Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: MA/56/2016]

On June 16, 2016, the Department of Municipal Affairs received your request for access to the following records/information:

"ALL of the Ministerial briefing notes, meeting notes, Ministerial decisions, approvals or rejections, correspondence, department memorandums, e-mails which were created, sent, received, reviewed, discussed or generated prior to, during and after the meeting which occurred on or about May 25, 2016 by Mayor Harold Akerman, the Town of Cupids, Arvo McMillan, Municipal land use planning consultant contracted to the Town of Cupids and Hon. Eddie Joyce, Minister, Department of Municipal Affairs, Jamie Chippett, Deputy Minister, Department of Municipal Affairs, Peter Howe, Assistant deputy Minister, Lands Branch, Department of Municipal Affairs, Robert C. Dicks, Director of Crown Lands Administration, Lands Branch, Department of Municipal Affairs, Corrie Davis, MCIP, Manager, Land Use Planning, Lands Branch, Department of Municipal Affairs, Geralyn Lynch, Senior Planner, Department of Municipal Affairs, Steve Barnable, Regional Lands Manager, Eastern Regional Lands Office, Department of Municipal Affairs, Jerry Dick, Director of Heritage, Department of Tourism and Betty Parsley, MHA, Harbour Main. Please include a complete list of the names of all of the other persons in attendance at the meeting."

On June 30, 2016 you clarified your request, indicating that you were seeking the following:

1. A list of attendees at the May 25, 2016 meeting between the Department of Municipal Affairs and the Town of Cupids.

2. Any documents provided by the Town of Cupids at the May 25, 2016 meeting.

3. Any documents created by the Minister of the Department of Municipal Affairs and/or his officials, as a result of the May 25, 2016 meeting, including the Minister’s decision to register the Town’s plan.

4. Any documents provided to those Department of Municipal Affairs officials who were in attendance at the May 25, 2016 meeting.

P.O. Box 8700, St. John’s, NL, Canada A1B 4J6 t 709.729-6528 f 709.729-4475
I am pleased to inform you that a decision has been made by the Deputy Minister of the Department to provide partial access to the requested information. Some information has been refused in accordance with the following exceptions to disclosure, as specified in the *Access to Information and Protection of Privacy Act, 2015*:

**Disclosure harmful to personal privacy**

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

**Policy advice or recommendations**

29. (1) The head of a public body may refuse to disclose to an applicant information that would reveal

(a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister;

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. Enclosed you will find a copy of the requested records. In accordance with your request below is an itemized response to each of your four specific questions:

1. A list of attendees at the May 25, 2016 meeting between the Department of Municipal Affairs and the Town of Cupids.
   
   • Mayor Harold Akerman
   • Arvo McMillan, Town Planner
   • Darrin Akerman, Councilor
   • Gordon Power, Councilor
   • Betty Parsley, MHA, District of Harbour Main
   • Linda Bourgeois Fraser, Constituency Assistant for the District of Harbour Main
   • The Honourable Eddie Joyce, Minister of the Department of Municipal Affairs
   • Sherrie-Lynn Dogurga, Executive Assistant
   • Graham Letto, Parliamentary Secretary to Minister of Municipal Affairs
   • Jamie Chippett, Deputy Minister, Department of Municipal Affairs
   • Cluney Mercer, Assistant Deputy Minister, Department of Municipal Affairs
   • Peter Howe, Assistant Deputy Minister, Department of Municipal Affairs

2. Any documents provided by the Town of Cupids at the May 25, 2016 meeting.

Please be advised the Department has no records responsive to this portion of your request.

3. Any documents created by the Minister of the Department of Municipal Affairs and/or his officials, as a result of the May 25, 2016 meeting, including the Minister's decision to register the Town's plan.
Please refer to Appendix A for responsive records related to this portion of your request. In addition, please be advised that the registered plan and development regulations are available on the Department’s website at http://miga.gov.nl.ca/registry/index.html.

4. Any documents provided to those Department of Municipal Affairs officials who were in attendance at the May 25, 2016 meeting.

Please refer to Appendix B for responsive records related to this portion of your request.

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 Access to Information and Protection of Privacy Act, 2015 (the Act). 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.

Please be advised that responsive records 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 feel free to contact me by telephone at 729-2787 or by e-mail at tarakelly@gov.nl.ca.

Sincerely,

[Signature]
Tara Kelly
Director / ATIPP Coordinator
Winters, Scott

From: Chippett, Jamie
Sent: Saturday, June 04, 2016 11:25 AM
To: Joyce, Eddie; BourgeoisFraser, Linda
Subject: Re: Town of Cupids

The Town was advised on Friday that the plan was approved for registration but the registration itself will not occur until Monday. If there is new information to consider we will need it to review first thing on Monday morning.

