN 19 2026

JAN 19 2026

JAN 20 2026

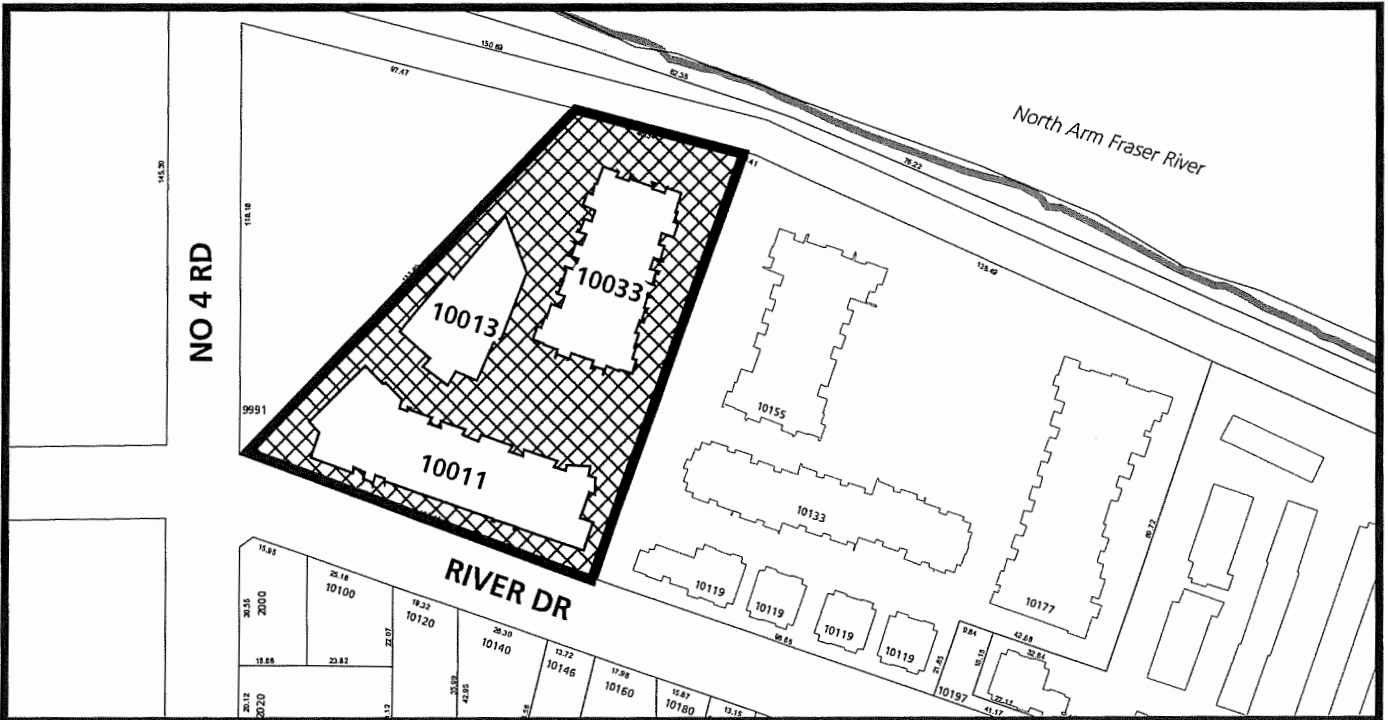
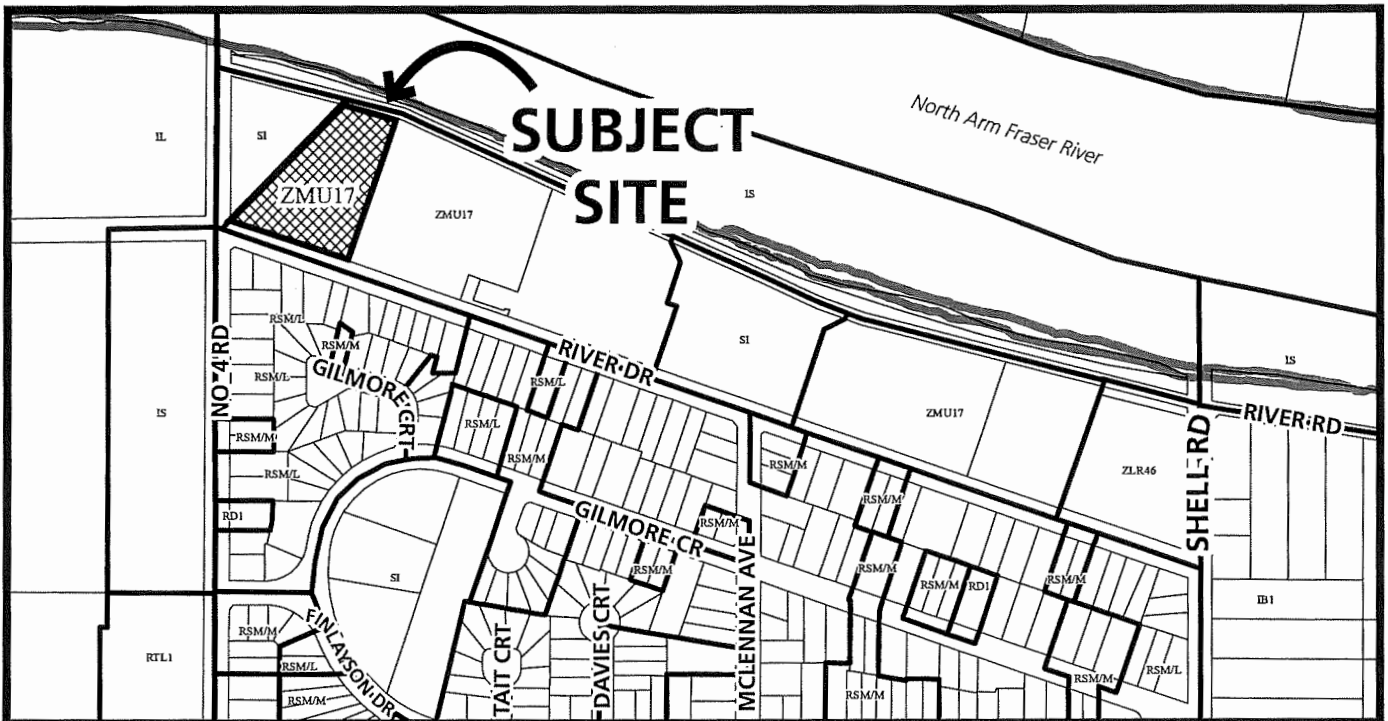


MAYOR

CORPORATE OFFICER



City of Richmond



ZT 25-007646

Original Date: 9/25/25
Revision Date: 11/17/25

Note: Dimensions are in METRES



Consolidated 5 Year Financial Plan (2026-2030) Bylaw No. 10727

The Council of the City of Richmond enacts as follows:

1. Schedule "A", Schedule "B" and Schedule "C" which are attached and form part of this bylaw, are adopted as the Consolidated 5 Year Financial Plan (2026-2030).
2. Consolidated 5 Year Financial Plan (2025-2029) Bylaw No. 10622 and all associated amendments are repealed.
3. This Bylaw is cited as **"Consolidated 5 Year Financial Plan (2026-2030) Bylaw No. 10727"**.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

DEC 08 2025

DEC 08 2025

DEC 08 2025

CITY OF RICHMOND
APPROVED for content by originating dept. <i>MC</i>
APPROVED for legality by Solicitor LB

MAYOR

CORPORATE OFFICER

SCHEDULE A:

CITY OF RICHMOND
CONSOLIDATED 5 YEAR FINANCIAL PLAN (2026-2030)
REVENUE AND EXPENSES
(In \$000's)

	2026 Budget	2027 Plan	2028 Plan	2029 Plan	2030 Plan
Revenue:					
Taxation and Levies	349,207	367,850	386,918	405,321	423,470
Utility Fees	184,734	196,200	204,273	211,638	220,926
Sales of Services	65,349	66,636	67,977	69,241	70,466
Investment Income	48,715	43,715	41,214	38,714	36,714
Other Revenue	26,083	24,642	24,693	25,479	25,099
Provincial and Federal Grants	18,012	25,634	5,862	5,583	5,662
Payments In Lieu of Taxes	16,302	16,758	17,261	17,761	18,276
Licenses and Permits	14,967	15,225	15,517	15,800	16,089
Gaming Revenue	10,500	10,500	10,500	10,500	10,500
Developer Contributed Assets	48,414	50,271	70,972	48,414	48,414
Development Cost Charges	12,296	20,451	22,094	14,981	11,804
Other Capital Funding Sources	27,420	29,830	12,580	12,868	12,656
	\$821,999	\$867,712	\$879,861	\$876,300	\$900,076
Expenses:					
Law and Community Safety	179,534	185,308	192,708	200,429	207,515
Parks, Recreation and Culture	94,012	88,980	91,109	93,122	95,253
Engineering and Public Works	81,579	81,891	83,313	84,704	86,504
Utility Budget					
Sanitary Sewer Utility	69,142	75,287	78,219	80,201	83,197
Water Utility	59,545	61,148	62,535	63,896	65,836
Sanitation and Recycling	28,271	28,090	28,705	29,309	29,928
Flood Protection	22,667	23,141	23,579	24,009	24,449
Fiscal	39,076	36,355	38,738	40,196	41,745
Finance and Corporate Services	37,955	36,400	36,829	37,747	38,693
Planning and Development Services	30,075	36,060	17,858	18,294	18,743
Corporate Administration	12,795	12,967	13,324	13,679	14,046
Debt Interest	3,931	3,931	3,931	3,931	3,931
Richmond Olympic Oval Corporation	21,329	21,912	22,450	22,951	23,463
Richmond Public Library	13,965	14,138	14,426	14,710	15,000
	\$693,876	\$705,608	\$707,724	\$727,178	\$748,303
Annual Surplus	\$128,123	\$162,104	\$172,137	\$149,122	\$151,773

SCHEDULE A (CONT'D):

CITY OF RICHMOND
CONSOLIDATED 5 YEAR FINANCIAL PLAN (2026-2030)
TRANSFERS
(In \$000's)

	2026 Budget	2027 Plan	2028 Plan	2029 Plan	2030 Plan
Transfers:					
Debt Principal	3,838	3,970	4,106	4,247	4,393
Transfer To Reserves	138,669	139,869	144,772	150,063	156,695
Transfer from Reserves to fund Operating Reserve Programs:					
Bylaw 8206	(400)	(400)	(400)	(400)	(400)
Bylaw 8877	(210)	(210)	(10)	(10)	(10)
Bylaw 7812 S.1.1.1 (a)	(525)	(525)	(525)	(525)	(525)
Bylaw 7812 S.1.1.1 (d)	(50)	(50)	(50)	(50)	(50)
Bylaw 7812 S.1.1.1 (j)	(175)	(175)	(175)	(175)	(175)
Operating Reserves - Prior Years	(1,680)	-	-	-	-
Transfer To (From) Surplus	(2,910)	14,439	14,287	15,323	14,728
Capital Expenditures - Current Year	245,884	158,497	147,229	208,608	219,253
Capital Expenditures - Prior Years	231,646	301,444	335,584	324,135	349,306
Capital Expenditures - Developer Contributed Assets	48,414	50,271	70,972	48,414	48,414
Capital Expenditures - Richmond Public Library	910	710	710	710	710
Capital Expenditures - Richmond Olympic Oval Corporation	2,113	4,992	2,438	2,242	1,750
Capital Funding	(537,401)	(510,728)	(546,801)	(603,460)	(642,316)
Transfers/Amortization offset:	\$128,123	\$162,104	\$172,137	\$149,122	\$151,773
Balanced Budget	\$-	\$-	\$-	\$-	\$-
Tax Increase	3.04%	4.55%	4.41%	4.03%	3.82%

SCHEDULE B:

CITY OF RICHMOND

5 YEAR FINANCIAL PLAN

CAPITAL FUNDING SOURCES (2026-2030)

(In \$000's)

DCC Reserves	2026	2027	2028	2029	2030
Drainage DCC	3,437	4,725	6,373	4,112	3,584
Parks Development DCC	1,270	1,505	1,364	1,035	1,176
Roads DCC	5,589	12,791	13,449	8,323	6,254
Sanitary DCC	202	112	73	176	62
Water DCC	1,798	1,318	835	1,335	728
Total DCC	\$12,296	\$20,451	\$22,094	\$14,981	\$11,804
Statutory Reserves					
Capital Building and Infrastructure	57,300	4,726	17,260	48,700	55,600
Capital Reserves	56,194	36,586	29,857	48,882	48,920
Capstan Station	-	2,000	-	-	-
Drainage Improvement	3,624	-	-	-	-
Equipment Replacement	7,339	6,667	5,967	3,812	7,163
Flood Protection	24,832	28,826	24,189	24,201	26,301
Sanitary Sewer	10,405	9,960	5,854	-	-
Sanitary Sewer BL10401	10,250	-	4,222	20,474	20,588
Water Supply	14,650	450	450	15,668	20,819
Watermain Replacement	4,917	6,410	7,991	5,368	1,786
Total Statutory Reserves	\$189,511	\$95,625	\$95,790	\$167,105	\$181,177
Other Sources					
Canada Community Building Fund	1,175	850	600	850	600
Enterprise Fund	175	-	-	-	-
Grant and Developer Contribution	21,401	24,100	10,100	10,100	10,100
MRN Rehabilitation	4,844	4,880	1,880	1,918	1,956
Other Sources	14,122	10,620	13,854	11,318	11,545
Rate Stabilization	160	-	-	-	-
Sewer Levy Stabilization	150	135	-	-	150
Solid Waste and Recycling	350	300	300	300	300
Steveston Community Amenities Fund	-	-	1,000	375	-
Water Levy Stabilization	1,700	1,536	1,611	1,661	1,621
Total Other Sources	\$44,077	\$42,421	\$29,345	\$26,522	\$26,272
Total Capital Program	\$245,884	\$158,497	\$147,229	\$208,608	\$219,253

SCHEDULE C:

**CITY OF RICHMOND
CONSOLIDATED 5 YEAR FINANCIAL PLAN (2026-2030)
STATEMENT OF POLICIES AND OBJECTIVES**

Revenue Proportions By Funding Source

Property taxes are the largest portion of revenue for any municipality. Taxes provide a stable and consistent source of revenue for many services that are difficult or undesirable to fund on a user-pay basis. These include services such as community safety, general government, libraries and park maintenance.

Objective:

- Maintain revenue proportion from property taxes at current level or lower

Policies:

- Tax increases will be at CPI + 1% for transfers to reserves
- Annually, review and increase user fee levels by consumer price index (CPI).
- Any increase in alternative revenues and economic development beyond all financial strategy targets can be utilized for increased levels of service or to reduce the tax rate.

Table 1 shows the proportion of total revenue proposed to be raised from each funding source in 2026.

Table 1:

Funding Source	% of Total Revenue
Taxation and Levies	47.6%
Utility Fees	25.2%
Sales of Services	8.9%
Investment Income	6.6%
Provincial and Federal Grants	2.5%
Payments In Lieu of Taxes	2.2%
Licenses and Permits	2.0%
Gaming Revenue	1.4%
Other	3.6%
Total Operating and Utility Funding Sources	100.0%

SCHEDULE C (CONT'D):

**CITY OF RICHMOND
CONSOLIDATED 5 YEAR FINANCIAL PLAN (2026-2030)
STATEMENT OF POLICIES AND OBJECTIVES**

Distribution of Property Taxes

Table 2 provides the 2025 distribution of property tax revenue among the property classes. 2026 Revised Roll figures will be received in late March 2026.

Objective:

- Maintain the City's business to residential tax ratio in the middle in comparison to other municipalities. This will ensure that the City will remain competitive with other municipalities in attracting and retaining businesses.

Policies:

- Regularly review and compare the City's tax ratio between residential property owners and business property owners relative to other municipalities in Metro Vancouver.

Table 2: (Based on the 2025 Revised Roll figures)

Property Class	% of Tax Burden
Residential (1)	57.39%
Business (6)	32.42%
Light Industry (5)	8.28%
Others (2, 3, 4, 8 & 9)	1.91%
Total	100.0%

Permissive Tax Exemptions**Objective:**

- Council passes the annual permissive exemption bylaw to exempt certain properties from property tax in accordance with guidelines set out by Council Policy and the *Community Charter*. There is no legal obligation to grant exemptions.
- Permissive exemptions are evaluated with consideration to minimizing the tax burden to be shifted to the general taxpayer.

Policy:

- Exemptions are reviewed on an annual basis and are granted to those organizations meeting the requirements as set out under Council Policy 3561 and Sections 220 and 224 of the *Community Charter*.



City of Richmond

Report to Council

To: Richmond City Council
From: Anthony Capuccinello Iraci
General Manager, Law and Community Safety
Date: January 21, 2026
File: 10-6450-07-07/2024-
Vol 01
Re: **Approval to Commence Court Proceedings Challenging the Order of the
Information and Privacy Commissioner – Public Safety Camera System
Program**

Staff Recommendation

That the commencement of Court proceedings in the Supreme Court of British Columbia seeking to judicially review and quash and set aside the Order of the Information and Privacy Commissioner dated January 14, 2026, and seeking necessary Court declarations confirming the legality of the City of Richmond's Public Safety Camera System Program, be approved.

Anthony Capuccinello Iraci
General Manager, Law and Community Safety
(604-247-4636)

REPORT CONCURRENCE	
SENIOR STAFF REPORT REVIEW	INITIALS:
APPROVED BY CAO 	

Staff Report

Origin

The purpose of this report is to respond to the January 14, 2026 Order of the Information and Privacy Commissioner. The report is being brought directly to Council because of the limited time to make an application for judicial review of the Order.

At its Closed Council meeting on July 22, 2024, Council adopted the following resolution and authorized its disclosure:

The Council of the City of Richmond hereby resolves

- (a) to endorse the Public Safety Camera System Privacy Impact Assessment attached as Appendix 1 to this resolution (the “Privacy Impact Assessment”), and*
- (b) subject to final budget approval, to implement the Public Safety Camera System Program described in the Privacy Impact Assessment.*

Immediately following the adoption of this resolution, the City Solicitor commenced correspondence with the Office of the Information and Privacy Commission (the “OIPC”) requesting confirmation from the Information and Privacy Commissioner that the proposed Public Safety Camera System Program (the “PSCS Program”) as described in the Privacy Impact Assessment is authorized under the *Freedom of Information and Protection of Privacy Act*.

At the Regular Council meeting of December 9, 2024, Council endorsed and then later, as part of the 2025 budget process, approved Option 1 of the phasing options for the PSCS Program. This is reflected in the adopted December 9, 2024, resolution:

That:

- (1) Option 1 to implement the RCMP proposed Phase 1 for the Public Safety Camera System as outlined in the staff report “Phasing Options for the Public Safety Camera System”, dated November 18, 2024, from the General Manager, Law and Community Safety be endorsed; and*
- (2) A capital submission for Option 1 to implement the RCMP proposed Phase 1 for the Public Safety Camera System, with an estimated value of \$2,493,794 and operating budget impact of \$181,600 be submitted for Council’s consideration as part of the 2025 budget process.*

The approved Option 1 of the phasing options comprises of ten intersections for major entry and exit routes between Richmond and Sea Island, Knight Street bridge and the Massey Tunnel. The ten priority intersections include:

1. No. 5 Road & Steveston Highway
2. Shell Road & Steveston Highway
3. No. 5 Road & 10700 Block

4. No. 5 Road & Horseshoe Way
5. Garden City Road & Sea Island Way
6. Great Canadian Way & Bridgeport Road
7. Knight Street & Westminster Highway
8. No. 6 Road & Westminster Highway
9. Jacombs Road & Westminster Highway
10. Gilbert Road & River Road

On March 17, 2025, the City began field testing of the PSCS at the intersection of Minoru Boulevard and Granville Avenue.

This report supports Council's Strategic Plan 2022-2026 Focus Area #3 A Safe and Prepared Community:

Community safety and preparedness through effective planning, strategic partnerships and proactive programs.

3.2 Leverage strategic partnerships and community-based approaches for comprehensive safety services.

3.4 Ensure civic infrastructure, assets and resources are effectively maintained and continue to meet the needs of the community as it grows.

Analysis

Commencing July 23, 2024, the correspondence between the City Solicitor and the OIPC was principally focussed on establishing the lawfulness of the PSCS Program and on compelling the Information and Privacy Commissioner to make an Order that would then be judicially reviewable if the Commissioner was of the view that the PSCS Program was not authorized. The issuance of an Order would position the City to have the lawfulness of the PSCS Program determined by the Courts before expending millions of dollars implementing the program. This point was repeated throughout the correspondence with OIPC:

[The City] cannot run the risk of spending millions of dollars in acquiring and installing the high-resolution cameras and implementing the necessary internal systems and protocols without reasonable assurance from your office (or, if necessary, the court) that the program is lawful.

July 23, 2024 letter from the City to the OIPC

[W]hat is ultimately of most importance to the City is that it does not spend millions of dollars (much of which would be unrecoverable) pursuing a program that you or your delegates may have believed from the outset is not authorized by the Act.

August 12, 2024 letter from the City to the OIPC

At this point in the program such an order from the Commissioner or yourself is of the highest importance to the City, as costs of the program are mounting and will soon rise into the millions.

March 28, 2025 letter from City to the OIPC

From the outset the City's position has been that the PSCS Program is lawful and, if the Information and Privacy Commissioner disagreed, then he is compelled to make an Order. This correspondence forms part of the public record and is collectively appended (without enclosures) as Attachment 1 to this report.

After approximately 18 months of continued correspondence, the OIPC commenced a formal investigation and on January 14, 2026, issued an Order. This Order is appended in full to the memorandum distributed to Council that is included in the Council agenda package. The essential terms of the Order read as follows:

Pursuant to s. 42(1)(b) and 58(3)(e) and (f) of FIPPA, I make the following order:

- 1. The City immediately stop collecting personal information through the PSCS in contravention of s. 26 of FIPPA.*
- 2. The City immediately delete all PSCS recordings to date.*
- 3. The City disband PSCS equipment used to collect personal information.*

I require compliance by the date of the issuance of the order. As a condition under s. 58(4) of FIPPA, I require the City to provide me with written evidence of its compliance with the above order by February 26, 2026.

With this Order now having been made by the Information and Privacy Commissioner, the City is positioned to have the legality of its PSCS Program determined by the Courts.

To ensure the continuation of the PSCS Program, it is imperative that the Information and Privacy Commissioner's Order of January 14, 2026 be judicially reviewed and that the Order be quashed and set aside by the Court and that the necessary Court declarations confirming the lawfulness of the PSCS Program be obtained.

Also, in the event, Council adopts recommendation of this report, it is the intention of staff to recommence field testing of the PSCS Program in reliance on the stay provisions set out in s.59 of the *Freedom of Information and Protection of Privacy Act*:

Duty to comply with orders

59 (1) Subject to subsection (1.1), not later than 30 days after being given a copy of an order of the commissioner, the head of the public body concerned or the service provider to whom the order is directed, as applicable, must comply with the order unless an application for judicial review of the order is brought before that period ends.

(1.1) If the commissioner gives the head of a public body a copy of an order made under section 54.1, the head of the public body must comply with the order within the period set out in the order, unless an application for judicial review of the order is brought before that period ends.

(2) Subject to subsection (3), if an application for judicial review is brought before the end of the period referred to in subsection (1) or set out in an order given under section 54.1, the order of the commissioner is stayed for 120 days, beginning on the date the application is brought, unless a court makes an order shortening or extending the stay.

(3) If a date for hearing the application for judicial review is set before the expiration of the stay of the commissioner's order referred to in subsection (2), the stay of the commissioner's order is extended until the judicial review is completed or the court makes an order shortening the stay.

It should also be noted that correspondence appended as Attachment 1 to this report (which includes legal submissions and references to supporting evidence) may inform other municipalities that are inclined to seek intervener status in the event Council adopts the recommendation of this report.

Financial Impact

It is estimated that the legal fees of the contemplated Court proceeding would be approximately \$50,000, plus taxes and disbursements.

Conclusion

The importance of public safety cannot be overstated.

If the January 14, 2026 Order of the Information and Privacy Commissioner is left unchallenged, the City's entire PSCS Program will end abruptly. To ensure the continuation of the PSCS Program, it is imperative that the Information and Privacy Commissioner's Order be judicially reviewed and that necessary Court orders and declarations confirming the lawfulness of the PSCS Program be obtained from the Courts.

The implementation of the PSCS Program will enhance public safety and the restrictions and oversight that will be in place prevent misuse and adequately protect the privacy of individuals.



Anthony Capuccinello Iraci
General Manager, Law and Community Safety
(604-247-4636)

Att. 1: Correspondence with the Office of Information and Privacy Commission (without enclosures)



City of Richmond

6911 No. 3 Road
Richmond, BC V6Y 2C1
www.richmond.ca

July 23, 2024
File: 99-LAW/2024-Vol 01

Law
Telephone: 604-247-4636
Fax: 604-276-4037
email: ACapuccinelloiraci@richmond.ca

Via Email and Registered Mail

Michael Harvey
Information and Privacy Commissioner for BC
PO Box 9038 Stn. Prov Govt
Victoria, BC V8W 9A4

Dear Commissioner Harvey:

Re: Richmond Public Safety Camera System Program

I am writing further to the City of Richmond's prior discussions and communications with your office regarding its intended program of installing high-definition cameras at City intersections for law enforcement purposes. For your convenience, I have included as Attachment 1 several letters between the City and your office regarding that initiative.

Since the February 21, 2024 letter to the City from Senior Policy Analyst Quinton Green (included in Attachment 1), the City has been evaluating and refining the proposed program. The program as so refined is described in the privacy impact assessment (the "PIA") that is included as Appendix 1 to Attachment 2 of this letter. The PIA describes all phases of the proposed program.

On July 22, 2024 the Council of the City of Richmond approved the PIA, made the decision to proceed with the proposed public safety camera program, subject to final budget approval, and authorized me to seek confirmation by this letter that the project as described in the PIA is authorized under the *Freedom of Information and Protection of Privacy Act* ("FIPPA"). Included as Attachment 2 is a copy of the July 22, 2024 Council resolution.

The purpose of this letter is to formally request that under section 42 (1) (a) of FIPPA you conduct such investigation or audit as you consider appropriate and that, after doing so, you then make an order under sections 42 (1) (b) and 58 (3) of FIPPA confirming that the decision of the City to collect, use and disclose personal information in the manner described in the PIA is authorized by FIPPA.

Alternatively, if after your review of the proposed program, you consider that revisions to it are necessary to ensure compliance with the Act, or that the program is not lawful regardless of what revisions might be made to it, the City requests that you reflect that decision in a written order or letter to the City. The issuance of such a written order or letter from the Commissioner is vital, as it would allow the City to consider the proposed revisions, if any, or whether judicial review might

be necessary or appropriate to resolve any ambiguity or disagreement over the lawfulness of the proposed program.

A decision by the Commissioner as to the legality of the proposed program is critical to the City. It cannot run the risk of spending millions of dollars in acquiring and installing the high-resolution cameras and implementing the necessary internal systems and protocols without reasonable assurance from your office (or, if necessary, the court) that the program is lawful. I note that the City is seeking a decision specifically from the Commissioner, rather than a representative or policy analyst of the Commissioner's office. While the City appreciates the expertise and insight held by the staff of the Commissioner's office generally, given the scale of the proposed program and the necessity of ensuring its lawfulness, the City seeks a decision from the Commissioner directly on this point. I trust you will appreciate the enormous public interest in having such a review and response from the Commissioner before such public funds are spent and potentially wasted.

Please note that the City, in consultation with its legal advisors, has made every effort to ensure that the proposed program is authorized by FIPPA, including by accommodating the recommendation of your office that any program carefully balance the purpose of it against the privacy impacts of its operation. The City believes that it has succeeded in that endeavour and that the program as described in the PIA conforms with the requirements of the Act.

The program is divided into two phases, a camera testing phase and an operational phase. Both phases are described in the PIA.

As the legality of the testing phase of the proposed program is dependent on whether the collection, use and disclosure of information contemplated in the operational phase is authorized, I begin with the operational phase of the program.

The operational phase of the program involves the collection, use and disclosure of personal information for the purposes of "law enforcement" and for no other purpose. The entire object of the program is to employ cameras at intersections within the City to help identify persons who commit criminal offences. In the City's view, that is a "law enforcement" purpose, as that term is defined in FIPPA. The identification of offenders is not only an effort that constitutes "policing", it is also an important component of "investigations" or "proceedings" of the kind specified in the definition. The City believes therefore that the collection of personal information for the limited purpose described in the PIA is authorized by section 26 (b) of FIPPA. The City also believes that the use of the personal information for law enforcement purposes once collected, or for a purpose consistent with it, is authorized by section 32 (a) of FIPPA and that the contemplated disclosure to the RCMP pursuant to a production order, as described in PIA, is authorized in accordance with section 33 (2) (d) and (l).

On the issue of whether the City's collection of personal information by the high-definition camera system is for a "law enforcement" purpose as that term is used in section 26 (b), the City notes that under sections 3 (2) and 15 of the *Police Act* the City has a statutory duty to provide "policing and law enforcement" in the municipality. The proposed public safety camera program is part of that effort. In the City's view it would be unreasonable to consider the identification of offenders

through an intersection camera system as a “policing and law enforcement” function for *Police Act* purposes but not a “law enforcement” function for FIPPA purposes.

As you are aware, “law enforcement” is defined in Schedule 1 of FIPPA as follows:

“law enforcement” means

- (a) policing, including criminal intelligence operations,
- (b) investigations that lead or could lead to a penalty or sanction being imposed, or
- (c) proceedings that lead or could lead to a penalty or sanction being imposed.

While the definition of “law enforcement” in FIPPA includes specified types of investigations and proceedings, and while personal information provided pursuant to a production order would be directed to such investigations or proceedings, reference to those parts of the definition simply provides added clarity in this case since the term “policing” alone in the definition clearly encompasses the sorts of criminal detection efforts to which the City’s program would be directed. Indeed, the identification of those who have committed crimes is one of the core “policing” functions of every municipality that engages the RCMP or another police force to provide the “policing and law enforcement” that it is required by the *Police Act* to provide.

I would also note that the intended collection of personal information for law enforcement purposes by means of the cameras is not incidental to a broader traffic management objective or to any other objective. It is the only purpose of the program. Information collected by the cameras will not be actively monitored, will be kept only for a short time, and will not be used for any purpose whatsoever except to help identify offenders in the event a crime occurs, and only then if the RCMP provides to the City a production order for camera images as part of that effort.

I note that while not statutorily prescribed in section 26, the proposed program has been designed to achieve its important law enforcement objective without unduly impinging on the privacy rights of individuals whose licence plates, faces or other personal information will be captured by the cameras. As I mentioned above, the City believes it has succeeded in finding an appropriate and lawful balance. It has done so in part by designing the program so that (a) the cameras will not be actively monitored, (b) only specified City staff will have access to the images collected by the cameras (and then only for purposes necessary to the program), (c) the images will be retained only for a very short period of time and (d) the information will be disclosed only to the RCMP pursuant to a production order.

As for the testing phase of the program, the City believes the collection of personal information during the testing phase is clearly authorized by section 26 (e) of the Act (as well as sections 26 (b) and (c)). As can be seen from the PIA, the entire purpose of collecting personal information during the testing phase is to allow the City to evaluate the effectiveness of the cameras and to plan how many cameras to use and where to place them so that an effective operational phase may then be implemented. As the collection of personal information during the testing phase is necessary for the proper planning and evaluation of the camera program, it is authorized by section 26 (e) of the Act in the City’s view.

The City of Richmond is anxious to proceed with the public safety camera program as soon as possible and to do so it intends to begin the camera-testing phase of the program in September, 2024. I would kindly request that you provide before that time, if possible, the requested order under sections 42 (1) (b) and 58 (3) (e) of the *Freedom of Information and Protection of Privacy Act* confirming that the program described in the PIA is authorized under that Act.

I am, of course, available to discuss this matter further with you, or to provide any additional information you might require.

Sincerely,



Anthony Capuccinello Iraci
City Solicitor

encl.

cc (by email): Cecilia Achiam, GM, Community Safety

Att. 1: Correspondence between the City of Richmond and OIPC

Att. 2: Council Resolution

July 26, 2024

Delivered by Email

Anthony Capuccinello Iraci
City Solicitor
City of Richmond
6911 No. 3 Road
Richmond BC V6Y 2C1

Dear Anthony Capuccinello Iraci:

RE: Richmond Public Safety Camera System Program

I write in response to your July 23, 2024 letter regarding the City of Richmond's (the City) proposed program of installing high-definition cameras at intersections for law enforcement purposes. Thank you for providing the pertinent details related to this program and including the privacy impact assessment (PIA) as an attachment to the letter for my review.

In your letter, you request that I conduct an investigation or audit under section 42(1)(a) of the *Freedom of Information and Protection of Privacy Act* (FIPPA) and, after doing so, issue an order under sections 42(1)(b) and 58(3)(e) of FIPPA confirming that the "Proposed Public Safety Camera System Program" described in the City's PIA is authorized under FIPPA.

I understand that the Council of the City of Richmond approved the PIA for the program on July 22, 2024, and made the decision to proceed with the proposed public safety camera program, subject to final budget approval, and authorized you to seek confirmation from me as to the legality of the proposed program. I appreciate that the City would like assurance from my office that the program is lawful. However, my office has no statutory basis to provide a ruling or order on whether a collection or disclosure of personal information is authorized under FIPPA *in advance* of the collection or disclosure actually occurring.

Section 42 of FIPPA authorizes my office to *comment* on the implications for access to information or the protection of privacy of programs of public bodies. In this sense, my staff would be pleased to review and provide comments on the PIA that was attached to your letter. Please note, however, that according to the Policy on Consultations with the OIPC¹, the OIPC does not approve, endorse, certify, or sign off on proposed policies, projects, programs, or systems. To do so could be prejudicial in the event we received a complaint or had some other grounds to investigate the

¹ <https://www.oipc.bc.ca/documents/guidance-documents/1365>

program. It remains the responsibility of public bodies to ensure that they comply with their duties and obligations under FIPPA. I note that this response is coming from you, as General Counsel for the City of Richmond, and so I presume that you have provided the City with legal advice. Public bodies often are of the view that independent specialized legal advice would also be of benefit for a novel program. This is a prudent course of action that you may wish to consider.

Finally, I note that the City is seeking a response specifically from me, rather than a representative or policy analyst from my office. I would like to take this opportunity to highlight the delegation of powers, duties and functions of the Commissioner's staff under section 49 of FIPPA². OIPC staff on the Policy team (including the Director of Policy, Senior Policy Analysts, and Policy Analysts) have the delegated authority to comment on the privacy implications of a proposed program or activity of a public body under section 42(1)(f) of FIPPA. For these types of consults, the Commissioner is often part of discussions about the feedback that is provided, and I likely will be involved in this instance as well. However, providing feedback over my signature could be prejudicial, and so the delegation of authority is intended to protect the integrity of the overall regulatory oversight function.

In this context, please confirm whether you would like my staff to review your PIA. With your full cooperation and collaboration, and in consideration of the length and complexity of the matter, as well as our workload and available resources, we will endeavor to have this consultation completed by the end of October 2024.

I look forward to your response.

Sincerely,



Michael Harvey
Information and Privacy Commissioner for British Columbia

² <https://www.oipc.bc.ca/media/17760/2024-05-06-fippa-delegation.pdf>



City of Richmond

6911 No. 3 Road
Richmond, BC V6Y 2C1
www.richmond.ca

August 12, 2024
File: 99-LAW/2024-Vol 01

Law
Telephone: 604-247-4636
Fax: 604-276-4037
email: ACapuccinelloiraci@richmond.ca

Via Email and Registered Mail

Michael Harvey
Information and Privacy Commissioner for BC
PO Box 9038 Stn. Prov Govt
Victoria, BC V8W 9A4

Dear Commissioner Harvey:

Re: Richmond Public Safety Camera System Program

Thank you for your letter dated July 26, 2024.

I would start by noting that the City appreciates your confirmation that your office is prepared to review and comment on the City's privacy impact assessment relating to the proposed public safety camera system program, and to do so by the end of October if possible. The City welcomes that review provided that review will include comment on the legality of the program. On that basis, I would ask that you please instruct the appropriate delegate to begin the review as soon as possible if they have not already done so.

As is clear from the privacy impact assessment, the City believes that the program itself is a "law enforcement" program in respect of which the collection, use and disclosure of personal information is authorized by sections 26 (b), (c) and (e), 32 (a), 33 (2) (d) and (l), and 33 (3) (d) of the *Freedom of Information and Protection of Privacy Act*. As I will note below, the City believes that you are taking an unduly narrow view of your authority to issue an order confirming the legality of the proposed program. But leaving that issue aside for a moment, what is ultimately of most importance to the City is that it does not spend millions of dollars (much of which would be unrecoverable) pursuing a program that you or your delegates may have believed from the outset is not authorized by the Act. While the City has of course consulted legal counsel as you suggest, it is nevertheless critical for the City to have reasonable confidence that you or an appropriate delegate shares the City's ultimate conclusion that the initiative is a "law enforcement" initiative for which the proposed collection, use and disclosure of the personal information is authorized under the Act. Confirmation from you that the review of the privacy impact assessment will include comment on the legal authority issue is thus of critical importance to the City.

I would also ask that the appropriate delegate consider the fact that "law enforcement" is broadly defined in the Act as including both investigations that may lead to a penalty or sanction and the broad general undertaking of "policing". As you are likely aware, the *Police Act* requires

municipalities with a population of more than 5000 persons to provide “policing and law enforcement” in accordance with that Act (see section 3 (2) of the *Police Act*). The City of Richmond fulfills that policing and law enforcement function by agreement with the Province as contemplated by the *Police Act* and by supporting initiatives like the proposed camera system program, the purpose of which is to provide its police force with a means of identifying those who have committed offences.

In the City’s view, helping the police identify and apprehend those who have committed offences sits right at the center of its “policing and law enforcement” mandate under the *Police Act*.

The City believes that the term “law enforcement” as used in section 26 (b) of the *Freedom of Information and Protection of Privacy Act* must similarly carry a meaning that encompasses such a core law enforcement initiative, especially as the term “law enforcement” in that Act is defined as including not only investigations that may lead to a penalty or sanction being imposed, but also “policing” generally. As an undertaking to identify and apprehend lawbreakers in the manner described in the privacy impact assessment is clearly a “policing” function, the City believes it is one that the City is not only authorized to pursue under the *Police Act* and the *Community Charter* but also one for which it may, in accordance with the *Freedom of Information and Protection of Privacy Act*, collect, use and disclose personal information.

However, while the City believes the term “law enforcement” in the *Freedom of Information and Protection of Privacy Act* encompasses the proposed camera program, it seeks assurance that your office shares that interpretation. If your office does share that interpretation, then it is important for the City to receive that confirmation. Equally, if your office believes the proposed camera program is not a law enforcement program for the purpose of section 26 (b), I would ask that you please ensure that the delegate advise the City of the basis for that contrary conclusion, especially any textual features of the Act that support it, so the City may consider the delegate’s interpretation.

Finally, I would address briefly your comment that you lack the statutory authority to provide a ruling or order confirming the legality of the City’s decision to establish the proposed public safety camera system program in advance of it implementing that decision through the collection, use or disclosure of personal information. The City would appreciate if you would elaborate on this comment, as the sections of the Act mentioned in the City’s July 23, 2024 letter appear to the City to give you that authority.

Section 42 (1) (a) authorizes the Commissioner to “conduct investigations and audits” in order to ensure compliance with the Act or regulations. Subsection (1) (b) provides that such an investigation or audit may lead to an order under section 58 (3). And under section 58 (3) (e), an order may be made “confirming” a decision of a public body to collect, use or disclose personal information. There is no text in any of these sections suggesting that an investigation, audit or resulting order may only be made in respect of an operating program. Indeed, under section 58 (3) (e) the focus of a confirmation order (including one that follows an investigation under section 41 (1) (a)) is a “decision ... to collect, use or disclose” information. Such a decision is always one that is made in advance of the actual collection, use or disclosure. There is always a decision first and the collection, use or disclosure later. In short, the language of section 58 (3) relating to the “confirmation” of a decision is forward-looking and thus appears to the City to be easily broad enough to allow confirmatory orders in respect of a decision that has not yet been realized by the actual collection, use or disclosure of personal information to which that decision relates.

I would also note that in addition to the broad text of the relevant sections, the power to conduct reviews or audits and to make associated confirmation orders is a power that is independent of the power of comment under section 42 (1) (f) and of the power to investigate and attempt to resolve

complaints. Indeed, the opening words of subsection (2) of section 42, expressly declare that the powers of subsection (1) are additional to the Commissioner's judicial powers to resolve complaints. These observations support the City's conclusion that the Commissioner's powers under subsection (1) of section 42 include the authority to conduct investigations or audits of proposed programs of public bodies in order to ensure compliance with the Act, and to making confirmation orders under section 58 (3) following such investigations or audits, if the Commissioner believes it appropriate to do so.

Accordingly, while the City appreciates your willingness to facilitate a review and comment on the proposed camera program by a delegate, and (as noted above) would like that review to commence as soon as possible, it would still prefer a formal confirmation order under section 58 (3) (e). I would therefore ask that you reconsider the issue of your authority to make such an order or at least provide the City with a more fulsome explanation as to why you consider that such statutory authority is lacking.

Finally, if you continue to decline the City's request for a section 58 (3) confirmation order in advance of the commencement of the program, I would ask that you confirm that you will be prepared to make a ruling on the legality of the program under section 58 (3) as soon as the City begins the testing phase of it, as described in the PIA.

