

Final Response

December 6, 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-123-2019**

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On November 7, 2019 the Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

**“I am formally requesting all Municipal Recommendation Forms for Crown Land Applications within Municipal and Planning Area Boundaries, received from applicants and approved by the Town of Centreville Wareham and Trinity.?? Please include the required mapping to scale outlining the lands being applied for, complete with the town representative's signature and date this document was signed.?? I require these documents from January 1, 2014 to current date.”**

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 Harm and 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](mailto: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).



NEWFOUNDLAND AND LABRADOR  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
LANDS BRANCH

Municipal Recommendation Form for Crown Land Applications Within  
Municipal and Planning Area Boundaries

A. TO BE COMPLETED BY APPLICANT

Name of Applicant: \_\_\_\_\_ Date of Application: Apr. 7/14

Planning Address: Trinity B. Bay NL. AOG-420

Bus: \_\_\_\_\_ Fax: \_\_\_\_\_

Land to be used for: Build Garage

Location of Land: Between \_\_\_\_\_ Dimensions of Land: 50 FT by 50 FT

B. TO BE COMPLETED BY MUNICIPAL COUNCIL

1. Does your community have: An approved Municipal Plan?  Concept Plan?  Neither?

2. The area applied for is zoned Residential by the Development Regulations.

3. Is the proposed use (a) Permitted Use?  (b) Discretionary Use?  or (c) A use not included in the Development Regulations?  (Attach copy of zoning map showing location of site)

4. Does the proposed use conform to the standards and conditions set out in the Development Regulations? Yes  No

5. Describe the land use in the surrounding area:  
Residential  Commercial  Agriculture  Unused  Other

North side \_\_\_\_\_ East Side Crowndands  
South side Road West Side \_\_\_\_\_

6. If the proposed use will conflict with existing land use in the general area, please explain:  
\_\_\_\_\_

7. Indicate which of the following Municipal services are available at the site:  
 Water and Sewer  Water Only  Sewer Only  No Services

8. i) Describe type and condition of the road to the site gravel  
ii) Is the road presently maintained year round? Yes  No   
By Whom? Council  Transportation  Applicant

9. Will road extension or improvements be needed if the application is approved? Yes  No

9. In the opinion of the Council, the land applied for is:  
A) Crown  B) Private  C) Ownership Unclear

10. If site is presently occupied, please give details \_\_\_\_\_

THE COUNCIL OF Centreville-Wareham-Trinity TELEPHONE NO. 678 2840

Approved \_\_\_\_\_ Refused (give reason)

Approved subject to the following conditions \_\_\_\_\_ Deferred (give reason)

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SIGNED: \_\_\_\_\_ TITLE: Town Clerk DATE: May 15, 2014

### INSTRUCTIONS

**A) APPLICANT:**

- 1) **THIS IS NOT A CROWN LANDS APPLICATION FORM.**
- 2) **Under the procedure for processing Crown Lands applications within Municipalities, this form must be completed before the Department can accept your Crown Lands Application Form.**
- 3) **Complete part A of this form and include an accurate sketch of the area requested or attach a map.**
- 4) **Submit this form to the office of the Council in which the Crown land you would like to obtain is located.**
- 5) **When the Council has completed its recommendation, you may submit your application along with this recommendation form to the appropriate Regional Lands Office.**
- 6) **This form provides Council's recommendation only. Final approval or rejection of your application is the responsibility of this Department and no occupation or development of the site is permitted until a formal title document has been issued by the Department.**

**B) MUNICIPAL COUNCIL:**

- 1) **Please complete this form and return it to the applicant. A copy may be taken for your records.**
- 2) **This form must be completed for all requests for Crown land within your Municipal and Planning Area boundaries.**
- 3) **If you have any questions on the proposed development, please contact the applicant directly.**
- 4) **Questions pertaining to the processing of applications may be made to the nearest Regional Lands Office.**
- 5) **The Department reserves the right to accept an application without an approved Municipal Recommendation Form, when, in the opinion of the Department, the Recommendation Form has not been processed by Council in a timely manner. In such cases, the Regional Lands Office will proceed with referrals in the normal manner, including a referral to the Municipality.**

### GOVERNMENT SERVICE CENTRES/REGIONAL LANDS OFFICES

Department of Environment and Conservation  
Central Regional Lands Office  
Fraser Mall, P.O. Box 2222  
Gander, NL A1V 2N9  
Telephone: (709) 256-1400  
Facsimile: (709) 256-1095

Department of Environment and Conservation  
Eastern Regional Lands Office  
Howley Building, Higgins Line  
St. John's, NL A1B 4J6  
Telephone: (709) 729-2654  
Facsimile: (709) 729-0726

Department of Environment and Conservation  
Crown Lands Division  
Government Service Center  
2 Masonic Terrace  
Clareville, NL A0E 1J0  
Telephone: (709) 466-4050  
Facsimile: (709) 466-4070

Department of Environment and Conservation  
Western Regional Lands Office  
The Noton Building, P.O. Box 2006  
Corner Brook, NL A2H 6J8  
Telephone: (709) 637-2392  
Facsimile: (709) 637-2905

Department of Environment and Conservation  
Labrador Regional Lands Office  
The Thomas Building, P.O. Box 3014, Stn. "B"  
13 Churchill St.  
Happy Valley-Goose Bay, Labrador A0P 1E0  
Telephone: (709) 896-2488  
Facsimile: (709) 896-9566

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