March 29, 2017

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: MA 21 2017]

On March 1, 2017, Municipal Affairs and Environment received your request for access to the following records:

"A copy of the following briefing material given to the minister in January 2017 - City of St. John's meeting note - Labrador Wellness Centre - City of St. John's - Reallocation of funding - Fire & Emergency Service - Special Assistance Grants - Illegal Occupation of Crown Lands at Careless Cove Area, Gander Lake."

I am pleased to inform you that a decision has been made by the Deputy Minister for Municipal Affairs to provide access to some of the requested information.

Information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

"27. (1) In this section, "cabinet record" means
(a) advice, recommendations or policy considerations submitted or prepared for submission to the Cabinet;
(b) draft legislation or regulations submitted or prepared for submission to the Cabinet;
(c) a memorandum, the purpose of which is to present proposals or recommendations to the Cabinet;
(d) a discussion paper, policy analysis, proposal, advice or briefing material prepared for Cabinet, excluding the sections of these records that are factual or background material;
(e) an agenda, minute or other record of Cabinet recording deliberations or decisions of the Cabinet;
(f) a record used for or which reflects communications or discussions among ministers on matters relating to the making of government decisions or the formulation of government policy;
(g) a record created for or by a minister for the purpose of briefing that minister on a matter for the Cabinet;"
(h) a record created during the process of developing or preparing a submission for the Cabinet; and

(i) that portion of a record which contains information about the contents of a record within a class of information referred to in paragraphs (a) to (h).

27 (2) The head of a public body shall refuse to disclose to an applicant
(a) a cabinet record;

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;

30. (1) The head of a public body may refuse to disclose to an applicant information
(a) that is subject to solicitor and client privilege or litigation privilege of a public body; or
(b) that would disclose legal opinions provided to a public body by a law officer of the Crown.

34. (1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to
(a) harm the conduct by the government of the province of relations between that government and the following or their agencies:
   (i) the government of Canada or a province,
   (ii) the council of a local government body,

With regards to the attached requested record, please note that in the briefing note Fire and Emergency Services (FES) Special Assistance Requests (on page 1) under Background and Current Status the first bullet states that “In 2016-17, Fire & Emergency Services has provided $2,825,075 in provincial grants...” This statement was in error as the $2,825,075 represented the total amount of eligible requests that FES received for provincial grants in 2016-17 for Firefighting Equipment, not what was actual provided to communities. The actual amounts for the provincial funding for both Firefighter Equipment and Vehicles to communities are proactively disclosed on FES website early in the new fiscal year as part of the open government initiative.

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.

In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

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 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
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 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 Completed Access to Information Requests 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 729-3263 or by email at lisas@gov.nl.ca.

Sincerely,

Lisa Sullivan
ATIPP Coordinator

Enclosures
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).
Title: Fire & Emergency Services (FES) Special Assistance Requests

Decision/Direction Required:
- Seeking the decision of the Executive Committee on whether to provide approval for a Special Assistance Grant to Fire & Emergency Services for $371,656.

Background and Current Status:
- In 2016-17, Fire & Emergency Services has provided $2,825,075 in provincial grants to communities throughout the province for Self-contained Breathing Apparatuses (SCBA), Personal Protective Equipment (PPE), pumps, communication equipment, extrication tools, nozzles & wyes, generators, Thermal Imaging Cameras (TIC), compressors, Automated External Defibrillators (AED), fireshields and other fire & emergency costs.
- FES has received 41 requests for SCBA equipment or cylinders valued at $534,337 in 2016/17.
- FES is requesting provincial funding for 26 of these requests, totaling $371,656 less the provincial cost share and GST/Partial HST rebate.

Analysis:
- FES is requesting $371,656 to assist with the cost of SCBA equipment requests.
- See Appendix A for a list of outstanding requests.

Alternatives:
- Approve $371,656 to assist with the cost of these requests.
- Reject this request.

Prepared/Approved by: S. Bradley / R. Hibbs / P. Tucker / H. Tizzard
Ministerial Approval: (Pending)

January 9, 2017
Decision/Direction Note  
Department of Municipal Affairs

Title: City of St. John’s - Reallocation of Funding

Decision/Direction Required:
• Whether to reallocate surplus MYCW funding in the amount of $620,110.60 to Wedgewood Park project in the City of St. John's.

• It is recommended that the Department of Municipal Affairs be directed to approve the City’s request and reallocate surplus funding to Wedgewood Park project.