Sincerely,



Anthony Capuccinello Iraci
City Solicitor

From: [Office of the Information and Privacy Commissioner](#)
To: [Capuccinello Iraci, Tony](#)
Cc: [Ho, Japhie](#)
Subject: RE: City of Richmond Public Safety Camera System Program
Date: September 16, 2024 11:23:10 AM

City of Richmond Security Warning: This email was sent from an external source outside the City. Please do not click or open attachments unless you recognize the source of this email and the content is safe.

Good morning Anthony,

We take this matter seriously and are endeavouring to ensure a complete response. A reply will therefore be forthcoming when that analysis is complete.

Kindly,
Flora

Flora Leigh | Executive Coordinator
She/Her/Hers
Phone: 250-387-0777

From: Capuccinello Iraci, Tony <TCapuccinelloIraci@richmond.ca>
Sent: Monday, September 16, 2024 11:10 AM
To: Office of the Information and Privacy Commissioner <commissioner@oipc.bc.ca>
Cc: Ho, Japhie <JHo4@richmond.ca>
Subject: FW: City of Richmond Public Safety Camera System Program

CAUTION: This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Dear Commissioner Harvey,

We have yet to receive a reply to our letter dated August 12, 2024.

Could you kindly advise when the City of Richmond can expect a reply.

Anthony Capuccinello Iraci
City Solicitor
City of Richmond

6911 No. 3 Road
Richmond, B.C.
V6Y 2C1
Tel: (604) 247-4636
Fax: (604) 276-4037
ACapuccinelloIraci@richmond.ca

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and confidential. Any further distribution, copying, or disclosure is prohibited. If you have received this message in error, please return the original transmission without making a copy and notify the sender. Thank you.

From: Capuccinello Iraci, Tony
Sent: August 12, 2024 10:25 AM
To: 'commissioner@oipc.bc.ca' <commissioner@oipc.bc.ca>
Cc: Ho, Japhie <JHo4@richmond.ca>
Subject: City of Richmond Public Safety Camera System Program

Please see attached letter.

Anthony Capuccinello Iraci
City Solicitor
City of Richmond

6911 No. 3 Road
Richmond, B.C.
V6Y 2C1
Tel: (604) 247-4636
Fax: (604) 276-4037
ACapuccinelloiraci@richmond.ca

This message is intended only for the recipient(s) to whom it is addressed. Its contents are privileged and confidential. Any further distribution, copying, or disclosure is prohibited. If you have received this message in error, please return the original transmission without making a copy and notify the sender. Thank you.

September 23, 2024

Delivered by Email: ACapuccinelloIraci@richmond.ca

Anthony Capuccinello Iraci
City Solicitor
City of Richmond
6911 No. 3 Road
Richmond BC V6Y 2C1

Dear Anthony Capuccinello Iraci:

RE: Richmond Public Safety Camera System Program

I write in response to your August 12, 2024 letter regarding the City of Richmond's (the City) proposed program of installing high-definition cameras at intersections for law enforcement purposes.

In your letter you asked me to elaborate on my comment that I lack the statutory authority to provide a ruling or order confirming the legality of the City's decision to establish the proposed public safety camera program in advance of the City implementing that decision.

After careful analysis and consideration, I reiterate my comments from my letter of July 26, 2024 that my office has no statutory basis to provide a ruling or order on whether a collection or disclosure of personal information is authorized under the *Freedom of Information and Protection of Privacy Act* (FIPPA) in advance of the collection or disclosure actually occurring.

While section 42(1)(a) authorizes me to conduct investigations and audits to ensure compliance with the Act or regulations and subsection(1)(b) provides that such an investigation may lead to an order under s. 58(3), these sections do not authorize me to undertake an investigation and make orders with respect to proposed programs.

Section 42(1)(a) must be understood in the full context of the legislative scheme, including s. 42(1)(f), which provides me with the specific power of issuing comments on proposed programs. The legislature's decision not to incorporate the s. 58 order making power into this should be viewed as deliberate. To be clear, my office does not approve policy decisions or privacy impact assessments developed by public bodies. Rather, this office provides a consultation role in these matters, to prevent impartiality and preserve the independence of this office.

You assert that under s. 58(3)(e), an order may be made “confirming” a decision of a public body to collect, use or disclose personal information. You suggest that a decision made by the public body to collect, use or disclose personal information is always one that is made in advance of the actual collection, use or disclosure and that the language in s. 58(3) is forward-looking and, “easily broad enough to allow confirmatory orders in respect of a decision that has not yet been realized by the actual collection, use or disclosure of personal information to which that decision relates.”

The power to confirm public body “decisions” in s. 58(3) does not extend to the power to confirm a decision to proceed with a proposed program or legislation.

Orders under s. 58(3) are premised on a public body having already taken some sort of action in connection with events and circumstances that have already occurred. Section 58(3)(a) permits me to make an order confirming that a duty imposed under the Act “has been performed”. Section 58(b) and (c) give me the authority to “confirm” the extensions of time limits and fees and s. 58(3)(e) gives me authority to require a public body to stop collecting, using or disclosing personal information in contravention of the Act. Section 58(3)(f) allows me to order a public body to destroy personal information that has been “collected” in contravention of the Act. All of these provisions suggest that the orders are to be made in respect of actions and programs that are already underway and have already had an impact on individuals’ rights under FIPPA.

Regarding the interpretation of “decision”, a public body’s choice to proceed with a proposed program or activity are not decisions taken pursuant to FIPPA and are, therefore, not the types of decisions I am responsible for reviewing. It would improperly stretch my authority if I were to begin issuing orders confirming policy decisions taken by public bodies that have an impact on personal privacy.

Please note that my staff are still in the process of reviewing the City’s PIA and will get back to you in the coming weeks.

Sincerely,



Michael Harvey
Information and Privacy Commissioner
for British Columbia

November 6, 2024

Delivered by Email: ACapuccinelloIraci@richmond.ca

Anthony Capuccinello Iraci
City Solicitor
City of Richmond
6911 No. 3 Road
Richmond BC V6Y 2C1

Dear Anthony Capuccinello Iraci:

RE: Richmond Public Safety Camera System Program

Introduction

I write further to your letter of July 23, 2024 wherein you notified this Office that the City planned to move forward with installing high resolution cameras at intersections throughout the City to collect personal information for law enforcement purposes.

You asked the Commissioner to respond as to whether he agreed that the proposal satisfied the information collection requirements of the *Freedom of Information and Protection of Privacy Act* (FIPPA). On July 26, 2024 and again on September 23, 2024, the Commissioner provided the City with a detailed and reasoned written explanation of why the mandate and statutory scheme under which the Commissioner operates does not permit predeterminations as to whether proposed collections of personal information are authorized under FIPPA. The Commissioner explained that in such circumstances, the function of this Office is consultative, and that an appropriate member of his staff would respond.

The Commissioner has asked me to respond to you regarding the City's position that it can lawfully collect personal information using high resolution cameras for law enforcement purposes. While I understand that the City has completed a Privacy Impact Assessment (PIA) and has asked us to comment on it, at this time I am limiting my response to the threshold issue of the City's position that FIPPA authorizes it to collect personal information in the manner and for the purposes it has identified.

My comments do not fetter or bind, or constitute a decision or finding by this Office with respect to anything on which I have commented. This Office's policy on consultations is available on our website at www.oipc.bc.ca.

Analysis

In your July 23, 2024 letter to the Commissioner you write: “The entire object of the program is to employ cameras at intersections within the City to help identify persons who commit criminal offences.” I therefore take to mean that when the City says that it is collecting personal information for law enforcement purposes, it is collecting personal information for *criminal* law enforcement purposes as opposed to other types of law enforcement, such as bylaw enforcement.

One of the stated purposes of FIPPA is to prevent the unauthorized collection of personal information. “Personal information” under FIPPA means recorded information about an identifiable individual other than contact information. The City does not dispute that its high resolution camera project would result in the collection of personal information.

FIPPA prohibits public bodies from collecting personal information unless FIPPA authorizes it. Section 26(b) of FIPPA authorizes a public body to collect personal information for the purposes of law enforcement. This is the authority the City is relying on to collect personal information under its proposed high resolution camera plan. Schedule 1 of FIPPA defines the term “law enforcement” as follows:

- (a) policing, including criminal intelligence operations,
- (b) investigations that lead or could lead to a penalty or sanction being imposed, or
- (c) proceedings that lead or could lead to a penalty or sanction being imposed;

If a public body purports to collect personal information for a law enforcement purpose, it is a prerequisite that the public body has a law enforcement mandate either at common law or pursuant to statute.

I understand the City’s argument to be that under the *Police Act*, specifically ss. 3(2) and 15, it is duty-bound to provide policing and law enforcement in the municipality and that collecting personal information for law enforcement purposes must therefore be construed as falling within the requirement to provide those services.

Although the *Police Act* authorizes and indeed requires the City to ensure that it provides policing and law enforcement in accordance with that Act and regulations, meaningfully, the *Police Act* does not give the City the power to police residents itself. As the Supreme Court of Canada recognized more than 100 years ago, police officers must never be regarded as agents or officers of a municipality. They exercise a public function and do so independently of the municipalities that appoint them.¹

¹ *McCleave v. City of Moncton*, 1902 CanLII 73 (SCC), at 108-10.

More recently, the Court has observed that police officers are public officers, and in fulfilling their law enforcement functions must be seen as independent of the executive branch of government, and not subject to political direction, to ensure the rule of law.² Courts in British Columbia and Alberta have both found that the structures of the *Police Acts* in those provinces were intended to give effect to this principle.³

In summary, the City is not independently responsible for investigating and preventing crime. The intention of the legislature is clear: the police are the ones who have general responsibility for law enforcement in the province.

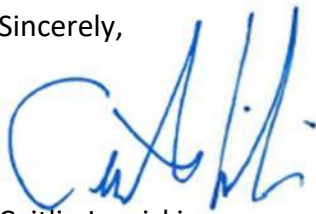
Conclusion

It is not apparent that s. 26(b) authorizes the City to collect personal information for the purpose of identifying persons who commit criminal offences. Only a public body with such a mandate to collect personal information for this purpose would be authorized to collect it. For this reason, I recommend the City choose not to proceed with its proposed plan.

Again, while we have reviewed the PIA submitted by the City, our views on this matter would be secondary to our recommendation on this threshold issue and so we see little benefit in sharing them at this time.

I trust that this assessment is of value to the City, and we remain available to engage in further discussions on potential City programs that aim to address the public safety of residents of and visitors to Richmond through other means.

Sincerely,



Caitlin Lemiski
Director, Policy

² *R. v. Campbell*, [1999] 1 S.C.R. 565, [para. 33](#).

³ See *McAllister v. Calgary (City)*, 2012 ABCA 346 at [para. 27](#) and *Henry v. British Columbia*, 2014 BCSC 1018, [para. 33](#).



City of Richmond

6911 No. 3 Road
Richmond, BC V6Y 2C1
www.richmond.ca

November 19, 2024
File: 10-6450-07-07/2024-Vol 01

Law
Telephone: 604-247-4636
Fax: 604-276-4037
email: ACapuccinelloiraci@richmond.ca

Via Email and Registered Mail

Michael Harvey
Information and Privacy Commissioner for BC
PO Box 9038 Stn. Prov Govt
Victoria, BC V8W 9A4

Dear Commissioner Harvey:

Re: Richmond Public Safety Camera System Program

I am writing further to your letter dated July 26, 2024, and to Policy Director Caitlin Lemiski's letter dated November 6, 2024.

The City appreciates Director Lemiski offering an analysis on whether the City is authorized under FIPPA to collect personal information as outlined in the PIA for the proposed public safety camera system ("PSCS"). However, the City strongly disagrees with the rationale for and conclusion that the City is not authorized to collect personal information through the PSCS due to the City lacking a law enforcement mandate. Furthermore, it is disappointing that the Office of the Information and Privacy Commissioner ("OIPC") has not provided further response to the City's request for clarity on the issuance of an order on the lawfulness of the PSCS, whether that be through (1) issuing said order, which the City maintains you have the statutory authority to do; (2) providing a more detailed explanation as to why you lack statutory authority to issue such an order, as requested in our August 12, 2024 letter; (3) providing assurance that an order will be available or forthcoming once PSCS testing begins; or (4) providing a more detailed legal analysis as to whether the various elements of the proposed PSCS are authorized under FIPPA, rather than halt the discussion on the threshold (and in our view, incorrect) issue as to whether the City has a law enforcement mandate.

We acknowledge your office's position, as stated in your July 26, 2024 letter, that the OIPC does not approve programs which have been proposed but not implemented. However, we hope you can appreciate that the City's requests are grounded in an attempt to act responsibly in this matter, both because it wishes to act lawfully in the collection, use, and disclosure of personal information pursuant to FIPPA, and because it owes a duty to the citizens of Richmond to avoid large and unnecessary expenditures of public resources. The City hopes that, rather than simply reserving to yourself the right to adjudicate complaints that may arise on an *ad hoc* basis, you might confirm for the City how it may initiate such a process. In other words, we hope that once we begin the testing phase, you can inform us as to how we might seek an order confirming the lawfulness of our program.

For the reasons expressed in our August 12, 2024 letter, the City remains of the opinion that you have the authority pursuant to sections 42(1) and 58(3) of FIPPA to issue an order as to the lawfulness of the City's proposal to establish the PSCS program, in advance of the costly implementation of said program. The City does not agree with the interpretation of FIPPA set out in prior correspondence from your office which posits that the OIPC "has no statutory basis to provide a ruling or order on whether a collection or disclosure of personal information is authorized under FIPPA in advance of the collection or disclosure actually occurring" and that the legislation "does not permit predetermination as to whether proposed collections of personal information are authorized under FIPPA".

Notwithstanding our ongoing view that FIPPA provides statutory authority for an order to be issued on the PSCS's compliance with FIPPA in advance of the PSCS's implementation, in our letter of August 12, 2024, we recognized the Commissioner's reluctance to make a decision at this stage. Therefore, the City specifically requested in its letter that "you confirm that you will be prepared to make a ruling on the legality of the program under section 58(3) as soon as the City begins the testing phase of it, as described in the PIA". Details on the proposed testing phase, as described in the PIA, are attached for your convenience as Appendix A to this letter. We wish to strenuously restate our request for confirmation from your office that an order will be issued once the PSCS testing has begun. As the City has consistently stressed in its previous correspondence:

[The City] cannot run the risk of spending millions of dollars in acquiring and installing the high-resolution cameras and implementing the necessary internal systems and protocols without reasonable assurance from your office (or, if necessary, the court) that the program is lawful.

July 23, 2024 letter from the City to the OIPC

[W]hat is ultimately of most importance to the City is that it does not spend millions of dollars (much of which would be unrecoverable) pursuing a program that you or your delegates may have believed from the outset is not authorized by the Act.

August 12, 2024 letter from the City to the OIPC

In light of the above, the City will now commence the testing phase of the PSCS as set out in Appendix A of this letter. The City maintains its position that FIPPA provides statutory authority for an order on the lawfulness of a program in advance of its implementation, but in consideration of the OIPC's differing interpretation, the City's intention is to move forward to the testing phase with an expressed purpose to clearly allow for the issuance of an order on the PSCS's compliance with FIPPA. As you are aware, this testing phase will involve the actual collection, use or disclosure of personal information, thus removing the barrier that you have identified in your July 26, 2024 letter (that you would not issue a ruling or order in advance of collection or disclosure actually occurring).

Yours truly,



Anthony Capuccinello Iraci
City Solicitor

cc: Caitlin Lemiski, Director of Policy, OIPC

Initial Field Testing

Prior to installing the PSCS, the City plans to conduct initial field testing. The field testing will both ensure the prudent use of public funds and ensure that personal privacy will not be impacted beyond the intended scope of the PSCS.

The financial investment required for the PSCS is substantial, with the implementation costs estimated to range from \$3.29 million for partial deployment to \$6.55 million (2023 dollars) for City-wide deployment. The field testing aims to verify that the technical requirements are met, including the reliable capture of vehicle licence plates, vehicle occupants' faces, and faces of people in public spaces, but only in the intended and limited area of the intersection.

The field testing would entail the following:

1. Consulting with the Richmond RCMP on the acceptable standards for video footage required for law enforcement purposes;
2. Determining and identifying acceptable 'blind' areas;
3. Determining (make and model), configuring, and testing of PSCS cameras;
4. Determining up to ten intersections for testing, placement of the cameras at intersections, and determining the point of view coverage; and
5. Conducting field testing of the cameras under various weather conditions and various signalized intersection designs to ensure the PSCS is able to reliably capture video and images for law enforcement purposes only.

The anticipated timeframe for the field testing is expected to span six to twelve months. This period will allow for the evaluation of camera performance across the broadest possible range of weather conditions and lighting scenarios. Additionally, the testing will gather data on camera durability, enabling the City to establish a maintenance and replacement schedule.

The specific location for the field testing has yet to be determined; however, the testing process will initially involve deploying cameras at up to ten signalized intersections in Richmond. Should this initial testing on City property yield satisfactory results that meet the law enforcement objectives, the setup will then be extended to include both simple and complex signalized intersections in Richmond for further proof of concept testing. With this approach, the field testing is expected to

provide data to inform the decision on the number of cameras, and their make and model, as required for different intersection designs.

Specifically, for the field testing, the City will adopt the same deployment and implementation strategy as the PSCS, albeit on a much reduced scale. To illustrate this setup, the City plans to procure essential components specifically for PSCS field testing, including network servers, data storage solutions, ultra-high definition cameras, camera control software, networking equipment, and fiber optic equipment. Importantly, this field testing infrastructure will operate independently and segregated from any existing City information technology systems to ensure the PSCS field testing remains isolated and to maintain strict user access control, as intended.

As the primary goal of the PSCS field testing is to evaluate the cameras' performance under various lighting and weather conditions, the City will not disclose any images or video footage to the public or third parties, including law enforcement agencies. Images and videos from the field testing will be shared with selected internal City staff and members of the Richmond RCMP Detachment, however, to evaluate the PSCS's performance, ensuring the cameras meet their objective. While the PSCS field testing will not be actively monitored, recordings will be in place with a retention period of 48 hours. This 48-hour retention period is designed to provide adequate coverage for analysis, taking into account staff scheduling and availability. All video footage and images will be automatically deleted after 48 hours. Deleted footage for field testing will be non-recoverable.

2. What is the scope of the PIA?

Your initiative might be part of a larger one or might be rolled out in phases. What part of the initiative is covered by this PIA? What is out of scope of this PIA?

This PIA addresses the field testing, and the implementation and operations of the PSCS at 176 signalized intersections in the City.

3. What are the data or information elements involved in your initiative?

Please list all the elements of information or data that you might collect, use, store, disclose or access as part of your initiative. If your initiative involves large quantities of information or datasets, you can list categories or other groupings of personal information in a table below or in an appendix.

December 11, 2024

Delivered by Email: ACapuccinelloIraci@richmond.ca

Anthony Capuccinello Iraci
City Solicitor
City of Richmond
6911 No. 3 Road
Richmond BC V6Y 2C1

Dear Anthony Capuccinello Iraci:

RE: Richmond Public Safety Camera System Program

I write further to your letter of November 19, 2024 to Information and Privacy Commissioner Michael Harvey. In that letter, you write that the City is commencing the testing phase of its proposed public safety camera system (PSCS). As part of the testing phase, further to Appendix A of your letter, I understand that the City of Richmond will be “[c]onducting field testing of the cameras under various weather conditions and various signalized intersection designs to ensure the PSCS is able to reliably capture video and images for law enforcement purposes only.” I understand from Appendix A that the testing will take place at up to ten intersections over a six to twelve month period.

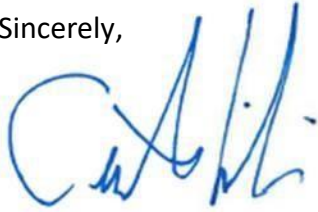
I am writing to request that you provide me with the following information:

1. The date on which the City commenced collecting personal information using high-resolution cameras;
2. The location(s) where such collections have taken place and/or continue to take place;
3. The hours of the day/night when the City is collecting personal information using high-resolution cameras;
4. Copies of at least one image from each of the high resolution cameras at the intersections where they are being tested.

Alternatively, if the cameras are not being tested, I am requesting that you provide me with the date on which the City intends to commence collecting personal information using high resolution cameras under the PSCS testing program.

I request a response no later than January 15, 2025. If you have any questions about this letter, please contact me at clemiski@oipc.bc.ca.

Sincerely,



Caitlin Lemiski
Director, Policy



City of Richmond

6911 No. 3 Road
Richmond, BC V6Y 2C1
www.richmond.ca

December 17, 2024
File: 10-6450-07-07/2024-Vol 01

Law
Telephone: 604-247-4636
Fax: 604-276-4037
email: ACapuccinelloiraci@richmond.ca

Via Email (Commissioner@oipc.bc.ca and CLemiski@oipc.bc.ca)

Information and Privacy Commissioner for BC
PO Box 9038 Stn. Prov Govt
Victoria, BC V8W 9A4
Attention: Caitlin Lemiski, Director of Policy, OIPC

Dear Caitlin Lemiski:

Re: Richmond Public Safety Camera System Program

I write further to your letter of December 11, 2024 in which you ask for information regarding the City's public safety camera system.

I provide the following information in response to your request:

1. The City will begin field testing of the PSCS once all the necessary equipment and software is installed. I anticipate that the City will commence collecting personal information using the high-resolution cameras in early February 2025. The City will inform the OIPC of the exact date when collection will begin once that date is known.
2. The field testing of the PSCS will involve deploying cameras at up to ten of the following intersections:
 - No. 5 Road & Steveston Highway
 - Shell Road & Steveston Highway
 - Minoru Boulevard & Granville Avenue
 - No. 5 Road & Horseshoe Way
 - Garden City Road & Sea Island Way
 - Great Canadian Way & Bridgeport Road
 - Knight Street & Westminster Highway
 - No. 6 Road & Westminster Highway
 - Jacombs Road & Westminster Highway
 - Gilbert Road & River Road

The City will provide further information to the OIPC as to the locations at which testing

will be conducted once the City has made a final determination on whether cameras will be deployed for testing purposes at all or only some of these intersections.

3. Once the cameras are deployed for field-testing purposes, they will capture video footage 24 hours a day, seven days a week for the period of the field testing, which the City anticipates will be approximately six to twelve months in duration.
4. The City will provide to the OIPC at least one image from each of the high-resolution cameras once testing begins.

I trust this information is sufficiently responsive to your request, but please do not hesitate to contact me if you have additional questions about the program. You may also refer to the Privacy Impact Assessment we provided to your office on July 23, 2024 for further details with respect to the program.

I would also take this opportunity to again re-iterate the City's need for a formal decision from the Commissioner regarding the legality of the program. In your letter of November 6, 2024, you advised that, in your view, the program is not authorized by section 26 of FIPPA because the City does not police residents directly. In the City's respectful view, that position reflects an unduly narrow reading of the section and of the City's role in providing policing and law enforcement services in the City.

The cases that you cite in your recent letter appear to the City to be consistent with the proposition that municipalities like the City of Richmond are "providing" policing and law enforcement for the purpose of the *Police Act* and FIPPA when the provincial police force does so on their behalfs pursuant to agreements with the Province. After all, the express duty of the City under the *Police Act* is to "provide" policing and law enforcement in the municipality (see section 15). When the RCMP is engaged to undertake policing and law enforcement in Richmond in fulfillment of the City's statutory mandate, it is not only fulfilling a federal function, it is also delivering municipal services in partial fulfillment of the City's policing mandate under the *Police Act*.

In the City's view, to say that the City is not providing policing and law enforcement in Richmond (or that it does not have a policing "mandate" for FIPPA purposes) because it contracts with the Province to ensure that the RCMP provide that service on its behalf, is like saying that the City does not provide garbage collection service in Richmond because it engages a contractor to do so on its behalf. Many services the City provides are delivered through contractors rather than City employees. They do not cease to be City services on that account.

It is also noteworthy that, under the *Police Act*, the City's policing mandate goes beyond simply contracting with the Province to engage the RCMP on its behalf. For example, under that Act, municipalities are required to support the provincial police force, including through the provision of adequate "accommodation, equipment and supplies" for police operations and use (see section 15 (1) (b)).

Moreover, the City also has very wide service authority under the *Community Charter*. Indeed, under section 8 (2) of the *Community Charter* a municipality may "provide any service that council considers necessary or desirable". That language is easily broad enough to allow the City to assist the RCMP by providing the proposed camera program services in support of the RCMP's policing efforts as it works to best fulfill its own policing and law enforcement mandate under the *Police Act*.

Accordingly, while the City appreciates the OIPC may be reluctant to endorse the proposed program, it does not agree with your assessment that legal authority for it is lacking on the ground that the City lacks a law enforcement mandate sufficient to bring the program within the scope of section 26 (b). In the City's view, it clearly has such a mandate and is simply seeking to implement a program designed to help fulfill it.

As I mentioned in previous letters, it is critically important to the City that the Commissioner determine one way or the other whether the program is authorized by FIPPA. If the Commissioner shares your view, as I assume he may, that the program is not authorized, then the City requests that the Commissioner formalize that decision in an order as soon as possible, so that judicial review will be available to settle the question of the City's authority. If the Commissioner shares the view expressed in your November 6, 2024 letter that the program is not authorized, it is extremely important to the City, given the significance of the funds it will soon expend in its continued belief in the legality of it, that a reviewable decision to that effect be made so that the matter can be settled by a court. Are you able to confirm that a formal order under the Act is likely if the City persists with its plan to begin the testing phase of the program in February 2025 as outlined above? Such confirmation would be very helpful to the City and its residents. Alternatively, the City would of course welcome confirmation that the Commissioner considers the program lawful.

Thank you again for your attention to this matter and please do not hesitate to contact me if you require further information.

Yours truly,



Anthony Capuccinello Iraci
City Solicitor

December 31, 2024

Delivered by Email: ACapuccinelloIraci@richmond.ca

Anthony Capuccinello Iraci
City Solicitor
City of Richmond
6911 No. 3 Road
Richmond BC V6Y 2C1

Dear Anthony Capuccinello Iraci:

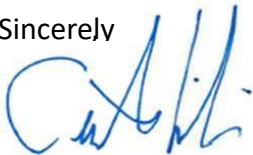
RE: Richmond Public Safety Camera System Program ("PSCS")

Thank you for your letter of December 17, 2024, providing the information requested in my letter of December 11, 2024, and for confirming the City of Richmond (the "City") will be providing additional information if testing of the PSCS begins. Please forward any updates to me when they are available.

Your letter further states the City's need for a "formal decision from the Commissioner regarding the legality of the program," and alternatively asks for confirmation "that a formal order under the Act is likely if the City persists with its plan to begin the testing phase of the program in February 2025." For the reasons outlined in previous correspondence and in accordance with the Policy on Consultations,¹ no prior confirmation on the future exercise of discretion by the Commissioner is appropriate.

Finally, regarding your comments on the legality of the PSCS, the OIPC stands by the consultative comments as expressed to you in previous correspondence.

Sincerely,



Caitlin Lemiski
Director, Policy

¹ <https://www.oipc.bc.ca/documents/guidance-documents/1365>.



City of Richmond

6911 No. 3 Road
Richmond, BC V6Y 2C1
www.richmond.ca

March 13, 2025
File: 10-6450-07-07/2025-Vol 01

Law
Telephone: 604-247-4636
Fax: 604-276-4037
email: ACapuccinelloiraci@richmond.ca

Via Email (Commissioner@oipc.bc.ca and CLemiski@oipc.bc.ca)

Information and Privacy Commissioner for BC
PO Box 9038 Stn. Prov Govt
Victoria, BC V8W 9A4
Attention: Caitlin Lemiski, Director of Policy, OIPC

Dear Caitlin Lemiski:

Re: Richmond Public Safety Camera System Program

Further to our letter of December 17, 2024, please be advised that the City of Richmond will begin field testing of the Public Safety Camera System on March 17, 2025, at the intersection of Minoru Boulevard & Granville Avenue.

As stated in our December 17th, 2024 letter, we will provide to the OIPC at least one image from each of the high-resolution cameras once testing begins.

Yours truly,

Anthony Capuccinello Iraci
City Solicitor

March 16, 2025

Delivered by Email: ACapuccinelloIraci@richmond.ca

Anthony Capuccinello Iraci
City Solicitor
City of Richmond
6911 No. 3 Road
Richmond BC V6Y 2C1

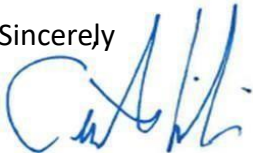
Dear Anthony Capuccinello Iraci:

RE: Richmond Public Safety Camera System Program ("PSCS")

Thank you for your letter of March 13, 2025. In your letter, you confirm the City's intention to begin field testing at the intersection of Minoru Boulevard & Granville Avenue on March 17, 2025.

I am away from the Office until April 3. In my absence, please send images to OIPC's Legal Counsel, Ethan Plato: EPlato@oipc.bc.ca.

Sincerely



Caitlin Lemiski
Director, Policy

Copy by email to: EPlato@oipc.bc.ca; commissioner@oipc.bc.ca



City of Richmond

6911 No. 3 Road
Richmond, BC V6Y 2C1
www.richmond.ca

March 28, 2025
File: 10-6450-07-07/2025-Vol 01

Law
Telephone: 604-247-4636
Fax: 604-276-4037
email: ACapuccinelloiraci@richmond.ca

Via Email (Commissioner@oipc.bc.ca and CLemiski@oipc.bc.ca)

Information and Privacy Commissioner for BC
PO Box 9038 Stn. Prov Govt
Victoria, BC V8W 9A4
Attention: Caitlin Lemiski, Director of Policy, OIPC

Dear Caitlin Lemiski:

Re: Richmond Public Safety Camera System Program

Further to our previous correspondence, please find enclosed six images captured by cameras that were installed by the City at the intersection of Minoru Boulevard and Granville Avenue for testing purposes as part of the City's Public Safety Camera Program. These images are more clearly viewed in the SharePoint folder that can be accessed through the link I have emailed to you.

If, after reviewing these images, the previously provided privacy impact assessment and previous correspondence between the City and the OIPC, it remains the position of the OIPC that the Public Safety Camera Program as described in the PIA is not authorized under the Freedom of Information and Protection of Privacy Act, as you advised in your letter to the City of November 6, 2024, then the City would formally ask that the Commissioner, or you as his delegate, take steps to formalize that position as soon as possible, pursuant to your authority under FIPPA. Your previous correspondence, which you characterize as informal, may have the practical effect of preventing the City from implementing an important public safety program. In these circumstances, a formal order is clearly warranted if the OIPC continues to believe the program is not authorized by the Act.

At this point in the program such an order from the Commissioner or yourself is of the highest importance to the City, as costs of the program are mounting and will soon rise into the millions. It is critically important to the City that the issue of the legality of the program be conclusively resolved so that it may avoid wasting money implementing it, if indeed your position as to the City's authority is correct.

I have copied this letter to Mr. Plato as you requested in your letter of March 16, 2025.

Yours truly,

Anthony Capuccinello Iraci
City Solicitor

Att: 6 images captured by camera

pc: Ethan Plato (EPlato@oipc.bc.ca)

May 7, 2025

OIPC File: F25-00259

Delivered by email to: mayorandcouncillors@richmond.ca

Mayor Malcolm Brodie
City of Richmond
6911 No. 3 Road
Richmond, BC V6Y 2C1

Dear Mayor Brodie:

Re: Notice of Investigation: City of Richmond Public Safety Camera System

I write to advise you that further to the letter of March 28, 2025 from the City advising it was field testing cameras (and enclosing images from those cameras), the OIPC has commenced an investigation into the City of Richmond field test of its Public Safety Camera System under section 42(1) of the *Freedom of Information and Protection of Privacy Act* (FIPPA). Specifically, the OIPC is investigating whether the City:

- is authorized under FIPPA ss. 26 and 32 to collect and use personal information for the field test of its Public Safety Camera System;
- informed individuals of the purposes and authority for collecting personal information and provided contact information of an officer or employee of the public body who can answer the individual's questions about the collection, in accordance with FIPPA s. 27;
- is authorized under FIPPA s. 33 to disclose the personal information collected via its Public Safety Camera System for the field test; and
- has met its obligations under FIPPA s. 30 to protect personal information collected through its Public Safety Camera System for the field test.

Please be advised that the OIPC may consider additional issues based on evolving circumstances or in response to evidence received. If my office determines it necessary to investigate any additional issues, we shall notify the City of Richmond in writing.

I have assigned Tanya Allen, Director of Audit & Systemic Review, to lead the investigation and Tanya may be contacted by telephone at 250-217-1854 or by email at tallen@oipc.bc.ca. Tanya will contact Anthony Capuccinello Iraci, City Solicitor, to request information and documents for this investigation.

If you have any questions or concerns about this investigation in general, you may contact me directly at 250-387-0777 or via email at Commissioner@oipc.bc.ca.

Sincerely,



Michael Harvey
Information and Privacy Commissioner for British Columbia

cc: Anthony Capuccinello Iraci, City Solicitor
Tanya Allen, Director, Audit & Systemic Review

May 7, 2025

OIPC File: F25-00259

Anthony Capuccinello Iraci
City Solicitor
City of Richmond
6911 No. 3 Road
Richmond, BC V6Y 2C1
By email to: ACapuccinelloiraci@richmond.ca

Dear Anthony Capuccinello Iraci:

Re: Investigation of City of Richmond Public Safety Camera System

Further to the May 7, 2025 Notice of Investigation, the OIPC is investigating the City of Richmond (the City)'s field test of their Public Safety Camera System under section 42(1) of the *Freedom of Information and Protection of Privacy Act* (FIPPA). Specifically, the OIPC is investigating whether the City:

- is authorized under FIPPA ss. 26 and 32 to collect and use personal information for the field test of its Public Safety Camera System;
- informed individuals of the purposes and authority for collecting personal information and provided contact information of an officer or employee of the public body who can answer the individual's questions about the collection, in accordance with FIPPA s. 27;
- is authorized under FIPPA s. 33 to disclose the personal information collected via its Public Safety Camera System for the field test; and
- has met its obligations under FIPPA s. 30 to protect personal information collected through its Public Safety Camera System for the field test.

Please be advised that the OIPC may consider additional issues based on evolving circumstances or in response to evidence received. In this event, the OIPC shall advise you in writing.

At Appendix A, please find our Initial Information Request for which we are seeking your written responses and associated documents by May 30, 2025. Questions are designed to target the areas under investigation and to capture background information on field testing of the Public Safety Camera System.

If responses to any of the questions involve information previously shared with the OIPC, for example through the July 2024 Privacy Impact Assessment or other communications, please still respond to the question anew.

Should you have any questions about this investigation or the request for information, please contact me at tallen@oipc.bc.ca or 250.217.1854.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tanya Allen', with a stylized flourish at the end.

Tanya Allen
Director, Audit & Systemic Review
Office of the Information and Privacy Commissioner

Appendix A: Initial Information Request

In addition to responses you provide to the following questions, please include all relevant records (such as written procedures, policies, reports, correspondence, memos, and other supplementary documentation) whether or not they are directly requested. These materials will be considered in assessing the representations provided and the City's compliance with FIPPA.

When providing responses, please answer each question separately (i.e., Question 1, Answer 1; Question 2, Answer 2). Please provide complete answers to the questions or requests (referring to supplementary material alone is not sufficient). Please do not limit your response to a high-level description and examples, unless that is what is expressly requested.

Authority to collect and use personal information:

Please clarify which section(s) of FIPPA that authorizes the City's collection and use of personal information for field test of its Public Safety Camera System.

1. Does the City rely on s. 26(a) of FIPPA to collect personal information authorized under an Act? If so, please identify the authorizing Act and sections, and explain how this enactment(s) authorizes the City to collect personal information for the field test.
2. The 2024 PIA states that the City is collecting personal information for law enforcement purposes under s. 26(b). Please confirm whether the City relies on this section for its field test and explain how this section authorizes the City to collect personal information during the field test.
 - a. If relevant, identify any sections of the *Police Act* or other enactment that the City is relying on for law enforcement duties related to s. 26(b) of FIPPA for this proposed project.
3. The PIA states that the City is relying on s. 26(c) for the collection of personal information. Please confirm whether the City relies on this section for its field test and explain how this section authorizes the City to collect personal information during the field test.
4. The PIA states that the City is relying on s. 26(e) for the collection of personal information in the testing phase of this project. Please confirm whether the City relies on this section for its field test and explain how this section authorizes the City to collect personal information for the field test.
5. Please include any additional information on the City's authority to collect personal information for the field test (for example, citing Orders issued by our office, reports, guidance documents, etc.).
6. The PIA states that the City is using personal information for purposes consistent with which they were collected under s. 32(a). Please confirm whether the City relies on this section for its field test and explain how this section authorizes the City to use personal information during the field test.
7. Please explain any other purposes the City has contemplated for the collection or use of personal information during the field test. For example, monitoring public events, riots, protests, internal investigations, live streaming parades, providing individuals or ICBC with footage of traffic accidents, license plate recognition, etc.?

Field test of Public Safety Camera System:

8. Please provide a brief overview of the City's field test of its Public Safety Camera System, and its intended purpose. In doing so, please identify or explain:
 - a. how many cameras the City is field testing;
 - b. the applicable intersection(s) where each camera is field tested;
 - c. how each of these locations were chosen for field testing, including but not limited to:
 - i. how collection of personal information at each intersection helps to meet the purpose(s) for collection,
 - ii. if there were past incidents at or near these intersections (if so, please provide dates and brief description of incident(s)), and
 - iii. any other factor considered in the City's decision to field test at each intersection;
 - d. how the cameras operate, including but not limited to:
 - i. who is operating them – if operated by a user, and
 - ii. whether there is monitoring in addition to recording;
 - e. the camera vendor(s);
 - f. the camera software and manufacturer(s); and
 - g. how the City will evaluate the field test of its Public Safety Camera System Program.

9. Please describe the cameras used by the City during the field testing of its Public Safety Camera System. In doing so, please identify or explain for **EACH** camera:
 - a. the make, model, and unique identifier (if applicable);
 - b. the intersection (or other location) and direction the camera faces;
 - c. the date recording was first initiated;
 - d. the hours of recording per day (start and end time, or 24hrs);
 - e. the maximum field of view (degree and angle of view), viewing distance, and definition for each camera (i.e., detailing the pan, tilt, roll, and zoom functions);
 - f. the field of view (degree and angle of view), viewing distance, and the definition calibrated or set for field testing:
 - i. please provide a still image from each camera used in the field test that shows the field of view;
 - g. whether the camera has built-in Facial Recognition Technology (FRT), or is otherwise compatible with FRT;
 - i. *if built-in or compatible*, whether the City has or will utilize FRT while field testing;
 - h. whether the camera has other built-in capabilities such as audio recording or infrared imaging;
 - i. *if other capabilities*, whether the City has or will utilize any of these capabilities while field testing;
 - i. the average number of vehicles recorded per day, along with the average number of individuals in recorded vehicles; and
 - j. the average number of pedestrians or other individual outside of cars recorded per day (i.e., crossing the intersection, on sidewalks, work crews, etc.).

10. Please describe how the City handles recordings or images captured by the cameras during field testing. In doing so, please describe:
 - a. who may access camera recordings or images;
 - i. whether they access recordings in real time;
 - b. whether the City uses any type of image enhancing software on the recordings or images;
 - c. any other software programs the City uses to view, analyze, enhance, or export recordings or images (i.e. provide the name and function of the software);
 - d. where and how recordings or images are stored;
 - e. how extracts of recordings or images are produced;
 - f. where and how extracts of recordings or images are stored;
 - g. the retention periods for recording or images and for extracts; and
 - h. how and when recordings or images and extracts are destroyed.
11. Please provide copies of the following:
 - a. any relevant City decision notes, memos, background research (e.g. statistics on effectiveness of CCTV cameras for police investigations);
 - b. any relevant reports and other documents to council;
 - c. any contract(s), work orders, standard operating procedures, change orders or related correspondence between the City and the camera vendor(s) and manufacturer(s); and
 - d. field-testing documentation, including but not limited to:
 - i. project plans,
 - ii. policies and procedures (pertaining to the field test or the cameras),
 - iii. evaluation materials and reports,
 - iv. staff training material and memos,
 - v. any privacy impact assessment or security threat risk assessment not already provided to the OIPC.
12. Please:
 - a. provide evidence of the law enforcement need to be addressed by the Public Safety Camera System (e.g., prior incidents – please provide dates and brief description of incident(s)); and
 - b. explain how the personal information collected through the current CCTV system is insufficient to meet the purposes for collection and, conversely, how information collected through the Public Safety Camera System better meets the purposes for collection (or would be paired with information collected via the CCTV system to better meet the purposes for collection).

Notification to individuals:

13. The PIA states that the City believes a collection notice is not required: “pursuant to section 27(3)(a) of FOIPPA, a collection notice is not required where the information collected “is about law enforcement or anything referred to in sections 15(1) or (2)”. Please provide an explanation as to whether that is still the case for the field test.

14. Please provide the following:

- a. images of notification signage that clearly show the wording of the notification;
- b. the location of the signage, relative to each location of cameras utilized for the field test;
- c. description of whether individuals may be captured in camera recordings or images prior to being close enough to read the notification signs; and
- d. description of any notification posted on the City website (or anywhere else) alerting the public to the purpose of the cameras.