Jamie
Sent from my BlackBerry 10 smartphone on the Bell network.

From: Joyce, Eddie
Sent: Friday, June 3, 2016 5:41 PM
To: BourgeoisFraser, Linda
Cc: Chippett, Jamie
Subject: Re: Town of Cupids

She should send Jamie an email to speak to him. It maybe already sent as I approved it today. I will CC Jamie on this. You should send Jamie Betty phone number. Eddie

Sent from my BlackBerry 10 smartphone on the Bell network.

From: BourgeoisFraser, Linda
Sent: Friday, June 3, 2016 5:33 PM
To: Joyce, Eddie
Subject: Town of Cupids

I relayed the message to MHA Betty, she could not reach Jamie Chippett....she said she will discuss with you Monday a.m.

Linda
Thanks. I’ll pop an email to Corrie as well and if he didn’t get a hold of them to leave until Monday as well.

Peter Howe
Assistant Deputy Minister – Lands Branch
Department of Municipal Affairs
Howley Building, Higgins Line
P.O. Box 8700
St. John’s, NL, A1B 4J6

t: 709-729-3236
e: phowe@gov.nl.ca

From: Chippett, Jamie
Sent: June 3, 2016 4:56 PM
To: Howe, Peter
Subject: Re: Cupids Municipal Plan and Development Regulations, For Registration

Leave til Monday

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Howe, Peter
Sent: Friday, June 3, 2016 4:55 PM
To: Chippett, Jamie
Subject: RE: Cupids Municipal Plan and Development Regulations, For Registration

I am still at the office and don’t know if Corrie got a hold of the Town or not, and I’ve emailed him to see if he did and have not heard back. Will I proceed to call the Town or hold off as per Sherri-Lynn’s email?

Peter Howe
Assistant Deputy Minister – Lands Branch
Department of Municipal Affairs
Howley Building, Higgins Line
P.O. Box 8700
St. John’s, NL, A1B 4J6

t: 709-729-3236
e: phowe@gov.nl.ca

From: Chippett, Jamie
Sent: June 3, 2016 4:33 PM
To: Howe, Peter
Subject: Re: Cupids Municipal Plan and Development Regulations, For Registration
If you are at office you may wish to call Town to advise.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Howe, Peter
Sent: Friday, June 3, 2016 4:30 PM
To: Chippett, Jamie
Subject: RE: Cupids Municipal Plan and Development Regulations, For Registration

I just emailed Corrie and hope I caught him.

Peter Howe
Assistant Deputy Minister – Lands Branch
Department of Municipal Affairs
Howley Building, Higgins Line
P.O. Box 8700
St. John’s, NL, A1B 4J6

t: 709-729-3236
e: phowe@gov.nl.ca

From: Chippett, Jamie
Sent: June 3, 2016 4:28 PM
To: Howe, Peter
Subject: Fw: Cupids Municipal Plan and Development Regulations, For Registration

Pls proceed and advise town of status today.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Joyce, Eddie <ejoyce@gov.nl.ca>
Sent: Friday, June 3, 2016 4:27 PM
To: Chippett, Jamie
Subject: RE: Cupids Municipal Plan and Development Regulations, For Registration

I am good with it. We agreed to have it completed today. Eddie

From: Chippett, Jamie
Sent: Friday, June 3, 2016 4:22 PM
To: Howe, Peter; Joyce, Eddie; Dogurga, Sherrie-Lynn
Subject: Re: Cupids Municipal Plan and Development Regulations, For Registration

Minister, are you okay with the registration below proceeding. Today was deadline we gave the Town. I am okay with proceeding but wanted to ensure that you were okay and if you wanted to consult with MHA Parsley. We will proceed to register once you advise.

Jamie

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Howe, Peter
Sent: Thursday, June 2, 2016 1:56 PM
To: Chippett, Jamie
Subject: FW: Cupids Municipal Plan and Development Regulations, For Registration
See below.

Peter Howe
Assistant Deputy Minister – Lands Branch
Department of Municipal Affairs
Howley Building, Higgins Line
P.O. Box 8700
St. John’s, NL, A1B 4J6

See below.

From: Howe, Peter
Sent: May 27, 2016 7:46 AM
To: Chippett, Jamie
Subject: FW: Cupids Municipal Plan and Development Regulations, For Registration

Jamie,

Please see below from Corrie seeking approval to register the Cupids Municipal Plan and Development Regulations. I have highlighted the sections regarding the objections and the conclusion of the Commissioner. I have also highlighted the objections raised and LUPS review of those objections. Corrie notes below that the Plan and Regulations do not contravene any laws or policies of the Government, and recommends that the Cupids Municipal Plan and Development Regulations be registered.

Corrie also noted below that MHA Parsley has requested a meeting with the Minister to discuss the concerns raised by property owners in Cupids (highlighted below). Given the meeting earlier the week with the Town and MHA Parsley present she no longer has any concerns and no longer wishes to meet?

