COR/2014/06067

December 17, 2014

Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: TW/26/2014]

On December 4, 2014 the Department of Transportation and Works received your request for access to the following records:

All correspondence with Star Realty, Heart’s Delight, NL regarding the Mechanic’s Lien in the Right of the Province of NL as represented by the Minister of Transportation and Works and against the Eastern School District and all that piece of parcel of land situate at Mundy Pond Road, St. John’s and any offer made to date to settle the claim.

On December 9, 2014 in a phone call between you, the applicant, with Janine Murphy and Matthew Pinsent this access to information request was revised to better describe those records being sought:

Any offer made to date to settle the claim regarding the Mechanic’s Lien in the Right of the Province of NL as represented by the Minister of Transportation and Works and against the Eastern School District and all that piece of parcel of land situated at Mundy Pond Road, St. John’s (St. Theresa’s school).

Please be aware that at present this matter is the subject of ongoing litigation.

In a case where litigation is involved and a matter is before the courts the Department of Transportation and Works, as required by law, would claim solicitor-client privilege and litigation privilege in respect of the terms of any settlement offer that it made to a party to an action. In this instance, and on a Without Prejudice basis, to the position the Department might take in response to any other request from you or another party related to this or another matter, please be aware that no offer has been made. The Department is prepared at this time to inform to you that no settlement offer has been made by the Department to any party involved in the Mechanics Lien related litigation pertaining to Star Realty Limited and St. Teresa’s School.

Section 43 of the Access to Information and Protection of Privacy Act (the Act) provides that you
may ask the Information and Privacy Commissioner to review this partial refusal of access or you may appeal the refusal to the Supreme Court Trial Division. A request to the Information and Privacy Commissioner shall be made in writing within 60 days of the date of this letter or within a longer period that may be allowed by the Commissioner.

Should you disagree with the Department’s decision and wish to appeal directly to the Supreme Court Trial Division you must do within 30 days after you receive the decision of the public body, pursuant to section 60. You may also contact the Office of the Information and Privacy Commissioner who may decide to initiate an appeal pursuant to subsection 60(1.1).

The address and contact information of the Information and Privacy Commissioner is 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
Facsimile: (709) 729-6500

In the event that you choose to appeal to the Trial Division, you must do so within 30 days of the date of this letter. Section 60 of the Act sets out the process to be followed when filing such an appeal.

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 Janine Murphy at 729-9814 or by email at janinemurphy@gov.nl.ca.

Sincerely,

Brent Meade
Deputy Minister