

Final Response

August 30, 2019

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 - FLR-74-2019

On August 1, 2019, the Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

“ [REDACTED] It was granted, Crown Grant 54262 Vol.337 Fol.110 [REDACTED] requested a copy the application for the grant and the Affidavit of Possession filed with the application for this Grant. It was issued under subsection (4) of Section 36 (possessory title) Any help would be greatly appreciated.”

Please be advised that a decision has been made by the Deputy Minister for FLR to provide access to the requested information. Redactions have been made under Section 40 – Personal Privacy of the **Access to Information Protection of Privacy Act, 2015**. You will find a copy of responsive material attached.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the *Act* (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P.O. Box 13004, Stn. A
St. John's, NL. A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the *Act* (a copy of this section of the Act has been enclosed for your reference).

Please be advised that this letter will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It

is the goal to have the responsive records posted to the Office of Public Engagement's website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact me by telephone at 709-637-2354 or by email at Lisaneville@gov.nl.ca .

Sincerely,



Lisa Neville
ATIPP Coordinator

Right of access

8. (1) A person who makes a request under section 11 has a right of access to a record in the custody or under the control of a public body, including a record containing personal information about the applicant.

(2) The right of access to a record does not extend to information excepted from disclosure under this Act, but if it is reasonable to sever that information from the record, an applicant has a right of access to the remainder of the record.

(3) The right of access to a record may be subject to the payment, under section 25 , of the costs of reproduction, shipping and locating a record.

Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21 ;

(b) a decision respecting an extension of time under section 23 ;

(c) a variation of a procedure under section 24 ; or

(d) an estimate of costs or a decision not to waive a cost under section 26 .

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42 , the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45 (2).



Environment and Conservation

APPLICATION FOR GRANT OF LAND

UNDER SECTION 36 OF THE LANDS ACT
CHAPTER 36, S.N.L. 1991, AS AMENDED

GIS 10114785
RSN 209913

FOR DEPARTMENT USE ONLY

APPLICATION NO. 148383 RECEIPT NO. 072274
 FILE NO. 2030232 AMOUNT \$113.00 DATE Apr. 14/15
 DATE REGISTERED July 19, 2015 INDICATED ON PLAN NO. _____
 INITIAL _____ HC TOPO NO. _____ INITIAL dpw

APPLICATION INFORMATION

SURNAME	GIVEN NAME	MIDDLE NAME	DATE OF BIRTH
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
CITY/TOWN	PROVINCE	POSTAL CODE	
<u>Campbellton</u>	<u>NL</u>	<u>A0G 1C0</u>	
BUSINESS TELEPHONE	HOME	[REDACTED]	
ARE YOU AN EMPLOYEE OF THE DEPARTMENT OF ENVIRONMENT AND CONSERVATION?			
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
THE LAND IS SITUATED AT <u>ISLAND HARBOUR</u>			
IN THE PROVINCIAL ELECTORAL DISTRICT OF <u>F09 - ISLAND</u>			
DESCRIPTION OF LAND:			
APPROXIMATE DIMENSIONS:	FRONTAGE <u>100 ft</u> metres	DEPTH <u>80 ft</u> metres	
BOUNDED ON NORTH BY	[REDACTED]	FOR <u>80 ft</u> metres	
BOUNDED ON SOUTH BY	[REDACTED]	FOR <u>60 ft</u> metres	
BOUNDED ON EAST BY	[REDACTED]	FOR <u>45 ft</u> metres	
BOUNDED ON WEST BY	<u>Road</u>	FOR <u>100 ft</u> metres	
A MAP OR SKETCH OF THE LAND MUST ACCOMPANY THIS APPLICATION			

AFFIDAVIT OF APPLICANT

I, [REDACTED] of Campbellton
do hereby

A. The information contained in this application is true and correct to the best of my knowledge and belief.
 B. I have acquired an interest in the whole of the land described above based upon open, notorious and exclusive possession for 20 years prior to the 1st day of January 1977, in the following manner:

(a) continuously over a period of 20 years prior to the 1st day of January 1977 and up to the present the land has been in open, notorious and exclusive possession of me or undernoted persons, all of whose equitable rights in and to the land and possession thereof have passed to me at follows:

NOTE: A non-refundable processing fee of One Hundred Dollars (plus H.S.T.) must accompany this application