I am also aware of at least one letter that has come in from one concerned resident drafted for the Minister’s signature and have asked Corrie if there are any other letters for the Minister’s signature. Would you prefer to coordinate the letters with the approval for registration?

Peter Howe
Assistant Deputy Minister – Lands Branch
Department of Municipal Affairs
Howley Building, Higgins Line
P.O. Box 8700
St. John’s, NL, A1B 4J6

t: 709-729-3236
e: phowe@gov.nl.ca

From: Davis, Corrie
Sent: May 26, 2016 1:37 PM
To: Howe, Peter
Subject: Cupids Municipal Plan and Development Regulations, For Registration

Town of Cupids – Review of Municipal Plan Development Regulation
- Purpose is to review and revise the existing Municipal Plan and Development Regulations, in accordance with S. 28 of URPA.
- MIGA released the planning documents from provincial interests on February 6, 2015.
- Council adopted the revised Plan and Regulations on October 6, 2015.
- A notice for a public hearing, scheduled for November 4, 2015, was advertised in the Compass newspaper on October 13th and 20, 2015.
- Objections were received and the hearing took place as scheduled.
- The Commissioner's Report noted that the Town received three written submissions in relation to the Plan and, a total of 7 people attended the Public Hearing. The Report highlighted the following:
  i. there was no strong opposition to the Plan or its policies;
  ii. the main issue related to concerns that a proposed "Heritage Area" overlay would restrict the use of private property;
  iii. two residents objected to the requirements of a proposed "Comprehensive Development Area" zone that was applied to their private land, and,
  iv. there was also an objection to the claim that Cupids is the site of the John Guy colony.
- The Commissioner concluded that none of the interveners raised issues of a legal nature and, as a Council is delegated the authority to make land use decisions, the Commissioner recommended that the Cupids Municipal Plan and Development Regulations be approved, as proposed and without any further modifications.
- The Town Council approved the Cupids Municipal Plan and Development Regulations, as they were adopted on October 6, 2015, without any further modifications on December 1, 2015.
- Subsequent to the Public Hearing and Council's Approval of the Municipal Plan, a number of residents of the Town contacted the Department and raised the following concerns:
  o The Town did not follow the planning process required by the Urban and Rural Planning Act, 2000.
  o The proposed "Cupids Cove Heritage Area" in the municipal plan would impact property owners' ability to continue to use and further develop their properties.
  o The municipal plan was changed after it was presented to the public and before the statutory public hearing.
- Land Use Planning Staff reviewed the concerns raised, and determined that
  o Council followed the required process for consultation and developing the municipal plan that is established by the Urban and Rural Planning Act, 2000.
  o The Province supports the inclusion of a "Cupids Cove Heritage Area" in the municipal plan as it establishes a provincial interest within Cupids. Development within that area, that may impact archeological artifacts, must first be reviewed by the Provincial Archeology Office.
  o There were no significant changes to the municipal plan through the planning process.
  o The municipal plan does not contravene law or a policy of the government and therefore the LUPS recommends registration of the plan.
- As the Plan and Regulations do not contravene any laws or policies of the Government, it is recommended that the Cupids Municipal Plan and Development Regulations be registered.
- MHA Parsley has requested a meeting with the Minister to discuss the concerns raised by property owners in Cupids. The Minister may wish to arrange a meeting with MHA Parsley to discuss the issues prior to the Ministers deciding whether to register the Cupid's municipal plan.
From: Howe, Peter
Sent: Thursday, May 26, 2016 7:12 AM
To: Davis, Corrie
Subject: Cupids

Corrie,

In the meeting yesterday with the Town the Minister committed we would have the municipal plan registered by next Friday, June 2nd. Please send to me a new email again with the bullets to advance to Jamie and the Minister for consideration. Also, with that a condensed version of the concerns/issues raised like what was in the meeting note. Also, as a FYI, MHA Parsley was in attendance and did not seem adverse to its registration but should not again that she requested a meeting with the Minister to discuss. I would like to have by end of day where you may be out all day tomorrow so I can advance tomorrow to Jamie.

As well, the issue of the expropriation was discussed and they were wondering where it is to so we outlined that we have not received the required information requested in your November 2015 letter and gave them a copy. They said they would get it in asap. We would like to advance this as quickly as possible once the information is received.