Disclosure of personal information:

15. Please describe in detail how the City intends to disclose personal information collected by the cameras during the field test, including but not limited to:

- a. the types of personal information to be shared;
- b. who personal information will be shared with (i.e., to police, any other organization, service providers, etc.) and, for each group or individual with whom the information is shared:
 - i. the authority for disclosure (for example, the PIA cites sections 33(3)(d) and 33(2)(l)),
 - ii. the purposes for disclosure, and
 - iii. any limitations to disclosure;
- c. how the personal information will be shared; and
- d. whether any such disclosures have occurred or will occur as part of the field testing.

16. Please cite any other related legal authorities the City may rely on for the disclosure of personal information during the field test, such as s. 487. 014 of the Criminal Code, as referenced in the PIA.

Protecting personal information:

Please detail and provide related documents to confirm the following protections are in place during the field test:

17. Access control

- a. physical access to cameras, network cables and devices, servers and storage devices are restricted to authorized personnel only;
- b. cameras and associated cables are protected from tampering;
- c. administrative or maintenance access to devices is logged (audited) and restricted to authorized personnel only;
- d. network and server access controls are implemented with only operationally required services and least privilege enabled;
- e. logical access to application, network and server components utilizes strong user authentication (two-factor preferred);
- f. user access is granted through an authorization process by the Manager responsible for the field test/program area; and
- g. the network infrastructure is segregated to prevent access from the Internet or other devices not part of the field test.

18. Activity monitoring

- a. activity monitoring is enabled at the firewall and servers to allow detection of suspicious activity;
- b. activity logs are analyzed with an automated incident detection system which generates alerts to an Incident Response Team for action; and
- c. administrative activity is reviewed by a Manager responsible for system changes.

19. Incident response

- a. the City has a documented and tested Incident Response Plan ready to enable in the event of a breach during the field test; and
- b. the City has designated staff responsible for Incident Response, including Senior Management.

20. Data security

- a. encryption of data in transit and at rest is enabled where possible;
- b. backups which include personal information from the field test will be encrypted or physically protected;
- c. all vendor or contract support staff access to field test devices or applications will only be enabled when required on authorization by the Manager responsible; and
- d. a formal data transfer process will be established, including an approved list of secure portable devices or transfer methods to use with police.

REPLY TO: KELOWNA OFFICE

VIA EMAIL: tallen@oipc.bc.ca

June 13, 2025

Tanya Allen
Director, Audit & Systemic Review
Office of the Information and Privacy Commissioner ("OIPC")

Dear Tanya Allen:

Re: Richmond Responses to OIPC Initial Information Request
Our File No. 57-405; OIPC File: F25-00259

Please find enclosed the City of Richmond's responses to the OIPC's initial information request, received on May 7, 2025. The responses total 37 pages (including this cover letter) and are accompanied by Appendix A through M. The Appendices, referenced herein in red and labelled accordingly, will be provided separately through a secure file share link.

Although we strongly believe that the *Freedom of Information and Protection of Privacy Act* ("FIPPA") provides the City with statutory authority to implement the public safety camera system ("PSCS"), we look forward to working with the OIPC to gain a mutual understanding of this compliance.

Please contact me at the email address or phone number below should you need any assistance with the Appendices or require any further information.

Sincerely,

YOUNG, ANDERSON



Amy O'Connor

oconnor@younganderson.ca

AO/ao

copy to: Jessica Percy-Campbell, OIPC
Anthony Capuccinello Iraci, City Solicitor, City of Richmond

WWW.YOUNGANDERSON.CA

1616 - 808 Nelson Street, Box 12147 Nelson Square, Vancouver, BC V6Z 2H2 | tel: 604.689.7400 | fax: 604.689.3444 | toll free: 1.800.665.3540
201 - 1456 St. Paul Street, Kelowna, BC V1Y 2E6 | tel: 250.712.1130 | fax: 250.712.1180

Authority to collect and use personal information:

Please clarify which section(s) of FIPPA that authorizes the City's collection and use of personal information for field test of its Public Safety Camera System.

- 1. Does the City rely on s. 26(a) of FIPPA to collect personal information authorized under an Act? If so, please identify the authorizing Act and sections, and explain how this enactment(s) authorizes the City to collect personal information for the field test.**

No, the City does not rely on section 26(a).

- 2. The 2024 PIA states that the City is collecting personal information for law enforcement purposes under s. 26(b). Please confirm whether the City relies on this section for its field test and explain how this section authorizes the City to collect personal information during the field test. If relevant, identify any sections of the *Police Act* or other enactment that the City is relying on for law enforcement duties related to s. 26(b) of FIPPA for this proposed project.**

Yes, the City does rely on section 26(b) for its field test. There are two separate ways in which the field testing is authorized by section 26(b):

- (a) it involves the collection of personal information "for the purposes of law enforcement" under section 26(b), and since the collection of personal information is necessary to test the cameras in order to properly implement the PSCS, that field testing collection is also "for the purposes of law enforcement", and therefore also authorized under section 26(b); and
- (b) the PSCS is a lawful law enforcement program under section 26(b) and the collection of personal information during the field testing is thus authorized in conjunction with section 26(e) because such collection is necessary to plan and evaluate the operational phase of the PSCS.

In short, so long as the proposed collection of personal information during the operational phase of the PSCS is authorized under section 26(b) (and the program is otherwise lawful), the City is authorized under section 26(b) alone or under sections 26(b) in combination with section 26(e) to conduct the field testing of the cameras.

Since both of these noted avenues, through which the legality of the field testing phase of the program is authorized, depend on whether the collection of personal information during the operational phase of the program is authorized under section 26(b), the City starts with that issue.

A. Section 26(b) (Operational Phase)

Section 26(b) is as follows:

26 A public body may collect personal information only if: [...]

- (b) the information is collected for the purposes of law enforcement,

The term "law enforcement" is defined in Schedule 1 of FIPPA as follows:

"law enforcement" means

- (a) policing, including criminal intelligence operations,
- (b) investigations that lead or could lead to a penalty or sanction being imposed, or
- (c) proceedings that lead or could lead to a penalty or sanction being imposed;

The terms "policing," "investigation" and "proceeding" are not defined in FIPPA. They should therefore be construed as carrying their ordinary meaning, as there is nothing in FIPPA to suggest any of those terms carries a technical or unusual meaning. There is no need to comment on the meaning of "investigation" or "proceeding", but the City notes that the term "policing" is one of very wide meaning.

Dictionary.com defines "policing" as:

the act of maintaining public order, enforcing the law, or regulating or controlling something, by or as if by members of the police force.

The Concise Oxford Dictionary (Eighth Edition) defines "police", as a verb, as follows:

1. control (a county or area) by means of police.
2. provide with police.
3. keep order in; control.

The Merriam-Webster Online Dictionary provides a similar definition of "police" as a verb:

- 1: to control, regulate, or keep in order by use of police;
- 2: to perform the functions of a police force in or over;
- 3 a: to supervise the operation, execution, or administration of to prevent or detect and prosecute violations of rules and regulations, b: to exercise such supervision over the policies and activities of;
- 4: to make clean and put in order.

In [Order F25-23](#), Adjudicator Kimmett described the function of "policing" as follows:

What does policing mean in the context of FIPPA?

81 The BC OIPC has not, to my knowledge, interpreted the meaning of "policing" as it appears in FIPPA's definition of "law enforcement". However, the Office of the Information and Privacy Commissioner of Alberta has interpreted "policing" as it appears in Alberta's *Freedom of Information and Protection of Privacy Act*, as follows:

[in] Order 2000-027 [...] former Commissioner Clark stated that 'policing' includes "activities carried out, under the authority of a statute, regarding the maintenance of public order, detection and prevention of crime, or the enforcement of law" (at para. 16). This definition has been applied in subsequent orders and has been found to include investigations into incidents of domestic disputes (see Order F2008-029, at

para. 30-33), and an investigation into an individual's reported fear for his or her safety with respect to a public body employee (Order F2006-002, at paras. 25-32). In my view, the investigation carried out by CPS into the call about a child's whereabouts -- however brief or easily resolved -- falls within the scope of 'policing'.

82 The VPD submits that policing includes a myriad of common law duties that officers are responsible for discharging and that chief among these duties are preserving the peace, preventing crime, and protecting life and property. In support of this point, the VPD pointed me to the Supreme Court of Canada's (SCC) decision *R. v. Dedman* (*Dedman*).

83 In *Dedman*, the Honourable Gerald Le Dain, writing for the majority, held:

In my opinion, police officers, when acting or purporting to act in their official capacity as agents of the state, only act lawfully if they act in the exercise of authority which is either conferred by statute or derived as a matter of common law from their duties. The reason for this is the authoritative and coercive character of police action. An individual knows that he or she may ignore with impunity the signal to stop of another private individual. That is not true of a direction or demand by a police officer. It is for this reason, in my opinion, that the actions of police officers must find legal justification in statutory or common law authority.

84 This quote makes it clear that a police officer may act under a statutory or common law authority.

85 Based on the Alberta OIPC's interpretation of "policing" and Justice Le Dain's findings in *Dedman*, I find that the word "policing" as it appears in FIPPA's definition of "law enforcement" means activities carried out by a police officer under a statutory or common law authority.

The City pauses to note that it relies on this quote for the definition of "policing" used in the Alberta privacy jurisprudence -- "activities carried out, under authority of a statute, regarding the maintenance of public order, detection and prevention of crime, or the enforcement of law." This definition aligns precisely with the dictionary definitions set out above. Although Adjudicator Kimmett added the words "by a police officer" in Order F25-23, the City submits that this was solely because police officers were the collectors of personal information in that instance. The purpose of doing so does not appear to have been to address either of the propositions raised as the City's second and third points below, namely, that a municipality is policing the municipality when it engages a police force to do so, or when it directly engages in activities of the kind referred to in the Alberta definition.

In other words, Adjudicator Kimmett's focus was not on limiting the definition of policing in FIPPA to activities of police officers, but instead on the need for them to have statutory or common law authority for the activities at issue. To hold otherwise would preclude all non-police public bodies from video surveillance for security purposes, as collection under section 26(b) would then only be valid if done by the police themselves or in relation to an active investigation or proceeding. In fact, a strict reading of Adjudicator Kimmett's definition would mean that even public bodies that are law enforcement agencies could not collect personal information for policing under section 26(b) unless

that collection was specifically carried out by a police officer. In reality, however, this is not always the case, as will be discussed further below.

With these definitions in view, the City believes there are three (separate) ways in which the proposed high-definition intersection camera program fits within section 26(b). We will first provide an overview, then discuss each of the three ways in further detail below under their respective headings.

First, section 26(b) contemplates only that the collection be “for the purposes of” law enforcement. It does not require that the law enforcement at issue be undertaken by the public body itself. This conclusion, that the law enforcement at issue may be provided by a separate law enforcement entity, is irrefutably confirmed by the contrast between the text of section 26(b) and that of sections 26(c) and (e) which refer respectively to an activity “of the public body” or “of a public body” [*emphasis added*]. No similar language appears in section 26(b) to indicate that personal information may be collected under that section only if the law enforcement is undertaken by the public body itself. When collecting personal information for the exclusive use of the RCMP under the PSCS, the City will clearly be collecting that information “for the purposes of” law enforcement under section 26(b), even if the law enforcement at issue is considered by the Commissioner to be law enforcement undertaken solely by the RCMP and not the City.

Second, as noted in the Concise Oxford Dictionary’s definition of “police,” an entity “polices” an area when it controls an area “by means of” police or when it “provides [an area] with” police. A similar concept of an entity policing an area by using a police force is reflected in the Merriam-Webster Online Dictionary, which indicates that an organization is “policing” an area when it controls or keeps an area in order “by use of” police. In short, it is not just police officers that undertake “policing”. It is also the municipality that is providing, for that purpose, the police force. The City is thus “policing” the City, (and thereby undertaking “law enforcement” in Richmond), by contractually ensuring that the RCMP provides policing in its geographic area. It is providing that area with police and controlling that area by means of police. It is policing the area by use of police.

Moreover, this concept of a party “providing” policing by engaging a police force to undertake direct policing functions is not only recognized in dictionaries, it is expressly recognized in the *Police Act*, RSBC 1996, c. 367, the principal legislation governing policing in this Province. That Act expressly declares in sections 3, 3.1, 15 and 17 that a municipality that engages the provincial police force to provide policing in its municipality is thereby itself “providing” policing. Indeed, by engaging the RCMP to provide policing, the City is fulfilling a statutory duty to “provide” policing. It would be wrong in the City’s submission for the Commissioner to conclude that the City does not provide policing in the City for section 26(b) purposes, given that the *Police Act* declares otherwise. Accordingly, even if section 26(b) is read (improperly, in the City’s opinion) as requiring that the law enforcement at issue be undertaken by the public body itself, then the City is nevertheless providing such law enforcement for section 26(b) purposes when it engages a police force to provide “policing” in the City.

Third, even if: (a) section 26(b) requires that the law enforcement at issue be directly provided by the public body itself (the City strongly maintains that the text cannot support that conclusion) and (b) the City's engagement of the RCMP to provide policing in the City does not count as policing provided by the City (despite dictionaries and the *Police Act* indicating otherwise), the City's program is still authorized by section 26(b), because the collection of personal information through the deployment of high-definition intersection cameras is a policing function carried out by the City itself. It is an effort by the City to control crime in the City by identifying offenders. The fact that the RCMP will use some of the collected information for further law enforcement efforts after the information is collected (such as identifying suspects, interrogating such suspects or promoting prosecutions), does not mean the City is not also performing a law enforcement function when it collects the personal information. The identification of criminals through the PSCS depends on the actions of two parties, the RCMP and the City, and each part of the overall criminal identification function that those parties together perform constitutes "policing" and therefore "law enforcement" for section 26(b) purposes.

The City will now discuss each of these positions in further detail.

(1) Section 26(b) permits a public body to collect personal information for law enforcement, whether or not it undertakes the law enforcement itself

Section 26(b) provides that personal information may be collected "for the purposes of" law enforcement. This formulation is entirely focussed on the object or intent of the collection, and not the nature of the public body. The section clearly does not require that the public body be itself a police force, as that term is usually understood. It requires merely that the information be collected to further a law enforcement objective or purpose, which is obviously the case with the collection proposed as part of the PSCS. The sole purpose of the PSCS is to assist the RCMP in identifying suspects when criminal acts occur in the City. That is collection "for the purposes of" law enforcement.

This reading of section 26 is not only the plain reading of the section, it is confirmed by the contrast between section 26(b) and sections 26(c) and (e). For convenience we set out those three subsections:

26 A public body may collect personal information only if [...]

b) the information is collected for the purposes of law enforcement,

c) the information relates directly to and is necessary for a program or activity of the public body,

[...]

e) the information is necessary for the purposes of planning or evaluating a program or activity of a public body.

The textual contrast between (b) and (c) and (e) could not be more acute. In sections 26(c) and (e), the program or activity to which the information relates must be a program or activity "of the public body" or "of a public body" respectively. In section 26(b), there is no such qualification. There is no

requirement in section 26(b) that the personal information must be collected for law enforcement “of the public body”. If the Legislature had intended such a limitation, it would have added “of the public body” to the end of section 26(b), as it did in subsection (c). It did not do so, and the omission cannot be ignored. In short, the only requirement of section 26(b) is that the information must be collected “for the purposes of” law enforcement. There is no additional requirement that the law enforcement at issue must be that “of the public body”.

Furthermore, the Legislature has placed qualifications elsewhere in FIPPA to specify where portions of FIPPA are applicable only to public bodies that are law enforcement agencies. For example, section 33(6) provides that a “a public body that is a law enforcement agency may disclose personal information” in accordance with the subsections. No such qualification appears in either 26(b) or the definition of “law enforcement” to limit the collection of personal information for law enforcement purposes to only apply to public bodies that are law enforcement agencies. This is further evidence of the Legislature’s clear intent that all public bodies be permitted to collect personal information for policing under section 26(b).

In this case, there is absolutely no doubt the collection of personal information by means of the camera program is “for the purposes of” law enforcement. The sole purpose of the program is to assist the law enforcement efforts of the RCMP. Indeed, in the City’s respectful submission, there could be no clearer case than this of a program that has law enforcement as its purpose.

The City’s first submission, therefore, is that the collection of personal information under the PSCS is authorized under section 26(b), even if the Commissioner considers that the law enforcement efforts of the RCMP are distinct from and not to be considered law enforcement efforts of the City.

The City notes that this position (i.e., that the collection of personal information need only be “for the purposes of law enforcement” rather than for law enforcement undertaken by the public body itself) is consistent with the relevant OIPC and court decisions.

In Investigation Report F15-01 (the “Saanich IR”), Commissioner Denham held that the District of Saanich was not authorized under section 26(b) to collect personal information of its officials and staff by way of computer monitoring software. She said the following:

106 Section 26(b) of FIPPA authorizes the collection of personal information for the purposes of law enforcement. My Office has interpreted that section to require that the public body collecting the personal information must have a common law or statutory law enforcement mandate.

107 The District has a statutory law enforcement mandate pursuant to s. 8 of the *Community Charter*, however, that mandate is limited to the subjects enumerated in s. 8(3)(a to m) of that Act, which includes such things as regulating municipal services and protection of the natural environment. The District’s mandate does not include the regulation of illegal or unauthorized access to computer networks.

108 The regulation of illegal or unauthorized access to computer networks is more appropriately within the jurisdiction of law enforcement agencies charged with the enforcement of the *Criminal Code of Canada* such as a municipal police department. Therefore, the District cannot claim a law enforcement purpose for its collection of personal information by Spector 360 because it does not have a statutory or common law mandate to enforce the *Criminal Code of Canada*.

The City does not dispute the general proposition that Commissioner Denham announced in the Saanich IR, namely, that if a municipality is to collect information for a law enforcement purpose it must identify the statutory authority under which it undertakes the program or activity involving the collection. If it cannot identify the authority for that program or activity, it cannot collect personal information as part of it under section 26(b). In the Saanich IR, the District was unable to do so. But, in this case, the City can easily identify the statutory authority under which it will be collecting personal information for law enforcement purposes.

In the Saanich IR, the District sought to justify its collection of personal information as a “regulatory” effort, and Commissioner Denham properly noted that the District’s regulatory powers under section 8 of the *Community Charter* do not extend to the “regulation of illegal or unauthorized access to computer networks”, a *Criminal Code* matter. With that (correct) conclusion, it was an easy step for Commissioner Denham to conclude that the District did not have authority to collect personal information for the regulatory effort it had identified as the source of its authority.

In this case, however, the City does not assert or rely on any “regulatory” authority. It relies on section 8(2) of the *Community Charter*, along with the definition of “service” in Schedule 1 of the *Community Charter*. Those provisions are as follows:

8 (2) A municipality may provide any service that the council considers necessary or desirable, and may do this directly or through another public authority or another person or organization.

“service” means, in relation to a municipality, an activity, work or facility undertaken or provided by or on behalf of the municipality;

The PSCS is clearly authorized by these sections. It is an “activity ... undertaken or provided by ... the municipality.” The fact that the service is directed toward identifying criminals does not take the function outside the scope of section 8(2), there being nothing in that section to indicate that municipalities are not entitled to provide support services for the RCMP, which of course is not surprising since the *Police Act* in section 15(1)(b) specifically requires them to do so. Here, the PSCS is an authorized “service” under section 8(2). The only question is whether the collection of personal information under it is “for the purposes of law enforcement”, and it certainly is. To assist the RCMP with the identification of offenders is the sole purpose of the PSCS, and identifying offenders is clearly a law enforcement purpose.

Given the text of section 26(b), Commissioner Denham must not be taken as suggesting that a program such as the PSCS is not an activity undertaken by a municipality “for the purposes of law enforcement”, as that phrase is used in section 26(b), since such a program clearly has no other purpose. Instead, she must be understood as having affirmed only that, if a municipal law enforcement function is identified as the trigger for the collection of personal information under section 26(b), that function must be one that the municipality has statutory authority to undertake.

The City would also comment on Director Lemiski’s letter to the City Solicitor, Mr. Capuccinello Iraci, dated November 6, 2024. In that letter, Ms. Lemiski says the following:

If a public body purports to collect personal information for a law enforcement purpose, it is a prerequisite that the public body has a law enforcement mandate either at common law or statute.

Again, while the City does not dispute the necessity of statutory authority, as noted by Commissioner Denham (and addressed above), if Ms. Lemiski is purporting to say that section 26(b) contemplates that the law enforcement for which the information is collected must be undertaken by the public body itself, then the City disagrees because the text of the section is incompatible with that conclusion.

Ms. Lemiski also cites cases holding that police officers performing law enforcement functions are independent of the executive branch and not subject to political direction. She then suggests that because the “City is not independently responsible for investigating and preventing crime” it is “not apparent that the s. 26(b) authorizes the City to collect personal information for the purpose of identifying persons who commit criminal offences” *[emphasis added]*.

The City does not dispute the case law to which Ms. Lemiski refers, but considers it irrelevant to the question at hand, which is whether the City’s collection of personal information is “for the purposes of law enforcement”. The fact that police officers have policing independence as they perform their policing functions does not mean the PSCS is not undertaken “for the purposes of law enforcement”. The City has already addressed that issue, but would simply note that Ms. Lemiski’s conclusion is in direct conflict with the text of section 26(b). Section 26(b) provides that the City may collect personal information if that collection is “for the purposes of law enforcement” *[emphasis added]*.

Ms. Lemiski says “[i]t is not apparent that s. 26(b) authorizes the City to collect personal information for the purpose of identifying persons who commit criminal offences” *[emphasis added]*. Since “identifying persons who commit criminal offences” is clearly “law enforcement”, we can substitute the latter phrase for the former in Ms. Lemiski’s statement to see that Ms. Lemiski’s is directly denying the application of the section. She is saying that the City cannot “collect personal information for the purposes of [law enforcement]”, being the opposite of what section 26(b) says.

Again, the only controlling feature is the one mentioned by Commissioner Denham in the Saanich IR, namely, that the municipal program must have statutory authorization. But if the activity of the City is statutorily authorized, and its purpose is law enforcement, then section 26(b) authorizes the

collection of personal information for that purpose. Any other conclusion involves inappropriately reading in a limitation that is not supported by the text of the section, again especially in view of the contrast between section 26(b) and sections 26(c) and (e), as noted.

(2) RCMP law enforcement is City law enforcement for section 26(b) purposes

Alternatively, even if section 26(b) is read as requiring that the law enforcement at issue must be undertaken by the public body itself (a reading that is unsupported by the text of the section as just noted), the City's proposed program is still authorized by section 26(b) because RCMP policing is also policing by the City for section 26(b) purposes. For this proposition, the City relies on three things: (1) the ordinary meaning of "policing"; (2) the City's statutory policing mandate under the *Police Act*; and, (3) a brief discussion of the arrangements under which the RCMP and the City provide policing in Richmond.

(a) Meaning of "policing"

The City sets out again the dictionary definitions set out above:

Dictionary.com defines "policing" as:

the act of maintaining public order, enforcing the law, or regulating or controlling something, by or as if by members of the police force.

The Concise Oxford Dictionary (Eighth Edition) defines "police", as a verb, as follows:

1. control (a county or area) by means of police. 2. provide with police. 3. keep order in; control.

The Merriam-Webster Online Dictionary defines "police", as a verb, as follows:

1: to control, regulate, or keep in order by use of police [...]

As noted above, these definitions clearly contemplate that an entity may be "policing" an area when it provides an area "with police", when it controls an area "by means of police" or when it "uses" police to control an area. The City is doing all of those things by contracting to ensure that the RCMP provides policing in Richmond. It is providing Richmond with police. It is controlling Richmond by means of police. And it is certainly using the RCMP to control crime in Richmond. It is thus "policing" Richmond within the ordinary meaning of the term "policing".

(b) Police Act

If there were otherwise any doubt that the City has a statutory mandate to provide "policing", or as to whether the City itself is "policing" Richmond, the *Police Act* should eliminate them.

Section 3, 3.1, 15 and 17 of the *Police Act* are as follows:

Responsibilities of Provincial and municipal governments for providing policing and law enforcement services

3 (1) The government must provide policing and law enforcement services for the following:

- (a) rural areas of the Province;
- (b) municipalities with a population of up to 5 000 persons;
- (c) municipalities with a population of more than 5 000 persons that enter into an agreement under subsection (2) (b) to engage the provincial police service to act as the municipal police department in their municipalities.

(1.1) Subsection (1) (a) does not apply in relation to the treaty lands of a treaty first nation described in section 66.2 (1.1) (b) or to Nisga'a Lands if section 66.2 (1.11) (b) applies.

(2) Subject to the approval of the minister under section 3.1 (2) (a), a municipality with a population of more than 5 000 persons must provide policing and law enforcement in accordance with this Act and the regulations by means of one of the following:

- (a) establishing a municipal police department;
- (b) entering into an agreement with the minister on behalf of the government, under which policing and law enforcement in the municipality will be provided by the provincial police service;
- (c) entering into an agreement with another municipality that has a municipal police department under which policing and law enforcement in the municipality will be provided by the municipal police department of that municipality.

(3) An agreement under subsection (2) (b) or (c) must contain terms that the Lieutenant Governor in Council approves.

Ministerial approval of means of providing policing in municipality

3.1 (1) A municipality must, in either of the following circumstances, request approval of the minister respecting the means under section 3 (2) by which the municipality proposes to provide policing and law enforcement:

- (a) the director has notified the municipality that the population of the municipality has reached more than 5 000 persons;
- (b) the municipality proposes to change the means under section 3 (2) by which the municipality is providing policing and law enforcement under that section.

(2) After receiving a request under subsection (1), the minister may do either of the following:

- (a) approve the means by which the municipality proposes to provide policing and law enforcement;
- (b) reject the means proposed by the municipality if the minister considers that the provision of policing and law enforcement by that proposed means would adversely affect the ability of the minister or municipality to fulfill their respective duties under sections 2 and 15 (1).

(3) The following must provide to the minister any information, plans or records that the minister may require for the purposes of making a decision under subsection (2):

- (a) the municipality;
- (b) other municipalities that the minister considers may be affected by the decision;
- (c) the municipal police board or municipal police department of a municipality referred to in paragraph (a) or (b) of this subsection;
- (d) the provincial police service.

- (4) Except as otherwise permitted by the minister,
- (a) the means approved under this section by which a municipality is to provide policing and law enforcement must be implemented by the municipality, and
 - (b) the implementation must be carried out in accordance with directions issued, if any, by the director under section 40 (5).

Duties of a municipality

15 (1) Subject to this section, a municipality with a population of more than 5 000 persons must bear the expenses necessary to generally maintain law and order in the municipality and must provide, in accordance with this Act, the regulations and the director's standards,

- (a) policing and law enforcement in the municipality with a police service referred to in section 3 (2) [*responsibilities of Provincial and municipal governments for providing policing and law enforcement services*] of sufficient numbers
 - (i) to adequately enforce municipal bylaws, the criminal law and the laws of British Columbia, and
 - (ii) to maintain law and order in the municipality,
- (b) adequate accommodation, equipment and supplies for
 - (i) the operations of and use by the police service required under paragraph (a), and
 - (ii) the detention of persons required to be held in police custody other than on behalf of the government, and
- (c) the care and custody of persons held in a place of detention required under paragraph (b) (ii).

(1.1) The duties of a municipality under subsection (1) of this section include the duty set out in section 4.03 to use and pay for specialized services provided by a specialized service provider.

(2) If, due to special circumstances or abnormal conditions in a municipality, the minister believes it is unreasonable to require a municipality to provide policing or law enforcement under subsection (1), the minister may provide policing or law enforcement in the municipality, subject to the terms the Lieutenant Governor in Council approves.

Failure of municipality to police

17 (1) If the director considers that a municipality with a population of more than 5 000 persons is not complying with section 3.1 (4) or 15 (1), the director must send to it and to its board, if any, a notice that

- (a) identifies the non-compliance,

- (b) directs the municipality to correct the failure to comply, and
 - (c) specifies the manner in which and the time within which the failure is to be corrected.
- (2) On being notified by the director that a notice sent under subsection (1) has not been complied with, the minister may, on terms the minister considers appropriate,
- (a) appoint persons as constables to police the municipality,
 - (b) use the provincial police service to police the municipality, or
 - (c) take other steps the minister considers necessary.
- (3) The municipality must pay all costs of policing and law enforcement incurred under subsection (2).
- (4) Costs incurred by the government under subsection (2) are a debt due to and recoverable by the government from the municipality.

All of these sections indicate that a municipality is fulfilling a duty to “provide” policing and law enforcement in its municipality when it engages a police service referred to in section 3(2) to do so. Sections 3, 3.1(4) and 15(1) all expressly impose a statutory duty on a municipality to “provide” policing and law enforcement, including not only to enforce municipal bylaws but also “to adequately enforce ... the criminal laws and laws of British Columbia.” The heading of section 17 is consistent with that framework. It reflects the fact that, where a municipality fails to comply with sections 3.1 (4) or 15, it fails “to police” the municipality as required by the *Police Act*.

In the City’s respectful submission, it would be inconsistent with the expressed intention of the Legislature, as reflected in these sections, for the Commissioner to conclude that the City does not have a statutory mandate to provide policing in the City. And if the Commissioner were to reject the City’s first argument about the text of section 26(b) and conclude that section 26(b) precludes a public body from collecting personal information unless it is itself providing the law enforcement at issue, then the Commissioner should also conclude that the City is “policing” the City as the *Police Act* contemplates, through its engagement of the RCMP.

(c) Policing in the City

Above, the City notes that both the ordinary meaning of the term “policing” and the *Police Act* support the conclusion that the City provides “policing” in the City when it engages the RCMP to do so on its behalf. RCMP policing in the City would be policing by the City even if the City did not participate directly in that function. It is even clearer, however, that the City does have a policing mandate and that it is fulfilling it when it is noted that the City is very directly involved in many elements of the RCMP policing in the City, through the provision of support staff, equipment, office space, supplies, budgeting and so on.

In this regard, the City starts by setting out a brief description of the agreements under which policing is provided by the RCMP in Richmond:

- (a) The Province of British Columbia has constitutional authority to provide policing and law enforcement in British Columbia.
- (b) Section 14 of the *Police Act* provides that with the approval of the Lieutenant Governor in Council, the Minister of Public Safety and Solicitor General, on behalf of the government, “may enter into, execute and carry out agreements with Canada, or with a department, agency or person on its behalf, authorizing the Royal Canadian Mounted Police to carry out powers and duties of the provincial police force specified in the agreement.”
- (c) Pursuant to section 14 of the *Police Act*, the Province has entered agreements with the Government of Canada to provide policing and law enforcement services in British Columbia.
- (d) Under an agreement known as the “Provincial Police Service Agreement” the Government of Canada agreed that the Royal Canadian Mounted Police would act as the Provincial Police Service in British Columbia.
- (e) Under another agreement between the Province and the Government of Canada, known as the “Municipal Police Service Agreement”, the Government of Canada and the Province agreed that the Royal Canadian Mounted Police, acting as the Provincial Police Service, would provide and maintain “municipal police units” within each of the municipalities identified in an annex to the agreement. The City of Richmond is one of those municipalities.
- (f) Finally, under an agreement between the City of Richmond and the Province known as the “Municipal Police Unit Agreement”, the City and the Province agreed to the terms on which the City and the Province would share responsibility and funding for the provision of policing service in the City.
- (g) Pursuant to the above-noted agreements, the Royal Canadian Mounted Police provides policing in the City of Richmond, with the City of Richmond providing funding and direction for the service, as well as facilities, support staff and other elements of the service.

The City also highlights the fact that it is statutorily required to provide facilities, and support services and staff for the RCMP. Under section 15(1)(b) of the *Police Act*, the City is required to provide “adequate accommodation, equipment and supplies for (i) the operations of and use by the police service required under paragraph (a), and (ii) the detention of persons held in police custody other than on behalf of the government.” The City fulfills both of these functions and, when it does so, those functions are themselves policing functions.

As an example, the City notes that numerous City employees are fully embedded with the RCMP and provide support services for them. On this issue, the City would ask the Commissioner to review the 2018 decision of WorkSafeBC attached as **Appendix “A”**. That decision concerned whether over a

hundred City employees working as support staff for the RCMP are subject to the health and safety rules set out in the provincial Occupational Health and Safety Regulation, BC Reg 296/97, or whether instead they perform functions at the core of federal jurisdiction and so are subject to the federal health and safety rules applicable to the RCMP.

In that decision, the Review Officer, Melinda Lorenz, concluded that those employees that are integrated with the RCMP providing support services for it are subject to federal work safe rules. The relevance of this for present purposes is simply the observation that WorkSafeBC's conclusion depended on the conclusion that the City employees working as "support staff" for the RCMP were performing functions integral to core elements of policing to which federal jurisdiction attaches. On the second to last page of the decision, the Review Officer summarizes her conclusion:

Based on the evidence, I find that the over 100 support staff are an integral, vital and essential part of the RCMP operations in the municipality. There is a close operational integration between the RCMP and the support staff and the RCMP are highly dependent upon their services to carry out their policing operations. I am satisfied that the case authorities and the Board's Prevention Policy and Guidelines support the conclusion that these RCMP support staff also fall under federal jurisdiction, despite being employed by a municipal employer.

For further clarity on the extent to which City employees are embedded with the RCMP and perform policing functions with the police force, the City also attaches as **Appendix "B"** the statutory declaration of Mr. Ed Warzel that was submitted in the WorkSafeBC case. Mr. Warzel is currently the Director of Police Services at the City of Richmond, overseeing all City employees of the Richmond RCMP.

To illustrate the degree to which the provision of policing in the City is a joint effort of both the RCMP and the City, please find attached as **Appendix "C"** an organizational chart depicting the numerous RCMP positions filled by City employees. A number of these positions could be filled by RCMP officers, and a number of them are indeed staffed with both City employees and RCMP officers.

Criminal Intelligence Analysts, for example, were previously all RCMP officers, but these roles are now solely filled by City employees. Criminal Intelligence Analysts, in part, conduct specialized research work to assist police officers with their investigations, and this is clearly a policing function being undertaken by City employees for RCMP officers.

There is also one Enhanced Digital Field Technician ("EDFT") who is a City employee, working alongside one EDFT who is an RCMP officer. Among other things, EDFTs attend crime scenes and assist RCMP officers in managing seized property such as computer equipment, cell phones or other electronic items. These two EDFTs, in the exact same role, are both clearly "policing" despite one EDFT being an RCMP officer and one being a City employee.

The City also supports the RCMP in many other ways, including by assisting with the planning of police initiatives and the provision of RCMP facilities and City jail facilities.

As noted above, both the ordinary meaning of “policing” and the provisions of the *Police Act* support the conclusion that by engaging the RCMP and providing support services to it, as required by that Act, the City is itself providing policing in the City. In the City’s respectful submission, the Commissioner should find that the City’s statutory duty to engage the provincial police force (being the RCMP) to provide policing in the City, together with its direct involvement in the provision of that service, should be regarded as policing by the City even if the Commissioner were to reject the textual argument the City advances as its first basis for asserting that it has the authority to collect personal information “for the purposes of law enforcement” as that phrase is used in section 26(b).

(3) The camera program is itself “policing”

As noted at the outset, there is a third way in which the collection of personal information under the PSCS is authorized by section 26(b), namely, the fact that the PSCS is itself “policing”. That is, even if the Commissioner were to reject the City’s first two bases for the application of section 26(b), the collection is still authorized because when the City implements the PSCS it will be directly performing a policing function.

The basic purpose of the PSCS is to identify suspects when a crime is committed. That function – the identification of criminal suspects – is a clear law enforcement function. While it is true that the identification will not be complete until the RCMP obtains the information, either pursuant to a production order or in relation to a specific investigation, and reviews the information at issue, it is still the case that the installation and maintenance of the cameras and the temporary preservation of images collected by them is part of the identification function. It is therefore a law enforcement function directly, even if the Commissioner concludes (a) that section 26(b) contemplates that the law enforcement at issue must be undertaken by the public body itself and (b) the RCMP’s policing does not count as City policing for the purpose of the section.

B. Section 26(b) (Testing Phase) – Implicit Authority

For all of the above reasons, the City believes that it is authorized under the *Community Charter* to provide the PSCS and to collect personal information under it for law enforcement purposes as section 26(b) contemplates. And as the City indicated at the outset, so long as the operational phase of the program can be lawfully conducted and the collection of personal information under it is “for the purposes of law enforcement”, as it is, then there are two ways in which the collection of personal information under the testing phase of the program is authorized. It is authorized directly under section 26(b) or under section 26(b) in combination with section 26(e). In this section B, the City deals with the first of those two methods – direct authorization under section 26(b) alone. It deals with the second method – authorization under sections 26(b) and (e) in section C below.

In the City’s submission, even if FIPPA did not contain section 26(e), the testing phase would be authorized under section 26(b) as the purpose of the field testing must be characterized by reference to the purpose of the PSCS as a whole. The field testing is obviously undertaken and necessary for no

purpose other than to most effectively implement the operational phase of the PSCS and thus has the same purpose as the PSCS as a whole, namely, law enforcement.

C. Sections 26(b) and (e) (Testing Phase)

Section 26(e) is as follows:

26 A public body may collect personal information only if [...]

e) the information is necessary for the purposes of planning or evaluating a program or activity of a public body.

In the City's submission, it may be reasonable to infer that section 26(e) was intended to be operative only where the "program or activity" being planned or evaluated is one that a public body is authorized to undertake. Above, the City has explained why it believes its camera program or activity is so authorized by the combination of section 8(2) of the *Community Charter* and section 26(b) of FIPPA.

The only other requirement of section 26(e) is that the information be "necessary" for the purpose of planning or evaluating the program or activity at issue.

At paragraph 124 of the Saanich IR, Commissioner Denham referred to an earlier decision of Commissioner Loukidelis and said the following about the necessity standard:

124 The standard of "necessary" within FIPPA is to be applied as a rigorous standard. It is not sufficient for the collection of personal information to be merely convenient, but neither does it need to be impossible to carry out the program or activity without the information. The public body should be prepared to demonstrate that the collection is demonstrably necessary to accomplish the specific need or purpose.

In the City's respectful submission, the collection of personal information during the field testing phase of the PSCS easily meets this standard. The purposes of the collection are described in the PIA. For convenience, the City sets out a portion of the relevant part of the PIA that describes the purposes of the field testing:

The field testing aims to verify that the technical requirements are met, including the reliable capture of vehicle licence plates, vehicle occupants' faces, and faces of people in public spaces, but only in the intended and limited area of the intersection.

The field testing would entail the following:

1. Consulting with the Richmond RCMP on the acceptable standards for video footage required for law enforcement purposes;
2. Determining and identifying acceptable 'blind' areas;
3. Determining (make and model), configuring, and testing of PSCS cameras;

4. Determining up to ten intersections for testing, placement of the cameras at intersections, and determining the point of view coverage; and

5. Conducting field testing of the cameras under various weather conditions and various signalized intersection designs to ensure the PSCS is able to reliably capture video and images for law enforcement purposes only.

The anticipated timeframe for the field testing is expected to span six to twelve months. This period will allow for the evaluation of camera performance across the broadest possible range of weather conditions and lighting scenarios. Additionally, the testing will gather data on camera durability, enabling the City to establish a maintenance and replacement schedule.

The specific location for the field testing has yet to be determined; however, the testing process will initially involve deploying cameras at up to ten signalized intersections in Richmond. Should this initial testing on City property yield satisfactory results that meet the law enforcement objectives, the setup will then be extended to include both simple and complex signalized intersections in Richmond for further proof of concept testing. With this approach, the field testing is expected to provide data to inform the decision on the number of cameras, and their make and model, as required for different intersection designs.

This part of the PIA identifies the following as purposes of the field testing:

- verifying that the technical requirements of the program will be met;
- ensuring that the cameras will reliably capture vehicle license plates, vehicle occupants' faces, and faces of people in public spaces, but only in the intended and limited area of the intersection;
- determining acceptable standards for the video images for law enforcement purposes;
- identifying blind areas;
- determining the required number of cameras as well as the make and model and configuration of the cameras for different intersection designs;
- determining the coverage of the cameras;
- assessing the performance of the cameras across a range of weather conditions and lighting scenarios to ensure they will perform adequately across the broadest possible range of weather conditions and lighting scenarios; and
- assessing the durability of the cameras to enable the City to develop a maintenance and replacement schedule.

It is also noteworthy that, during field testing, the City is making every effort to ensure that images are collected and viewed by only such limited personnel as are minimally necessary to properly assess the above-noted matters and under conditions carefully designed to protect the images from inappropriate disclosure, including destroying all records after 48 hours.

In the City's respectful submission, the testing phase of the program meets the requirements of section 26(e). The assessments just described are necessary to ensure the law enforcement objectives of the program are adequately achieved while limiting the collection of personal information as much as possible. They are all legitimate assessments that are necessary to properly plan and evaluate the operational phase of the program.

Accordingly, the City believes that if collection of personal information for the purpose of planning and evaluating the operational phase of the program is not authorized directly by section 26(b) alone, it is at least authorized by sections 26(b) and (e) together.

The City closes this section by noting that section 26(e) also provides authority for the field testing phase in combination with section 26(c). That issue is discussed below.

3. The PIA states that the City is relying on s. 26(c) for the collection of personal information. Please confirm whether the City relies on this section for its field test and explain how this section authorizes the City to collect personal information during the field test.

Yes. The City does rely on section 26(c) for the collection of personal information during the field testing phase of the PSCS. As with the City's reliance on section 26(b), the City begins with the assumption that the field testing phase would be authorized only in connection with a valid operational phase of the program. But if the collection of personal information is authorized under section 26(c) during the operational phase of the PSCS (and the PSCS is otherwise a lawful service of the City), then the City sees section 26(c) as authorizing the collection of personal information during the field testing phase, either directly as a necessary incident of the conduct of the City program (i.e., under section 26(c) alone), or under section (e), with the program or activity referred to in that section being the lawful program or activity that constitutes the operational phase of the PSCS for which personal information is lawfully collected under section 26(c).