16-10/2008-13

NAMES OF PERSONS FORMERLY AND/OR CURRENTLY OCCUPYING LAND (including applicant)	LIST IMPROVEMENTS AND YEAR THEY WERE MADE		DESCRIBE HOW LAND WAS ACQUIRED, e.g. DEEDS, WILLS, ETC.**
	eg. FENCES, BUILDINGS, CULTIVATION, ETC.*	YEAR MADE	
[REDACTED]	Home, sheds and Fence	1925	
YEAR OCCUPIED 1925 TO 1960 YEAR YEAR			
[REDACTED]	HOME SHED		purchased from [REDACTED] Family
YEAR OCCUPIED 1960 TO 2009 YEAR YEAR			
[REDACTED]	HOME SHED.		
1960 TO 2014 YEAR YEAR			
4.			
YEAR OCCUPIED ____ TO ____ YEAR YEAR			
5.			
YEAR OCCUPIED ____ TO ____ YEAR YEAR			

* IF EXTRA SPACE IS NEEDED, PLEASE CONTACT THE REGIONAL LANDS OFFICE FOR ASSISTANCE.
 ** COPIES OF ANY DOCUMENTS (WILLS, DEEDS, ETC.) NOTED ABOVE MUST ACCOMPANY THIS APPLICATION.

- C. I am not aware of any claim to or in respect of the land by any other person either through occupation, improvements, possession or otherwise adverse to or inconsistent with any claim to any part of the land or to any interest therein. (If any other person occupies this land with you, you must contact the Regional Lands Office for further instruction.)
- D. If this application is approved, I will provide to the satisfaction of the Minister of Environment and Conservation a survey of the land and an indemnity to the Minister against claims by any other person in respect of the land as conditions precedent to the issue of any grant in respect of the land.

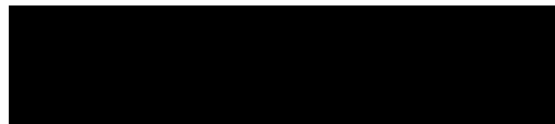
Sworn before me at:

Gander NL
PLACE

on Sept. 9, 2009
DATE

TREVOR MILLS
 A Commissioner for Oaths in and for
 the Province of Newfoundland and Labrador.
 My commission expires on December 31, 2013

[Signature]
 OFFICIAL ADMINISTERING OATH
 (COMMISSIONER OF OATHS, JUSTICE OF THE PEACE,
 NOTARY PUBLIC, ETC.)



FACTUAL SUMMARY

The subject property was initially owned and occupied by [REDACTED]. The house on the subject property is the same house that was occupied by [REDACTED] from approximately 1925 until 1960.

[REDACTED] died around 1960. After his death, [REDACTED] moved to Harbour Grace and sold the property to [REDACTED] married [REDACTED] and in 1960 they moved into the home that had been occupied on the subject property by the said [REDACTED].



[REDACTED] was born in 1946 and can recall the house being in its current location on the subject property before 1956. [REDACTED] was [REDACTED] father's half-brother.

To date, the original home is still located on the subject property and is used and occupied as a summer cabin by [REDACTED]. Also on the subject property, a small wood shed is still in existence.

AFFIDAVIT IN SUPPORT OF APPLICATION

I,  of Harbour Grace NL

in the Provincial Electoral District of Fogo
in the Province of Newfoundland make oath and say as follows:

1. I am  years of age and that I am now residing or did previously reside at ISLAND HARBOUR for  years.
2. I am fully acquainted with the land described in the foregoing application for grant of land under The Lands Act, Chapter 36 S.N.L. 1991, as amended.
3. The foregoing affidavit made by the applicant concerning the use and occupation of this land has been read to me and all the statements made therein are true in substance and in fact to the best of my knowledge, information and belief.
4. I am not aware of any claim to or in respect of the land by any other person either through occupation, improvements or otherwise adverse to or inconsistent with the applicant's claim to any part of the land or to any interest therein.

TREVOR MILLS
A Commissioner for Oaths in and for
the Province of Newfoundland and Labrador.
My commission expires on December 31, 2012

Sworn before me at:

Gander
PLACE

on Sept. 9, 2009
DATE


OFFICIAL ADMINISTERING OATH
(COMMISSIONER OF OATHS, JUSTICE OF THE PEACE,
NOTARY PUBLIC, ETC.)


SIGNATURE OF PERSON
SUPPORTING APPLICANT'S CLAIM

ADDRESS

TELEPHONE NUMBER

FOR DEPARTMENT USE ONLY

RECOMMENDATION OF REGIONAL OFFICE

Approved (Complete section below)

Refused (Give reason)

_____ Date _____ Regional Lands Manager

This section to be completed by Regional Office when approval is recommended.

Area approved (approx.) 0.0210 Ha

Frontage (approx.) 24.563 m

Cabinet approval required Yes No

Consideration \$ 500.00

Special survey instruction (if applicable): _____

Departmental decision:

This application is Approved Refused Sent to Cabinet

Comments. _____

March 22, 2017
Date

[Signature]
Director of Crown Lands