Peter Howe
Assistant Deputy Minister – Lands Branch
Department of Municipal Affairs
Howley Building, Higgins Line
P.O. Box 8700
St. John’s, NL, A1B 4J6

t: 709-729-3236
e: phowe@gov.nl.ca
Kelly, Tara

From: Dogurga, Sherrie-Lynn  
Sent: Friday, June 03, 2016 4:33 PM  
To: Chippett, Jamie; Howe, Peter; Joyce, Eddie  
Subject: RE: Cupids Municipal Plan and Development Regulations, For Registration

I've just had another call from some people in the town and they have a binder of information stating that the amendments to the town plan were not shared appropriately with the people of the town again.... Or something to that effect.
The binder is arriving to this office on Monday morning.
Perhaps wait the weekend?
Linda Fraser is providing this update.
Sherrie

From: Chippett, Jamie  
Sent: Friday, June 03, 2016 4:22 PM  
To: Howe, Peter; Joyce, Eddie; Dogurga, Sherrie-Lynn  
Subject: Re: Cupids Municipal Plan and Development Regulations, For Registration

Minister, are you okay with the registration below proceeding. Today was deadline we gave the Town. I am okay with proceeding but wanted to ensure that you were okay and if you wanted to consult with MHA Parsley. We will proceed to register once you advise.

Jamie

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Howe, Peter  
Sent: Thursday, June 2, 2016 1:56 PM  
To: Chippett, Jamie  
Subject: FW: Cupids Municipal Plan and Development Regulations, For Registration

See below.

Peter Howe  
Assistant Deputy Minister – Lands Branch  
Department of Municipal Affairs  
Howley Building, Higgins Line  
P.O. Box 8700  
St. John's, NL, A1B 4J6  
t: 709-729-3236  
e: phowe@gov.nl.ca

From: Howe, Peter  
Sent: May 27, 2016 7:46 AM  
To: Chippett, Jamie  
Subject: FW: Cupids Municipal Plan and Development Regulations, For Registration
Jamie,

Please see below from Corrie seeking approval to register the Cupids Municipal Plan and Development Regulations. I have highlighted the sections regarding the objections and the conclusion of the Commissioner. I have also highlighted the objections raised and LUPs review of those objections. Corrie notes below that the Plan and Regulations do not contravene any laws or policies of the Government, and recommends that the Cupids Municipal Plan and Development Regulations be registered.

Corrie also noted below that MHA Parsley has requested a meeting with the Minister to discuss the concerns raised by property owners in Cupids (highlighted below). Given the meeting earlier the week with the Town and MHA Parsley present she no longer has any concerns and no longer wishes to meet?

I am also aware of at least one letter that has come in from one concerned resident drafted for the Minister’s signature and have asked Corrie if there are any other letters for the Minister’s signature. Would you prefer to coordinate the letters with the approval for registration?

Peter Howe
Assistant Deputy Minister – Lands Branch
Department of Municipal Affairs
Howley Building, Higgins Line
P.O. Box 8700
St. John’s, NL, A1B 4J6

t: 709-729-3236
e: phowe@gov.nl.ca

From: Davis, Corrie
Sent: May 26, 2016 1:37 PM
To: Howe, Peter
Subject: Cupids Municipal Plan and Development Regulations, For Registration

Town of Cupids – Review of Municipal Plan Development Regulation

- Purpose is to review and revise the existing Municipal Plan and Development Regulations, in accordance with S. 28 of URPA.
- MIGA released the planning documents from provincial interests on February 6, 2015
- Council adopted the revised Plan and Regulations on October 6, 2015.
- A notice for a public hearing, scheduled for November 4, 2015, was advertised in the Compass newspaper on October 13th and 20, 2015.
- Objections were received and the hearing took place as scheduled.
- The Commissioner’s Report noted that the Town received three written submissions in relation to the Plan and, a total of 7 people attended the Public Hearing. The Report highlighted the following:
  
  i. there was no strong opposition to the Plan or its policies;
  ii. the main issue related to concerns that a proposed “Heritage Area” overlay would restrict the use of private property;
  iii. two residents objected to the requirements of a proposed “Comprehensive Development Area” zone that was applied to their private land, and,
  iv. there was also an objection to the claim that Cupids is the site of the John Guy colony.
- The Commissioner concluded that none of the interveners raised issues of a legal nature and, as a Council is delegated the authority to make land use decisions, the Commissioner recommended that the Cupids Municipal Plan and Development Regulations be approved, as proposed and without any further modifications.
• The Town Council approved the Cupids Municipal Plan and Development Regulations, as they were adopted on October 6, 2015, without any further modifications on December 1, 2015.

• Subsequent to the Public Hearing and Council’s Approval of the Municipal Plan, a number of residents of the Town contacted the Department and raised the following concerns:
  o The Town did not follow the planning process required by the Urban and Rural Planning Act, 2000.
  o The proposed “Cupids Cove Heritage Area” in the municipal plan would impact property owners’ ability to continue to use and further develop their properties.
  o The municipal plan was changed after it was presented to the public and before the statutory public hearing.