So again, the first step is to analyze whether section 26(c) authorizes the collection of personal information during the operational phase of the PSCS. The City maintains that it does.

The starting place of the section 26(c) analysis is again the City's power under section 8(2) of the *Community Charter*. That section says that a municipality may "provide any service that the council considers necessary or advisable" [*emphasis added*]. Above the City noted that the word "service" is very broadly defined in the *Community Charter*. It is there defined as meaning, in relation to a municipality, "an activity, work or facility undertaken or provided by or on behalf of the municipality."

The City's proposed PSCS may be aptly described in a number of ways, but for present purposes it may fairly be described as an intersection camera program for the identification of criminal suspects following criminal incidents in the City. That program, the installation, maintenance and operation of the cameras for that purpose, is an "activity" undertaken or provided by the City and is therefore a "service" it is authorized to provide under section 8(2) of the *Community Charter*.

Section 26(c) of FIPPA provides that a public body may collect personal information that “relates directly to and is necessary for a program or activity of the public body.” As just noted, the PSCS is a lawful program or activity of the City. The only questions, therefore, are whether the proposed collection of personal information will be “directly related to” and “necessary for” that program or activity. In the City’s view, those conditions are easily satisfied.

The collection of personal information is of course directly related to the City’s proposed program as the collection of the personal information is an integral part of it. It is “necessary” to collect personal information, or the PSCS would not work at all. The whole purpose of the program is to use high-definition cameras to collect clear, images of license plates, faces and other identification features on vehicles (company logos, vehicle makes and models etc.) so that criminal suspects may be identified. Without the collection of personal information contemplated during the operational phase of the PSCS, none of that would be possible.

Indeed, part of what prompted the City to pursue the program in the first place was the fact that no camera system was in place in the City that might have allowed the City to help the RCMP identify the fleeing shooting suspects following the May 9, 2021 shooting at the Vancouver Airport. If the City is to have an effective intersection camera system for the purpose of helping the RCMP identify fleeing suspects in similar circumstances, it is clearly necessary that the system collect personal information.

So, in the City’s submission, the proposed collection of personal information during the operational phase of the PSCS is authorized by section 26(c), as the program is itself a lawful service of the City under section 8(2) of the *Community Charter*, and the collection of personal information is directly related to and necessary for that service.

Given that the operational phase of the PSCS is lawful, including in respect of the collection of personal information under section 26(c), the City’s position is that the collection of personal information during the field testing phase of the program is authorized either directly under section 26(c), as simply part of the program or activity referred to in that section, or (perhaps more clearly) under section 26(e) as information that (for the reasons stated above) is necessary to the planning and evaluation of the lawful section 26(c) program or activity of the City.

4. The PIA states that the City is relying on s. 26(e) for the collection of personal information in the testing phase of this project. Please confirm whether the City relies on this section for its field test and explain how this section authorizes the City to collect personal information for the field test.

Yes, the City does rely on section 26(e) as authority to collect personal information for the field testing. The explanation for how this section does so has been provided in the City’s answers to questions 2 and 3 above.

To summarize the City’s position, the City believes that the PSCS is a service of the City that is authorized by section 8(2) of the *Community Charter* and that the proposed collection of personal

information during the operational phase of the program will be lawful under sections 26(b) and (c). And, as explained above, the City's position is that since the proposed program or activity of the City is lawful, it is entitled to undertake the planning and evaluation of the program or activity including by collecting under section 26(e) such personal information as is necessary for that planning and evaluation. The City has designed the field testing phase of the program such that only personal information necessary to the proper planning and evaluation of the program will be collected. Such collection is thus authorized by section 26(e), in the City's opinion.

- 5. Please include any additional information on the City's authority to collect personal information for the field test (for example, citing Orders issued by our office, reports, guidance documents, etc.).**

Several orders and cases have been referred to above. Of particular relevance is Alberta Order 2000-027, because it contains a reasonable description of the function of policing.

- 6. The PIA states that the City is using personal information for purposes consistent with which they were collected under s. 32(a). Please confirm whether the City relies on this section for its field test and explain how this section authorizes the City to use personal information during the field test.**

Yes, the City does rely on section 32(a) for its use of personal information during the field testing phase of the PSCS. Above, the City identified the purpose for which personal information is being collected during the field testing phase. It is being collected for identified planning and evaluation purposes only, and the City will be reviewing the images collected by the cameras only for that purpose. The information will be used only for the purpose for which it is being collected, namely, planning and evaluating the operational phase of the PSCS to achieve the objective of that program while ensuring that no more personal information is collected than is necessary to do so. The proposed use of the personal information thus fits within section 32. The information will be used "for the purpose for which the information was obtained or compiled" or "for a use consistent with that purpose."

- 7. Please explain any other purposes the City has contemplated for the collection or use of personal information during the field test. For example, monitoring public events, riots, protests, internal investigations, live streaming parades, providing individuals or ICBC with footage of traffic accidents, license plate recognition, etc.?**

The City will not be collecting or using personal information during the field testing phase for any purpose other than planning and evaluating the City's proposed PSCS. It will not be collecting or using personal information in any of the manners identified in the examples. The field test is very narrowly constructed to allow only such collection and use as is necessary to properly plan the program so as to achieve the objects of the operational phase of it – the identification and subsequent prosecution of offenders. The City has not contemplated, as regards the operational phase of the program, any collection or use of personal information beyond that which is identified in the PIA.

Field test of Public Safety Camera System:

- 8. Please provide a brief overview of the City's field test of its Public Safety Camera System, and its intended purpose. In doing so, please identify or explain: [specific subsections answered below brief overview]**

The City conducts field testing to ensure the PSCS can deliver high-quality, usable footage for law enforcement and prosecution, while conforming to privacy safeguards, that is secured by a reliable network infrastructure.

The PSCS field testing aims to verify the technical capabilities of the PSCS, including the ability to capture vehicle license plates, images of vehicle occupants, images of pedestrians, vehicle make and model as outlined in the PIA, under various weather and lighting conditions.

The field testing ensures the PSCS is effective for law enforcement purposes before full implementation. The field testing is anticipated to span six to twelve months to evaluate camera performance across a broad range of environmental conditions, ascertain technical limitations, and assess the cameras' maintenance and replacement requirements.

Key Details of the PSCS Field Testing:

- **Location:** Minoru Blvd and Granville Ave
- **Start Date:** March 17, 2025
- **Purpose:**
 - Test the camera performance in diverse weather, lighting, and traffic conditions.
 - Test the reliability of the system.
 - Evaluate the quality of the footage.
- **Retention Period:**
 - Video footage from field testing will be stored for 48 hours and then automatically deleted. Once deleted, it cannot be recovered.
- **Operations:**
 - The PSCS recording runs passively in the background and the system is not monitored in real time.
 - Data and video footage will not be disclosed to the public or law enforcement during field testing, or be used in any other purpose other than evaluating the image quality and the performance of the PSCS.
 - The City will make adjustments to camera settings, placement, and other system configurations during the field testing period.

Privacy and Safeguards During Field Testing

The PSCS field testing is designed with strict privacy protections to ensure authorized use with the following highlights:

- Restricted Access: The PSCS is only accessible by select staff for testing and evaluation purposes only.
- Non-Monitoring Policy: The PSCS is not actively monitored in real time.
- Temporary Data Storage: Video footage from field testing will be stored for 48 hours and then automatically deleted. Once deleted, it cannot be recovered.
- Isolated Network: The system operates on a segregated network and does not have Internet connectivity to ensure system security.
- Non-Disclosure: Footage will not be disclosed to the public or law enforcement agencies during field testing.

a. how many cameras the City is field testing;

As part of the PSCS field testing at Minoru Blvd and Granville Ave location, the City is currently evaluating seven cameras of various makes and models, to ensure specification meets law enforcement standards for investigation and prosecution. The seven cameras are comprised of:

- Two license plate recognition (specialized function) cameras;
- Three Pan-Tilt-Roll-Zoom cameras;
- One multi-sensor camera; and
- One panoramic camera.

During the field testing phase, the City may add or remove cameras to evaluate camera performance to meet law enforcement objectives of the PSCS.

b. the applicable intersection(s) where each camera is field tested;

PSCS field testing involves deploying ultra-high-definition (4K) and license plate recognition (LPR) cameras at up to ten signalized intersections in Richmond. However, the City is currently field testing at only one location at Minoru Blvd and Granville Ave. PSCS field testing at this location was commenced on March 17, 2025.

PSCS field testing may be expanded in the future to include both simple and complex intersections to assess performance and to determine reliable cost estimation based on intersection designs. Timing for future expansion is undetermined at this time.

- c. how each of these locations were chosen for field testing, including but not limited to:**
- how collection of personal information at each intersection helps to meet the purpose(s) for collection,**

The PSCS collects personal information at signalized intersections for law enforcement purposes, specifically for the purposes of criminal investigation and prosecution only (PIA, page 3). The PSCS field testing intends to collect (PIA, page 7):

- license plate numbers;
- images of vehicle occupants (drivers, passengers);
- images of pedestrians (at certain signalized intersections);
- vehicle make and model (associated with vehicle occupants); and
- geolocation data (date and time that certain vehicles, vehicle occupants and pedestrians were at certain locations).

ii. if there were past incidents at or near these intersections (if so, please provide dates and brief description of incident(s)), and

Past incidents at or near Minoru Blvd and Granville Ave were not assessed in selecting the intersection at Minoru Blvd and Granville Ave for PSCS field testing.

iii. any other factor considered in the City's decision to field test at each intersection;

The intersection at Minoru Blvd and Granville Ave was selected as the initial field testing location based on the following considerations:

- Close proximity to City Hall. Being close to City Hall allows technical teams to quickly deploy and visually inspect the PSCS cameras. This is beneficial during the initial testing phase, where frequent adjustments or troubleshooting may be necessary. The fact that staff can access the site quickly will result in minimizing delays in the testing process.
- Planned intersection upgrades. This location was planned for fibre optic and higher power output upgrades that are required for the operations of PSCS. The selection of this intersection reduces cost overhead, logistical challenges, and enhances the efficiency of the testing process. Coordinating with planned upgrades also reduces other labour and material overhead and implementation effort.
- This location provides sufficient traffic and pedestrian volume to allow field testing under real-world conditions. For example, the system can be assessed for its ability to capture vehicle license plates, images of vehicle occupants, images of pedestrians, vehicle make and model as outlined in the City's PSCS Privacy Impact Assessment (PIA).

d. how the cameras operate, including but not limited to:

i. who is operating them – if operated by a user, and

PSCS cameras are not actively monitored in real-time by City staff. PSCS cameras record passively once their settings and view angles are configured. The access rights for configuration of PSCS cameras is limited to the following staff:

- PSCS Project Manager
- Supervisor, Traffic Signal Systems
- Business Analyst, IT Department

Additional support may be provided by the Video Management System (VMS) vendor, Genetec, for configuring both the cameras and the VMS from time to time. Vendor-supported configuration is performed using a supervised secured remote access session authorized by the Business Analyst, IT Department.

The identified staff, including the VMS vendor, Genetec, have the ability and access to monitor live conditions (when in a supervised secured remote access session) during the configuration of the VMS, configuration of the PSCS cameras, and troubleshooting of the PSCS.

The access to the PSCS field testing servers is strictly limited to authorized personnel and is granted on a need-to-know basis solely for the purpose of supporting PSCS field testing activities. These activities include:

- installing and configuring of cameras and VMS software;
- troubleshooting hardware or software issues;
- assessing camera performance under various environmental conditions (e.g., weather, lighting);
- evaluating footage quality to ensure it meets law enforcement requirements (e.g., clarity of license plates and faces);
- adding, removing, or adjusting cameras and features to optimize coverage and functionality;
- performing server maintenance and network diagnostics to ensure system reliability;
- searching for and downloading test footage for analysis; and
- testing specific VMS features, such as secured transfer protocols.

Access to the PSCS field testing servers is tightly controlled and restricted to pre-authorized individuals, including the PSCS Project Manager, Supervisor of Traffic Signal Systems, Business Analyst from the IT Department, and, when necessary, Genetec personnel. All access is logged in detailed audit trails that record user identity, login, date, time, and specific actions performed. The Genetec VMS is similarly access-controlled, with all interactions, such as login, configuration changes, footage retrieval, or system diagnostics, are logged to ensure traceability and accountability.

To further safeguard the system, vendor-supported configurations or troubleshooting by Genetec are conducted through a supervised secured remote access session. These sessions are unique sessions initiated only with explicit authorization from the Business Analysis team in the IT Department, and are monitored to prevent unauthorized actions.

The PSCS field testing servers operate on a segregated network, isolated from other City IT systems, to isolate internal and external security risks and minimize the risk of cyberattacks or data breaches. Physical access to server and storage facilities is restricted through key card systems, with entry logged and limited to authorized staff.

ii. whether there is monitoring in addition to recording;

The PSCS cameras are not actively monitored in real time by City staff, and instead, the system records passively. As part of the Genetec VMS features, the City plans to test “incident triggers” for system monitoring, security, and maintenance only. These triggers are automated alerts designed to notify system administrators of specific system integrity issues, such as camera recording failures, transmission errors, unauthorized access attempts, or physical tampering of cameras (e.g., vandalism or obstruction). For instance, if a camera’s lens is obstructed (due to debris or bird droppings) or its connection to the server is disrupted, the Genetec VMS generates an alert to notify system administrator. This functionality strengthens the PSCS’ security by monitoring for unauthorized access, maintaining proper camera configuration and ensuring the reliability of video recordings given that the PSCS is a passive system that is not monitored in real-time by staff.

The use of incident triggers is strictly for maintenance and does not involve staff intervention for real-time monitoring of camera feeds. Currently, incident triggers have not been tested or implemented, but are planned as part of the PSCS field testing. It is anticipated that PSCS field testing would provide information on the type of event triggers, the frequency of alerts, and to determine appropriate staff response. Incident triggers can also provide information regarding the performance of the network infrastructure (e.g., network traffic load threshold, camera uptime, etc.) for security and potential network attacks.

A list of Genetec incident triggers can be viewed at:

<https://techdocs.genetec.com/r/en-US/Security-Center-Administrator-Guide-5.12/Event-types>

Based on the results of the field testing, the City will establish a schedule for staff monitoring of the PSCS servers to ensure optimal system performance. This monitoring will verify that the system operates as designed, cameras remain unobstructed, camera fields of view are correctly configured to capture intended areas, and the normal operations of networking and server infrastructure.

The frequency and scope of monitoring will be informed by field testing, which may highlight environmental or technical challenges requiring regular checks. For example, cameras in high-traffic areas may need more frequent inspections to ensure they are not obscured by debris or altered by vibrations. Temperature and wind speed may also affect pre-determined camera field of view. Staff monitoring is exclusively for maintaining system reliability and performance, not for real-time surveillance or investigative purposes.

e. the camera vendor(s);

Camera vendors do not have access to the PSCS. The PSCS is a segregated system with no Internet connection. All video storage and configurations are stored within City-owned servers in Richmond. Any Cloud or Internet connected functionality offered by camera vendors will not be enabled.

f. the camera software and manufacturer(s); and

VMS vendors or other software manufacturers do not have access to the PSCS. The PSCS is a segregated system with no Internet connection. All video storage and configurations are stored within City-owned servers in Richmond. Cloud or Internet connected functionality offered by VMS vendors would not be enabled.

g. how the City will evaluate the field test of its Public Safety Camera System Program.

The PSCS field testing aims to verify the technical capabilities of the PSCS with the main objective to reliably capture vehicle license plates, images of vehicle occupants, images of pedestrians, vehicle make and model at signalized intersections, under various weather and lighting conditions. The City will evaluate the field test of its PSCS based on the following evaluation categories:

Technical Performance

- **Image Quality and Usability:** The clarity of video footage will be tested to confirm PSCS cameras can reliably capture vehicle license plates, images of occupants' faces, images of pedestrians, vehicle make and model as outlined in the City's PSCS Privacy Impact Assessment (PIA). This includes assessing resolution, pixel density, frame rate, colour saturation, and camera sensitivity performance under different lighting and weather conditions, to the satisfaction that it supports in the investigation of a crime and meets evidentiary standards for prosecution.
- **Camera Placement and Coverage:** The field test will determine the optimal camera locations and angles to maximize coverage of intersections while avoiding unnecessary capture of private areas. This involves identifying any coverage gaps and refining configurations.
- **Consultation with Richmond RCMP:** The RCMP will provide feedback to ensure the footage meets law enforcement needs, such as supporting investigations and prosecutions.

Privacy, Infrastructure and Security

- **Data Collection Scope:** The City will ensure the PSCS only captures information necessary for law enforcement purposes, as guided by the City's PIA.

- **Access Controls and Data Retention:** The evaluation will verify that access to footage is limited to authorized personnel (e.g., PSCS Project Manager, Supervisor of Traffic Signal Systems, and IT Business Analyst) and that footage is automatically deleted after a 48-hour retention period during testing.
- **Network and Storage Security:** The segregated network and data storage systems will be evaluated to ensure they are isolated from other City IT systems and protected from unauthorized access.
- **System Reliability:** The durability of cameras, fiber optic connections, and servers will be assessed over the testing period to ensure consistent performance in various environmental conditions and system configurations. The use of incident triggers would assist in the proper safeguarding of the security and privacy of the PSCS.

Ongoing Assessment and Adjustments

The PSCS field testing ensures that the selection of PSCS cameras, VMS, and network architecture are technically capable of delivering video footage that meets law enforcement purposes, compliant with privacy laws, and secured by hardware and software safeguards. Throughout the six to twelve-month field test, the City will conduct periodic reviews to monitor performance and make adjustments as needed. This ongoing evaluation will determine the preferred camera models, configurations, and the number of cameras required for varying intersection designs, preparing the PSCS for broader deployment as approved by Council.

9. Please describe the cameras used by the City during the field testing of its Public Safety Camera System. In doing so, please identify or explain for **EACH** camera:
 - a. the make, model, and unique identifier (if applicable);
 - b. the intersection (or other location) and direction the camera faces;
 - c. the date recording was first initiated;
 - d. the hours of recording per day (start and end time, or 24hrs);
 - e. the *maximum* field of view (degree and angle of view), viewing distance, and definition for each camera (i.e., detailing the pan, tilt, roll, and zoom functions);
 - f. the field of view (degree and angle of view), viewing distance, and the definition calibrated or set *for field testing*;
 - i. please provide a still image from each camera used in the field test that shows the field of view;
 - g. whether the camera has built-in Facial Recognition Technology (FRT), or is otherwise compatible with FRT;
 - i. *if built-in or compatible*, whether the City has or will utilize FRT while field testing;
 - h. whether the camera has other built-in capabilities such as audio recording or infrared imaging;
 - i. *if other capabilities*, whether the City has or will utilize any of these capabilities while field testing;

- i. the average number of vehicles recorded per day, along with the average number of individuals in recorded vehicles; and
- j. the average number of pedestrians or other individual outside of cars recorded per day (i.e., crossing the intersection, on sidewalks, work crews, etc.).

Please find responses to question 9 attached as **Appendix "D"**. The still images requested in question 9(f)(i) are attached as **Appendix "E"**, a folder containing 14 photographs.

10. Please describe how the City handles recordings or images captured by the cameras during field testing. In doing so, please describe:

- a. who may access camera recordings or images;

PSCS cameras record passively once their settings and view angles are configured. The access rights for configuration, retrieval of video footage, and evaluation of video footage of PSCS cameras are limited to the following staff:

- PSCS Project Manager
- Supervisor, Traffic Signal Systems
- Business Analyst, IT Department

Additional support may be provided by the Video Management System (VMS) vendor, Genetec, for configuring both the cameras and the VMS from time to time. Vendor-supported configuration is performed using a supervised secured remote access session authorized by the Business Analyst, IT Department.

Access may be granted to other City personnel or third-party service providers for system configuration and troubleshooting needs on a case-by-case basis.

- i. whether they access recordings in real time;

PSCS cameras are not actively monitored in real-time by the City staff. The PSCS field testing recordings are not accessed in real-time. Please see responses 8(d)(i) & (ii) above.

- b. whether the City uses any type of image enhancing software on the recordings or images;

No image enhancing software will be used on the PSCS field testing recordings or images.

- c. any other software programs the City uses to view, analyze, enhance, or export recordings or images (i.e. provide the name and function of the software);

City staff are using the suite of video management software from Genetec to view, analyze, or export PSCS field testing recordings or images.

VideoLAN VLC Media Player are used to view PSCS video recordings.

d. where and how recordings or images are stored;

PSCS field testing recordings or images are stored on the storage array located in the Data Centre at main City Hall and Works Yard. The Data Centres are secured and access is limited to the IT Infrastructure Team. Disk space is provisioned on the storage array and presented to the PSCS servers where access is restricted to authorized users. The Genetec application is configured to use the allocated disk space to store images and recordings.

e. how extracts of recordings or images are produced;

The authorized individuals use Genetec Security Desk to export PSCS field testing recordings or images to the Genetec Security Desk Vault.

f. where and how extracts of recordings or images are stored;

The extracts of PSCS field testing recordings or images are stored in the Genetec Security Desk Vault, which can be accessed from the Genetec Security Desk. PSCS recordings are protected using Genetec's VMS data privacy and security model, with additional information at the following URL: <https://compliance.genetec.com/>

g. the retention periods for recording or images and for extracts; and

PSCS recording or images from field testing will be stored for 48 hours and then automatically deleted. Once deleted, they cannot be recovered.

h. how and when recordings or images and extracts are destroyed.

Genetec's automatic cleanup will destroy PSCS recordings or images after 48 hours.

11. Please provide copies of the following:

- a. any relevant City decision notes, memos, background research (e.g. statistics on effectiveness of CCTV cameras for police investigations);**

Please find attached as **Appendix "F"**.

- b. any relevant reports and other documents to council;**

Please find attached as **Appendix "G"**.

- c. any contract(s), work orders, standard operating procedures, change orders or related correspondence between the City and the camera vendor(s) and manufacturer(s); and**

Please find attached as **Appendix "H"**.

- d. field-testing documentation, including but not limited to:**

- i. project plans,
- ii. policies and procedures (pertaining to the field test or the cameras),
- iii. evaluation materials and reports,
- iv. staff training material and memos,
- v. any privacy impact assessment or security threat risk assessment not already provided to the OIPC.

N/A – PSCS field testing project plans, policies and procedures, evaluation materials and reports, staff training materials and memos, and additional privacy impact assessments or security threat risk assessments are currently in development.

12. Please:

- a. provide evidence of the law enforcement need to be addressed by the Public Safety Camera System (e.g., prior incidents – please provide dates and brief description of incident(s)); and

A CCTV Footage Request Log is attached as **Appendix “I”** (the “Request Log”), which shows all requests by the RCMP for CCTV footage from 2021 to 2025 at the applicable intersections, including the intersection, date, time, incident type, incident details, and case outcome. Please also find instructions to view the Request Log attached as **Appendix “J”**.

- b. explain how the personal information collected through the current CCTV system is insufficient to meet the purposes for collection and, conversely, how information collected through the Public Safety Camera System better meets the purposes for collection (or would be paired with information collected via the CCTV system to better meet the purposes for collection).

Personal information collected through the current CCTV system is insufficient to meet the purpose for collection of the PSCS because the video footage is, on average, only usable 14% of the time, as demonstrated by the Request Log. In other words, the personal information collected at present is sufficient where it is actually collected; however, the CCTV system is only collecting personal information 14% of the time it is recording.

Examples of unusable digital materials are attached as **Appendix “K”**.

Conversely, the quality of the PSCS will mean that personal information is collected, and the video footage usable for the intended purpose of the PSCS, closer to 100% of the time.

Notification to individuals:

- 13. The PIA states that the City believes a collection notice is not required: “pursuant to section 27(3)(a) of FOIPPA, a collection notice is not required where the information collected “is about law enforcement or anything referred to in sections 15(1) or (2)”. Please provide an explanation as to whether that is still the case for the field test.

Yes, the City does rely on section 27(3)(a) as relieving it from the requirement of giving notice under section 27(2) in respect of personal information collected during the testing phase. Section 27(3)(a) refers to information that is “about” law enforcement. The term “about” is one of very wide meaning. It is defined as follows in the dictionaries noted above:

Dictionary.com defines “about” as:

1. of; concerning; in regard to. 2. connected or associated with.

The Concise Oxford Dictionary (Eighth Edition) defines “about”, in part, as:

- a. on the subject of; in connection with (*a book about birds; what are you talking about?; argued about money*). b. relating to (*something funny about this*). c. in relation to (*symmetry about a plane*), d. so as to affect (*can do nothing about it; what are you going to do about it?*).

The Merriam-Webster Online Dictionary defines “about” as:

- [...] 4. a: with regard to; concerning. b: concerned with. c: fundamentally concerned with or directed toward.

As these definitions make clear, a thing is “about” another thing when that thing “concerns” the other thing or “relates to” it. All of the personal information collected during the testing phase concerns or relates to the City’s law enforcement objective. It is information “about” law enforcement because it is information that is necessarily collected to achieve a law enforcement objective and for no other purpose.

The City would note that a narrower interpretation of section 27(3)(a) would be inconsistent with the fact that the notification is not required in respect of the operational phase of the program, because the information collected in that phase of the program is clearly related to law enforcement. It does not make sense that the City would be required to comply with section 27(2) in respect of the testing phase of the program but not the operational phase of it.

The City notes that if the PSCS were found to be authorized only by section 26(c) and not by section 26(b), that section 27(2) would be applicable, but that the notification requirement of that section may then be satisfied by appropriate signage.

14. Please provide the following:

- a. **images of notification signage that clearly show the wording of the notification;**

Please find attached as **Appendix “L”**.

- b. **the location of the signage, relative to each location of cameras utilized for the field test;**

Please find attached as **Appendix "M"**.

- c. **description of whether individuals may be captured in camera recordings or images prior to being close enough to read the notification signs; and**

There is a low likelihood that individuals may be captured in camera recordings or images prior to being close enough to read the notification signs. Should individuals be captured prior to being close enough to read the notification signs, the captured image quality and pixel density would be insufficient to discern or recognize faces.

- d. **description of any notification posted on the City website (or anywhere else) alerting the public to the purpose of the cameras.**

No posted notification on City's website regarding PSCS field testing.

Disclosure of personal information:

15. Please describe in detail how the City intends to disclose personal information collected by the cameras during the field test, including but not limited to:

- a. **the types of personal information to be shared;**
- b. **who personal information will be shared with (i.e., to police, any other organization, service providers, etc.) and, for each group or individual with whom the information is shared:**
 - i. **the authority for disclosure (for example, the PIA cites sections 33(3)(d) and 33(2)(l)),**
 - ii. **the purposes for disclosure, and**
 - iii. **any limitations to disclosure;**
- c. **how the personal information will be shared; and**
- d. **whether any such disclosures have occurred or will occur as part of the field testing.**

The City does not intend to disclose any personal information collected by the PSCS during the field testing phase to the public or to law enforcement, unless required to do so to comply with a subpoena, warrant or order, as authorized by section 33(2)(l).

Disclosure to service providers or the RCMP may be done in the limited manner outlined above, and this would be pursuant to section 33(2)(d).

16. Please cite any other related legal authorities the City may rely on for the disclosure of personal information during the field test, such as s. 487. 014 of the Criminal Code, as referenced in the PIA.

As previously noted, the City would disclose personal information as contemplated in section 33(2) (l), i.e., "to comply with a subpoena, warrant or order issued or made by a court or person in Canada with jurisdiction to compel the production of information in Canada". This would include orders made under section 487.014 of the Criminal Code.

Protecting personal information:

Please detail and provide related documents to confirm the following protections are in place during the field test:

17. Access control

- a. physical access to cameras, network cables and devices, servers and storage devices are restricted to authorized personnel only;**

Physical access to cameras, network cables and switches located at the field location are restricted to authorized Traffic personnel. The network switches, servers, and storage devices located in the Data Centre at City Hall and Works Yard are secured and physical access is restricted to the IT infrastructure team.

- b. cameras and associated cables are protected from tampering;**

Cameras are mounted on metal poles supporting the traffic signals and positioned out of easy reach. The cables are enclosed within these poles. Cable connections and switches are housed inside a tamper-proof traffic cabinet.

- c. administrative or maintenance access to devices is logged (audited) and restricted to authorized personnel only;**

Changes and maintenance to network switches, servers, and storage devices follow the Change Request and Review process. Change requests documenting the change details, risks, and impacts are submitted in the IT Service Management system. All change requests are reviewed and approved by the Change Review Committee.

Network switches, servers, and storage devices located at the Data Centres can only be accessed by IT Infrastructure Team and the access is logged in the facility's access card system. Cameras and the network switches at the field can be access by authorized Traffic personnel.

- d. network and server access controls are implemented with only operationally required services and least privilege enabled;**

Basic Windows Server services are enabled on the server. CrowdStrike is installed for monitoring purposes.

Regular domain users are not authorized to access the server. Only a limited number of authorized users—including the PSCS Project Manager, Supervisor of Traffic Signal Systems, and IT Business Analyst—can access the server via Remote Desktop Connection using their City-issued devices.

- e. logical access to application, network and server components utilizes strong user authentication (two-factor preferred);**

Limited authorized individuals—including the PSCS Project Manager, Supervisor of Traffic Signal Systems, and IT Business Analyst—can access the application, network and server using their City-issued device equipped with Yubikey (passkey).

- f. user access is granted through an authorization process by the Manager responsible for the field test/program area; and**

User access request is submitted in the IT Service Management. The PSCS Project Manager is responsible for reviewing and approving the request. Once the request is approved, user access will be granted.

- g. the network infrastructure is segregated to prevent access from the Internet or other devices not part of the field test.**

The PSCS network infrastructure is isolated from other City's infrastructure and has no Internet access. Only authorized users can be remote to the servers.

18. Activity monitoring

- a. activity monitoring is enabled at the firewall and servers to allow detection of suspicious activity;**

CrowdStrike and Windows Security are used for activity monitoring at the firewall and servers to allow detection of suspicious activity.

- b. activity logs are analyzed with an automated incident detection system which generates alerts to an Incident Response Team for action; and**

CrowdStrike is used for cybersecurity incident detection and Cybersecurity Incident Response Team will be alerted.

- c. administrative activity is reviewed by a Manager responsible for system changes.**

System changes follow the Change Request and Review process. Change requests documenting the details, risks, and impacts of the changes are submitted in the IT Service Management system. All change requests are reviewed and approved by the Change Review Committee.

19. Incident response

- a. the City has a documented and tested Incident Response Plan ready to enable in the event of a breach during the field test; and**

In response to cyber-related incidents, a Cyber Incident Response Plan (IRP) is in place. A tabletop exercise testing the IRP was conducted on April 15, 2025. A copy of the IRP can be obtained by contacting the IT Security and Compliance.

- b. the City has designated staff responsible for Incident Response, including Senior Management.**

The Cybersecurity Incident Response Team (CSIRT) defined in the IRP includes a designated group of staff members, including senior management.

20. Data security

- a. encryption of data in transit and at rest is enabled where possible;**

Genetec Security Center uses the TLS protocol for its default communication channel. It uses certificates, digital signatures, and encryption protocols such as AES, SRTP, and EdDSA to protect data. Encryption helps protect confidential information, sensitive data, and enhances the security of outgoing data or data in transit. Encryption hides sensitive data from people who should not be able to see it and its ultimate purpose is to protect the confidentiality of digital data stored on a computer or communicated over a network. Genetec Security Center also uses the RTSP over TLS protocol by default to control the stream of video data.

Genetec Security Center encrypts all video in transit when it enters the premises until it is viewed by the user. This protection can be extended to encrypt video in transit from cameras for compatible devices.

- b. backups which include personal information from the field test will be encrypted or physically protected;**

Genetec Security Center leverages Microsoft SQL databases. Microsoft SQL offers data encryption via Transparent Data Encryption and this option protects the data at rest. The backups are stored at the protected and restricted storage array in the Data Centre at the City Hall and Works Yard.

- c. all vendor or contract support staff access to field test devices or applications will only be enabled when required on authorization by the Manager responsible; and**

All vendor-supported configurations or troubleshooting by Genetec are conducted through a supervised secured remote access session. These sessions are initiated only with explicit authorization from the Business Analysis team in the IT Department and are monitored to prevent unauthorized actions.

- d. a formal data transfer process will be established, including an approved list of secure portable devices or transfer methods to use with police.**

A formal data transfer process has not yet been determined and will be evaluated as part of the PSCS field testing. Consultation with the Richmond RCMP is required to determine a secured data transfer process that satisfies law enforcement purposes and maintains the chain of evidence, ensuring the video footage can be used in criminal prosecutions. However, due to the anticipated large file sizes resulting from ultra-high-definition video footage, traditional media such as DVDs are no longer adequate. The City plans to field test "Genetec Clearance", Genetec's proprietary evidence management system designed for investigations. This system securely collects, manages, and shares evidence over high-speed networks. Genetec Clearance integrates with Active Directory, allowing organizations to authenticate users, manage system access, and maintain access logs.

As part of the PSCS field testing, the City will evaluate Genetec Clearance or other similar secure digital transfer methods. These methods will include built-in policy controls for managing workflows, restricting access, and regulating data transfers. For example, any request by law enforcement to access the system must be supported by a production order or a Court order and authorized by the City's Legal Department before the law enforcement gains access to Genetec Clearance and file transfer privileges.

Technical information on Genetec Clearance can be viewed at:

<https://techdocs.genetec.com/r/en-US/Genetec-ClearanceTM-User-Guide/Introduction-to-Clearance>

July 21, 2025

OIPC File: F25-00259

Amy O'Connor
Young Anderson
By email to: oconnor@younganderson.ca

Dear Ms. O'Connor:

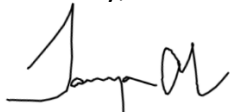
Re: Investigation of the City of Richmond's Public Safety Camera System

Thank you for the responses and associated documents provided in response to our May 7, 2025, Information Request. Further to the responses provided, the OIPC requests further information and clarification from the City.

At Appendix A, please find our Second Information Request for which we are seeking the City's written responses and associated documents by August 11, 2025. Like our Initial Information Request, these additional questions are designed to target the areas under investigation and to further capture background information on field testing of the Public Safety Camera System.

Should you have any questions about this investigation or this request for information, please contact me at tallen@oipc.bc.ca or 250.217.1854.

Sincerely,



Tanya Allen
Director Audit & Systemic Review
Office of the Information and Privacy Commissioner

Cc: Nick Falzon, Young Anderson

Appendix A: Second Information Request

Please note that the following questions reference previous questions from our Initial Information Request (IIR) and the City's responses.

In addition to the City's responses to the following questions, please include all relevant records (such as written procedures, policies, reports, correspondence, memos, and other supplementary documentation) whether or not they are directly requested. These materials will be considered in assessing the representations provided and the City's compliance with FIPPA.

When providing responses, please answer each question separately (i.e., Question 1, Answer 1; Question 2, Answer 2). Please provide complete answers to the questions or requests (referring to supplementary material alone is not sufficient). Please do not limit responses to a high-level description and examples, unless that is what is expressly requested.

Authority to collect and use personal information

1. In IIR Q2, the City advised that "[t]he sole purpose of the PSCS is to assist the RCMP in identifying suspects when criminal acts occur in the city". Please provide further detail on:
 - a. the public safety concern(s) that the PSCS is designed to address (for example, the types of incidents for which the City would seek to identify suspects, the number of occurrences and dates of such incidents in the past few years, how the PSCS would be used to identify suspects in such circumstances, and any other information or the City deems relevant),
 - b. whether the City has considered other less intrusive means of addressing the purpose(s) for collection of personal information and whether and how those methods were not feasible or were less effective than the PSCS, and
 - c. whether the City has weighed the benefits of the PSCS of meeting the purpose(s) for collection against the reduction of privacy inherent in the use of continuous ultra-high-definition recording.
2. In response to IIR Q7, the City advised it will not be collecting or using personal information collected through the PSCS for purposes such as monitoring public events, riots, protests, traffic accidents and so on. Please confirm or clarify whether, should such events be captured via the PSCS, the City would make PSCS recordings available.

Field test of Public Safety Camera System

3. In response to IIR Q8, the City advised that the retention period for video footage from field testing is 48 hours, and then automatically deleted. Once deleted, it cannot be recovered. How long will extracts of footage be held after a request is made by RCMP and/or as part of an FOI request?
4. In IIR Q8a, the City advised that there are seven active cameras at the existing field test intersection, please explain the necessity of this number of cameras at one intersection.
 - a. After the field test is complete, does the city anticipate that an intersection that is part of the PSCS may be equipped with an array of approximately seven cameras? Please explain.

5. In response to IIR Q8a, the City advised that it may add or remove cameras during PSCS field testing. Please confirm that, should any cameras be added to or removed from field testing during this investigation, the City will notify the OIPC promptly.
6. In response to IIR Q8b, the City advised that PSCS field testing may be expanded in future to include both simple and complex intersections. Please confirm that, should PSCS field testing expand to additional intersections, the City will notify the OIPC promptly.
7. Regarding IIR Q8e, please confirm if all Genetec staff who will provide support for the video management systems operate from within Canada.
8. In response to IIR Q8, the City advised that “[d]ata and video footage will not be disclosed to ...law enforcement during field testing”, and also, in response to IIR Q8g, that “[t]he RCMP will provide feedback to ensure the footage meets law enforcement needs, such as supporting investigations and prosecutions.” Please explain:
 - a. whether the RCMP will access footage to provide such feedback, and
 - b. how data and/or footage collected during PSCS field testing will be made available for RCMP for consultation.
9. In response to IIR Q9c, the City advised that the Bosch NBE-7704-ALX camera, which was first added to Genetec VMS on Feb 24, 2025, is currently not in-service and was disqualified from the PSCS field testing. Please provide:
 - a. confirmation that the Bosch NBE-7704-ALX was first recording as of February 24, 2025,
 - b. the date this camera ceased to be in-service and the reason(s) it is not in-service, and
 - c. the date this camera was disqualified from PSCS field testing and the reason(s) it was disqualified.
10. In Appendix “D” in response to IIR Q9c, please confirm that where the City advised of the date when a camera was “first added to Genetec VMS”, that this means the date the camera started recording? i.e., the first recording during the field test for the PSCS was February 24, 2025.
11. Regarding IIR Q9e, did the City have specific requirements when determining which cameras would be field tested for the PSCS?
 - a. If so, please list and explain all requirements the City considered when selecting cameras for PSCS field testing.
12. Regarding IIR Q9f, the City did not provide still image samples for the Axis Q6100-E and the Axis Q3819-PVE cameras. Please provide still image samples for both cameras.
 - a. If the City is unable to provide a still image sample for either camera, please explain why a still image sample is not available.
13. In response to IIR Q9f, the City advised that the field of view and the viewing distance of each camera may be adjusted during PSCS field testing. Please confirm whether the field of view and the viewing distance of each camera has been adjusted thus far during PSCS field testing. If so, please explain the adjustments made.

14. In response to IIR Q9g, the City advised that the Avigilon H5 IR PTZ camera has built in FRT capability when integrated with Avigilon Unity Video Software. Please confirm:
 - a. whether the City integrated this camera with Avigilon Unity Video Software during the PSCS field testing, and
 - i. if not, does the City intend to; and
 - b. whether the City and/or the RCMP intend to evaluate any still images or video footage collected during PSCS field testing for compatibility or usefulness of images/footage with any form of FRT software.
15. In response to IIR Q9h, the City advised that the Axis Q1800-LE-3 and Axis Q3819-PVE have built-in audio capabilities that would be utilized during field testing. Please:
 - a. clarify whether the Bosch NBE-7704-ALX, the Avigilon H5 IR PTZ, and the Axis Q6100-E cameras each have built-in audio capability, and
 - b. p detail how the audio capabilities for all cameras have or will be field tested and evaluated. In doing so, please clarify for each camera:
 - i. whether the camera is always recording audio, and
 1. if not, how and when audio recording is activated and deactivated; and
 - ii. the minimum level (such as decibel level) that each camera is capable of recording and playing back audio.
16. Regarding IIR Q9h, please detail the necessity for the City to collect personal information using each of these camera technologies: FRT, audio, infrared, license plate recognition, and person / vehicle detection capability. Further, please describe:
 - a. any other capabilities, including analytic capabilities (for example, gunshot or firearm detection, loitering) the PSCS cameras may have available,
 - b. whether the City is using each capability, and
 - c. the necessity for the City to collect personal information via each capability.
17. In response to IIR Q9j, the City advised "Data not available". Considering that collection of an image and other recordings of an individual outside a vehicle involves the capture of more personal information than recordings of vehicles in an intersection, this is an area of concern. Please provide the average number of pedestrians or other individuals outside of vehicles recorded per day (for example, crossing the intersection, on sidewalks, work crews, etc.).
18. In response to IIR Q10c, the City advised that it uses a suite of video management software from Genetec. Please list each piece of software contained in the suite and each software's general purpose or function.
19. In response to IIR Q11b, the City provided documents in Appendix G. On page 20, Edward Warzel came to the conclusion in 2017 that there are "no cons" with the early proposal of the program. Further, claims of effectiveness had no citations attached. However, surveillance research has pointed to privacy and discrimination concerns with CCTV cameras since the 1990s. Issues with lack of effectiveness or potential misuse of programs are widely cited throughout the literature, even today. Is this still the conclusion the City would hold today? Please explain.

20. On page 113 of Appendix G, documents show that in 2021 the City contemplated the need for more public debate about using images from traffic cameras in court to apprehend perpetrators. Did the City organize further public debate? Please describe any public debate the City organized and provide a summary of the feedback that was received from public. Please include relevant documentation.
21. In response to IIR Q12a, the City provided Appendix I. Please estimate the number of footage requests from Appendix I where the suspect likely could have been identified from license plate recognition alone.
22. In IIR Q12b, the City claims "the quality of the PSCS will mean ...the video footage [will be] usable... closer to 100% of the time." However, other factors are at play regarding whether footage is usable or what is able to be captured (e.g. does not capture MVI, theft, assault), so accuracy of near 100% seems unlikely.
 - a. Please provide further information as to how video footage would be usable for the intended purpose 100% of the time.
 - b. From what has been listed in Appendix I, please identify how many suspected offenders who committed serious crimes (e.g. not including public disturbances and more minor infractions) would have reasonably been identified, if the video footage was usable 100% of the time.

Notification to individuals:

23. In response to IIR Q14a, the City provided signage in Appendix L. The signage provides contact information for the City's Director of Transportation but does not notify individuals that the City is collecting personal information, the purposes for collection, or the legal authority to collect personal information. Please explain why the current signs do not include this information.
24. Regarding IIR Q14b, the first and second images in Appendix M appear to show that signage would be placed adjacent to the eastbound driving lanes of Granville Ave, approximately 52 meters from the intersection of Minoru Blvd. and Granville Ave., and adjacent to the westbound driving lanes of Granville Ave, approximately 70 meters from the intersection of Minoru Blvd. and Granville Ave. The third and fourth images in Appendix M appear to show signage is installed. Please confirm that all signage has been installed.
 - a. If so, please also explain:
 - i. when each sign was installed,
 - ii. the exact location(s) where sign(s) were installed, and
 - iii. the reasons these locations were chosen for each sign?
25. Regarding IIR Q14b, does the City intend to place signage in any other location where vehicles or pedestrians may enter the intersection or be captured by the PSCS (for example, signage on Minoru Blvd. for southbound/northbound vehicle or pedestrian traffic entering the intersection)?
26. Regarding IIR Q14b, pedestrians may enter the intersection of Minoru Blvd. and Granville Ave from the west or east using the sidewalks on either side of Granville Ave. Does the City intend to place signage on both sides of Granville Ave. before pedestrians enter the intersection?

27. In IIR Q14c, the City advised that, should individuals be recorded by the PSCS prior to being close enough to read the notification signs, the captured image quality and pixel density would be insufficient to discern or recognize faces. Please:
- a. confirm whether the City has tested the cameras to confirm this, and
 - i. if not, please explain the City's rationale for its opinion; and
 - b. clarify whether the quality and pixel density of captured images may be sufficient to discern or recognize faces, if the viewing distance or zoom/magnification settings of any camera are adjusted.
28. Regarding IIR Q14d, please provide any reasons why general notification is not provided on the City's website.

Disclosure of personal information:

29. Regarding IIR Q15, the City advised that it “does not intend to disclose any personal information collected by the PSCS during the field testing phase to the public...”. Please confirm:
- a. whether recordings during the PSCS field test will be made available by request through FOI or through another avenue,
 - b. once the field test is complete, whether recordings will be made available through FOI or as a record for purchase, and
 - c. if recordings are available to purchase, who would be able to purchase them.

Protecting personal information:

30. Regarding Q18a, please explain how access control monitoring will be used with the Genetec Video Management System being on a different network. In doing please also explain how the Cybersecurity Incident Response Team (CSIRT) would access the video management system.
31. Regarding Q19a, please provide a copy of the Cyber Incident Response Plan (IRP) and materials used for the tabletop exercise testing the IRP on April 15, 2025.
32. Regarding Q19b, please identify the staff positions that make up the Cybersecurity Incident Response Team (CSIRT). Please also confirm if the CSIRT will have access to the segregated network and data storage systems.
33. Regarding Q20c, please confirm whether all remote access activity is logged.
- a. If so, please confirm who is responsible for reviewing access logs.
34. Regarding Q20d, please confirm:
- a. when the data transfer process will be determined, and
 - b. whether the City has made any progress this topic since its June 13, 2025, response to the OIPC. If so, please provide detail on the progress made.

REPLY TO: KELOWNA OFFICE

VIA EMAIL: tallen@oipc.bc.ca

August 25, 2025

Tanya Allen
Director, Audit & Systemic Review
Office of the Information and Privacy Commissioner ("OIPC")

Dear Tanya Allen:

Re: Richmond Responses to OIPC Additional Information Request
Our File No. 57-405; OIPC File: F25-00259

Please find enclosed the City of Richmond's responses to the OIPC's additional information request, received on July 21, 2025. Six supporting documents have also been provided through a secure file share link.

Please contact me at the email address or phone number below should you need any assistance with the file share link or require any further information.

Sincerely,

YOUNG, ANDERSON



Amy O'Connor

oconnor@younganderson.ca

AO/ao

copy to: Jessica Percy-Campbell, OIPC
Anthony Capuccinello Iraci, City Solicitor, City of Richmond

WWW.YOUNGANDERSON.CA

1616 - 808 Nelson Street, Box 12147 Nelson Square, Vancouver, BC V6Z 2H2 | tel: 604.689.7400 | fax: 604.689.3444 | toll free: 1.800.665.3540
201 - 1456 St. Paul Street, Kelowna, BC V1Y 2E6 | tel: 250.712.1130 | fax: 250.712.1180

Authority to collect and use personal information

1. In IIR Q2, the City advised that “[t]he sole purpose of the PSCS is to assist the RCMP in identifying suspects when criminal acts occur in the city”. Please provide further detail on:

1.a. the public safety concern(s) that the PSCS is designed to address (for example, the types of incidents for which the City would seek to identify suspects, the number of occurrences and dates of such incidents in the past few years, how the PSCS would be used to identify suspects in such circumstances, and any other information or the City deems relevant),

The PSCS is designed to assist the identification of suspects in a wide array of criminal activity, including organized crime, violent crime and serious property crime.

Firstly, the PSCS has the potential to capture offences in progress. Cameras have identified suspects with a weapon in hand, in the act of violent behavior, in a stolen vehicle, breaking into a car, or fleeing the area. Most importantly, the footage provides non-biased details of the crime. Video footage of the crime allows police to eliminate innocent individuals from the pool of potential suspect(s) and witnesses, and identify corroborative witnesses, lesser players, instigators, and, of course, the suspect(s) responsible.

Secondly, vehicles are often involved in the course of criminal activity, making the PSCS a valuable investigative tool as it can capture the licence plate, make, model, and colour of a suspect vehicle. High-resolution cameras can show distinguishing features of the car even without a licence plate. Depending on the angle, cameras could capture the image of occupants of the vehicle or a distinctive piece of clothing, which could support grounds for arrest or charges, if the suspect is later identified.

For example, if the occupants of a vehicle discharge a firearm into another vehicle or a residence, police would potentially be able to use the PSCS to identify the vehicle and/or occupants. Between January 1, 2023 and July 23, 2025, there were 142 investigations into shots-fired incidents that could have benefited from PSCS footage.

The following chart depicts the types of crimes and number of investigations which could have benefited from high-resolution PSCS from January 2023 to July 23, 2025:

FILE TYPE	2023	2024	2025	TOTAL
THEFT OF AUTO	320	344	170	834
BREAK & ENTER	666	624	332	1622
THEFT FROM AUTO	1446	921	531	2898
SHOPLIFTING	1373	1722	833	3928
THEFT OF MAIL	199	88	44	331
ROBBERY	59	54	29	142
SEX OFFENCE	95	100	71	266
MISSING PERSON	545	539	249	1333
FRAUD	1032	1172	676	2880
INDECENT ACT	54	67	28	149
IMPAIRED OP MV	581	431	231	1243
AGGRAVATED ASSAULT	7	4	0	11
ARSON	81	88	27	196

BOMB	5	19	7	31
EXTORTION	98	102	61	261
HATE CRIME	25	20	12	57
SHOTS FIRED	60	57	25	142
ASSAULT	894	954	588	2436
THEFT	4643	4290	2358	11291
MISCHIEF TO PROPERTY	1223	1348	745	3316
COLLISION-FATAL	3	2	0	5
HOMICIDE	4	1	1	6
KIDNAPPING	27	19	15	61

High priority offences would include standards provided by BC Provincial Policing for Major Case Management offences, as these offences require the most significant police response and oversight. In general, the highest priority offences would include:¹

1. Homicides (6);
2. Missing Persons (1,333);
3. Found Remains;
4. Sexual Assaults (266);
5. Workplace Deaths or serious injury;
6. Mass Casualties and Injuries; and
7. Non Familia abductions.

RCMP specific “Benchmark” investigations that would be given a high priority include:

8. Kidnappings (61);
9. Fatal Motor Vehicle incidents;
10. Aggravated Assaults – Life-threatening injuries;
11. Arson (196);
12. Bomb Threats;
13. Drug Labs;
14. Extortion;
15. Home Invasions;
16. Hate-motivated crime (57); and
17. Shots fired (Drive by) (Shots fired total 142).

Additionally, more frequent offences where PSCS video could be sought include:

18. Residential and Commercial Break and Enter to a Business;
19. Theft from automobile and theft of automobile;
20. Fraud;
21. Indecent acts;
22. Retail theft;

¹ Data was collected based on the file Reported Date and covers 2023-01-01 to 2025-07-23. Files with a CCJS Status of Prevention, Unfounded, Assistance, or Information were NOT included (with the exception of Hate Crimes files). Please note that some files may have been counted in multiple categories (for example, if a file was counted towards “Aggravated Assault”, it would also be counted towards “Assault”).

- 23. Mail theft;
- 24. Robbery;
- 25. Assault;
- 26. Theft;
- 27. Mischief; and
- 28. Impaired driving.

Standard police response to any of the above offences would include a canvass of the area for witnesses and video.

1.b. whether the City has considered other less intrusive means of addressing the purpose(s) for collection of personal information and whether and how those methods were not feasible or were less effective than the PSCS, and

Yes, the City has considered other less intrusive means of identifying suspects when criminal acts occur, including the original implementation of cameras and the option of simply maintaining the current policing system.

Together, the RCMP and the City undertake hundreds of criminal suspect identification measures, including the execution of search warrants, interviews with witnesses, forensic work and so on. It is precisely because the RCMP and the City have been unable to achieve their desired level of criminal identification despite these many law enforcement efforts, that the City has made the decision to install high-definition cameras at intersections to enhance the RCMP's prospects of identifying those who have committed crimes.

Moreover, there is no other criminal-identification opportunity of which the City is aware that would make the PSCS completely redundant or unnecessary. As outlined in IIR Q12(b), the current CCTV system is insufficient for this purpose, as the fidelity of the video footage makes it unusable for identification purposes in the majority of instances. As outlined above, the City and RCMP are already engaged in an array of other identification techniques, and the City and the RCMP are not aware of any new identification techniques that would entirely alleviate the need for the PSCS. In the City's view, any less intrusive alternatives would frustrate the objectives sought to be achieved.

The City also notes that the consideration of whether collection of personal information is "necessary" is specific to sections 26(c) and (e) of FIPPA, not section 26(b). There is no requirement in section 26(b) that the collection of personal information be necessary for law enforcement, or better than other law enforcement measures that might also be employed, only that it be for the purpose of law enforcement.

With regards to the City's reliance on sections 26(c) and (e), the focus of the necessity test is on the program or service at issue, not a broadly defined objective, like "law enforcement" or "criminal identification". The City is establishing an intersection camera service for criminal identification purposes. That is the program or service, and it is clearly impossible for any such intersection-camera service to achieve optimal effectiveness unless personal information is collected. Such collection is "necessary" for the program or service, no matter what definition of necessary is applied. Indeed, it is important to note that the level of policing the City wishes to provide in the City is its choice. If it chooses to maximize the level of criminal identification through a surveillance camera program, then of course the collection of personal information is necessary for any such program.

1.c. whether the City has weighed the benefits of the PSCS of meeting the purpose(s) for collection against the reduction of privacy inherent in the use of continuous ultra-high- definition recording.

Yes, the City has weighed the benefits of the PSCS achieving its law enforcement objective against the

reduction of privacy resulting from continuous high-definition recordings. The City highly values privacy interests and protections. Ultimately, however, the political judgment was made by Council that the privacy impacts of the PSCS are not so severe as to outweigh the expected law enforcement benefits of it.

It is important to stress that the City has made every effort to design the system with as many privacy-impact controls as possible, while still leaving it able to effectively help the RCMP identify suspects. Some of the measures that will be taken to limit the privacy impacts of the PSCS include:

- no active monitoring;
- restricted access to limited staff;
- segregation of the PSCS on a separate network;
- encryption and data protection;
- access monitoring;
- ample physical security of the host system; and
- disclosure to law enforcement based only on production and/or Court orders.

1.d. whether collection requires a specific law enforcement need or ongoing investigation (i.e., whether a specific investigation must be underway). See, for example, *Edmonton (City) (Re)*, 2008 CanLII 88779 (AB OIPC), paras. 81-84 and *Liquor Control Board of Ontario (Re)*, 2014 CanLII 34769 (ON IPC), p. 10).

No, FIPPA does not require that a specific investigation be underway before personal information may be collected for law enforcement purposes. Section 26 merely requires that the collection be “for the purposes of” law enforcement. There is nothing in section 26(b) that indicates personal information may be collected for a law enforcement purpose only in connection with a previously established investigation, and reading in such a requirement is improper. The only purpose of the collection of personal information by means of the cameras is law enforcement, and so the camera program is authorized by section 26(b), even though it is established to assist in future investigations. Indeed, as previously noted, the collection of the information is not only for policing and policing investigations, it is itself policing.

As for the cases to which you refer, the City would make several comments.

First, none of the cases deals with the “policing” part of the definition of “law enforcement” in British Columbia’s statute, and so the comments in them about the necessity of a specific investigation having been commenced in advance of collection are wholly inapplicable to the policing leg of the City’s authority. In short, the City is collecting personal information for the purpose of “policing” even where an active investigation is not yet underway.

Second, both of the cases to which you refer, as well as the *Cash Converters Canada v. Oshawa (City)*, 2007 ONCA 502 decision referred to in them, involved the collection of personal information that went beyond what was necessary for the alleged law enforcement objective. They were cases in which the public body asserted a law enforcement purpose, but was in fact collecting the information for another purpose, the alleged necessary administration of the “spirit, beer and wine club” program in *Liquor Control Board of Ontario*, and consumer protection in *Cash Converters* and *Edmonton City*. In *Edmonton City*, for example, there was simply no need for the police to collect personal information until there was a reason to suspect that stolen goods had been sold to the second-hand dealer. It was unreasonable for the police to assert that the blanket collection of personal information was for law enforcement purposes, when a much narrower field of collection would have served that purpose. This fact made it clear that the actual purpose of the program was consumer protection, not law enforcement as had been asserted.

The City’s situation is entirely different. In the City’s case, it is impossible for a camera program to be implemented for the purpose of police investigations, unless personal information is collected that is not

ultimately used for that purpose. This is what will allow the system to operate in a manner that does not require active viewing of the camera feed by City operators. Video footage, which will contain personal information of individuals present at the monitored intersections, will not be viewed as a matter of course. In the City's view, this form of collection is the most balanced approach to minimize the overall use or disclosure of personal information.

The *Cash Converters* decision specifically notes that the City of Oshawa's primary position was that the information collected was "necessary to the proper administration of a lawfully authorized activity" as opposed to for a law enforcement purpose (para. 39). To the extent that Privacy Commissioners in Ontario and Alberta have cited *Cash Converters* for the proposition that an investigation must be ongoing for a law enforcement purpose to be valid, those decisions are relying on *obiter* comments in *Cash Converters* and are nevertheless nonbinding on the Commissioner in this investigation.

Notably, the BC Supreme Court assessed a similar program to that which was at issue in *Cash Converters* and found that it was in fact authorized by FIPPA on the basis of section 26(b) (see *Royal City Jewellers & Loans v. New Westminster (City)*, 2006 BCSC 203 at para. 33-37). While the BC Court of Appeal overturned the chambers judge's decision (*Royal City Jewellers & Loans Ltd. v. New Westminster (City)*, 2007 BCCA 398), the basis on which it did so was that the *Community Charter* did not allow the City to compel a third party to collect and disclose personal information. Its concern was not whether the City was authorized to collect such information.

2. In response to IIR Q7, the City advised it will not be collecting or using personal information collected through the PSCS for purposes such as monitoring public events, riots, protests, traffic accidents and so on. Please confirm or clarify whether, should such events be captured via the PSCS, the City would make PSCS recordings available.

The City reaffirms that it has not contemplated, in regard to the operational phase of the program, any collection or use of personal information beyond that which is identified in the PIA. The City will not be employing the PSCS for any purpose other than to record what occurs at intersections and, even then, only for the purpose of identifying criminal suspects. The City will not be "monitoring" any specific event.

Where a crime is committed is not relevant to the program – a criminal incident could indeed occur at any place or during any kind of event, including the kinds listed above. There could be a shooting, for example, at a protest three blocks from a camera-fitted intersection. If that occurs, the cameras might help identify the shooter should the shooter flee through that intersection after committing the offence. On the other hand, it is also possible for an underlying crime to occur at the intersection itself. For example, an impaired driver might commit a crime by striking a pedestrian in the intersection and then leaving the scene.

The City will not monitor or make available footage of these types of events or incidents (public events, protests, traffic accidents) due to the occurrence of the event or incident alone. For example, the City would not provide video footage of a protest absent any evidence of criminal activity. The City would only release footage to the RCMP in response to a submitted request form and production order, which will be reviewed by specified City staff, including the City Solicitor and the City's General Manager of Community Safety, as outlined in the PIA. The City will not otherwise make PSCS footage available to the RCMP or any other party, as further outlined in the City's answer to Q29 below.

The bottom line is that the PSCS recordings are intended only to help the RCMP identify criminal suspects and will be released only for that purpose or as otherwise required by law.

Field test of Public Safety Camera System

3. In response to IIR Q8, the City advised that the retention period for video footage from field testing is 48 hours, and then automatically deleted. Once deleted, it cannot be recovered. How long will extracts of footage be held after a request is made by RCMP and/or as part of an FOI request?

The City does not anticipate receiving a production order or FOI request in relation to the video footage from field testing. If it did, however, the City would maintain its existing retention policy consistent with the Traffic Intersection Cameras by retaining any disclosed footage for one year.

4. In IIR Q8a, the City advised that there are seven active cameras at the existing field test intersection, please explain the necessity of this number of cameras at one intersection.

During the research phase, the City was unable to identify any established municipal-wide public safety camera systems in British Columbia used for law enforcement purposes that could serve as a reference when defining the scope of the PSCS. The City had to rely on other available resources to define key attributes, such as the number of cameras and supporting infrastructure requirements, to ensure the camera system would be effective in capturing high-quality footage for law enforcement while adhering to privacy and security safeguards.

The number of PSCS cameras per intersection was determined based on initial desktop modeling using Axis Site Designer (<https://sitedesigner.axis.com>), staff research, vendor recommendations, image resolution and camera hardware specifications (such as tamper and weather protection) to estimate the PSCS field of view based on the City's road network and intersection design.

The seven cameras currently installed are of a variety of types and models to benchmark and evaluate the PSCS proof-of-concept, performance and functionality under real-world conditions. This benchmarking will identify each camera's limitations, such as image clarity in varying weather or resistance to environmental factors. Once benchmarking is completed, the project team will be able to determine the type of camera, camera specifications, and the number of cameras suitable for the PSCS to function effectively.

4.a. After the field test is complete, does the city anticipate that an intersection that is part of the PSCS may be equipped with an array of approximately seven cameras? Please explain.

Based on initial research and the field testing, the operational phase of the PSCS is likely to require six or more cameras at an intersection for coverage to ensure that the PSCS meets the objective of law enforcement without active monitoring. For intersections with complex traffic patterns, additional cameras may be required. The final number of cameras required for each intersection will be considered based on the results of the field testing, and identified environmental or technical factors that may affect performance and feedback from the RCMP regarding coverage needs.

5. In response to IIR Q8a, the City advised that it may add or remove cameras during PSCS field testing. Please confirm that, should any cameras be added to or removed from field testing during this investigation, the City will notify the OIPC promptly.

The City is open to prompt and ongoing reporting to the OIPC, through monthly reporting of changes to the cameras utilized during the field-testing stage. If the OIPC is seeking more immediate notification (e.g. day-of notification), the City has concerns as to the practicality of such notification given the realities of the field-testing process.

The demands for PSCS field testing are dynamic, based on availability, and conducted on a trial-and-error basis in real-time. This flexibility is essential for adapting to unforeseen technical issues, environmental factors or performance discrepancies that arise during field testing. As such, requiring the City to notify the OIPC when adding or removing cameras during field testing would result in significant delays in performing the PSCS field testing. Availability of external contractors and consultants is limited and cost-driven, and advance scheduling is often difficult to secure, and unreliable due to the contractors' and consultants' competing schedules.

For example:

- cameras may be taken offline and brought back online to assess performance under varying conditions
- external contractors may be dispatched to install or remove supplementary hardware on the cameras (such as a higher-power POE injector to improve power supply stability)
- external contractors may be dispatched to adjust or relocate camera mounting locations for optimal field of view
- external contractors may be dispatched to physically disconnect or connect cameras to diagnose network issues, such as connectivity drops
- consultants may be engaged with City staff to configure the VMS, which includes removing and re-adding cameras to test software integration
- the City may be required to make hardware swaps that result in removing and re-adding cameras.

These activities are routine in a testing environment and often occur dynamically on short notice, based on availability and scheduling.

Notwithstanding the above, and to maintain transparency in the field-testing process, the City is able to provide the OIPC with a list of active cameras used in field testing in a monthly reporting period. The City is open to working with the OIPC to develop a mutually satisfactory reporting system if the OIPC has concerns as to the sufficiency of the proposed reporting process.

6. In response to IIR Q8b, the City advised that PSCS field testing may be expanded in future to include both simple and complex intersections. Please confirm that, should PSCS field testing expand to additional intersections, the City will notify the OIPC promptly.

Yes, the City will notify the OIPC promptly if the PSCS field testing is expanded.

7. Regarding IIR Q8e, please confirm if all Genetec staff who will provide support for the video management systems operate from within Canada.

The City confirms that all Genetec staff who will provide support to the City for the video management system operate from within Canada.

8. In response to IIR Q8, the City advised that “[d]ata and video footage will not be disclosed to ...law enforcement during field testing”, and also, in response to IIR Q8g, that “[t]he RCMP will provide

feedback to ensure the footage meets law enforcement needs, such as supporting investigations and prosecutions.” Please explain:

8.a. whether the RCMP will access footage to provide such feedback, and

The City in its reply to the OIPC IIR Q8 stated the following: *“Data and video footage will not be disclosed to the public or law enforcement during field testing, or be used in any other purpose other than evaluating the image quality and the performance of the PSCS.”*

To clarify, the City does not intend to release data and video footage collected during field testing for law enforcement purposes, such as criminal investigations. Nonetheless, the City would comply with a production order or Court order if such an order includes data and video footage captured by the PSCS during field testing.

Additionally, the City in its reply to the OIPC IIR Q8.g stated the following: *“Consultation with Richmond RCMP: The RCMP will provide feedback to ensure the footage meets law enforcement needs, such as supporting investigations and prosecutions.”*

To date, the City is in the process of testing the feasibility of the cameras and troubleshooting various infrastructure issues, and has not provided any sample PSCS footage or system configuration for the RCMP’s feedback. Once the PSCS field testing reaches a proof-of-concept state, the City plans to present viable PSCS configurations (such as field of view) and the live view for the RCMP’s feedback in an iterative process. The City cannot provide a precise estimate as to the duration of this iterative review process (as the length will be determined in part by what issues are identified during review), but anticipates between 1-2 months of iterative review once this process begins.

The feedback process will involve providing video footage from a randomized daytime and/or nighttime period within the 48-hour field testing retention period to the RCMP for assessment. The City will then make adjustments based on their comments, and the process will repeat to the satisfaction of both the City and the RCMP on the performance of the PSCS. The City will select the randomized date and time based on factors impacting the reliability of video capture (such as traffic volume and weather) to ensure that the PSCS field testing is not inadvertently used for law enforcement purposes. Similarly, the RCMP will be provided limited, periodic access to live view during the feedback and review process. Live view access will be provided in supervision by authorized City staff.

Disclosure to the RCMP during the field-testing will be limited to the supervised live view and review of randomized footage outlined above. This disclosure is authorized under section 33(2)(d) of FIPPA.

8.b. how data and/or footage collected during PSCS field testing will be made available for RCMP for consultation.

To date, the City has not provided any sample PSCS footage or system configuration for the RCMP’s feedback. Nonetheless, the City will provide the data/footage collected during the PSCS field testing to the RCMP in an encrypted storage device protected by a “pin code” during the initial stage of the field-testing review. Once the cameras and network hardware has been established, the City intends to field test “Genetec Clearance”, Genetec’s proprietary evidence management system designed for investigations, in the later stage of the PSCS field testing. This system will be tested in conjunction with the RCMP, to assess whether it provides a viable and secure method to transfer video footage.

9. In response to IIR Q9c, the City advised that the Bosch NBE-7704-ALX camera, which was first added to Genetec VMS on Feb 24, 2025, is currently not in-service and was disqualified from the PSCS field testing. Please provide:

9.a. confirmation that the Bosch NBE-7704-ALX was first recording as of February 24, 2025,

During field testing, the retention period for audit and activity trails was set to 90 days. City staff were unable to retrieve logs via Genetec VMS to confirm that the Bosch NBE-7704-ALX was first added or began recording on February 24, 2025, but, an internal City email sent to the project team confirms that the Bosch NBE-7704-ALX was added and started recording on that date.

9.b. the date this camera ceased to be in-service and the reason(s) it is not in-service, and

The Bosch NBE-7704-ALX was disabled on May 8, 2025 after it was disqualified from PSCS field testing.

9.c. the date this camera was disqualified from PSCS field testing and the reason(s) it was disqualified.

The Bosch NBE-7704-ALX was disqualified due to its insufficient resolution when the field of view was zoomed in on the intersection crossing.

10. In Appendix "D" in response to IIR Q9c, please confirm that where the City advised of the date when a camera was "first added to Genetec VMS", that this means the date the camera started recording? i.e., the first recording during the field test for the PSCS was February 24, 2025.

The City clarifies that "first added to Genetec VMS" means the date the camera started recording.

11. Regarding IIR Q9e, did the City have specific requirements when determining which cameras would be field tested for the PSCS?

The City is testing various camera types, including bullet, PTZ, multi-sensor, panoramic and licence-plate-recognition cameras, to assess cost and effectiveness for the PSCS. Maximum resolution and licence plate recognition capability were the primary considerations in selecting cameras for PSCS field testing.

11.a. If so, please list and explain all requirements the City considered when selecting cameras for PSCS field testing.

Since the PSCS is a passive system that is not actively monitored, the City must rely on capturing the highest possible resolution at a fixed field of view to maximize the probability of extracting: licence plate numbers; images of vehicle occupants (drivers and passengers); images of pedestrians at certain signalized intersections; vehicle make and model; and geolocation data.

12. Regarding IIR Q9f, the City did not provide still image samples for the Axis Q6100-E and the Axis Q3819-PVE cameras. Please provide still image samples for both cameras.

Images for the Axis Q6100-E have been provided separately through a secure file share link.

12.a. If the City is unable to provide a still image sample for either camera, please explain why a still image

sample is not available.

The City intends to temporarily disconnect the Axis Q3819-PVE due to hardware limitations of the network infrastructure being used for PSCS field testing. Currently, the Axis Q3819-PVE is not functioning as intended, and its recordings are corrupted. Therefore, a still image sample is not currently available for this camera. The City anticipates reconnecting Axis Q3819-PVE for evaluation and troubleshooting at a future date.

The City will continually assess the network infrastructure required to support the PSCS, based on necessity, and to minimize cost impacts. Consequently, other cameras being tested for the PSCS may be temporarily disconnected or reconnected for technical evaluation.

13. In response to IIR Q9f, the City advised that the field of view and the viewing distance of each camera may be adjusted during PSCS field testing. Please confirm whether the field of view and the viewing distance of each camera has been adjusted thus far during PSCS field testing. If so, please explain the adjustments made.

The City is in the early stages of PSCS field testing and is currently troubleshooting various power and network issues. As a result, the test cameras' fields of view have remained static. Nonetheless, the City intends to adjust the field of view during field testing to optimize the capture of: licence plate numbers; images of vehicle occupants (drivers and passengers); images of pedestrians at certain signalized intersections; vehicle make and model; and geolocation data. The primary objective of these adjustments will be vehicle-centric, ensuring the system accurately captures vehicle movements through an intersection.

14. In response to IIR Q9g, the City advised that the Avigilon H5 IR PTZ camera has built in FRT capability when integrated with Avigilon Unity Video Software. Please confirm:

14.a. whether the City integrated this camera with Avigilon Unity Video Software during the PSCS field testing, and

The City confirms that the Avigilon H5 IR PTZ is not integrated with Avigilon Unity Software in the PSCS field testing.

14.a.i. if not, does the City intend to; and

The City does not intend or plan to utilize Avigilon Unity Video Software during PSCS field testing or the operational phase.

14.b. whether the City and/or the RCMP intend to evaluate any still images or video footage collected during PSCS field testing for compatibility or usefulness of images/footage with any form of FRT software.

The City does not intend or plan to utilize any form of FRT technology or FRT software for the PSCS field testing or the operational phase.

15. In response to IIR Q9h, the City advised that the Axis Q1800-LE-3 and Axis Q3819-PVE have built-in audio capabilities that would be utilized during field testing. Please:

15.a. clarify whether the Bosch NBE-7704-ALX, the Avigilon H5 IR PTZ, and the Axis Q6100-E cameras each

have built-in audio capability, and
<p>The City confirms that:</p> <ul style="list-style-type: none"> • Bosch NBE-7704-ALX- has built-in audio capability (disconnected) • Avigilon H5 IR PTZ- has built-in audio capability • Axis Q6100-E- has built-in audio capability
15.b. p detail how the audio capabilities for all cameras have or will be field tested and evaluated. In doing so, please clarify for each camera:
15.b.i. whether the camera is always recording audio, and
The City does not intend or plan to utilize camera built-in audio capabilities for the PSCS field testing or the operational phase.
15.b.i.1. if not, how and when audio recording is activated and deactivated; and
The City confirms that the audio recording function is not activated in Genetec VMS.
15.b.ii. the minimum level (such as decibel level) that each camera is capable of recording and playing back audio.
N/A

16. Regarding IIR Q9h, please detail the necessity for the City to collect personal information using each of these camera technologies: FRT, audio, infrared, license plate recognition, and person / vehicle detection capability. Further, please describe:
16.a. any other capabilities, including analytic capabilities (for example, gunshot or firearm detection, loitering) the PSCS cameras may have available,
The City is field testing two cameras with licence plate recognition ("LPR") capability – Axis Q1800-LE-3 and Genetec SharpVG3.
16.b. whether the City is using each capability, and
The City is utilizing the LPR capability as part of the PSCS for law enforcement purposes, specifically using licence plate information for the purposes of criminal investigation and prosecution as outlined in the PIA, page 3.
16.c. the necessity for the City to collect personal information via each capability.
<p>Based on ongoing research on camera systems for public safety, the City's PSCS is intended to be vehicle-focused with the objective of capturing licence plate numbers. The PSCS proof-of-concept involving LPR cameras would collect (PIA, page 7):</p> <ul style="list-style-type: none"> • licence plate numbers – via LPR cameras • images of vehicle occupants (drivers, passengers) • images of pedestrians (at certain signalized intersections) • vehicle make and model • geolocation data <p>Capturing licence plates could allow law enforcement to identify vehicles involved in criminal activities, such as hit-and-runs, gang-related incidents or stolen vehicles. For example, footage from an intersection could</p>

link a vehicle to a crime scene, aiding in the identification of suspects.

Assessment of initial PSCS field testing determined that license plates cannot be consistently captured at nighttime or during inclement weather conditions without specialized technology. The use of LPR cameras is necessary to meaningfully accomplish the public safety and law enforcement objectives of the PSCS.

Based on the City's initial assessment of camera efficacy garnered from the field-testing conducted to date, incorporating LPR cameras is necessary to ensure the PSCS operates as intended. Should LPR be excluded, the PSCS's utility would be severely limited, as traditional image cameras, even at ultra high-resolution, fail to deliver reliable identification in low-visibility scenarios.

Additionally, the use of LPR cameras would enhance the efficacy of investigative techniques by minimizing the need to review irrelevant footage containing non-suspects' personal information, thereby ensuring privacy protections for those unrelated. For example, investigators could query a specific license plate (or partial plate) associated with a suspect vehicle, resulting in reduced investigative time and limited exposure to other video or data outside the scope of the inquiry.

17. In response to IIR Q9j, the City advised "Data not available". Considering that collection of an image and other recordings of an individual outside a vehicle involves the capture of more personal information than recordings of vehicles in an intersection, this is an area of concern. Please provide the average number of pedestrians or other individuals outside of vehicles recorded per day (for example, crossing the intersection, on sidewalks, work crews, etc.).

The pedestrian data for the intersection of Minoru Blvd. and Granville Ave., from a traffic study conducted on May 22, 2024, outlines pedestrian volumes over a six-hour peak period (AM, midday, and PM).

Intersection:	Minoru Blvd. and Granville Ave.
Southbound:	352 pedestrians
Northbound:	306 pedestrians
Westbound:	262 pedestrians
Eastbound:	399 pedestrians

Note: Data represents a 6-hour peak period (7:00 am – 9:00 am, 11:00 am – 1:00 pm, 4:00 pm – 6:00 pm).

18. In response to IIR Q10c, the City advised that it uses a suite of video management software from Genetec. Please list each piece of software contained in the suite and each software's general purpose or function.

The City is currently field testing the following software modules from the Genetec VMS:

Genetec Server Admin: A tool used to configure and manage Security Center servers, network settings, and system services.

Genetec Config Tool: An administrative interface for setting up and managing the system, including users, cameras, and configurations within Security Center.

Genetec Security Desk: An operator-focused application that provides real-time monitoring, video

surveillance, access control, and event management.

19. In response to IIR Q11b, the City provided documents in Appendix G. On page 20, Edward Warzel came to the conclusion in 2017 that there are "no cons" with the early proposal of the program. Further, claims of effectiveness had no citations attached. However, surveillance research has pointed to privacy and discrimination concerns with CCTV cameras since the 1990s. Issues with lack of effectiveness or potential misuse of programs are widely cited throughout the literature, even today. Is this still the conclusion the City would hold today? Please explain.

As the City has noted in response to Q 1.c above, it absolutely does recognize potential privacy impacts and is making every effort to avoid or minimize such impacts. If such a program could be operated without impacting personal privacy, then of course the City would prefer that option. The City has designed the program in such a fashion that the privacy concerns are mitigated to a level that allows Council to make the political judgment that the benefits of the program outweigh the downside of the privacy impacts.

As for Mr. Warzel's "no cons" comment, it appears to have been misconstrued. In listing pros and cons, Mr. Warzel was discussing the operational abilities of the cameras. In that part of the report, he was not addressing the issue of privacy impacts. He had addressed the privacy issue earlier in the report where he specifically noted that any program would need to be designed to comply with applicable privacy legislation. He said the following at page 18:

The legal regulation of CCTV systems occurs primarily via privacy law. This oversight is provided by offices of the federal and provincial privacy commissioners. It is anticipated that Richmond's CCTV system will be reviewed and approved by the Office of the Information and Privacy Commissioner for British Columbia. Should Council endorse a CCTV system, it would be designed and operated to ensure full compliance with all applicable privacy laws.

From a law enforcement and public safety perspective, there continue to be "no cons" associated with the deployment of the PSCS.

The City would also note that, since 2017, much work has been done to address privacy concerns, including not only by narrowing the program so that it is now concerned with law enforcement alone, but also by the preparation of a privacy impact assessment and by the design of measures to mitigate privacy impacts.

The potential for misuse of footage has been mitigated with multiple safeguard and privacy measures, and footage access and use is strictly limited and requires a production order. The footage from the PSCS is not being monitored on a livestream, nor is it intended for proactive policing initiatives.

The City has also sought to address privacy issues by encouraging review of its program by the OIPC. It remains open to receiving recommendations from the OIPC as to how it might further improve the program to even better protect persons' privacy. The City believes it has implemented significant and effective measures to adequately limit privacy impacts, but it is open to further modification if such modifications can be accommodated in an effective law enforcement program for the identification of criminals.

As for the issue of literature review, the City has conducted extensive review of the literature relating to the effectiveness of CCTV cameras both for crime reduction and crime clearance purposes. Some of that literature is cited in the report to Council dated September 27, 2021 by the City's Manager of Community Policy and Programs, Mark Corrado, which report is at page 180 of Appendix G. In addition to the studies cited in that report, the City has considered a wide array of literature relating to CCTV cameras, including, without limitation the following studies:

- *College of Policing – CCTV*
 - <https://www.college.police.uk/guidance/investigation/investigative-strategies/cctv>

The College of Policing is a professional body for the police in England and Wales. Since England and Wales

share similarities with Canada's legal system and have extensive experience with CCTV use, findings from the UK are valuable reference tools for policing agencies in Canada.

In a 2024 reference on investigative strategies, the College of Policing identified that CCTV footage provides an *"important role in detecting crime, identifying potential witnesses, identifying and/or eliminating suspects, and identifying potential investigative opportunities, such as event timelines and further CCTV sources... CCTV can also be a deterrent to potential offenders. It helps to reassure the public and also protects businesses, vulnerable premises and national facilities. It helps public authorities to manage ongoing incidents and is a useful tool when risk assessing scenes"*.

The College of Policing also stated that CCTV use can assist with identifying entry and exit routes from the scene of an incident and behaviour and activities before, during and after an incident.

- *Criminology and Public Policy - CCTV surveillance for crime prevention - Piza - 2019*
 - <https://onlinelibrary.wiley.com/doi/10.1111/1745-9133.12419>

In an article titled "CCTV surveillance for crime prevention" in *Criminology and Public Policy* Volume: 18 Issue: 1 Dated: 2019 Pages: 134-159, researchers conducted a meta-analysis of the crime reduction impacts of CCTV surveillance, using 40 years of evaluation research. The findings support that *"CCTV is associated with a significant and modest decrease in crime"*, especially in relation to vehicular, property and drug related crimes. It is also noted that CCTV is not intended as a standalone crime prevention tool.

- S. J. McLean et al *"Here's Looking at You: An Evaluation of Public CCTV Cameras and Their Effects on Crime and Disorder"* (2013) 38:3 Criminal Justice Review at pp 303-334

This study by S.J. McLean et al examined the impacts of public surveillance cameras on crime rate and deterrence in Schenectady, New York. The study examined the crime reduction rate following the installation of 11 cameras installed at intersections throughout the City (in a mix of residential and commercial areas). The camera system was subject to minimal real-time monitoring. Researchers found that areas with camera surveillance saw a 25.4% decrease in total crime in the post-intervention period compared to pre-intervention levels, which was more significant than the decrease in crime city-wide. This success did not apply to property crimes, which saw no difference. There was a 41.9% decline in disorder calls (annoying persons or groups, fights, drug sales, parking complaints).

- M. Ashby, *"The Value of CCTV Surveillance Cameras as an Investigative Tool: An Empirical Analysis"*, (2017) European Journal of Criminal Policy Research pp 441-450

A 2017 study into the use of CCTV surveillance on the British Rail Network ("BRN") concluded that CCTV evidence was associated with a significant increase in detection rates for all types of crime except for those related to drugs, fraud, and public disorder. The study utilized crime related data from the BRN between 2011 and 2015. This included 251,195 notable crimes, with CCTV footage available for 111,608 of them. Of the crimes for which CCTV evidence was available, CCTV footage was classified as useful in 72,390 investigations (29.4% of total recorded crimes, and 56.6% of crimes for which CCTV was available).

- L. Robin, B. Peterson, & D. Lawrence, *"How Does Close-Circuit Television Cameras Impact Crimes and Clearances? An Evaluation of the Milwaukee Police Department's Public Surveillance System"* (2021) Police Practice and Research pp 1171-1190

An analysis of the Milwaukee Police Department's use of various models of CCTV cameras, including 9 automatic licence plate recognition cameras, found that the cameras had an appreciable impact on crime

clearance. The study found evidence that newly installed CCTV cameras improved clearance of crimes. For example, one area with CCTV cameras had a 14% higher crime clearance rate than non-CCTV comparisons. Moreover, clearances of certain offences were higher at CCTV monitored areas.

These studies and others indicate that CCTV cameras assist in solving crimes, especially in areas regularly trafficked and inhabited by persons. Studies also appear to indicate that such cameras may provide some criminal deterrence, although it is important to note that while the PSCS is intended to help solve crime, it is not intended to serve as a crime prevention measure, and much of the research identifying the limited effectiveness of CCTV footage examines its ability to reduce and deter crime and not the investigative benefits it provides. The use of the PSCS is intended to supplement and enhance existing investigative tools. Just as police issue public appeals for dashcam footage, images from the PSCS would serve the same investigative function.