• Land Use Planning Staff reviewed the concerns raised, and determined that
  o Council followed the required process for consultation and developing the municipal plan that is established by the Urban and Rural Planning Act, 2000.
  o The Province supports the inclusion of a “Cupids Cove Heritage Area” in the municipal plan as it establishes a provincial interest within Cupids. Development within that area, that may impact archeological artifacts, must first be reviewed by the Provincial Archeology Office.
  o There were no significant changes to the municipal plan through the planning process.
  o The municipal plan does not contravene law or a policy of the government and therefore the LUPS recommends registration of the plan.

• As the Plan and Regulations do not contravene any laws or policies of the Government, it is recommended that the Cupids Municipal Plan and Development Regulations be registered.

• MHA Parsley has requested a meeting with the Minister to discuss the concerns raised by property owners in Cupids. The Minister may wish to arrange a meeting with MHA Parsley to discuss the issues prior to the Ministers deciding whether to register the Cupid’s municipal plan.

Corrie Davis, MCIP
Manager, Land Use Planning
Department of Municipal Affairs
P.O. Box 8700
St. John's, NL A1B 4J6
Tel 709.729.5409 Fax 709.729.0477
Kelly, Tara

From: Howe, Peter
Sent: Monday, June 06, 2016 4:32 PM
To: Davis, Corrie
Subject: RE: Town of Cupids

Follow Up Flag: Follow up
Flag Status: Flagged

So to sum it up, there is nothing to prevent the registration of the plan based on email below or concerns expressed by in his letter previously, the process undertaken by Council for the preparation of a new Municipal Plan complies with the requirements of the Urban and Rural Planning Act, 2000, and is not contrary to law or a policy of the government of the province and where not contrary to law or a policy the Minister shall register the plan and development regulations. But it is the Minister's decision on whether or not to meet with and similarly whether or not to hold off on registration of the Municipal Plan if he chooses to meet with . So if he meets with it would only be to advise him that he has to comply with URPA and register?

Peter Howe
Assistant Deputy Minister - Lands Branch
Department of Municipal Affairs
Howley Building, Higgins Line
P.O. Box 8700
St. John's, NL, A1B 4J6

t: 709-729-3236
e: phowe@gov.nl.ca

From: Davis, Corrie
Sent: June 6, 2016 4:22 PM
To: Howe, Peter
Subject: RE: Town of Cupids

1) As per the email below is there anything noted in the email that would result in us reconsidering and/or not proceeding to register the plan?

That has not been written in response to his letter to the Minister does not appear to impact this issue. As you will recall we spoke about the pending correspondence that Minister and department received in opposition to the Municipal Plan and you agreed that we would await a decision of the Minister on registering the plan before advancing draft / suggested responses.

Similarly, and decision of the Minister with respect to the Town Council's request to approve expropriation of land is unrelated to the registration of the Municipal Plan. I.E. registration of the Municipal Plan does not compel the Minister to either approve or reject any request of Council regarding expropriation.

It is Minister's decision on whether or not to meet with and similarly whether or not to hold off on registration of the Municipal Plan if he chooses to meet with .
2) As per Sherrie-Lynn's email (attached) re a binder of information stating that the amendments to the town plan were not shared appropriately with the people of the town again or something to that effect, would there be anything in this that would result in us reconsidering and/or not proceeding to register the plan or are we certain that everything was/is done in accordance with the Act, etc.? The binder was supposed to arrive to the Minister's office this morning and it is being checked to see if it was delivered. Will get it down to you to review if it has.

It is impossible to answer that question. I am not aware of what the 'binder of information' contains. I spoke with Sherrie-Lynn and she confirmed that as of 330pm this afternoon, no such binder has arrived. Sherrie-Lynn did forward an email message to me from MHA Parsley's constituency Assistant; that email does not appear to contain any new information that we have not previously seen. There is a MS Word document (of unknown origin, although the metadata attached to the file indicates it was authored, and last edited, by MHA Parsley's CA) in Sherrie-Lynn's email that appears to have a partial chronology of the Cupids Municipal Plan review process with comments attributed to certain stages of the process. The other attachment to her email includes a long letter from a property owner in Cupids along with documents related to the Cupids Municipal Plan Public Hearing.

I noted previously that LUP staff reviewed the process undertaken by Council for the preparation of a new Municipal Plan and found it to comply with the requirements of the Urban and Rural Planning Act, 2000.

3) As per URPA, if everything was done in accordance with the Act and there were no missteps, and not contrary to law or a policy, is the Minister required to register (ie. no discretion)?

Section 24(3), in my view is straightforward, it states (with my emphasis added) that:

"24. (1) The minister shall review a plan, development regulations and other documents submitted under subsection 23(4) to determine if they are contrary to law or a policy of the government of the province and where not contrary to law or a policy shall register the plan and development regulations in the planning registry that the minister shall establish in the department for that purpose."

Therefore, the answer to your question is yes, there is no discretion and the Minister (or me via my delegated authority), is required to the register the Plan if the Plan does not conflict with law of a policy of the government.

Corrie Davis, MCIP
Manager, Land Use Planning
Department of Municipal Affairs
P.O. Box 8700
St. John's, NL A1B 4J6
Tel 709.729.5409 Fax 709.729.0477

From: Howe, Peter
Sent: Monday, June 06, 2016 3:29 PM
To: Davis, Corrie
Subject: RE: Town of Cupids

The questions and/or clarification required is as follows:
1) As per the email below is there anything noted in the email that would result in us reconsidering and/or not proceeding to register the plan?

2) As per Sherrie-Lynn’s email (attached) re binder of information stating that the amendments to the town plan were not shared appropriately with the people of the town again or something to that effect, would there be anything in this that would result in us reconsidering and/or not proceeding to register the plan or are we certain that everything was/is done in accordance with the Act, etc.? The binder was supposed to arrive to the Minister’s office this morning and it is being checked to see if it was delivered. Will get it down to you to review if it has.

3) As per URPA, if everything was done in accordance with the Act and there were no missteps, and not contrary to law or a policy, is the Minister required to register (ie. no discretion)?

Peter Howe
Assistant Deputy Minister – Lands Branch
Department of Municipal Affairs
Howley Building, Higgins Line
P.O. Box 8700
St. John’s, NL, A1B 4J6

t: 709-729-3236
e: phowe@gov.nl.ca

From: Davis, Corrie
Sent: June 6, 2016 8:49 AM
To: Howe, Peter
Subject: RE: Town of Cupids

Sherry Sampson contacted me about two weeks ago; I told her a decision was pending the outcome of Minister’s Meeting with Council.

Any decision by Minister on Expropriation is unrelated to registration of Municipal Plan.

Corrie Davis, MCIP
Manager, Land Use Planning
Department of Municipal Affairs
P.O. Box 8700
St. John’s, NL A1B 4J6
Tel 709.729.5409 Fax 709.729.0477

From: Howe, Peter
Sent: Monday, June 06, 2016 7:32 AM
To: Davis, Corrie
Subject: FW: Town of Cupids
Importance: High

See below and we can discuss further.

Peter Howe
Assistant Deputy Minister – Lands Branch
Department of Municipal Affairs
From: Chippett, Jamie  
Sent: June 6, 2016 7:27 AM  
To: Howe, Peter  
Subject: Fw: Town of Cupids  
Importance: High

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Joyce, Eddie <ejoyce@gov.nl.ca>  
Sent: Sunday, June 5, 2016 8:55 PM  
To: Glynn, Valerie  
Cc: Chippett, Jamie; Dogurga, Sherrie-Lynn  
Subject: Fw: Town of Cupids

Please take appropriate Action. Thank you, Eddie

Sent from my BlackBerry 10 smartphone on the Bell network.

From: BourgeoisFraser, Linda  
Sent: Thursday, June 2, 2016 1:54 PM  
To: Parsley, Betty  
Cc: Joyce, Eddie  
Subject: Town of Cupids

With reference to the Wednesday meeting of the 25 with the Town of Cupids, I just received a call from Sharon Samson— as he has not received a response to his ltr of Jan 11.

This matter has 2 pieces: The 1st. piece is issue with the Town Plan and the controls the Town thinks it has and possibly will have....he is in the central part of the Harbour. I understand that the Citizens Rep requested that Corey Davis provide some reasoning for what is being proposed, but was quite surprised today to hear that had received no information.

The second piece deals with a group of land owners who are fighting against the expropriation of lands, without their concerns being addressed be them personally to the Minister.

is requesting a meeting with Minister JOYCE, ASAP before anything is signed off on – on the Town Plan for Cupids

Please advise, Linda
I think this covers the 3 questions. Corrie has emailed Sherrie-Lynn as well looking for the binder.

Peter Howe
Assistant Deputy Minister – Lands Branch
Department of Municipal Affairs
Howley Building, Higgins Line
P.O. Box 8700
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t: 709-729-3236
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The questions and/or clarification required is as follows:

1) As per the email below is there anything noted in the email that would result in us reconsidering and/or not proceeding to register the plan?

2) As per Sherrie-Lynn’s email (attached) re a binder of information stating that the amendments to the town plan were not shared appropriately with the people of the town again or something to that effect, would there be anything in this that would result in us reconsidering and/or not proceeding to register the plan or are we certain that everything was/is done in accordance with the Act, etc.? The binder was supposed to arrive to the Minister’s office this morning and it is being checked to see if it was delivered. Will get it down to you to review if it has.

3) As per URPA, if everything was done in accordance with the Act and there were no missteps, and not contrary to law or a policy, is the Minister required to register (ie. no discretion)?