While the question as to the precise degree to which CCTV cameras increase investigative efficacy or deter crime is unclear, due in no small part to the complex nature of this research and the wide array of variables interacting together that must be accounted for in each study, there appears to be no doubt, based on the literature, that the use by the police of images from high-definition cameras placed at intersections is of at least some benefit as an investigative tool. The City's review of the research in this area has indicated that, rather than highlighting the lack of effectiveness of CCTV systems in criminal investigation and deterrence, the literature indicates the efficacy of CCTV in combating crime, with studies varying primarily on the overall level of that increased effectiveness, and the potential influence of environmental factors on that efficacy. The City Council has determined that the expected benefit is enough to warrant the significant expenditures that are necessary to implement the proposed intersection camera system.

20. On page 113 of Appendix G, documents show that in 2021 the City contemplated the need for more public debate about using images from traffic cameras in court to apprehend perpetrators. Did the City organize further public debate? Please describe any public debate the City organized and provide a summary of the feedback that was received from public. Please include relevant documentation.

The City is required to give public notice of its meetings and provide agendas and reports related to items on the agenda to the public. After such notice is available to the public, public delegations are able to attend Council and Committee meetings to discuss any agenda items and any concerns that they may have related to that agenda item.

For example, the report titled "Phasing Options for the Public Safety Camera System", was presented at the December 2, 2024 General Purposes meeting. No delegations were in attendance and no residents spoke out with any concerns.

At the March 11, 2025 Community Safety Committee meeting, delegate Kody Millar expressed concerns in the installation of high-resolution cameras at intersections. Discussion then ensued in regard to camera footage assisting police investigations, signage advising of recording and the storage of videos.

Minutes of the meeting are available at the following link:

https://citycouncil.richmond.ca/agendas/safety/031125_minutes.htm

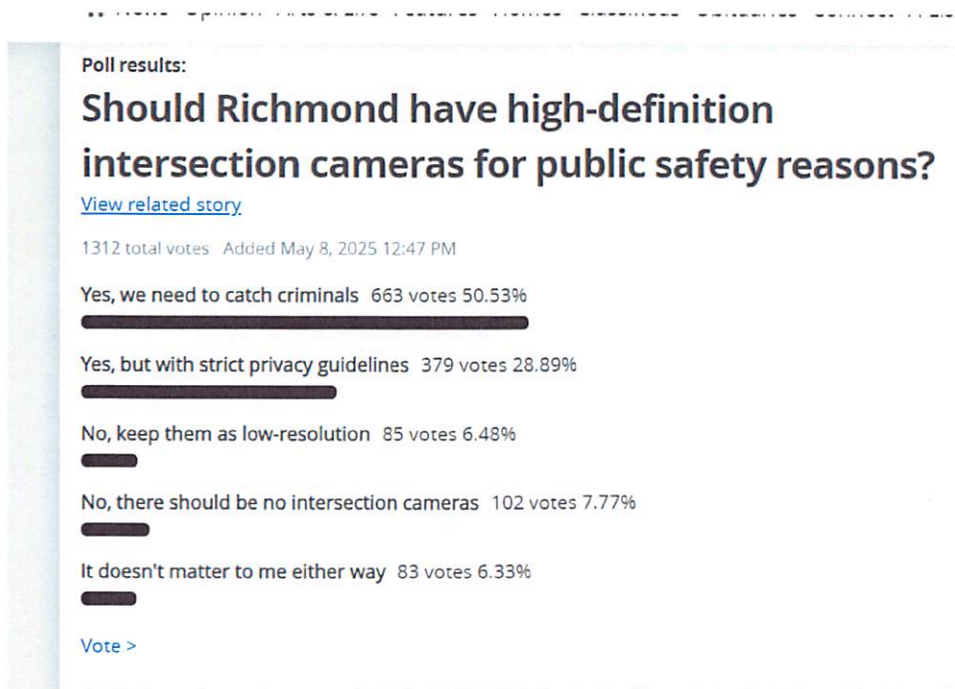
Kody Millar also created an online petition against the use of high-resolution cameras for public safety and collected 47 signatures. This petition can be viewed at:

<https://www.openpetition.org/ca/petition/online/stop-4k-high-resolution-cameras-from-being-installed-at-intersections-in-richmond-bc>

Kody Millar's petition was also posted on reddit r/richmondbc for public discussion with nine replies, eight of which were in support of the camera implementation (and the remaining comment being from the reddit user posting the petition). This thread can be viewed at:

https://www.reddit.com/r/richmondbc/comments/1iz6ubc/petition_against_4k_highresolution_cameras_at/

Finally, Richmond News conducted a public poll on the PSCS with the following results:



21. In response to IIR Q12a, the City provided Appendix I. Please estimate the number of footage requests from Appendix I where the suspect likely could have been identified from license plate recognition alone.

It is not possible to determine the number of instances where a suspect could have been identified from licence plate recognition alone, as there are too many variables.

As part of a comprehensive investigation, police will seek to use any available evidence to advance an investigation, including video evidence. Once a licence plate is known, some common investigative processes can be engaged. These include checking the license plate on the Canadian Police Information Center database, which all police agencies in Canada upload to, and accessing Provincial motor vehicle license and insurance databases, which will:

- (1) advise investigators of who the registered owner is, where they live, and their physical description;
- (2) provide a description of the registered vehicle, the year, make, and colour;
- (3) advise if the registered owner has a police record or criminal record; and,
- (4) with judicial authorization, obtain an image of the registered owner.

Based on this information, police can identify a person of interest and can advance their investigation. When the license plate is a stolen plate, police are still able to advance an investigation by investigating the stolen plate and pursuing that lead.

22. In IIR Q12b, the City claims "the quality of the PSCS will mean ...the video footage [will be] usable... closer to 100% of the time." However, other factors are at play regarding whether footage is usable or what is able to be captured (e.g. does not capture MVI, theft, assault), so accuracy of near 100% seems unlikely.

22.a. Please provide further information as to how video footage would be usable for the intended purpose 100% of the time.

The City and RCMP wish to clarify that 100% **usability** of the PSCS footage does not convey that the video footage would provide 100% accuracy for law enforcement purposes. Usability pertains to whether police can review the footage to make investigative assumptions and pursue other leads.

High definition PSCS footage will be **usable** close to 100% of the time. The value of each image or video to police will vary, including whether the vehicle or subject of interest is captured in the frame and whether environmental or positional/technical factors of the camera limit its use. Even if a licence plate is not captured, a detailed high-resolution image of a vehicle can allow investigators to advance an investigation by providing a better image of the vehicle to determine key identifying markers of the vehicle. For example, investigators could potentially learn the trim package or model of the vehicle to narrow down the number of possible suspect vehicles.

In other words, the City is not saying that suspects will be identified 100% of the time. Rather, it is saying that the image quality will almost always be such that it is usable for its intended purpose.

With the old system, for example, a suspect with his name emblazoned on his hat could be staring right at the camera, but the chances would have been high that the image quality was too poor to be usable for identification purposes. With the proposed high-resolution cameras, the images will almost always (close to 100% of the time) be of sufficient quality that if sufficient personal information for identification is captured (which, of course, will not always be the case), then the image will be usable.

The City's statement in IIR Q12b is, in effect, saying that the implementation of the PSCS would remove the variable of visual fidelity and resolution as a potential factor in whether video footage can be used for identification purposes. Video footage may not yield successful identification results, but if that is the case it will no longer be due to issues with usability of the footage caused by poor quality or resolution. The percentage claim in the City's answer to IIR Q12b is a rate of usability, not a rate of criminal-identification success. That said, as the City next points out, it does expect that the cameras will effectively identify criminals enough of the time to justify the Council's judgment that it is worth expending the resources to install and maintain the camera system.

22.b. From what has been listed in Appendix I, please identify how many suspected offenders who committed serious crimes (e.g. not including public disturbances and more minor infractions) would have reasonably been identified, if the video footage was usable 100% of the time.

Due to an array of variables, including crime types, time of day, availability of witnesses, etc., it is difficult to assess the number of offenders who could have been identified, who otherwise were not. It is also possible that an offender was eventually identified via additional investigative steps, but could have been identified

sooner had PSCS footage been available.

A higher resolution image than the current system could provide police knowledge of additional suspects in a vehicle, clothing descriptions, post-offence behaviour such as discarding of weapons, or evidence such as clothing, as well as support suspect identification through matching clothing, logos, tattoos, etc.

Notification to individuals:

23. In response to IIR Q14a, the City provided signage in Appendix L. The signage provides contact information for the City's Director of Transportation but does not notify individuals that the City is collecting personal information, the purposes for collection, or the legal authority to collect personal information. Please explain why the current signs do not include this information.

As noted in the City's response to IIR Q13, the City relies on section 27(3)(a) as relieving it from the requirement of giving notice under section 27(2) in respect of the collection of personal information. The referenced signage is for PSCS field testing only, and the City has provided this signage as a courtesy and for transparency purposes rather than to fulfill any legal obligation. The City reviewed the wording of the PSCS signage and found it to be concise and straightforward. The PSCS signage states that public safety cameras are installed at the Minoru Blvd and Granville Ave intersection and they are being field tested for public safety. The City has a process in place to respond to inquiries regarding PSCS field testing, including its legal authority to collect personal information.

The City remains firmly of the belief that the PSCS field testing is authorized pursuant to section 26(b), and therefore notice is not required pursuant to section 27(3)(a). However, if it is determined that the PSCS field testing is authorized under sections 26(c) or (e), but not (b), the City acknowledges that the exemption for the notice requirement under section 27(3)(a) would not apply. In this circumstance, the City would review its existing signage and notice, to make any changes and post any additional signage necessary to ensure strict compliance with section 27(2).

24. Regarding IIR Q14b, the first and second images in Appendix M appear to show that signage would be placed adjacent to the eastbound driving lanes of Granville Ave, approximately 52 meters from the intersection of Minoru Blvd. and Granville Ave., and adjacent to the westbound driving lanes of Granville Ave, approximately 70 meters from the intersection of Minoru Blvd. and Granville Ave. The third and fourth images in Appendix M appear to show signage is installed. Please confirm that all signage has been installed.

Signage has been installed on Granville Ave in both the eastbound and westbound directions.

24.a. If so, please also explain:

i. when each sign was installed,

The sign was installed on February 13, 2025.

ii. the exact location(s) where sign(s) were installed, and

The sign was installed:

Eastbound sign: 53m in advance of intersection. Measurement taken from back of stop bar to sign.

Westbound sign: 76m in advance of intersection. Measurement taken from back of stop bar to sign.

iii. the reasons these locations were chosen for each sign?

The placement of the signage was determined based on the following factors:

- **Visibility:** Signs are placed where they are clearly visible and legible to approaching drivers, with no obstructions
- **Advance Placement:** Signs are located well in advance of decision points (e.g., intersections) to allow drivers time to read and react
- **Consistency:** Placement is uniform across similar road types and environments to meet driver expectations
- **Traffic Standards:** Sign location follows the Manual on Uniform Traffic Control Devices (MUTCD) guidelines

25. Regarding IIR Q14b, does the City intend to place signage in any other location where vehicles or pedestrians may enter the intersection or be captured by the PSCS (for example, signage on Minoru Blvd. for southbound/northbound vehicle or pedestrian traffic entering the intersection)?

The City intends to place signage in the direction of vehicle travel where field testing occurs. Currently, field-testing signage has been installed on Granville Ave in both eastbound and westbound directions.

26. Regarding IIR Q14b, pedestrians may enter the intersection of Minoru Blvd. and Granville Ave from the west or east using the sidewalks on either side of Granville Ave. Does the City intend to place signage on both sides of Granville Ave. before pedestrians enter the intersection?

The City's PSCS signage is vehicle-focused and oriented in the direction of vehicle travel where field testing occurs. At this time, the City does not plan to install PSCS signage at the Minoru Blvd and Granville Ave intersection targeting pedestrians.

27. In IIR Q14c, the City advised that, should individuals be recorded by the PSCS prior to being close enough to read the notification signs, the captured image quality and pixel density would be insufficient to discern or recognize faces. Please:

27.a. confirm whether the City has tested the cameras to confirm this, and

Based on the configured field of view for the PSCS field testing cameras and the intended field of view for the PSCS, the City confirms that the captured image quality and pixel density would be insufficient to discern or recognize faces prior to individuals being close enough to read the notification signs.

27.a.i. if not, please explain the City's rationale for its opinion; and

N/A

27.b. clarify whether the quality and pixel density of captured images may be sufficient to discern or recognize faces, if the viewing distance or zoom/magnification settings of any camera are adjusted.

The City intends to operate the PSCS as a passive, non-actively monitored system. Although PTZ and some bullet cameras can be zoomed to produce magnified images sufficient to discern or recognize faces, the PSCS field of view is configured to focus on vehicles and will not be manually adjusted once set.

28. Regarding IIR Q14d, please provide any reasons why general notification is not provided on the City's website.

General notification of PSCS field testing was not posted on the City's website because the testing is still evolving. The use of PSCS for law enforcement was featured in the City's 2025 budget process, in the City's news and information bulletins, and in various Mayoral speeches. It also received wide media coverage and was discussed in public digital message forums. References are provided below:

City's Budget Report:

1. https://citycouncil.richmond.ca/_shared/assets/2-2025-Proposed-Capital-Budget74976.pdf

City Hall News Bulletin:

2. <https://www.richmond.ca/city-hall/news/2024/budget12dec2024.htm>

Mayor's address:

3. https://www.richmond.ca/_shared/assets/2025address75344.pdf
4. <https://www.richmond.ca/city-hall/city-council/messages.htm>

Media Coverage:

5. <https://www.richmond-news.com/local-news/better-cctv-footage-needed-for-investigations-richmond-council-3788884>
6. <https://www.richmond-news.com/local-news/richmond-council-challenges-privacy-commissioners-ruling-on-traffic-cameras-7539380>
7. <https://www.richmond-news.com/local-news/city-traffic-cameras-added-to-richmond-rcmps-public-safety-toolbox-3766670>
8. <https://www.richmond-news.com/local-news/richmond-wants-high-def-intersection-cameras-to-deter-crime-8169477>
9. <https://richmondcity.news/2024/12/11/richmond-city-council-approves-2025-budgets-with-tax-increase/>
10. <https://www.richmond-news.com/local-news/cameras-for-police-use-proposed-at-10-richmond-intersections-9866101>
11. <https://www.richmond-news.com/opinion/letters-richmond-news-reader-raises-concerns-about-mass-surveillance-with-cctv-cameras-10273289>
12. <https://www.richmond-news.com/local-news/privacy-watchdog-investigating-richmond-bc-intersection-camera-pilot-10627204>
13. <https://www.richmond-news.com/local-news/richmond-bc-resident-opposes-high-definition-intersection-cameras-10427274>

Petition Against PSCS:

14. <https://www.openpetition.org/ca/petition/online/stop-4k-high-resolution-cameras-from-being-installed-at-intersections-in-richmond-bc>
15. https://www.reddit.com/r/richmondbc/comments/1iz6ubc/petition_against_4k_highresolution_cameras_at/

The City is happy to add a general notification to its website if the OIPC requires or requests it.

Disclosure of personal information:

29. Regarding IIR Q15, the City advised that it “does not intend to disclose any personal information collected by the PSCS during the field testing phase to the public...”. Please confirm:

29.a. whether recordings during the PSCS field test will be made available by request through FOI or through another avenue,

While the City will continue to comply with its obligations under Part 2 of FIPPA to fulfill FOI requests, the City does not anticipate nor can it conceive of a scenario in which an FOI request would result in PSCS field-testing footage being released.

Given the record retention policy outlined in the City’s PIA and answers to the IIR (e.g. that field testing footage is permanently deleted after 48 hours, and will be deleted after 10 days in the PSCS’ full implementation), the City anticipates that in the vast majority of instances an FOI request for video footage would simply result in no responsive records, as the footage would have been deleted in accordance with the retention and deletion schedule.

In the rare instance that the timing and scope of an FOI request was such that responsive records did exist, the City would anticipate withholding the records under section 22 of FIPPA in the event that personal information was captured in the footage, or potentially under section 15(1)(l) if there were concerns over the disclosure of the footage harming the security of the PSCS (e.g. via footage identifying any technical aspects of the camera’s make or software, or by indicating any limits or vulnerabilities of the system). Depending on the context and sensitivity of the request, the City may elect to confirm or deny the existence of the responsive records per section 8(2) of FIPPA.

If the OIPC takes a different view as to the appropriate method to process an FOI request for PSCS footage, the City welcomes any feedback or guidance to ensure that its procedure properly complies and balances its obligation to both fulfill applicant’s rights to freedom of information under Part 2 of FIPPA, and its obligation to protect third party privacy under Part 3 of FIPPA.

29.b. once the field test is complete, whether recordings will be made available through FOI or as a record for purchase, and

As set out above, the City does not anticipate that field testing recordings would be made available through FOI. Recordings would not be available for purchase.

29.c. if recordings are available to purchase, who would be able to purchase them.

Recordings would not be available for purchase.

Protecting personal information:

30. Regarding Q18a, please explain how access control monitoring will be used with the Genetec Video Management System being on a different network. In doing please also explain how the Cybersecurity Incident Response Team (CSIRT) would access the video management system.

The City utilizes CyberArk and QRadar, enterprise security solutions widely used by organizations around the world, as part of its cybersecurity framework to monitor access control within the Genetec Video Management System. Administrator’s login to the PSCS server is monitored by CyberArk and subsequently by QRadar (Security Information and Event Management – SIEM). User logins to Genetec VMS are recorded in Windows security logs and similarly monitored by QRadar. CSIRT accesses the video management system servers via the VM management console through CyberArk. Both CyberArk and QRadar are supported by local vendors in Canada.

31. Regarding Q19a, please provide a copy of the Cyber Incident Response Plan (IRP) and materials used for the tabletop exercise testing the IRP on April 15, 2025.

The City's Cyber Incident Response Plan (IRP) and materials used for the tabletop exercise testing the IRP on April 15, 2025 have been provided separately through a secure file share link.

32. Regarding Q19b, please identify the staff positions that make up the Cybersecurity Incident Response Team (CSIRT). Please also confirm if the CSIRT will have access to the segregated network and data storage systems.

The staff positions that make up the CSIRT are provided in page 7 to 10 of the City's IRP.

The City confirms that the CSIRT will have access to the PSCS segregated network and data storage systems.

33. Regarding Q20c, please confirm whether all remote access activity is logged.

The City confirms that all remote access to the PSCS server is logged by CyberArk and QRadar. In addition, access activity is also logged in the Genetec Security Center.

33.a. If so, please confirm who is responsible for reviewing access logs.

The City's managed security service provider (MSSP) is actively monitoring logs in QRadar. The City's IT Cybersecurity and Compliance team is notified and investigates any suspicious login activity reported by the MSSP. The MSSP is a contracted third party incorporated in Canada that supports security monitoring services by leveraging the logs and alerts generated by QRadar.

34. Regarding Q20d, please confirm:

34.a. when the data transfer process will be determined, and

A formal data transfer process has not yet been determined and will be evaluated as part of the PSCS field testing. The formal data transfer process is anticipated to be at the later stage of the PSCS field testing where the PSCS proof-of-concept has been established (such as hardware selection, camera placement, field of view settings, VMS configuration, networking requirements, etc.).

34.b. whether the City has made any progress this topic since its June 13, 2025, response to the OIPC. If so, please provide detail on the progress made.

The City has not made any progress on evaluating a formal data transfer process since June 13, 2025.

November 12, 2025

OIPC File: F25-00259

Delivered by email: aconnor@younganderson.ca

Amy O'Connor
Barrister & Solicitor
Young, Anderson

Re: Investigation of City of Richmond's Public Safety Camera System

My office has completed our investigation of City of Richmond's Public Safety Camera System (PSCS). This investigation was conducted under s. 42(a) of the *Freedom of Information and Protection of Privacy Act* (FIPPA).

The investigation concluded that the City is not authorized to collect personal information through its PSCS, and includes my recommendation that the City take the following actions:

1. Immediately stop collecting personal information through the PSCS.
2. Immediately delete all PSCS recordings to date.
3. Disband PSCS equipment used to collect personal information.

(the "Recommendations")

Please find an embargoed copy of the report attached to this letter. Should you wish to bring any factual inaccuracies or omissions to our attention, please do so **no later than 3:00 PM November 18, 2025**. I also ask that your response indicate whether the City has complied with Recommendations 1 and 2, and the date upon which the City intends to implement Recommendation 3.

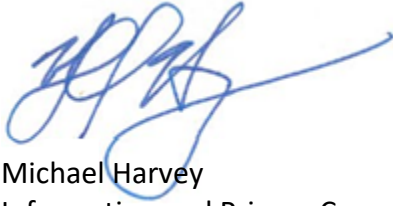
Please also note that should the City indicate its unwillingness to follow the Recommendations or fail to implement them, I may issue an order pursuant to s.42(1)(b) of FIPPA.

Please send your response to Tanya Allen, Director of Audit and Systemic Review, at tallen@oipc.bc.ca. You may also direct any questions to Tanya relating to the report or the investigation.

This report is embargoed and must not be publicly distributed before my office publishes the final version. Therefore, I ask that this embargoed copy be shared only with individuals who are required to review it, including the relevant City employees and the City's legal advisors.

My office intends to publish the report in January. My staff will provide you with a final copy of the report in the morning of the day it will be published.

Sincerely,

A handwritten signature in blue ink, appearing to read 'MH', with a long horizontal stroke extending to the right.

Michael Harvey
Information and Privacy Commissioner for British Columbia

cc: Tanya Allen, Director, Audit & Systemic Review
Nick Falzon, Lawyer, Young, Anderson

From: [Amy O'Connor](#)
To: ["Tanya Allen"](#)
Cc: [Nick Falzon](#); [Jessica P. Campbell](#)
Subject: RE: OIPC Letter & Report - Richmond PSCS
Attachments: [image003.png](#)

Hi Tanya,

The City does not intend on complying with the recommendations set out in the embargoed copy of the OIPC's investigation report (the "IR"), and it expects an order to be issued pursuant to section 42(1)(b) of FIPPA.

With regard to the highlighted footnotes in the IR, the Manager heading the field testing of the PSCS is out of the office until December 11th. The City anticipates providing a response within a week of his return.

Best,

Amy O'Connor
Barrister & Solicitor
(she/her)

e-mail: oconnor@younganderson.ca
t: 604.689.7400 x235 | f: 604.689.3444
www.younganderson.ca
Young, Anderson | 201 – 1456 St Paul Street | Kelowna | BC | V1Y 2E6

From: Tanya Allen <TAllen@oipc.bc.ca>
Sent: Wednesday, November 12, 2025 8:11 AM
To: Amy O'Connor <oconnor@younganderson.ca>
Cc: Nick Falzon <falzon@younganderson.ca>; Jessica P. Campbell <JCampbell@oipc.bc.ca>
Subject: OIPC Letter & Report - Richmond PSCS

Good morning,

Please find attached correspondence from Commissioner Harvey, along with an embargoed copy of the body of OIPC's investigation report on the City of Richmond's Public Safety Camera System.

Please confirm receipt of this email.

Kind regards,

Tanya Allen
Director, Audit & Systemic Review
[She/her/hers](#)



Mobile: 250.217.1854
www.oipc.bc.ca



We acknowledge the homelands of the Indigenous Peoples of this place we now call British Columbia, and honour the many territorial keepers of the Lands on which we work.

This email and any attachments are only for the use of the intended recipient and must not be distributed, disclosed, used or copied by or to anyone else. If you receive this in error please contact the sender by return email and delete all copies of this email and any attachments.



City of Richmond

Memorandum Law and Community Safety

To: Mayor and Councillors
From: Anthony Capuccinello Iraci
General Manager, Law and Community Safety
Date: January 21, 2026
File: 10-6450-07-07/2025-Vol 01
Re: **Approval to Commence Court Proceedings Challenging the Order of the Information and Privacy Commissioner – Public Safety Camera System Program**

For the purposes of Council's consideration of the report dated January 21, 2026 from the General Manager of Law & Community Safety related to the above noted matter that appears on the January 26, 2026 Regular Council Meeting Agenda, please find attached the January 14, 2026 Order of the Information and Privacy Commissioner.

Anthony Capuccinello Iraci
General Manager, Law and Community Safety

Att. 1
pc: SMT

Order F26-01

CITY OF RICHMOND

Michael Harvey
Information and Privacy Commissioner

January 14, 2026

CanLII Cite: 2026 BCIPC 1
Quicklaw Cite: [2026] B.C.I.P.C.D. No. 1

Summary: The City of Richmond (the City) commenced field testing a video surveillance program to collect and disclose footage to the RCMP to assist in identifying criminal suspects. The Commissioner determined that the City is not authorized to collect personal information pursuant to the program for the purpose of law enforcement (s. 26(b)), as a program or activity of the public body (s. 26(c)), or for the planning or evaluation of a program or activity of the public body (s. 26(e)). The Commissioner also concluded that the City did not provide adequate notification to individuals of the purposes and authority for collecting their personal information, contrary to s. 27(2) of FIPPA. The Commissioner required the City to stop collecting personal information through the program, delete recordings, and disband the equipment.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c 165, ss. 26(b), (c), (e) and s. 27(2).

ISSUES

The issues to be decided in this inquiry are whether the City has the authority to collect personal information through its Public Safety Camera System (PSCS) for the purpose of law enforcement (FIPPA s. 26(b)), as a program or activity of the public body (s. 26(c)), or for the planning or evaluation of a program or activity of the public body (s. 26(e)). Further, the Commissioner also considered whether the City provided adequate notification to individuals of the purposes and authority for collecting their personal information, pursuant to s. 27(2) of FIPPA.

DISCUSSION

Beginning in February 2025, the City commenced field testing a video surveillance program called the Public Safety Camera System. The project involves the use of

multiple high-resolution intersection cameras that collect video footage of individuals, licence plates, and vehicle identification features. The sole purpose of the PSCS is for the City to collect and disclose the video footage to the Royal Canadian Mounted Police (RCMP) to assist the RCMP in identifying criminal suspects.

The field testing involves the use of cameras at the intersection of Minoru Boulevard and Granville Avenue in Richmond. The City's field testing was designed to evaluate the technical capabilities of different cameras, how many cameras to use, where to place them, and whether the PSCS could provide adequate footage for the RCMP's use.

The Office of the Information and Privacy Commissioner (OIPC) conducted an investigation pursuant to s. 42(1) of *Freedom of Information and Protection of Privacy Act* (FIPPA) into the field testing of the PSCS. The OIPC specifically considered whether the City is authorized by s. 26 of FIPPA to collect personal information pursuant to the program for the purpose of law enforcement (s. 26(b)), because it is necessary for a program or activity of the public body (s. 26(c)), or for the planning or evaluation of a program or activity of the public body (s. 26(e)). The result of that investigation was published in Investigation Report 26-01 (the Report). The Report is attached as Appendix A to this order and forms part of this Order.

As set out in the Report, the OIPC concludes that the City is not authorized by ss. 26(b), (c) or (e) of FIPPA to collect, use, and disclose personal information through the PSCS or its field test. Specifically, FIPPA does not authorize the City to collect personal information through PSCS or its field test for the purposes of law enforcement, for a City program or activity, or for planning or evaluating a City program or activity. As a result, the collection of personal information has been undertaken contrary to s. 26 of FIPPA. Further, the OIPC concludes that the City has not provided adequate notification to individuals of the purposes and authority for collecting their personal information, contrary to s. 27(2) of FIPPA.

The OIPC made the following recommendations to the City:

1. The City immediately stop collecting personal information through the PSCS.
2. The City immediately delete all PSCS recordings to date.
3. The City disband PSCS equipment used to collect personal information.

On November 12, 2025, the OIPC sent the City an embargoed copy of the Report and asked the City to respond with an indication as to whether it would comply with the three recommendations in the report. The OIPC confirmed that if the City was not willing to follow the recommendations, the Commissioner may issue an order pursuant to s. 42(1)(b) of FIPPA.

On November 24, 2025, the City responded by stating it does not intend on complying with the recommendations in the Report and expects an order to be issued.

As a result of the City's refusal to follow the recommendations in the Report, I have determined it is necessary to issue a binding order.

CONCLUSION

Pursuant to s. 42(1)(b) and 58(3)(e) and (f) of FIPPA, I make the following order:

1. The City immediately stop collecting personal information through the PSCS in contravention of s. 26 of FIPPA.
2. The City immediately delete all PSCS recordings to date.
3. The City disband PSCS equipment used to collect personal information.

I require compliance by the date of the issuance of the order. As a condition under s. 58(4) of FIPPA, I require the City to provide me with written evidence of its compliance with the above order by February 26, 2026.

January 14, 2025

ORIGINAL SIGNED BY

Michael Harvey
Information and Privacy Commissioner

OIPC File No.: F25-00259

Appendix A: OIPC Investigation Report 26-01



Investigation Report 26-01

Investigation of City of Richmond's Public Safety Camera System Field Test

January 2026

CANLII CITE: 2026 BCIPC 2
QUICKLAW CITE: [2026] B.C.I.P.C.D. No. 2

CNCL - 236

WHO WE ARE

Established in 1993, the Office of the Information and Privacy Commissioner provides independent oversight and enforcement of BC's access and privacy laws, including:

- The *Freedom of Information and Protection of Privacy Act* (FIPPA), which applies to over 2,900 public bodies, including ministries, local governments, schools, crown corporations, hospitals, municipal police forces, and more; and
- The *Personal Information Protection Act* (PIPA), which applies to any private sector organization (including businesses, charities, non-profits, and political parties) that collects, uses, and discloses the personal information of individuals in BC. PIPA also applies to any organization operating in BC that collects, uses, or discloses personal information of any individual inside or outside of BC.

Michael Harvey is BC's Information and Privacy Commissioner.

The Office of the Information and Privacy Commissioner for BC respectfully acknowledges that its offices are located on the traditional territories of the Lekwungen people of the Songhees and Esquimalt Nations.

As an Officer of the Legislature, the work of the Commissioner spans across British Columbia, and the OIPC acknowledges the territories of First Nations around BC and is grateful to carry out our work on these lands.



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COMMISSIONER'S MESSAGE

Surveillance in our communities is on the increase in British Columbia. It takes many forms, including devices worn on employees, mounted at fixed locations, or in vehicles or on drones. Surveillance also takes other forms, inside and outside of private businesses and public facilities and in public places like street corners and parks. When this trend began a generation ago, the devices were videocassette cameras and footage was often low resolution and stored temporarily. Now the devices can collect more than just video, at ever increasing levels of resolution, including audio and biometric information such as faceprints, heat signatures and gait patterns. The data can be stored forever and assessed with artificial intelligence.

The trend is driven by concerns about crime and social order in our communities among public and private organizations and, indeed, by the public themselves. These concerns are legitimate and there are certain uses for which that properly implemented surveillance can be one effective tool. However, as a society, we must avoid the temptation to too easily leap to a simple approach. Surveillance, particularly of the type available today, can be corrosive to our social fabric. The lessons of the past century are that the societies that had imposed comprehensive surveillance were left with deeply damaged values. The degree of surveillance implemented in those societies pales with what today's technology offers. Yes, people of British Columbia deserve to know that someone is watching out for them, but if we do not implement these technologies in a thoughtful, careful and limited manner, we risk slipping into a society where people feel like they are always being watched.

Further, advancements in camera technology and software make it too easy and tempting for

public bodies and private sector organizations to acquire and employ high definition, zoom-quality cameras with night vision, facial recognition, audio recording, automated licence plate recognition, and other such features that, when combined, go over and above what is considered reasonable collection for the context. Such features also raise the potential for scope creep, where technology installed for one purpose is later used for other purposes.

Fortunately, we have laws in British Columbia that establish the parameters for a limited and proportional surveillance. The *Freedom of Information and Protection of Privacy Act*, which governs the provincial and municipal public sectors, and which is the legal basis for this report, establishes that public bodies must only collect information as authorized by law.

In the example set out in this report, the City of Richmond (the City) is field testing a video surveillance project they have named the Public Safety Camera System. The project, currently being tested at one intersection, collects the personal information of tens of thousands of people per day via multiple high-resolution intersection cameras. The purpose of the program is to share captured images and video with police to aid in identifying criminal suspects. Throughout this report, we describe why the City is not authorized to collect personal information through the project for law enforcement, or for any other purpose under FIPPA.

In response, I recommended that the City immediately stop collecting personal information through the Public Safety Camera System and delete all recordings. I also recommended that the City disband the system equipment. Upon reviewing an embargoed copy of this report, the City advised that it did not intend to comply with

these recommendations. In response, I have issued Order F26-01.

My office and its counterparts in various jurisdictions have sounded the alarm on surveillance for decades, advising public bodies to proceed with caution, only where necessary, and while respecting privacy legislation. Beyond concerns relating to proper legal authority, there are concerns that surveillance is not as effective as often purported and can have other harms.

The deployment of video surveillance is not neutral or objective, nor is it harmless, as its use impacts individual and collective privacy in the name of safety.

Due to the plethora of concerns related to the sale, widespread availability, and potential for misuse of high-tech surveillance equipment used to identify individuals, I have also re-issued a recommendation to the BC Government. I ask that government enact legislation to explicitly regulate the sale or installation of technologies that capture biometric information. Biometric information, such as one's faceprint, is highly sensitive personal information and government should better protect individuals across BC. Without explicitly regulating biometric data collection, we leave individuals in BC subject to the unregulated market for sale and use of such equipment, and we remain behind other jurisdictions such as Quebec, who have already enacted legislation.

Other public bodies exploring options for similar high-tech video surveillance should read this report and consider whether they have the authority to collect personal information, whether such collection is

necessary and proportional to the issue at hand, and whether the proposed project actually serves the public. Privacy is a core democratic value, and upholding its protection is paramount to a free and healthy society.



Michael Harvey
*Information and Privacy Commissioner
for British Columbia*



EXECUTIVE SUMMARY

In February 2025, the City of Richmond (the City) began field testing its Public Safety Camera System (PSCS) at the intersection of Minoru Boulevard and Granville Avenue. The PSCS uses multiple ultra-high-definition video cameras installed, and once fully implemented at key locations within Richmond, would collect video footage of individuals, licence plates, and vehicle identification features. The sole purpose of the PSCS is for the City to collect and disclose the video footage to the Royal Canadian Mounted Police (RCMP) to assist it in identifying criminal suspects.

The City's field testing was designed to evaluate the technical capabilities of different cameras, how many cameras to use, where to place them, and whether the PSCS could provide adequate footage for the RCMP's use. During field testing, the City collected personal information belonging to tens of thousands of people each day. The cameras recorded continuously, and the City retained video footage for a 48-hour period, before deletion.

The City field tested eight cameras, with various built-in capabilities including Licence Plate Recognition (LPR), person/vehicle detection, infrared, audio recording, and Facial Recognition Technology (FRT). The City confirmed that it did not use any form of FRT, or built-in audio recording during field testing, however, it tested other capabilities, such as LPR and person/vehicle detection.

The OIPC investigated the City's field testing of the PSCS under s. 42(1) of FIPPA and found that the City is not authorized under FIPPA to collect, use, or disclose personal information through the PSCS or its field test.

Specifically, FIPPA does not authorize the City to collect personal information through PSCS or its field test for the purposes of law enforcement, for a City program or activity, or for planning or evaluating a City program or activity. Further, the OIPC found that the City did not provide adequate notification to individuals of the purposes and authority for collecting their personal information.

To address the issues detailed in this report, the OIPC made three recommendations to the City:

1. The City immediately stop collecting personal information through the PSCS.
2. The City immediately delete all PSCS recordings to date.
3. The City disband PSCS equipment used to collect personal information.

The City advised that it did not intend to comply with the recommendations, and the Commissioner issued Order F26-01 on this matter.

Due to the availability of sophisticated surveillance technology to those seeking it, the potential for misuse and harm, and the relative uncertainty regarding the legal limits of biometric surveillance, the OIPC has again recommended that:

4. The BC Government regulate, through legislative amendment, technologies that capture biometric information.

Regulation of technologies that capture biometric information would help to ensure appropriate guardrails are in place to avoid overstepping of the limits or the potential misuse of such tools.

Public video surveillance can be controversial, and such surveillance is only authorized in certain circumstances. While studies on effectiveness for investigating or deterring crime have demonstrated modest results in limited contexts, the negative implications for privacy, social equality, and civil liberties may be vast. Public discourse has long raised concerns about the pervasive nature of surveillance technology and how it is deployed.

As such, the OIPC encourages other public bodies considering similar surveillance programs to review this report and findings, as well as the corresponding order, for guidance before initiating such programs.

A summary of recommendations can be found on page 51.

Order F26-01 can be found at <https://www.oipc.bc.ca/rulings/orders/>

BACKGROUND

The Office of the Information and Privacy Commissioner for British Columbia (OIPC) monitors the extent to which public bodies protect personal information and comply with access provisions under the *Freedom of Information and Protection of Privacy Act* (FIPPA).

Privacy rights have been recognized by the Supreme Court of Canada as having quasi-constitutional status. The Canadian Charter of Rights and Freedoms further protects privacy as a fundamental right through sections 7 (the right to life, liberty and security) and 8 (protection from unreasonable search and seizure).¹ In British Columbia, FIPPA is designed to protect individuals' privacy rights, which are foundational to a flourishing democracy.

As a public body, the City of Richmond (the City) is subject to FIPPA. In recent years, the City has engaged the OIPC in discussion around replacing or adding to their current low-resolution traffic camera system with a high-definition camera system at several intersections. The City's stated sole purpose for the Public Safety Camera System (PSCS), if fully implemented, would be to use high-definition cameras to collect clear images of faces, licence plates, and vehicle identification features to share video footage and images for law enforcement purposes to assist the RCMP in identifying suspects when criminal acts occur.

In July 2024, the City submitted a Privacy Impact Assessment (PIA) to the OIPC regarding the PSCS. Upon review, the OIPC confirmed that the new high-definition cameras would collect sensitive personal information and advised the City that it did

not believe FIPPA authorizes the City to collect personal information for law enforcement purposes without their own law enforcement mandate. The City disagreed with the OIPC's interpretation of FIPPA and advised that it would implement a field test of the program to assess the cameras. Further, the City requested that the OIPC issue an Order on whether the PSCS complies with FIPPA, however an Order cannot be issued in advance of the collection of personal information.²

The City subsequently shared with the OIPC its plan to begin a phased field test of the PSCS at several traffic intersections, starting with Minoru Boulevard and Granville Avenue and, in March 2025, provided a sample of ultra-high-definition images the City collected using the PSCS.

The OIPC determined that the images contained personal information, such as clear images of licence plates and individuals' faces which were distinguishable inside and outside of vehicles. As a result, on May 7, 2025, the OIPC notified the City that the Commissioner commenced an investigation under s. 42(1) of FIPPA.

1. Lavigne v. Canada (Office of the Commissioner of Official Languages), 2002 SCC 53 (CanLII), [2002] 2 SCR 773, <<https://canlii.ca/t/51qz>>, paras. 24-25.

2. Communications with the City of Richmond.

METHODOLOGY

Issues for investigation

The issues under investigation included whether the City, throughout the PSCS field test:

1. is authorized under FIPPA ss. 26 and 32 to collect and use personal information;
2. informed individuals of the purpose and authority for collecting personal information and provided contact information of an officer or employee of the public body who can answer the individual's questions about the collection, in accordance with FIPPA s. 27;
3. is authorized under FIPPA s. 33 to disclose the personal information collected via its PSCS for the field test; and
4. has met its obligations under FIPPA s. 30 to protect personal information collected through its PSCS for the field test.

Investigative methods

The OIPC sent a series of questions to the City (along with requests for related material) designed to provide a detailed understanding of the PSCS field test. The City provided the following materials for OIPC review:

- written answers pertaining to questions about the issues for investigation;
- internal and external documents used to inform City decisions on the PSCS field test;
- camera specifications, capabilities, and other details;
- additional images of footage the City collected using the PSCS; and
- notification or signage alerting the public of the presence of cameras at the field site.

The OIPC also reviewed publicly accessible information about the PSCS from the City's website, news articles, and public sentiment on the City's initiative.

APPLICATION OF FIPPA

Personal information is defined as recorded information about an identifiable individual other than contact information.³ Under FIPPA, public bodies may only collect, use, or disclose personal information under certain circumstances listed in the Act and, in most cases, individuals must be notified of collection.

Collection and use

For collection of personal information to be authorized, at least one of the provisions listed under FIPPA s. 26 must apply to the circumstance. The City relies on the authority to collect personal information under ss. 26(b), 26(c) and 26(e):

- s. 26(b) the information is collected for the purposes of law enforcement;
- s. 26(c) the information relates directly to and is necessary for a program or activity of the public body, and for the purposes of the field test; and
- s. 26(e) the information is necessary for the purposes of planning or evaluating a program or activity of a public body.

Public bodies may only use personal information if one of the provisions listed under s. 32 is met. The City relies on the authority to use personal information under s. 32(a) – for reasons consistent with the purpose for which the information was collected.

Notification

With few exceptions, FIPPA s. 27(2) requires public bodies to inform individuals of the purposes and authority for collecting personal information and provide contact information for someone who can answer questions about the collection. The City relies on s. 27(3)(a), where a collection notice is not required in cases where the information is “about law enforcement”.

Disclosure

Public bodies may only disclose personal information if one of the provisions listed under s. 33(2) apply (and only in cases where authority existed to collect that personal information). The City anticipates disclosing information to the RCMP under ss. 33(2)(d) and (l):

33(2)(d) – for the purpose the information was obtained, or for a consistent purpose

...

33(2)(l) – to comply with a subpoena, warrant or court order.

3. Contact information is defined as “information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual”.

Security

Public bodies must adequately protect the personal information they collect under s. 30 of FIPPA. [OIPC guidance documents](#) outline reasonable security safeguards, which include but are not limited to:

- risk management programs;
- written privacy and security policies;
- physical and technical security protocols;
- role-based access controls;
- retention schedules; and
- incident management response plans.