Peter Howe
Assistant Deputy Minister – Lands Branch
Department of Municipal Affairs
Howley Building, Higgins Line
P.O. Box 8700
St. John’s, NL, A1B 4J6

t: 709-729-3236
e: phowe@gov.nl.ca
Sherry Sampson contacted me about two weeks ago; I told her a decision was pending the outcome of Minister's Meeting with Council.

Any decision by Minister on Expropriation is unrelated to registration of Municipal Plan.

Corrie Davis, MCIP
Manager, Land Use Planning
Department of Municipal Affairs
P.O. Box 8700
St. John's, NL A1B 4J6
Tel 709.729.5409 Fax 709.729.0477

From: Howe, Peter
Sent: Monday, June 06, 2016 7:32 AM
To: Davis, Corrie
Subject: FW: Town of Cupids
Importance: High

See below and we can discuss further.

Peter Howe
Assistant Deputy Minister – Lands Branch
Department of Municipal Affairs
Howley Building, Higgins Line
P.O. Box 8700
St. John's, NL A1B 4J6

t: 709-729-3236
e: phowe@gov.nl.ca

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Chippett, Jamie
Sent: June 6, 2016 7:27 AM
To: Howe, Peter
Subject: Fw: Town of Cupids
Importance: High

From: Joyce, Eddie <ejoyce@gov.nl.ca>
Sent: Sunday, June 5, 2016 8:55 PM
To: Glynn, Valerie
Cc: Chippett, Jamie; Dogurga, Sherrie-Lynn
Subject: Fw: Town of Cupids

Please take appropriate Action. Thank you, Eddie
With reference to the Wednesday meeting of the 25 with the Town of Cupids, I just received a call from [redacted] who was made aware of that particular meeting. He has gone to the Citizens Rep – Sharon Samson – as he has not received a response to his ltr of Jan 11.

This matter has 2 pieces: The 1st piece is [redacted] issue with the Town Plan and the controls the Town thinks it has and possibly will have...he is in the central part of the Harbour. I understand that the Citizens Rep requested that Corey Davis provide [redacted] with some reasonings for what is being proposed, but was quite surprised today to hear that [redacted] had received no information.

The second piece deals with a group of land owners who are fighting against the expropriation of lands, without their concerns being addressed be them personally to the Minister.

[redacted] is requesting a meeting with Minister JOYCE, ASAP before anything is signed off on – on the Town Plan for Cupids

Please advise,
Linda
Ministerial Meeting Note  
Department of Municipal Affairs

Town of Cupids  
Wednesday, May 25, 2016 9:00AM -10:00AM  
Executive Boardroom, Minister's Suite  
4th Floor West Block

Attendees:  
Eddie Joyce, Minister; Graham Letto, Parliamentary Secretary; Representatives from the Town of Cupids

Purpose of Meeting:  
The Town of Cupids requested to meet with the Minister regarding their municipal plan and development regulations, expropriation of land around Salt Water Pond and capital works project #15-115 (MA17-MCW-16-00129) application.

Agenda Item #1: Town Municipal Plan and Development Regulations  
- The Town of Cupids submitted a new municipal plan for the community. There have been several complaints to the Minister by residents, land owners, interested parties, and the local MHA questioning Council’s process and Council’s decisions on implementing a new municipal plan.
  - Concerns included:
    - The Town did not follow the planning process required by the Urban and Rural Planning Act, 2000.
    - The proposed “Cupids Cove Heritage Area” in the municipal plan would impact property owners’ ability to continue to use and further develop their properties.
    - The municipal plan was changed after it was presented to the public and before the statutory public hearing.

Analysis  
- The Land Use Planning Section (LUPS) assessed the proposed municipal plan and the process undertaken by Council and determined that:
  - Council followed the required process for consultation and developing the municipal plan that is established by the Urban and Rural Planning Act, 2000.
  - The Province supports the inclusion of a “Cupids Cove Heritage Area” in the municipal plan as it establishes a provincial interest within Cupids. Development within that area, that may impact archeological artifacts, must first be reviewed by the Provincial Archeology Office.
  - There were no significant changes to the municipal plan through the planning process.
The municipal plan does not contravene law or a policy of the government and therefore the LUPS recommends registration of the plan.

Potential Speaking Points
- The Minister may wish to note that he will respond to the incoming correspondence.

Proposed Action:
- A draft response to the incoming correspondence will be prepared for the Minister’s consideration.
- MHA Parsley has requested a meeting with the Minister to discuss the concerns raised by property owners in Cupids. A meeting will be arranged for the Minister and MHA Parsley to discuss the issues prior to the Ministers deciding whether to register the Cupid’s municipal plan.