The City provided a summary of their security arrangements regarding access controls, activity monitoring, incident response, data encryption, and data transfer processes. The OIPC considered potential risks and the likelihood of damage or harm in the event of an incident when evaluating the City's safeguards.⁴



4. BC OIPC. October 2020. Securing personal information: A self-assessment tool for public bodies and organizations. <https://www.oipc.bc.ca/documents/guidance-documents/1372>

FINDINGS & RECOMMENDATIONS

PSCS Field Test

Authority to collect and use

Duty to notify

Authority to disclose

Duty to protect



PSCS FIELD TEST

Overview

The City began recording at the intersection of Minoru Boulevard and Granville Avenue with three cameras on February 24, 2025, two additional cameras on March 6, 2025, and the three remaining cameras on April 28, April 29, and May 23, 2025, respectively. The City advised that it commenced the PSCS field test on March 17, 2025.

The City reported that it selected the Minoru and Granville intersection due to a sufficient volume of vehicle and pedestrian traffic needed for field testing. The intersection would also undergo previously planned fibre optic and higher power output upgrades required to accommodate the field test and is near Richmond City Hall, which would allow City staff to quickly inspect and adjust the cameras.

The cameras are equipped with varying capabilities including licence plate recognition, pan-tilt-roll-zoom, multi-sensor and panoramic features. Footage is intended to be captured and evaluated for quality under all weather conditions, day and night, and through different traffic patterns.

The City's stated purpose for the field test is to assess the technical capabilities of different cameras, to plan how many cameras to use and where to place them, and to ensure the PSCS can deliver high-quality and usable footage for full implementation of the program.

Information collected

The City collects the following information from vehicles and individuals during field-testing:

- licence plate numbers;
- high-definition images of vehicle occupants (drivers and passengers);
- images of pedestrians;
- Identification features on vehicles (such as company logos, vehicle makes and models, etc.); and
- geolocation data (date and time that certain vehicles, vehicle occupants and pedestrians were at certain locations).

Camera details and specifications

Initially, the City field tested eight individual cameras,⁵ which included six cameras with Pan-Tilt-Zoom (PTZ), Pan-Tilt-Roll (PTR), or Pan-Tilt-Roll-Zoom (PTRZ) capabilities (four of which have 360-degree panoramic capability), two with motor vehicle licence plate recognition (LPR) capabilities, and one with 360-degree panoramic recording capability.

The City disabled one camera on May 8, 2025, after disqualifying it from PSCS field testing due to its insufficient resolution when the field of view was zoomed in on the intersection.

5. Four of the cameras were directed eastbound, three were directed westbound, and the last camera had multidirectional capability.

Beyond the PTRZ, LPR, and panoramic recording capabilities, certain cameras have additional built-in capabilities including:

- Facial Recognition Technology (FRT);
- audio recording;
- infrared capability;
- person detection; and/or
- vehicle detection.

The City confirmed it does not use image enhancing software or utilize any form of FRT technology or FRT software for the PSCS field testing. Further, the City confirmed that it does not utilize built-in audio capabilities during field testing. The City does utilize and test the LPR and person/vehicle detection capability of cameras equipped with such features.

See Table 1 for details provided about each camera the City field tested.



Table 1 - Camera Details

Make	Model	Type/ Description	Direction	General Capabilities ⁶	Capabilities used during field testing
Pelco	Esprit Compact PTZ	360 panoramic PTZ	Eastbound	Infrared illumination Person detection Vehicle detection	Infrared illumination Person detection Vehicle detection
Bosch	NBE-7704- ALX	Manually adjustable/ locked position	Eastbound	Audio Infrared illumination Person detection Vehicle detection	Infrared illumination Person detection Vehicle detection
Avigilon	H5 IR PTZ	360 panoramic PTZ	Westbound	FRT ⁷ Audio Infrared illumination Person detection Vehicle detection	Infrared illumination Person detection Vehicle detection
Axis	Q6318-LE	360 panoramic PTZ	Westbound	Infrared illumination Person detection Vehicle detection	Infrared illumination Person detection Vehicle detection
Axis	Q6100-E	360 panoramic PTRZ Multi-sensor camera module	Four-way Multidirectional	Audio	None
Axis	Q1800-LE-3	PTR LPR	Westbound	Audio Infrared LPR	Infrared LPR
Axis	Q3819-PVE	180 panoramic PTR	Eastbound	Audio Infrared	None
Genetec	SharpVG3	LPR Manually adjustable/ locked position	Eastbound	Infrared illumination LPR Vehicle detection	Infrared illumination LPR Vehicle detection

6. As provided by the City or detailed in each specific camera fact sheet.

7. When integrated with Avigilon Unity Video Software.

While the City confirmed that it does not employ any other camera function or capability during field testin, other than those listed in Table 1, the City provided data for each camera that listed more detailed specifications and additional capabilities (whether built-in or when employed with other technology), including:

- audio detection and auto directional recording;
- licence plate querying in the video management software (VMS);
- visual firearm detection and gunshot detection;
- loitering detection and recording; and
- vehicle type, colour, and plate origin identification.

To manage the cameras and recordings, the City used the VMS provided by its camera vendor (Genetec Inc.) to view, analyze, and export PSCS field test recordings or images. The VMS included an operator-focused application that provides for real-time monitoring, access control, and event management.

Camera operation and evaluation

The City reported that it does not actively monitor PSCS cameras in real time. Instead, it operates the PSCS passively, where cameras continuously record without human involvement, once the settings and view angles are configured.

The City stated that it stores video footage for 48 hours and then automatically deletes it. Once deleted, the footage cannot be recovered.

During field testing, the City adjusts camera settings, placement, and other system configurations. The City also conducts periodic reviews to monitor performance and adjust as needed. The City evaluates preferred camera models, configurations, and number of cameras required for varying intersection designs, ultimately preparing the PSCS for broader deployment.

The City intends to run the PSCS field test for six to twelve months, evaluating technical requirements and infrastructure and security throughout. For example, the City evaluates:

- image quality and usability;
- camera placement and coverage;
- law enforcement need and scope;
- access controls and data retention;
- network and storage security; and
- system reliability.

AUTHORITY TO COLLECT & USE

One of the primary purposes of FIPPA is to safeguard personal privacy rights by preventing the unauthorized collection and use of personal information by public bodies.⁸

As the Ontario Court of Appeal has recognized in *Cash Converters*,⁹ privacy rights have quasi-constitutional status, and should only be compromised by public bodies where there is a compelling state interest for doing so:

[29] The right to privacy of personal information is interpreted in the context of the history of privacy legislation in Canada and of the treatment of that right by the courts. The Supreme Court of Canada has characterized the federal Privacy Act, R.S.C. 1985, c. P-21 as quasi-constitutional because of the critical role that privacy plays in the preservation of a free and democratic society. In *Lavigne v. Canada (Office of the Commissioner of Official Languages)*, 2002 SCC 53 (CanLII), [2002] 2 S.C.R. 773, Gonthier J. observed that exceptions from the rights set out in the act should be interpreted narrowly, with any doubt resolved in favour of preserving the right and with the burden of persuasion on the person asserting the exception (at paras. 30-31). In *Dagg v. Canada (Minister of Finance)*, 1997 CanLII 358 (SCC), [1997] 2 S.C.R. 403, [1997] S.C.J. No. 63, the court articulated the governing principles of privacy law including that protection of privacy is a fundamental value in modern democracies and is enshrined in ss. 7 and 8 of the Charter, and privacy rights are to be compromised only where there is a compelling state interest for doing so (at paras. 65, 66, 71) ...

Section 26 of FIPPA recognizes that to fulfill their mandates, public bodies need to collect information. However, given the importance to individuals' personal privacy, public bodies may only collect personal information in specified circumstances.

The City relies on ss. 26(b), (c) and (e) of FIPPA as bases for its authority to collect personal information pursuant to the PSCS.

The interpretation of ss. 26(b), (c) and (e) is informed in part by s. 26(a), which declares that a public body may collect personal information only if the collection is expressly authorized under an Act. This section has been interpreted restrictively: there must be an express, not an implicit, authority to collect personal information under the relevant Act for a public body to rely on s. 26(a). Broad enabling legislation will not suffice; if it did, there would be no need for these other subsections.¹⁰

Section 26(b): collection for the purpose of law enforcement

Section 26(b) recognizes that where law enforcement is at issue, public bodies need flexibility in the scope of their collection of personal information.¹¹ Section 26(b) therefore authorizes collection of personal information where the collection is for the purposes of law enforcement.

8. FIPPA, s.2.

9. *Cash Converters Canada Inc. v. Oshawa (City)*, 2007 ONCA 502 (CanLII), <<https://canlii.ca/t/1rxpx>>, para. 29.

10. BC OIPC. June 2007. Order F07-10: Board of Education of School District No. 75 (Mission), paras. 29-30. <https://www.oipc.bc.ca/documents/orders/885>.

11. BC OIPC. March 1998. Investigation Report P98-012: Video surveillance by public bodies: a discussion, p. 15. <https://www.oipc.bc.ca/documents/investigation-reports/1192>.

"Law enforcement" is broadly defined, and includes policing, and any other investigations or proceedings that lead or could lead to the imposition of sanctions or a penalty.¹²

The City takes the position that the collection of personal information during the operational phase of the PSCS, and thus the collection pursuant to the field test in which it is evaluating the PSCS, is authorized by s. 26(b). This is because through the PSCS, the City collects personal information for the purposes of law enforcement, the definition of which includes "policing". Relying on Order F25-23, the City says that "policing" for the purposes of FIPPA, means "activities carried out, under authority of a statute, regarding the maintenance of public order, detection and prevention of crime, or the enforcement of law."

The City takes the position that it will clearly be collecting information "for the purposes of" policing. The purpose of the PSCS is to collect information that can be used by the RCMP to identify offenders, with a warrant.

There is a link between policing and the PSCS insofar as the City intends to collect personal information for use by the RCMP. However, an issue rests with whether the City has a law enforcement mandate that authorizes the collection of personal information for use by the RCMP.

Across the country, privacy commissioners have concluded that it is not enough for a public body to have an interest in law enforcement to rely on law enforcement as the authorization for collecting personal information. Instead, the public body must have the statutory authority to enforce laws.¹³

The Ontario Information and Privacy Commissioner's Guidelines for Video Surveillance likewise considers that it is not enough for a public body to collect information merely because the information will be used for the purpose of law enforcement; the use of that authorization is restricted to those institutions with a law enforcement mandate.¹⁴

USED FOR THE PURPOSES OF LAW ENFORCEMENT

The wording of this second condition can give rise to some confusion. Does it mean that any institution can be authorized to collect personal information so long as it is "used for the purposes of law enforcement?" Or, is it restricted in its application to those institutions with a law enforcement mandate?

The IPC's position is the latter: the institution must have a clear law enforcement mandate, ideally in the form of a statutory duty. As per the definition of "law enforcement" in section 2(1) of FIPPA and MFIPPA, this could be either with respect to "policing" or "investigations or inspections that lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings." Therefore, to justify the collection of personal information under this condition, it is not enough to claim a mere interest in policing or law enforcement investigations. [Footnotes omitted]

12. FIPPA, Schedule 1, "law enforcement".

13. BC OIPC. March 2015. Investigation Report F15-01: Use of Employee Monitoring Software by the District of Saanich, p. 21. <https://www.oipc.bc.ca/documents/investigation-reports/1688>.

14. Information and Privacy Commissioner of Ontario. October 2015. Guidelines for the Use of Video Surveillance, pp. 5-6. <https://www.ipc.on.ca/en/resources-and-decisions/guidelines-use-video-surveillance>

This position has also been explicitly accepted in Nova Scotia.¹⁵

Further, in BC, former Commissioner Denham stated that for a public body to rely on s. 26(b), it “must have a common law or statutory law enforcement mandate.”¹⁶ It is not enough for a public body to have an interest in law enforcement.

The requirement for a public body to have a law enforcement mandate applies irrespective of whether a public body purports to collect information for policing or other forms of investigations that could lead to a penalty. The requirement for a legal mandate for collection is implicit in the structure of s. 26, which is premised on the understanding that public bodies may need to collect personal information to fulfill their legally authorized mandates. Sections 26(a), (b), (c), (e) and (h) are all concerned with ensuring that public bodies only collect personal information where there is a proper authorization for the public body to do so.

This interpretation is also consistent with FIPPA’s purposes, which include “preventing the unauthorized collection, use or disclosure of personal information by public bodies”.¹⁷ Indeed, a conclusion that any public body with a mere interest in law enforcement can collect information for that purpose would effectively allow any public body with a broad mandate to engage in surveillance, regardless of whether they have a mandate to engage in policing or undertake investigations that may result in sanctions or penalties.

The City makes three arguments in support of its assertion that it has a sufficient law enforcement mandate to authorize collection of personal information during PSCS field testing:

- The RCMP has a law enforcement mandate that should be imputed to the City;
- The City has a mandate to collect information for use by the RCMP; or
- The City has an independent mandate to police citizens through the PSCS.

The RCMP’s law enforcement mandate should be imputed to the City

The City argues that the RCMP’s law enforcement mandate should be imputed to the City on the basis that policing by the RCMP is policing by the City. The City observes that pursuant to the *Police Act*, it is responsible for providing the municipality with a police force. It further relies on the dictionary definitions of “policing”, which include controlling an area “by means of” police, “providing [an area] with” police, or keeping an area in order “by use of police”. It notes that the City “polices” the municipality by ensuring that the RCMP provides policing in its geographic area, as it is required to do pursuant to the *Police Act* ss. 3, 3.1, 15 and 17. It thus says that policing performed by the RCMP amounts to policing provided by the City.

15. Cape Breton-Victoria Regional School Board (Re), 2017 NSOIPC 9 (CanLII), <<https://canlii.ca/t/hxsqgb>>, para. 148.

16. BC OIPC. March 2015. Investigation Report F15-01: Use of Employee Monitoring Software by the District of Saanich, p. 21. <https://www.oipc.bc.ca/documents/investigation-reports/1688>.

17. FIPPA, s. 2(1)(d).

The City points to other ways that it is responsible for policing in accordance with the agreements that engage the RCMP as the municipal police service for Richmond. The City notes that a number of City employees are embedded with the RCMP and provide support services to them, which have been recognized as integral to core elements of policing. The City provides an organizational chart showing a number of RCMP positions filled by City employees, when they could be filled by RCMP officers, such as Criminal Intelligence Analysts who conduct specialized research work to assist police officers with their investigations, and one Enhanced Digital Field Technical who attends crime scenes to assist RCMP officers to manage seized property.

The City bears responsibility under the *Police Act* to “provide policing and law enforcement” in the municipality. However, it is required to do so “in accordance with [the *Police Act*]” through one of the three following options:

- establishing a municipal force;
- entering into an agreement for the RCMP to provide police services; or
- contracting with another municipality to provide those services (s. 3(2)).

The City is also required to ensure policing is provided by bearing the expenses necessary to maintain law and order, providing sufficient numbers of police,¹⁸ and providing adequate accommodation, equipment and supplies for the operation and use of the police.¹⁹

Where a municipality elects to employ the provincial police force, the *Police Act* requires it do so by “entering into an agreement with the minister on behalf of the government” for policing and law enforcement to be provided by the RCMP.²⁰ The Municipal Police Unit Agreement (the “MPUA”) then structures the respective roles of the RCMP, the Province and the municipality, as well as the resources the municipality must provide to the RCMP. The City provided the Commissioner with a copy of the MPUA between the City and the Province dated April 1, 2012.

For the reasons set out below, the City’s staffing evidence, the *Police Act*, and the agreements between the City, Province and RCMP all demonstrate that, while the City is responsible for funding and providing resources to the RCMP, the RCMP’s policing activities are undertaken with independence from the City. Simply put, operating a camera system that the police might use is not how a municipality provides the RCMP with resources under the *Police Act*.

The Police Act and MPUA vest policing authority in the RCMP, not the City

Under the *Police Act*, a municipality’s obligations in respect of law enforcement are limited. The municipality “must” provide police services through one of the three above-mentioned options set out in s. 3(2), and not by some other means. This means that the role of a municipality is to choose from among those three options.²¹

18. *Police Act*, s. 15(1)(a).

19. *Police Act*, s. 15(1)(b).

20. *Police Act*, s. 3(2).

21. *Police Act*, s. 3.

The OIPC accepts that the City has a mandate to provide the municipality with police, however, the City cannot be said to engage in “policing” by employing the PSCS. Employing the PSCS is not the provision of police to the municipality. Again, the *Police Act* stipulates the three ways a municipality can provide a municipality with police services, and operating a surveillance camera system is not among them.

In accordance with the MPPA, where a municipality engages the RCMP’s municipal police unit to act as the municipal police force in the municipality, the members of the RCMP are responsible for law enforcement in the Province:

3.4 Those Members who form part of the Municipal Police Unit will:

- a. will perform the duties of peace officers;
- b. will render such services as are necessary to
 - i) preserve the peace, protect life and property, prevent crime and offences against the laws of Canada and the Province, apprehend criminals, offenders and others who may be lawfully taken into custody; and
 - ii) execute all warrants and perform all duties and services in relation thereto that may, under the laws of Canada, the Province or the Municipality, be executed and performed by peace officers;
- c. may render such services as are necessary to prevent offenses against by-laws of the Municipality, after having given due consideration to other demands for enforcement services appropriate to the effective and efficient delivery of police services in the Municipality.

The *Royal Canadian Mounted Police Act*,²² likewise confirms that every officer of the RCMP is a peace officer in every part of Canada, and “has all the powers, authority, protection and privileges that a peace officer has by law.”²³ As peace officers, the members are responsible for performing all duties assigned to peace officers in connection with law enforcement:

- 18 It is the duty of members who are peace officers, subject to the orders of the Commissioner,
- a. to perform all duties that are assigned to peace officers in relation to the preservation of the peace, the prevention of crime and of offences against the laws of Canada and the laws in force in any province in which they may be employed, and the apprehension of criminals and offenders and others who may be lawfully taken into custody;
 - b. to execute all warrants, and perform all duties and services in relation thereto, that may, under this Act or the laws of Canada or the laws in force in any province, be lawfully executed and performed by peace officers;
 - c. to perform all duties that may be lawfully performed by peace officers in relation to the escort and conveyance of convicts and other persons in custody to or from any courts, places of punishment or confinement, asylums or other places; and
 - d. to perform such other duties and functions as are prescribed by the Governor in Council or the Commissioner.

22. *Royal Canadian Mounted Police Act*, R.S.C. 1985, c. R-10.

23. *Royal Canadian Mounted Police Act*, R.S.C. 1985, c. R-10.

The MPUA expressly vests in Canada responsibility for the internal management of the municipal police unit, including its administration, determination, and application of professional police procedures.²⁴

The municipality and the Province fulfill a policy and strategic direction function in respect of the municipal police unit. The commanding officer is responsible for implementing the objectives, priorities and goals as determined by the Minister.²⁵ The municipality's mayor (the "CEO" under the MPUA) is permitted to set objectives for the unit that are not inconsistent with the Minister's directions.²⁶

The unit's commanding officer carries out their law enforcement function under the direction of the provincial Minister.²⁷ The member in charge of a unit acts under the direction of the mayor, and is responsible for reporting to the mayor on the matter of law enforcement in the municipality and the implementation of the mayor's objectives, as well as informing the mayor about complaints against the unit made by members of the public.²⁸

Therefore, in the OIPC's view, the structure in the *Police Act* and MPUA vest in the RCMP an authority to engage in policing and/or enforce the law independently of a municipality. Where a municipality elects to provide police services by engaging the RCMP, the MPUA is specific that responsibility for management of the force remains with Canada. The *Police Act*, the MPUA and the *RCMP Act* all specifically vest in the police, not the municipality, responsibility for law enforcement and policing. It is the members of the RCMP or the municipal police department that are specifically charged with enforcing the laws of the province, preventing crime, and apprehending criminals and offenders. Those responsibilities are not vested in the municipality.

The Police Act and MPUA structure the City's obligation to resource the RCMP

A municipality is responsible for financing and providing resources for a police unit. Again, however, the City is limited in how it does so. The City must provide resources "in accordance with this Act, the regulations and the director's standards".²⁹ Where a municipality elects to provide policing by engaging the RCMP, the *Police Act* confirms the resources are provided by the municipality's payment to the Province of the amount the Province is liable to pay to Canada for the use of the services of the RCMP in that municipality.³⁰

With respect to resourcing the RCMP, under the MPUA, the municipality is required to provide and maintain at no cost to Canada or the Province accommodation fit for use by the unit, including office space, jail facilities and garage space. It is also responsible for paying

24. MPUA, s. 4.1.

25. MPUA, s. 5.2.

26. MPUA, s. 5.3.

27. MPUA, s. 5.1.

28. MPUA, ss. 5.4, 5.5.

29. *Police Act*, s. 15.

30. *Police Act*, s. 16.

100% of all operating and maintenance costs for those resources.³¹ The MPUA also confirms the municipality's obligation to pay the costs of providing and maintaining the unit in the municipality.³²

Thus, while a municipality provides resources to the RCMP, it does so in the manner contemplated in the MPUA: through the payment to Canada a cost-sharing ratio with respect to maintenance of the municipal police unit, including contributions toward specific costs incurred by the RCMP at the national level.³³

The OIPC accepts that the City also engages some staff who do work for the RCMP. However, it appears that although those employees are City employees, they are fully embedded in and operate at the direction of the RCMP, not the City, in the performance of their duties.

There is nothing in the MPUA that envisions the City providing the RCMP with video footage to assist it with identifying offenders such that the City could be said to be exercising a policing mandate through the PSCS.³⁴ At most, the City is required to compensate Canada for costs of equipment purchased by Canada.³⁵

The independence of the police weighs against imputing law enforcement obligations to the City

The OIPC's view that the RCMP fulfills its policing and law enforcement mandate independently of the City is consistent with the longstanding principle that police forces must be ensured independence from the government that appoints them to protect the rule of law. As the Supreme Court of Canada recognized more than 100 years ago, police officers must never be regarded as agents or officers of a municipality. They exercise a public function and do so independently of the municipalities that appoint them.³⁶

More recently, the Court has observed that police officers are public officers, and in fulfilling their law enforcement functions must be seen as independent of the executive branch of government, and not subject to political direction, to ensure the rule of law.³⁷

33 While for certain purposes the Commissioner of the RCMP reports to the Solicitor General, the Commissioner is not to be considered a servant or agent of the government while engaged in a criminal investigation. The Commissioner is not subject to political direction. Like every other police officer similarly engaged, he is answerable to the law and, no doubt, to his conscience. As Lord Denning put it in relation to the Commissioner of Police in *R. v. Metropolitan Police Comr., Ex parte Blackburn*, [1968] 1 All E.R. 763 (C.A.), at p. 769:

31. MPUA, s. 10.1.

32. MPUA, s. 11.1.

33. MPUA, s. 11.

34. Recognizing that FIPPA, s. 33(2)(l) authorizes disclosure to comply with a subpoena, warrant or court order.

35. MPUA, s. 11.2(b).

36. *McCleave v. City of Moncton*, 1902 CanLII 73 (SCC), 32 SCR 106, <<https://canlii.ca/t/ggxjg>>, pp. 108-10.

37. *R. v. Campbell*, 1999 CanLII 676 (SCC), [1999] 1 SCR 565, <<https://canlii.ca/t/1fqp4>>, para. 33.

I have no hesitation, however, in holding that, like every constable in the land, he [the Commissioner of Police] should be, and is, independent of the executive. He is not subject to the orders of the Secretary of State, save that under the Police Act 1964 the Secretary of State can call on him to give a report, or to retire in the interests of efficiency. I hold it to be the duty of the Commissioner of Police, as it is of every chief constable, to enforce the law of the land. He must take steps so to post his men that crimes may be detected; and that honest citizens may go about their affairs in peace. He must decide whether or not suspected persons are to be prosecuted; and, if need be, bring the prosecution or see that it is brought; but in all these things he is not the servant of anyone, save of the law itself. No Minister of the Crown can tell him that he must, or must not, keep observation on this place or that; or that he must, or must not, prosecute this man or that one. Nor can any police authority tell him so. The responsibility for law enforcement lies on him. He is answerable to the law and to the law alone. [Emphasis in original.]

Courts in BC and Alberta have both found that the structures of the Police Acts in those provinces were intended to give effect to this principle. In *McAllister v. Calgary (City)*,³⁸ the Court explained that a legislative structure that separates governance of a police force from the municipality ensures that those tasked with law enforcement are not improperly influenced by government actors:

[27] The policy behind this structure is sound, and is concisely set out in the following excerpt from Paul Ceyssens, *Legal Aspects of Policing*, loose-leaf (Update 15 - September 2002), (Earlscourt Legal Press, Inc., 1994) at p 4-13:

Various justifications exist for inserting a police board between the municipal council and the police force. The most prominent reason relates to insulating the police from direct control from municipal politicians. In *Bruton v Regina City Policemen's Ass'n* Loc. 155, [1945] 3 DLR 437 (Sask CA), the Chief Justice of Saskatchewan offered the following analysis:

In providing such a body to administer the police force, I am of the opinion that it was the intention of the Legislature to ensure a just and impartial carrying out of the duties which devolve upon constables and peace officers and to place the chief of police, the officers and the constables of the force in a position where they are removed from the influence of persons who may attempt to interfere with the due performance of police duties such as the detention and arrest of offenders, the preservation of the peace, the enforcement of laws, and other similar duties with which police officers are entrusted by law.

*Henry v. British Columbia*³⁹ adopted the reasoning in *McAllister* and found that BC's *Police Act* demonstrates the same legislative intent.

38. *McAllister v. Calgary (City)*, 2012 ABCA 346 (CanLII), <<https://canlii.ca/t/fttgr>>.

39. *Henry v. British Columbia*, 2014 BCSC 1018 (CanLII), <https://canlii.ca/t/g7c7b>, para. 33.

In the OIPC's view, the intention of the legislature is clear: police have the general responsibility for law enforcement in the province. The *Police Act* is intended to ensure the independence of the police from municipalities. Imputing law enforcement or policing by the RCMP to the city would blur the lines between the municipality and the RCMP, and risk compromising the independence of the RCMP in the performance of its public function. The RCMP unit in Richmond must be seen as being completely independent of influence by the City in the investigation and enforcement of crime. A conclusion that the RCMP's law enforcement is the City's law enforcement is inconsistent with this principle.

Parenthetically, it is worth noting that there is a serious question whether the RCMP could themselves engage in the type of surveillance contemplated by the PSCS. Section 8 of the Canadian Charter of Rights and Freedoms protects against unreasonable search and seizure. That section has been interpreted as preventing surreptitious surveillance by an agency of the state for law enforcement purposes without judicial authorization. The Supreme Court of Canada has cautioned that despite the utility of electronic surveillance in the investigation of crimes, "it is unacceptable in a free society that the agencies of the state be free to use this technology at their sole discretion."⁴⁰

The OIPC acknowledges that it may not be an unreasonable invasion of personal privacy for the police to employ limited video surveillance without judicial authorization as a deterrent in the context of a particular law enforcement need.⁴¹ That said, there is good reason to question whether it would constitute an unreasonable search for the police to engage in continuously recorded surveillance with the intention that it be used for evidence gathering purposes, even if the further access to recorded material is only accessible with further judicial authorization. Of course, the question of whether surveillance of this type is contrary to s. 8 of the Charter is an issue for the courts and beyond the scope of this report.

Mandate to collect information for use by the RCMP

Alternatively, the City takes the position that it has a law enforcement mandate to collect personal information to be used by the RCMP in the RCMP's policing efforts.

The City argues that for s. 26(b) to apply, all that is required is that the collection be "for the purpose of" law enforcement. It says that is clearly the case with respect to the PSCS, which has as its sole purpose assisting the RCMP to identify suspects when criminal acts occur in the City.

The City takes the position that there is no requirement for the "policing" or "law enforcement" at issue to be undertaken by the City itself for it to be authorized to collect the information at issue; meaning, the policing or law enforcement can be undertaken by a separate law enforcement entity. The City points to the language used in ss. 26(c) and (e), which specifically require that the collection be necessary to a program or activity of "the" or "a" public body, respectively. It observes that there is no similar requirement in s. 26(b) that collection be for the purposes of law enforcement being undertaken by the/a public body.

40. R. v. Duarte, 1990 CanLII 150 (SCC), [1990] 1 SCR 30, <<https://canlii.ca/t/1fszz>>.

41. Papenbrock-Ryan v. Vancouver (City), 2024 BCSC 2289 (CanLII), <<https://canlii.ca/t/k8fpv>>, paras. 14-18.

Again, for the City's collection of personal information on behalf of the RCMP to be authorized by s. 26(b), doing so must fall within its law enforcement mandate. Notably, in analogous circumstances to this one, the Information and Privacy Commissioner of Ontario explicitly rejected an argument that collection of personal information by a municipality that was in turn disclosed to and used by a police force was authorized for the purpose of law enforcement.

The police in that case argued that they had the authority to prevent crime and enforce laws pursuant to the Ontario *Police Services Act*. The police took the position that a municipality's collection of personal information that was used by the police was authorized on the basis that it was collected for the purpose of law enforcement. The Ontario Commissioner rejected that argument on the basis that the city itself had no mandate under the *Police Services Act*, with the result that the statute did not apply to bring the collection within the law enforcement authorization.⁴²

The same is true here. As set out above, the RCMP has the mandate to investigate crime. It does so independently of the City, which has no mandate under the *Police Act* or the MPUA to prevent crime or enforce the criminal law.

The City says that s. 8(2) of the *Community Charter* gives it such a mandate. That section provides:

(2) A municipality may provide any service that the council considers necessary or desirable, and may do this directly or through another public authority or another person or organization.

Sections 8(3) through to (6) set out the areas in which a municipal council may regulate, prohibit, and/or impose requirements through bylaw. Section 10(a) in turn confirms that a municipality's powers in s. 8 "are subject to any specific conditions and restrictions established under this or another Act".⁴³

The City takes the position that to have the authority to implement the PSCS it only needs to demonstrate that it has some authority to undertake a program, not that it has a law enforcement mandate. It says that it has such an authority in s. 8(2), which authorizes it to offer services. In this case, it says that it is providing a service: a service to the RCMP assisting it to identify offenders.

In OIPC's investigation report F15-01 on the *Use of Employee Monitoring Software by the District of Saanich*,⁴⁴ Commissioner Denham rejected an argument that s. 8 grants municipalities a law enforcement mandate with respect to criminal matters. That case

42. Ottawa Police Service (Re), 2007 CanLII 87532 (ON IPC), <<https://canlii.ca/t/gvnpm>>, p. 9.

43. *Community Charter*, s. 8(10)(a).

44. BC OIPC. March 2015. Investigation Report F15-01: *Use of Employee Monitoring Software by the District of Saanich*. <https://www.oipc.bc.ca/documents/investigation-reports/1688>. **CNCL - 261**

concerned a municipal government using IT programs to monitor employee activity on workplace computers. The municipality argued it had the authority to do so pursuant to its law enforcement mandate, as it was monitoring illegal or unauthorized access to its computer networks.

Commissioner Denham considered that a municipality's law enforcement mandate pursuant to s. 8 is limited to the subjects enumerated in s. 8(3), including such things as regulating municipal services. It did not extend to the regulation of illegal or unauthorized access to computer networks, which was more appropriately within the jurisdiction of law enforcement agencies charged with the enforcement of the Criminal Code of Canada, such as a municipal police department. She found that a municipality could not claim a law enforcement purpose for the collection of personal information by the IT program because it had no statutory or common law mandate to enforce the Criminal Code of Canada.

The City suggests that in that case, the District of Saanich attempted to justify its collection of personal information as a regulatory effort, and therefore the OIPC report should be read as being limited to circumstances where a district is relying on its regulatory authority. The OIPC does not agree with the City's view that this case was about collection for regulatory purposes. Instead, the District collected information about employees' use of computer networks through an IT program, and there is nothing in the Investigation Report to suggest that the District was doing so pursuant to its regulatory authority in s. 8(3).

As noted in Commissioner Denham's analysis, s. 8 affords municipalities a law enforcement mandate with respect to matters within their jurisdiction. However, the broadly framed authority in s. 8(2) to provide municipal services does not go so far as to give municipalities a mandate to collect information on behalf of the RCMP. Identifying criminals is the work of a police service, not a municipality.

Further, the City's authority to offer services is subject to any requirements set out in the *Community Charter* and other legislation.⁴⁵ The means by which the City "provides policing" is subject to a detailed structure in the *Police Act* and the MPUA. The *Police Act* specifies that the City is required to provide policing and law enforcement through the means contemplated in that legislation.⁴⁶ The City does so by entering into a contract for the RCMP to police the municipality. The City is also responsible for bearing the expenses necessary to maintain law and order, and providing sufficient numbers of police,⁴⁷ and adequate accommodation, equipment and supplies for the operation and use of the police.⁴⁸ It does so by paying for services pursuant to the MPUA.

In the OIPC's view, s. 8(2) does not go so far as to afford the City an authority to provide an additional service to the police, not envisioned in the *Police Act* and the MPUA. Doing so is arguably inconsistent with the structure of the *Police Act*.

45. *Community Charter*, s. 8(10)(a).

46. *Police Act*, s. 3(2).

47. *Police Act*, s. 15(1)(a).

48. *Police Act*, s. 15(1)(b).

The City's own mandate to police the municipality

In the final alternative, the City takes the position that the PSCS is authorized by s. 26(b) because the City is engaging in policing itself through the deployment of high-definition intersection cameras that will control crime by identifying offenders. The RCMP can then use some of the collected information for further law enforcement efforts. The City says it has a mandate to do so pursuant to s. 8 of the *Community Charter*, which affords the City a broad discretion to provide whatsoever services it considers to be appropriate.

For the reasons set out above, in the OIPC's view, s. 8 does not provide the City with a law enforcement mandate with respect to criminal matters. The structure of the *Police Act* is such that policing must be provided independently of a municipality to ensure the rule of law. The RCMP, not the City, polices the municipality. While the data collected through the PSCS might be used in policing undertaken by the RCMP, the program itself is not policing undertaken by the City.

Section 26(c): collection for an authorized program or activity of the public body

Section 26(c) provides an avenue for public bodies to collect personal information that is necessary for an otherwise-authorized program or activity of the public body. As former Commissioner Loukidelis has acknowledged, legislation typically does not authorize the collection of specific types of personal information. Most statutes simply authorize programs or activities.⁴⁹ Section 26(c) recognizes that an authorized program or activity may in turn require the collection of personal information. Where a public body can show that collection is necessary to that otherwise-authorized program or activity, the collection will be authorized pursuant to s. 26(c).

To rely on this authorization, a public body must show two things:

- that the information relates directly to an authorized program or activity; and
- that the collection is necessary for that program or activity.⁵⁰

The City's authorized program or activity

The first step is to define the program or activity that the City is engaged in to determine whether that program or activity is an authorized one, and whether the collection of information relates directly to it. Previous orders have interpreted a "program" for the purposes of this section as being "an operational or administrative program that involves the delivery

49. BC OIPC. June 2007. Order F07-10: Board of Education of School District No. 75 (Mission), para. 29. <https://www.oipc.bc.ca/documents/orders/885>.

50. BC OIPC. March 2015. Investigation Report F15-01: *Use of Employee Monitoring Software by the District of Saanich*, p. 21. <https://www.oipc.bc.ca/documents/investigation-reports/1163>

of services under a specific statutory or other authority", or a "designed delivery of services to more than one individual"; it does not include a plan that only applies to a specific individual.⁵¹

The City defines its program or activity as "an intersection camera program for the identification of criminal suspects following criminal incidents in the City." It says that the installation, maintenance and operation of the cameras for that purpose is an activity undertaken or provided by the City and is thus authorized by s. 8(2) of the *Community Charter*. Of course, the actual identification of criminals will be undertaken by the RCMP, not the City.

This service on its face appears to fall within s. 8(2) of the *Community Charter* as being a service that the City considers to be necessary or advisable. However, as set out above, providing such a service cannot be reconciled with the structure of the *Police Act*, which sets out how the City is required to provide policing services and ensure that the RCMP is properly resourced. Collecting evidence to identify criminals that the RCMP may rely on does not form part of that arrangement. For the reasons already given, it is not a program or activity authorized by s. 8(2).

The necessity of the collection of personal information

The OIPC does not accept that the PSCS is an authorized program. Nevertheless, to provide guidance to other public bodies, the OIPC will consider whether the collection is necessary for the program or activity relied on by the City: an intersection camera program for the identification of criminal suspects following criminal incidents in the City.

In Order F07-10, former Commissioner Loukidelis considered the meaning of "necessary" for the purpose of s. 26(c). He concluded that it is not enough that the personal information would be nice to have or merely convenient to have, or that it could perhaps be of some use some time in the future. At the same time, "necessary" in s. 26(c) does not mean the information must be indispensable, or that it would be impossible to operate a program or carry on an activity without the personal information.⁵² More recently in Order F25-01, Adjudicator Siew engaged in a statutory interpretation of the word "necessity" for the purpose of s. 34(b) of FIPPA. She likewise found that the word "necessary" means more than merely helpful but did not rise to the standard of "essential" or "indispensable".⁵³

When determining whether collection is necessary for a program or activity of the public body under s. 26(c), the assessment is conducted in a searching and rigorous way, considering:

- the sensitivity of the personal information;
- the particular purpose for the collection;
- the amount of personal information collected; and
- "FIPPA's privacy protection objective" which is "consistent with the internationally recognized principle of limited collection".⁵⁴

51. BC OIPC. October 2019. Order F19-37: Ministry of Finance, paras. 27-28. <https://www.oipc.bc.ca/documents/orders/2214>.

52. BC OIPC. June 2007. Order F07-10: Board of Education of School District No. 75 (Mission), paras. 48-49. <https://www.oipc.bc.ca/documents/orders/885>.

53. BC OIPC. January 2025. Order F25-01: Cultus Lake Park Board, paras. 82-94. <https://www.oipc.bc.ca/documents/orders/2903>.

54. BC OIPC. June 2007. Order F07-10: Board of Education of School District No. 75 (Mission), para. 49. <https://www.oipc.bc.ca/documents/orders/885>.

When undertaking the analysis, the OIPC also takes some guidance from the approach undertaken in Ontario. Following *Cash Converters*, the Court explained that the proper approach to determining necessity is to examine in detail the types of information being collected, and to determine whether each type is necessary for the collecting body's activity. To be authorized, the public body must show that the collection is necessary to administer the authorized activity. It is not enough for the collection to be merely helpful to the activity.

Guidance with respect to how the necessity analysis may be applied in the specific context of video surveillance by a municipality can be found in *Cambridge (City) (Re)*, a decision of the Information and Privacy Commissioner of Ontario. That case concerned a municipality that implemented video surveillance to ensure safety of public works. The Ontario Commissioner pointed to a number of factors that are relevant to the consideration of whether video surveillance is necessary to the operation of the authorized program or service. Public bodies must consider whether:

[33] ...

- the problem to be addressed by video surveillance is real, substantial and pressing;
- other less intrusive means of achieving the same goals have been considered and are substantially less effective than video surveillance or are not feasible; and
- the benefits of video surveillance substantially outweigh the reduction of privacy inherent in its use.⁵⁵

The delegate also emphasized the need to consider the sensitivity of personal information, including the nature of the space under observation and the "closeness" of the surveillance. Public bodies should also apply the principle of data minimization: limiting the amount of information collected to that which is necessary to fulfill the purposes of the lawfully authorized activity.⁵⁶

The City argues that it is "necessary" to collect personal information as without it, the PSCS would be completely ineffective:

The collection of personal information is of course directly related to the City's proposed program as the collection of the personal information is an integral part of it. It is "necessary" to collect personal information, or the PSCS would not work at all. The whole purpose of the program is to use high-definition cameras to collect clear, images of license plates, faces and other identification features on vehicles (company logos, vehicle makes and models etc.) so that criminal suspects may be identified. Without the collection of personal information contemplated during the operational phase of the PSCS, none of that would be possible.⁵⁷

The City's initial submission on s. 26(c) included no analysis of whether other, less intrusive means of identifying criminals had been considered and found to be substantially less effective than video surveillance. It likewise provided no analysis of how the benefits of video

55. *Cambridge (City) (Re)*, 2021 CanLII 37668 (ON IPC), <<https://canlii.ca/t/jfrxh>>, para. 33.

56. *Cambridge (City) (Re)*, 2021 CanLII 37668 (ON IPC), <<https://canlii.ca/t/jfrxh>>, paras. 40-41.

57. City's Response, June 13, 2025, p. 20.

surveillance substantially outweigh the reduction of privacy inherent in its use.

In response to additional questions from the Commissioner, the City provided more information about the issue that the PSCS is designed to address. The City confirmed that the PSCS is designed to assist in the identification of suspects in a wide array of criminal activities, including organized crime, violent crime and serious property crime. It explained that the PSCS has the potential to record offences, and individuals or vehicles involved in the course of criminal activity. It pointed to 28 specific types of crimes where it envisioned the PSCS could provide relevant evidence to assist with investigations.

The City also provided additional information about what other, less intrusive means of identifying suspects the City had contemplated. The City pointed to criminal suspect identification measures employed by the RCMP (and, it says, the City), including “the execution of search warrants, interviews with witnesses, forensic work and so on.” The City indicated that the PSCS was necessary because these tactics did not result in a sufficiently high level of criminal identification. The City confirmed there was no other criminal-identification opportunity of which it was aware that would make the PSCS completely redundant or unnecessary, particularly given the City’s existing CCTV system had low fidelity images making it unusable for identification purposes.

The City indicated that it had weighed the benefits of the PSCS against the reduction of privacy. It confirmed that the “political judgment was made by Council that the privacy impacts of the PSCS are not so severe as to outweigh the expected law enforcement benefits”. In this connection, the City stressed that the PSCS would include no active monitoring, would restrict access to staff, and would incorporate other data safety measures, as well as disclosure to law enforcement only based on production and/or court orders.

When evaluating whether the collection of personal information through the PSCS is necessary to an authorized program or activity, it is important to bear in mind the particular risks associated with video surveillance in public spaces. More than 25 years ago, Former Commissioner Flaherty pointed to risks associated with mass video surveillance of the type envisioned by the PSCS as a result of indiscriminate recording:⁵⁸

While most people have an instinctive aversion to being watched, the “chilling effect” of video surveillance on public behaviour is difficult to determine. One thing is clear: issues raised by the video surveillance debate go far beyond arguments of its crime-fighting efficacy. Video surveillance in public places is as much a civil liberties issue as it is a privacy issue, and those civil liberties concerns are closely related to other prized community values, including freedom of assembly and movement.

Nigel Waters points out that video surveillance, unlike more traditional forms of surveillance, is random and indiscriminate in its gaze. Video surveillance involves the collection of personal information without the consent of those under surveillance:

58. BC OIPC. March 1998. Investigation Report P98-012: *Video surveillance by public bodies: a discussion*, p. 7. <https://www.oipc.bc.ca/documents/investigation-reports/1192>.

Everyone coming into view -- shoppers, children, lovers, and the socially disadvantaged -- is captured by the cameras recording the movements of daily life without regard to whether a crime is being or is likely to be committed and with no grounds for suspicion because most cameras cannot be made simply to record particular incidents or serious crimes. Everyone suffers the infringement of their privacy and of the right to go about their daily lives free from surveillance.

[Footnotes omitted.]

In *Cambridge (City) (Re)*, the delegate of the Information and Privacy Commissioner of Ontario pointed to a similar concern in connection with the proposed municipal camera system:

[53] However, in determining whether the collection of personal information by a video surveillance system is "necessary", I note the Guidelines explanation of the risks of video surveillance to privacy as follows:

While video surveillance may help to increase the safety of individuals and the security of assets, it also introduces risks to the privacy of individuals whose personal information may be collected, used and disclosed as a result of the technology. The risk to privacy is particularly acute because video surveillance may, and often does, capture the personal information of law-abiding individuals going about their everyday activities. In view of the broad scope of personal information collected, special care must be taken when considering whether and how to use this technology.

The collection of personal information by the PSCS field test involves pervasive, continuous collection of personal information. The City captures footage and images of identifiable faces, licence plates, and car makes and models. It collects information about pedestrians and motorists going about their daily lives. While the information may not be continuously monitored and may be held for only a short period of time, the collection of personal information is significant. Most of the personal information collected will have no relationship at all to the detection of criminals.

The City suggests that the collection is nonetheless warranted because existing policing measures are not sufficiently effective, and some crimes are going unresolved. The City provided some evidence of the types of crimes that the collected information might help to resolve. That said, the evidence falls short of establishing that existing policing measures are ineffective, or that the issue of unresolved crime in Richmond is real, substantial, and pressing. Further, evidence the City provided of other less intrusive means it had considered was limited. It appears the City only considered its existing CCTV system, the PSCS, and current policing methods.

Put simply, the City put forward a limited record to demonstrate that the PSCS would assist with the identification of criminals, or that alternative means, including routine policing, were ineffective. However, it is clear that the intrusion into the citizens' privacy would be vast.

The OIPC finds that the PSCS is not an authorized program of the City. Even if it were, the OIPC is not satisfied that the City has established that the collection of personal information by the PSCS is necessary to the City's stated program or activity.

Section 26(e): planning and evaluating a program or activity of the public body

The City also relies on s. 26(e), which authorizes collection where the information is necessary for the purposes of planning or evaluating a program or activity of a public body. The City appears to accept that s. 26(e) is operative only where a program or activity being planned or evaluated is one a public body is authorized to undertake. It also accepts that the collection must be "necessary" for the purpose of planning or evaluating the program or activity at issue. It allows that necessity is a rigorous standard, that goes beyond mere convenience but does not require that the program or activity be impossible to carry out without it.

The City says that collection in the field test is necessary to evaluate the PSCS. It notes that the field test aims to verify that the technical requirements are met, ensure the cameras will reliably capture information, determine acceptable standards for the video images for law enforcement purposes, identify blind areas, determine the required number, make, model and configuration of cameras, assess the performance of the cameras across weather and lighting conditions, and assess camera durability. The City is also making efforts to ensure that collected images are viewed by limited personnel and protected from unauthorized disclosure.

The City's reliance on s. 26(e) is contingent on the City's collection being authorized by ss. 26(b) or (c). The OIPC agrees – the City will only be able to rely on s. 26(e) if the PSCS is otherwise authorized. Given the findings above that the PSCS is not authorized by ss. 26(b) or (c), the City is unable to rely on s. 26(e).

As such, the OIPC recommends that the City immediately stop collecting personal information through the PSCS field test, delete all remaining recordings, and disband the cameras and other equipment used to collect personal information for the PSCS field test.

Recommendation 1

The City should immediately stop collecting personal information through the PSCS.

Recommendation 2

The City should immediately delete all PSCS recordings to date.

Recommendation 3

The City should disband PSCS equipment used to collect personal information.

Upon reviewing an embargoed copy of this report, the City advised that it did not intend to comply with these recommendations. Subsequently, the Commissioner issued Order F26-01⁵⁹ on this matter.

59. <https://www.oipc.bc.ca/rulings/orders/>

DUTY TO NOTIFY

Requirement to notify individuals

The City relies on s. 27(3)(a) as an authority relieving it from the requirement to provide notice pursuant to s. 27(2) of FIPPA. The City argues that all of the information it is collecting during the testing phase concerns or relates to the City's law enforcement objective and is therefore "about" law enforcement because it is information that is necessarily collected to achieve a law enforcement objective and for no other purpose.

For all the reasons given above, the City is not entitled to rely on law enforcement as an authorization to implement the PSCS. This is sufficient on its own to dispose of the City's argument.

Moreover, at the testing phase, law enforcement is not the focus of the collection. The City confirmed in its submission that the field test is not being used for actual public safety purposes. The OIPC asked the City whether information collected during the field test would be used to monitor public events, riots, protests, internal investigations, and so on. The City confirmed that it intended to make no use of the information other than testing the cameras:

The City will not be collecting or using personal information during the field testing phase for any purpose other than planning and evaluating the City's proposed PSCS. It will not be collecting or using personal information in any of the manners identified in the examples. The field test is very narrowly constructed to allow only such collection and use as is necessary to properly plan the program so as to achieve the objects of the operational phase of it – the identification and subsequent prosecution of offenders. The City has not contemplated, as regards the operational phase of the program, any collection or use of personal information beyond that which is identified in the PIA.⁶⁰

In those circumstances, it is arguable that even taking into account the broad interpretation of "about law enforcement" in s. 27(3)(a), the collection of personal information at the testing phase is not being undertaken for the purpose of law enforcement. The information will not be used to enforce any laws. It will be used to evaluate the technical capabilities of the cameras. In those circumstances, there is no compelling law enforcement purpose that weighs against providing notice to the public.

As the City cannot rely on s. 27(3)(a) FIPPA to relieve it from notifying individuals it collects personal information from during field testing, the OIPC next examined whether the City notified individuals in accordance with s. 27(2) FIPPA.

Inadequate notification

The City indicated that it installed the following signage on February 13, 2025, as a courtesy

60. City's Response, June 13, 2025, p. 21.

and for transparency purposes (rather than to fulfill a legal obligation).

The City installed this signage adjacent to the:

- Eastbound driving lanes of Granville Avenue, approximately 53 metres before the intersection; and
- Westbound driving lanes of Granville Avenue, approximately 76 metres before the intersection.

The City stated that PSCS signage is vehicle-focused, oriented in the direction of vehicle travel, and placed to ensure it was clearly visible and legible in advance of the intersection to allow drivers time to read the signs. The City advised that it did not plan to install PSCS signage at the intersection targeted towards pedestrians or place signage at any other location where vehicles, pedestrians, or others may enter the intersection or be captured by the PSCS.

The OIPC has concerns about the content and location of the signage.

First, the content of the signage is vague and ambiguous as it does not notify individuals that cameras are recording and collecting personal information and does not include the purposes or authority for collection, as required by FIPPA s. 27(2). Stating simply that field testing is in progress does not meet the legislated requirements.

Second, the placement of the signs does not consider individuals in vehicles who may enter the intersection from the north or south, nor does it notify pedestrians entering the intersection from any direction, despite the ability of many of the cameras to pan 360 degrees and one camera (Axis Q6318-LE) to record simultaneously in multiple directions.

Considering the deficiencies in the both the content and placement of the signs, the City did not adequately notify individuals when it collected personal information from individuals during field testing.

The City advised that it would be willing to review existing signage and make any changes needed to ensure compliance with s. 27(2) FIPPA. However, as the City is not authorized to collect personal information through the PSCS and the OIPC has recommended that the City disband the PSCS, there is no recommendation for the City to amend its notification.



AUTHORITY TO DISCLOSE

Although no disclosure has occurred at the time of this report, the City confirmed that it anticipated disclosing personal information during the field test under limited circumstances under ss. 33(2)(d) and (l).

Section 33(2)(d)

The City stated that personal information would be disclosed in a limited way with the RCMP under s. 33(2)(d) for the purposes of evaluating the cameras and quality of the footage, which authorizes disclosure if there is a consistent purpose for which it had been collected. The City confirmed that the RCMP would be provided with access to randomized recorded footage, as well as randomized live footage under City staff supervision at a later phase of the field test. Although the City has yet to disclose personal information to the RCMP for the purposes of the field test, the City estimates this review process would take between one-to-two months once it begins. Any disclosure in this phase would only be for evaluating the cameras and not for law enforcement purposes.

As discussed above, the OIPC has determined that there is no valid purpose under FIPPA supporting the collection of the personal information through the PSCS. With no authorized purpose existing under FIPPA, the condition of “consistent purpose” under s. 33(2)(d) cannot be met as there is no authorized purpose for the disclosure to be consistent with.

Section 33(2)(l)

Under s. 33(2)(l), a public body may also disclose personal information to comply

with a subpoena, warrant or court order. The City advised that it does not anticipate any such requests for information will take place throughout the duration of the field test and, to date, no such disclosure has occurred under s. 33(2)(l). However, it is possible that, should a subpoena, warrant, or court order be produced during the time of the field test, the City would be required to disclose the personal information at issue.

Sections 5 and 3(5)

The City stated that PSCS field test footage would not be disclosed to the public, for example, through a FOI request under s. 5⁶¹, or as a record for purchase (as is currently done with CCTV traffic footage).⁶² The City noted that any FOI requests made throughout the duration of the field test would likely be made too late due to the 48-hour retention period. Alternatively, the City noted that, if requested, such records would likely be withheld under ss. 22 (disclosure harmful to personal privacy) or s. 15 (disclosure harmful to law enforcement) of FIPPA.⁶³

As the overall collection of personal information through the PSCS is not authorized by ss. 26(b) or (c), the City is unable to rely on s. 26(e). **Therefore, the City is not authorized to disclose the personal information it has already collected during the field test except under limited circumstances, such as the production of a subpoena, warrant or court order under s. 33(2)(l) or a request for one’s own personal information under s. 5.**

61. See FIPPA, s. 3(5)(a).

62. <https://www.richmond.ca/services/transportation/videorequest.htm>.

63. Whether these sections would be appropriately applied would depend on a case-by-case basis and would be subject to OIPC review should the applicant request it.

DUTY TO PROTECT

While the City is not authorized to collect, use, or disclose personal information through the PSCS field test, it has already collected personal information throughout the field test. As such, the City is still required under s. 30 to protect personal information in its custody or under its control.

The OIPC did not physically inspect the City's PSCS security. However, **based on the City's representations, the OIPC is satisfied that the City has a reasonably robust set of security controls in place to protect recorded footage and personal information captured during the field test.** Regardless, as outlined in Recommendation 2, the City is to immediately delete all PSCS recordings.

A summary of the safeguards employed by the City is included for information purposes.

Access control

The City advised that physical access to cameras, network cables and switches located at the field location are restricted to authorized Traffic personnel employed by the City. Additionally, PSCS cameras are mounted on metal poles supporting the traffic signals and positioned out of easy reach. The cables are enclosed within these poles and cable connections and switches are housed inside a tamper-proof traffic cabinet. Cameras and the network switches at the field location can only be access by authorized Traffic personnel.

The PSCS network switches, servers, and storage devices are physically secured in City Data Centre facilities and access is restricted to the IT infrastructure team and logged in the facility's access card system. The PSCS network infrastructure is isolated from other city infrastructure and has no Internet access. There is a formal Access Authorization process to ensure only approved personnel can get access and robust authentication is required (based on having a token/passkey) to access the system. The City utilizes robust access management software and a managed security service provider to control and monitor accesses.

The City also advised that vendor-supported configurations or troubleshooting by Genetec are conducted through a supervised secured remote access session. These sessions are initiated only with explicit authorization from the Business Analysis team in the IT Department and are monitored to prevent unauthorized actions.

There is a formal change management process in place to ensure only authorized changes are made to network switches, servers, and storage devices. Change requests documenting the change details, risks, and impacts are submitted and all change requests are reviewed and approved by the Change Review Committee.

Activity monitoring

The City advised that system monitoring is performed at both the network/firewall level and server level using industry standard security applications. The systems generate alerts that are sent to a Cybersecurity Incident Response Team (CSIRT), a designated group of staff members, including senior management. All access to the VMS server is provided through, and monitored by, a robust privileged access management system. This allows specific members of the CSIRT to have authorized access as and when required.

Incident response

The City has demonstrated a robust Cyber Incident Response Plan (IRP) is in place and a CSIRT has been identified. Further, the City conducted a tabletop exercise in April 2025, testing the IRP.

Data encryption

The PSCS VMS utilizes standard Internet Transport Layer encryption (TLS protocol) to protect video data from the camera to the server. The VMS then uses the encryption feature built into the Database Management Service (MS SQL) that it uses to store and provide access to the data. This is reasonably robust way to prevent unauthorized access to the information.

The City advised that the Genetec Security Center uses certificates, digital signatures, and encryption protocols to protect data. It encrypts all video in transit when it enters the premises until it is viewed by the user. This protection can be extended to encrypt video in transit from cameras for compatible devices. Backups are stored at the protected and restricted storage array in the Data Centre at the City Hall and Works Yard.

Encryption helps to protect outgoing data or data in transit, hides data from people not authorized to view it, and protects the confidentiality of data stored on a computer or communicated over a network. Genetec Security Center leverages Microsoft SQL databases. Microsoft SQL offers data encryption via Transparent Data Encryption, and this option protects the data at rest.

Data transfer

The City has yet to determine a formal data transfer process but planned to evaluate this as part of the PSCS field testing. The City stated that further consultation with the Richmond RCMP would be required to determine a secured data transfer process.

DISCUSSION

DISCOURSE ON PUBLIC SURVEILLANCE FOR LAW ENFORCEMENT PURPOSES

Public sentiment on the City's initiative

The City is required to give public notice of its meetings, and provide agendas and reports related to items on the agenda to the public. After the City gives notice, members of the public may attend Council and Committee meetings to discuss agenda items and any related concerns.

The City provided two examples where the public had the opportunity to discuss and raise concerns about the PSCS. The first was at the City's December 2, 2024, General Purposes meeting when the report titled "Phasing Options for the Public Safety Camera System" was presented.⁶⁴ The second was at the March 11, 2025, Community Safety Committee meeting, where a member of the public expressed concerns with the installation of high-resolution cameras at intersections, including:

- privacy issues for residents;
- the OIPC's recommendations to the City to not move forward with the cameras;
- studies in the UK that did not provide sufficient evidence that cameras reduce crime;
- whether the cameras will enhance public safety;
- data storage and access; and
- whether the City examined less invasive options.⁶⁵

A member of the public started an online petition against the City's use of high-resolution cameras for PSCS. At the time of reporting, this petition collected 47 signatures and 19 comments were posted, mostly expressing views opposing the City's plan to install high resolution cameras at City intersections.⁶⁶

Additionally, journalists and media have long reported on the City's ongoing interest to install high-resolution cameras at intersections – with responding public commentary representing mixed views, some supporting and some objecting to the cameras. In one example, media critically reported that, in 2021, the City asked the Provincial Government for an exemption under FIPPA to allow it to install and use high resolution cameras for criminal investigation and

64. City of Richmond General Purposes Meeting Agenda. December 2, 2024. https://citycouncil.richmond.ca/agendafiles/Open_GP_12-2-2024.pdf.

65. City of Richmond Community Safety Committee Meeting Minutes. March 11, 2025. https://citycouncil.richmond.ca/agendas/safety/031125_minutes.htm.

66. Stop 4K High-resolution cameras from being installed at intersections in Richmond, BC. <https://www.openpetition.org/ca/petition/online/stop-4k-high-resolution-cameras-from-being-installed-at-intersections-in-richmond-bc#petition-main>.

prosecution.⁶⁷ In other more recent examples, local media covered the City's actions to revisit the use of high-resolution cameras, including council members' and public's concerns over privacy and legality, as well as cost, necessity, and effectiveness.^{68 69 70 71 72 73}

Broader public sentiment on video surveillance

As video surveillance technology has improved and the price of data storage has declined in recent years,⁷⁴ various jurisdictions have explored expanding their use of surveillance cameras for law enforcement purposes. To date, studies on the effectiveness of surveillance cameras have mainly focused on crime prevention and deterrence, with mixed results.^{75 76} Certain contexts, such as the use of CCTV in parking garages and residential areas, equipped with live monitoring, and cameras used in conjunction with other techniques and technologies, appear to be more successful than others.⁷⁷

However, crime rates are complex and reasons for fluctuations can hardly be distilled to any one factor or technology. In instances where crime reduction has been evidenced, effects have been modest and limited to certain types of activity, for example, vehicle and property crimes.⁷⁸

67. Bramham, D. 2021, May 28. There's a world of difference between monitoring and spying. The Vancouver Sun (online). <https://vancouversun.com/opinion/columnists/daphne-bramham-theres-a-world-of-difference-between-monitoring-and-spying>.

68. Rantanen, M. 2023, September 12. Richmond council challenges privacy commissioner's ruling on traffic cameras. Richmond News (online). <https://www.richmond-news.com/local-news/richmond-council-challenges-privacy-commissioners-ruling-on-traffic-cameras-7539380>.

69. Rantanen, M. 2023, December 15. High-resolution traffic cameras in Richmond could cost up to \$6.5 million. Richmond News (online). <https://www.richmond-news.com/local-news/high-resolution-traffic-cameras-in-richmond-could-cost-up-to-65-million-7986582>.

70. Bell, A. 2024, January 16. Interview with Michael Wolfe, Richmond Councillor. On the Coast, CBC Vancouver.

71. Rantanen, M. 2024, November 26. Cameras for police use proposed at 10 Richmond intersections. Richmond News (online). <https://www.richmond-news.com/local-news/cameras-for-police-use-proposed-at-10-richmond-intersections-9866101>.

72. Rantanen, M. 2024, December 11. Two Richmond councillors oppose 2025 budget. Richmond News (online). <https://www.richmond-news.com/local-news/two-richmond-councillors-oppose-2025-budget-9943057>.

73. Piao, J., Millar, K. et al. 2025, February 22. Letters: Richmond News reader raises concerns about 'mass surveillance' with CCTV cameras. Richmond News (online). <https://www.richmond-news.com/opinion/letters-richmond-news-reader-raises-concerns-about-mass-surveillance-with-cctv-cameras-10273289>.

74. Office of the Privacy Commissioner of Canada. 2006. Guidelines for the Use of Video Surveillance of Public Places by Police and Law Enforcement Authorities. https://www.priv.gc.ca/en/privacy-topics/surveillance/police-and-public-safety/vs_060301/

75. Webster, C. W. R. 2009. CCTV policy in the UK: reconsidering the evidence base. *Surveillance & Society* 6(1): 10-22. <https://ojs.library.queensu.ca/index.php/surveillance-and-society/article/view/3400>.

76. Carr, R. 2016. Political Economy and the Australian Government's CCTV Programme: An Exploration of State-Sponsored Street Cameras and the Cultivation of Consent and Business in Local Communities. *Surveillance & Society* 14(1): 90-112. <https://ojs.library.queensu.ca/index.php/surveillance-and-society/article/view/pe-cctv>.

77. Thomas, A. L., Piza, E. L., Welsh, B. C., & Farrington, D. P. 2022. The internationalisation of cctv surveillance: Effects on crime and implications for emerging technologies. *International journal of comparative and applied criminal justice*, 46(1), 81-102. <https://www.tandfonline.com/doi/full/10.1080/01924036.2021.1879885>.

78. Piza, E. L., Welsh, B. C., Farrington, D. P., & Thomas, A. L. 2019. CCTV surveillance for crime prevention: A 40-year systematic review with meta-analysis. *Criminology & public policy*, 18(5), 577-597. <https://doi.org/10.1111/1745-9133.12419>.

Few studies have evaluated the effectiveness of CCTV in Canada, and further research is needed on the effectiveness of CCTV as an investigative tool more generally. The OIPC has pointed to a lack of evidence regarding video surveillance effectiveness several times over the last two decades.⁷⁹ These are important considerations when weighing the necessity of collection against the volume and sensitivity of the information collected and proportional expected outcomes.

Mixed results and limited evidence of effectiveness combined with the public's privacy concerns about the right to be let alone have often led to controversial debates regarding the use of CCTV for law enforcement. There are several barriers that tend to factor into the discussion.

For example, in 2018, the City of Vancouver contemplated installing a network of surveillance cameras in the Granville Entertainment District (GED) for deterring and investigating violent crime and property crime. Ultimately, the City Manager cited:

1. the City of Vancouver's inability to meet FIPPA requirements that would authorize it to collect personal information for law enforcement purposes;
2. a lack of clear evidence of effectiveness; and
3. cost, as the reasons for the program would not be moving forward.⁸⁰



79. "In 2001, then privacy commissioner David Loukidelis reported that pervasive use of video surveillance had little or no effect on reducing crime. Nothing has changed since then. We must learn from the experience in other jurisdictions, such as the UK, where over 6 million cameras (one for every ten people) have not significantly reduced crime in urban centres". Use of Video Surveillance by Local Governments. OIPC to City of Vancouver. 2018. p. 14. <https://vancouver.ca/files/cov/2018-04-27-cctv-use-in-the-granville-entertainment-district.pdf>.

80. "From all of the information and input obtained to date, it appears that the City of Vancouver would be unable to meet the statutory requirements imposed by FIPPA to conduct regular video surveillance of the public realm in the GED, where the stated purpose of such surveillance is the deterrence and investigation of property and violent crime. Given the foregoing, as well as the unclear evidence of efficacy in the particular circumstances of the GED and cost implications, City staff do not recommend proceeding with the installation of CCTV in the GED at this time". City of Vancouver. p. 14. <https://vancouver.ca/files/cov/2018-04-27-cctv-use-in-the-granville-entertainment-district.pdf>.

Other jurisdictions have come to similar conclusions.⁸¹ Related capabilities (e.g. FRT) licence plate scanning, etc.) have also prompted critical discussions around their appropriate use for policing communities. Considerations often include, but are not limited to, the importance of preserving democratic values such as privacy,⁸² institutional accountability and transparency over how new and existing systems are used,⁸³ the potential for bias or selective surveillance and/or policing against certain communities,⁸⁴ and levels of effectiveness of video surveillance systems for crime deterrence or law enforcement investigations.⁸⁵

Other recent examples have pointed to a lack of transparency and accountability regarding which surveillance tools are being used, by whom, for which purposes, and have resulted in public outcry or controversy. For example, the RCMP previously relied on FRT for hundreds of searches through Clearview AI.⁸⁶ A joint investigation by the Office of the Privacy Commissioner of Canada (OPC) alongside the OIPC and other provincial privacy offices found Clearview AI to have illegally compiled a database of images by scraping social media data.⁸⁷

Further, complaints from civil liberties groups have pointed to a growing culture of police surveillance and unclear policies regarding the usage of drones and smart phones for video surveillance of political protests in Vancouver.⁸⁸ A lack of accountability or transparency around how surveillance tools are used by law enforcement can result in a lack of trust in public sector institutions. This is also concerning as surveillance in public more generally can lead to a chilling effect on democratic participation.⁸⁹

81. Relatedly, in 2020, the Ottawa Police decided against implementing a CCTV camera project following an internal document acknowledging the lack of evidence in effectiveness for law enforcement practices. See Cave, D. 2022. Safety in Cameras? – An Exploratory Study of the Ottawa Public Surveillance (CCTV) Project. Carleton MA thesis. 1-257. <https://carleton.scholaris.ca/items/2f04d55c-13c7-44f0-a565-e161bc39b6bf/full>.

82. “Finally, I trust that the City will consider the experience in other jurisdictions, such as Seattle, where that City Is spending over \$150,000 to dismantle a multi-million dollar mesh network of wireless and CCTV that was never activated due to privacy concerns of its citizens.” OIPC to City of Vancouver. March 13, 2018. P. 20.

83. Taylor, N. 2011. A Conceptual Legal Framework for Privacy, Accountability and Transparency in Visual Surveillance Systems. *Surveillance & Society* 8(4): 455-470. <https://ojs.library.queensu.ca/index.php/surveillance-and-society/article/view/4182>.

84. Hendrix, J. A., Taniguchi, T. A., Strom, K. J., Barrick, K. A., & Johnson, N. J. 2018. The eyes of law enforcement in the new panopticon: Police-community racial asymmetry and the use of surveillance technology. *Surveillance & Society*, 16(1), 53-68. <https://ojs.library.queensu.ca/index.php/surveillance-and-society/article/view/6709>.

85. Thomas, A. L., Piza, E. L., Welsh, B. C., & Farrington, D. P. 2022. The internationalisation of cctv surveillance: Effects on crime and implications for emerging technologies. *International journal of comparative and applied criminal justice*, 46(1), 81-102. <https://www.tandfonline.com/doi/full/10.1080/01924036.2021.1879885>.

86. Tunney, C. 2021. 2021, June 10. RCMP’s Use of Facial Recognition Tech Violated Privacy Laws, Investigation Finds. CBC (online). <https://www.cbc.ca/news/politics/rcmp-clearview-ai-1.6060228>.

87. Office of the Privacy commissioner of Canada (2021). Joint investigation of Clearview AI, Inc. by the Office of the Privacy Commissioner of Canada, the Commission d’accès à l’information du Québec, the Information and Privacy Commissioner for British Columbia, and the Information Privacy Commissioner of Alberta <https://www.oipc.bc.ca/documents/investigation-reports/2357>.

88. British Columbia Civil Liberties Association. 2024. Service and Policy Complaint – VPD Surveillance of Demonstrators Supporting Palestinian Human Rights. September 18, 2024. https://assets.nationbuilder.com/pivotlegal/pages/3738/attachments/original/1726622087/Surveillance_Complaint_September_18_2024.pdf?1726622087.

89. “Individuals may alter or censor their activities when they are aware of being watched and feel inhibited from participating in lawful activities such as accessing medical services, protesting peacefully or advocating for societal change. ALPR systems

Next, the potential for bias against certain communities in the deployment of policing or surveillance technologies is an oft-cited reason for limiting surveillance. Recent studies have uncovered a link between acceptance attitudes around the increased culture of surveillance in general, regarding normalized practices from the private sector, and domestic policing surveillance. However, researchers suggest individuals should make careful distinctions between the implications of private sector surveillance and domestic police surveillance. Domestic police surveillance arguably leads to more serious equity and social justice implications, especially for marginalized groups.⁹⁰

Similar arguments were made in 2022, for instance, when Vancouver City Council rejected a motion to expand CCTV usage in public spaces, councillors cited public concerns around further criminalizing people living in poverty, among related issues.⁹¹ Across Canada and in British Columbia, Indigenous groups and people of colour are subject to over-policing and disproportionate levels of surveillance relative to their population sizes.^{92 93 94 95}

For reasons such as these, various jurisdictions across North America and Europe have debated the extent to which video surveillance technologies should be used and/or expanded upon, particularly with apprehensions respecting racial bias in implementation and law enforcement, especially in relation to predictive policing algorithms and FRT.^{96 97 98}

have the potential to cause unintended consequences, such as a chilling effect on freedom of speech and association.” See Information and Privacy Commissioner of Ontario. 2024. Guidance on the Use of Automated Licence Plate Recognition Systems by Police Services. <https://www.ipc.on.ca/en/media/5059/download?attachment>.

90. Conrey, C., & Haney, C. 2024. Understanding attitudes toward police surveillance: The role of authoritarianism, fear of crime, and private-sector surveillance attitudes. *Surveillance & Society*, 22(4), 428-447. <https://ojs.library.queensu.ca/index.php/surveillance-and-society/article/view/17177>.

91. Little, S. 2022, April 27. Vancouver City Council Rejects Use of CCTV Cameras To Combat Crime. Global News (online). <https://globalnews.ca/news/8791322/vancouver-cctv-public-safety-debate/>.

92. African Art & Cultural Community Contributor CCC Inc. / Issamba Centre. 2022. Black in BC. Convener Pilot Project. https://www.issambacentre.ca/files/ugd/dc8154_6a54db5be2a9432ba07129e03b953784.pdf

93. BC’s Office of the Human Rights Commissioner (2021). Equity is safer: Human rights considerations for policing reform in British Columbia. <https://bchumanrights.ca/resources/publications/publication/scorpa/>.

94. R. v. Le, 2019 SCC 34 (CanLII), [2019] 2 SCR 692, <<https://canlii.ca/t/j0nvf>>, para 97.

95. Dawson, F. 2021, November 24. Systemic racism within British Columbia police targets minorities. The Star (online). https://www.thestar.com/news/canada/systemic-racism-within-british-columbia-police-targets-minorities/article_bc6ffa3e-d7aa-5d39-a042-660119fbee68.html.

96. Conrey, C., & Haney, C. 2024. Understanding attitudes toward police surveillance: The role of authoritarianism, fear of crime, and private-sector surveillance attitudes. *Surveillance & Society*, 22(4), 428-447. <https://ojs.library.queensu.ca/index.php/surveillance-and-society/article/view/17177>.

97. American Civil Liberties Association. 2016. Community Control Over Police Surveillance: Technology 101. <https://www.aclu.org/publications/community-control-over-police-surveillance-technology-101>.

98. Hendrix, J. A., Taniguchi, T. A., Strom, K. J., Barrick, K. A., & Johnson, N. J. 2018. The eyes of law enforcement in the new panopticon: Police-community racial asymmetry and the use of surveillance technology. *Surveillance & Society*, 16(1), 53-68. <https://ojs.library.queensu.ca/index.php/surveillance-and-society/article/view/6709>.

Overall, public perception and controversy related to domestic policing surveillance programs can often be linked to the following factors:

- the need for individual or group privacy in public places to protect civil liberties including the values of dignity, integrity and autonomy;⁹⁹
- historical issues with transparency and accountability regarding how surveillance tools are used and for which purposes;
- the disproportionate negative effects of surveillance and policing on certain groups, which is not exclusive to any one technology or practice in particular;
- necessity of the information collected in proportion to the issue to be solved; and
- the effectiveness of video surveillance programs and related technology relative to their cost.

Taken together, these factors create the backdrop for what a public body should consider when evaluating any new, proposed, or expanded surveillance program – especially for the purposes of law enforcement, such as the City's field test.

Although the City explained that the field test is limited to select areas for very limited purposes (and will not include FRT or be deployed to monitor protests, for example), the program still collects the personal information of tens of thousands of individuals on a daily basis. It remains uncertain how the RCMP would use the footage or images collected by the City, should the PSCS be fully implemented or whether additional capabilities could be incorporated later.

As technological capabilities continue to improve, the potential for function creep should always be acknowledged by public bodies when considering collecting personal information.

As explained by former Commissioner Denham in a previous report on the use of facial recognition, the potential for function creep is important to consider because it is linked to the fundamental privacy principle of using personal information only for purposes it was collected. Considering the possibility for function creep is essential in cases where biometric identification could potentially later be involved because of the implications of identifying individuals in public:

With the implementation of facial recognition individuals will no longer be able to remain anonymous in public places. The system may, in a matter of seconds to minutes, identify you to the public body or organization running the facial recognition software. Previously private political, religious and social affiliations will now become public.¹⁰⁰

That said, the PSCS does not use FRT software at present. Finally, as the OIPC can only

99. R. v. Plant, 1993 CanLII 70 (SCC), [1993] 3 SCR 281, <<https://canlii.ca/t/1fs0w>>, page 292.

100. OIPC BC. February 2012. Investigation Report F12-10: *Investigation into the Use of Facial Recognition Technology by the Insurance Corporation of British Columbia*. <https://www.oipc.ca/en/investigation-reports/1245>.

investigate cases where personal information is already being collected, used, or disclosed, this report focuses on the limited application of the field test and not the full implementation phase or any later possible phases of the project. These considerations simply provide the backdrop for further thinking and discourse about the potential broader implications of such a program.

In addition, it is important to consider the fact that at least one of the PSCS cameras does have FRT features available. Although the City chose not to utilize FRT during the field test, cameras with such features are easy to acquire from organizations such as Genetec. Other public bodies or other entities may be tempted to purchase similar technology for a range of purposes.

The OIPC has made several recommendations regarding biometric data collection, such as through FRT, by the private sector.¹⁰¹ A recent report on Canadian Tire's use of FRT recommended that BC's private sector privacy legislation, the *Personal Information Protection Act* (PIPA), be amended to include specific obligations regarding the collection, use or disclosure of biometric information, including requiring notification to the OIPC. This would modernize legislation as other jurisdictions, such as Quebec, already have.¹⁰²

To date, aside from abovementioned investigation reports into Clearview AI and ICBC's use of FRT for assisting law enforcement, little has been written concerning biometric surveillance by public bodies in BC.

In 2022, the Office of the Privacy Commissioner (OPC) worked with provincial privacy commissioners to produce *Privacy Guidance on Facial Recognition for Police Agencies*¹⁰³ which makes several additional contributions relevant to this discussion:

- Mass surveillance is often associated with societal harms such as disproportionate negative impacts for racialized and other marginalized groups, which can be further exacerbated by sophisticated technologies such as FRT.
- Inappropriately used surveillance technology can have long-lasting effects on privacy rights that can be difficult to dial back or remedy once already in place.
- Outside of Quebec, appropriate regulatory limits on FRT have yet to be implemented, in ways that create confusion over appropriate use: "... its use is regulated through a patchwork of statutes and case law that, for the most part, do not specifically address the risks posed by FR. This creates room for uncertainty concerning what uses of FR may be acceptable, and under what circumstances."¹⁰⁴
- It is not clear where the acceptable use of FRT "begins and ends", a question which is essential to the future of privacy protection across Canada.

101. OIPC BC. April 2023. Investigation Report 23-02: Canadian Tire Associate Dealers' use of facial recognition technology. <https://www.oipc.bc.ca/documents/investigation-reports/2618>.

102. This report also recommended regulation of the sale or installation of technologies that capture biometric information.

103. Office of the Privacy Commissioner of Canada. 2022. Privacy Guidance on Facial Recognition for Police Agencies. https://www.priv.gc.ca/en/privacy-topics/surveillance/police-and-public-safety/gd_fr_202205/.

104. Ibid.

Because of the ready availability of sophisticated surveillance technology to those seeking it, the potential for misuse and harm, and the relative uncertainty regarding the legal limits of biometric surveillance, the OIPC recommends that the BC Government regulate technologies that capture biometric information.

Recommendation 4

The BC Government should regulate, through legislative amendment, technologies that capture biometric information.

CONCLUSION

The purpose of this report has been to establish whether the City of Richmond has the authority to collect, use or disclose personal information through its PSCS field test and whether the collected information has been adequately secured. While the OIPC found no concerns with the security controls, the PSCS field test is not authorized under FIPPA and the OIPC recommended that the City immediately stop collecting personal information through the field test, delete the recordings, and disband the cameras.

The City advised that it did not intend to comply with the recommendations, and the Commissioner issued an Order on this matter. Other public bodies considering similar surveillance programs should review this report and findings, along with the Order, for guidance before initiating such programs. Regardless of whether a municipality has its own police department or uses the RCMP, the same analysis would apply.

Public surveillance has remained a controversial issue for the last three decades. Public bodies may be tempted to rely on enhanced technological capabilities of video cameras, especially those that come equipped with facial recognition, licence plate recognition, gunshot detection, and other such features. However, considerations should be made surrounding the legality, effectiveness, and the privacy impacts of video surveillance cameras and the associated tools they now come equipped with.

Limits on public surveillance are embedded into law to protect the privacy rights of individuals. The research shows that the overall effectiveness of such programs are mixed and contingent on the context such as whether video is live-monitored, the

type of crime, and the environment. At the same time, the disproportionate negative impacts on disadvantaged groups and individuals have been well documented, not to mention the potential civil society implications. Programs that collect information on everyone in an effort to police a few individuals are rarely justified, as the collective privacy impacts are not proportional to the anticipated benefits.

Where possible, public bodies should aim to use more effective and less invasive measures to meet their goals. Further, public bodies who do not have a law enforcement mandate need to consider whether and how public surveillance may be authorized.

Finally, while such features were disabled in this case, the widespread availability of AI-enabled surveillance tools is a cause for concern. The sale of surveillance tools with AI-enabled capabilities, such as those that collect biometrics like facial recognition, should be explicitly regulated to ensure appropriate guardrails are in place to avoid over stepping of the limits or the potential misuse of such tools.

Acknowledgement

I thank the City of Richmond for participating in this investigation, responding to questions, and collecting and providing the requested documents and materials.

I would also like to thank my staff, in particular, Jessica Percy Campbell, Investigator; Gary Freeburn, Compliance Auditor; and Tanya Allen, Director of Audit and Systemic Review for conducting this investigation and drafting this report.

RECOMMENDATIONS

Recommendation 1

The City should immediately stop collecting personal information through the PSCS.

Recommendation 2

The City should immediately delete all PSCS recordings to date.

Recommendation 3

The City should disband PSCS equipment used to collect personal information.

Recommendation 4

The BC Government should regulate, through legislative amendment, technologies that capture biometric information.

RESOURCES

Getting started

- [Access to data for health research](#)
- [BC physician privacy toolkit](#)
- [Developing a privacy policy under PIPA](#)
- [Early notice and PIA procedures for public bodies](#)
- [Guide to OIPC processes \(FIPPA and PIPA\)](#)
- [Guide to PIPA for business and organizations](#)
- [Privacy impact assessments for the private sector](#)
- [Privacy management program self-assessment](#)

Access (General)

- [Common or integrated programs or activities](#)
- [Guidance for conducting adequate search investigations \(FIPPA\)](#)
- [Guidance on FIPPA's FOI process](#)
- [How do I request records?](#)
- [How do I request a review?](#)
- [Instructions for written inquiries](#)
- [PIPA and workplace drug and alcohol searches: a guide for organizations](#)
- [Proactive disclosure: guidance for public bodies](#)
- [Requesting records of a deceased individual](#)
- [Section 25: The duty to warn and disclose](#)
- [Time extension guidelines for public bodies](#)
- [Tip sheet: requesting records from a public body or private organization](#)

Privacy (General)

- [Direct-to-consumer genetic testing and privacy](#)
- [Disclosure of personal information of individuals in crisis](#)
- [Employee privacy rights](#)
- [Guide for organizations collecting personal information online](#)
- [Identity theft resources](#)
- [Information sharing agreements](#)
- [Instructions for written inquiries](#)
- [Obtaining meaningful consent](#)
- [Political campaign activity code of practice](#)
- [Political campaign activity guidance](#)
- [Privacy guidelines for strata corporations and strata agents](#)
- [Privacy-proofing your retail business](#)
- [Privacy tips for seniors: protect your personal information](#)
- [Private sector landlord and tenants](#)
- [Protecting personal information away from the office](#)
- [Protecting personal information: cannabis transactions](#)
- [Reasonable security measures for personal information disclosures outside Canada](#)
- [Responding to PIPA privacy complaints](#)
- [Securing personal information: A self-assessment for public bodies and organizations](#)



Comprehensive privacy management

- [Accountable privacy management in BC's public sector](#)
- [Getting accountability right with a privacy management program](#)

Privacy breaches

- [Privacy breaches: tools and resources for public bodies](#)
- [Privacy breach checklist for private organizations](#)
- [Privacy breach checklist for public bodies](#)
- [Privacy breaches: tools and resources for the private sector](#)

Technology and social media

- [Guidance for the use of body-worn cameras by law enforcement authorities](#)
- [Guidelines for online consent](#)
- [Guidelines for conducting social media background checks](#)
- [Mobile devices: tips for security & privacy](#)
- [Tips for public bodies and organizations setting up remote workspaces](#)
- [Use of personal email accounts and messaging apps for public body business](#)

Infographics

- [FIPPA and the application fee](#)
- [How to identify deceptive design patterns](#)
- [How to make a complaint](#)
- [How to make an access request](#)
- [How to request a review](#)
- [Identifying and mitigating harms from privacy-related deceptive design patterns](#)
- [Responsible information sharing in situations involving intimate partner violence](#)
- [Requesting records of deceased individuals](#)
- [Tips for requesting records](#)
- [Transparency by default: information regulators call for a new standard in government review](#)
- [Tip sheet: 10 tips for public bodies managing requests for records](#)



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