Agenda Item #2: The Town of Cupids is seeking to expropriate land in the inner harbour (Saltwater Pond and Pointe Beach) for future development
- The Town of Cupids uses Pointe Beach for public events and festivals and plans to develop a marina around the shoreline. A Crown Lands grant was issued in 2014.
- The Town of Cupids, with the assistance from the Lands Branch, identified what portion of the Saltwater Pond land is Crown owned (primarily harbour infilling along the shoreline) versus what portion is privately owned (adjacent upland parcels).
- It is the Town’s intent to expropriate the privately owned lands. A council may expropriate land for a municipal purpose, subject to the approval of the Minister in accordance with the Urban and Rural Planning Act, 2000. The Town requested approval from MA in September 2015 to expropriate the privately claimed parcels of land. In November 2015, MA requested additional information regarding the request and this has not been provided by the Town to date.
- Section 25 of the Lands Act, states that where the minister is made aware of an adverse claim with respect to lands that the minister believes are Crown lands, the minister may serve notice on the adverse claimant. In the case of Saltwater Pond there are known adverse claimants. The Town has had preliminary discussions with the Land Use Planning Section (LUPS).

Potential Speaking Points
- The Minister may wish to indicate that the Lands Branch will continue to work with the Town on this process.

Proposed Action:
- The Department will need the following to support an expropriation request:
  - Surveys of the lands to be expropriated that are certified by a Newfoundland Land Surveyor;
• Copies of Motions of Council to expropriate the specific lands subject to the Approval of the Minister;
• Clear demonstration that Council has authority provided by the Municipalities Act, 1999 to use the lands in the manner that they propose; and
• Documentation of Council’s attempts to acquire land through negotiation.

Agenda Item #3: Pump House & Equipment Upgrade Project: Capital Works project #15-115 (MA17-MCW-16-00129) AKA (Project #17-MCW-16-00129)

• Project Scope:
  ▪ Replace piping system in the existing chlorine booster station.
  ▪ Leak detection survey along the distribution water-mains and complete repairs as required.
  ▪ Based on the leak detection survey: upgrade the pressure booster station (mechanical and electrical parts)
  ▪ Install new standby generator

• Budget:
  Engineering Services: $86,215.61
  Construction costs: $329,441.39
  Total project budget: $415,657.00
  ▪ Oct. 2015 a PCA between the Town and Harris & Associates Ltd was signed).

• Contracts Awarded:
  ▪ In Jan. 18, 2016, H&B Construction Ltd. awarded contract to upgrade the chlorine booster station in the amount of $58,556.60; the contract amount has increased to $77,105.55.

• Project Status:
  ▪ 77% construction work and 22% engineering work is completed
  ▪ The leak detection survey was completed for the Town of Cupids and extended to include the Town of South River, since South River is located downstream. South River’s pressure booster station has the same problems as Cupids.

Analysis
• MA understands that the Town may ask for approval to use surplus funding associated with the project.
• MA has not yet received details on how the Town proposes to use surplus funding.
• The consulting engineering company is unable to confirm whether any cost savings will be realized.
• Often, towns make such requests and historically they are approved.

Potential Speaking Points:
• The Minister may wish to note that he will take the request under consideration.

Proposed Actions
• The department will assess the request once the amount, and intended use of, surplus funds are verified.

Prepared/ Reviewed by: R. Squires; I. Rehman; C. Davis and M. Meany
Approved by: P. Howe and C Mercer

May 24, 2016
November 2, 2015

Mayor Harold Akerman  
Town of Cupids  
P.O. Box 99  
Cupids, NL  A0A 2B0

Dear Mayor Akerman:

Re: Proposed Expropriation, Saltwater Pond

Your September 9, 2015 correspondence regarding proposed expropriation of lands surrounding Saltwater Pond was forwarded to me for review and processing.

As discussed in our recent telephone conversation, in order to assess the proposed expropriations, the following information is required:

1. A copy of any minutes of Council authorizing acquisition or expropriation of the properties.
2. A statement that identifies Council’s legal basis for acquiring the property, either
   a. For the use of Council for the purposes of the powers given to Council under the Municipalities Act, 1999, or
   b. Where the land is essential to the carrying out of the Cupid Municipal Plan enacted under authority of the Urban and Rural Planning Act, 2000.
3. A statement of the efforts Council has undertaken to acquire the property by means other than expropriation, including, if available copies of offers to purchase the lands along with responses from the property owners.
4. A legal survey and property description for each property that Council wishes to acquire prepared by a registered Newfoundland Land Surveyor.

If you have any questions or require further clarification, please contact me by email at corridavis@gov.nl.ca or telephone at 709-729-3090.

Sincerely,

Corrie Davis, MCIP  
Manager  
Land Use Planning, Lands Branch

P.O. Box 8700, St. John’s, NL, Canada A1B 4J6  t 709.729-3090 f 709.729-0477