Background and Current Status:
• The City of St. John’s, contacted the Department in December requesting consideration to transfer surplus funding from several projects to the Wedgewood Park project.

• The following three projects were completed under budget with surplus amounts remaining:
  o Wishingwell Road Watermain (Project# 14-MYCW-14-00014) - surplus of $354,178;
  o Charter Avenue Bridge (Project # 14-MYCW-14-00012) - surplus of $224,772; and
  o St. Kevin’s School Sidewalks (Project # 14-MYCW-14-00015) - surplus of $41,161.

• The total surplus funding for these three projects equals $620,111. The City requested to re-profile this funding to Wedgewood Park project.

Analysis:
• The approved MYCW budget for Wedgewood Park project was $8,922,528. This total amount has been expended to date.

• The City awarded contracts in an amount of $35,571,924 to complete this project. Part of this cost can be secured from the surplus funding from the above noted projects.

Alternatives:
• Approve City's request and reallocate $620,110.60 of surplus funding to Wedgewood Park project. (Recommended).

• Reject the request and don't approve reallocation of funding. (Not recommended)

Prepared/Approved by: S. Jawda / I. Rehman / S. Hounsell/ H. Tizzard  
Ministerial Approval: Received from Hon. Eddie Joyce  

January 9, 2017
Meeting Note
Department of Municipal Affairs
Meeting with the City of St. John's
January 17, 2017
Mayor's Lounge, 4th Floor City Hall

Attendees: MHAs Cathy Bennett, Dale Kirby, Siobhan Coady, Bernard Davis, and representatives from the City of St. John’s.

Purpose of Meeting: The meeting has been requested by the City of St. John’s. The following items may be discussed: Lynch Decision on Watershed; Biogas Generation Program; City Act Review; Assessment Act Review; Final Offer Selection; Capital Works Funding; Motor Vehicle Noise; Metrobus Road Tax; Old School Properties; Regulation of the Taxi Industry; and Waste Management Transportation Subsidy. Information on these agenda items and potential speaking points are outlined below.

Issue # 1 Lynch Decision on Watershed (MA/ECC/JPS)

- In July, a judgment was rendered in the Court of Appeal decision Lynch v. City of St. John’s, ordering the City of St. John’s to pay the Lynches compensation for the deemed constructive expropriation of their property which lies in the Broad Cove River watershed area. The Broad Cove River watershed area is protected under Section 104(1) of the City of St. John’s Act.

- The City and the Town of CBS have written to the Department of Municipal Affairs (MA) requesting immediate and retroactive legislative change to deny compensation in the watershed.

- Mayor O’Keefe raised this issue with Minister Joyce earlier in the summer and the Minister acknowledged it was under review.

Analysis:
• JPS has advised that Application for Leave to Appeal the NL Court of Appeal decision to the Supreme Court of Canada (SCC) was filed with the SCC by the Solicitor for the City of St. John's on September 26, 2016. The SCC has not yet made a decision as to whether or not it will hear the Appeal.

Potential Speaking Points:

• The MHAs may wish to note they understand the City has filed an application for Leave to Appeal the NL Court of Appeal decision to the Supreme Court of Canada and the City is awaiting a decision as to whether the Appeal will be heard.

Issue #2 Biogas Generation Program (NR)

• In October 2016, NR and City officials met to discuss the City's participation in Government's biogas generation program.

• The City expressed concerns about the program, including: the biogas framework effectively allows only short-term power purchase arrangements, as the program is set to expire one year after Muskrat Falls enters service (i.e. 2020 plus one year) and the price of the power under the program may not be high enough to attract development.

• City officials acknowledged at the meeting that they were not certain of the price and duration of a power purchase contract that would enable development of biogas generation at the Robin Hood Bay waste management facility. City officials agreed to complete more economic analysis and provide NR with greater details to enable NR to determine what, if any, program modifications should be proposed to Government. The City has not yet submitted the information to NR.

• NR contacted City officials to arrange a meeting to update each other on their respective biogas activities since the October meeting. The meeting has been set for January 17, 2016.

Potential Speaking Point:

• The MHAs may wish to advise they understand NR is awaiting information from the City, and that the City is meeting with NR to further discuss this program.

Issue #3 City Act Review (MA)

• As a part of the process to comprehensively review its municipal legislation, MA is exploring the possibility of new legislation to govern the towns and cities with populations of over 11,000. MA held productive roundtables with representatives from the municipalities in the spring. The City may raise the amount of time the review has been ongoing, the ability of the City to review the City of St. John's Act, and their desire to maintain an Act exclusive to the City of St. John's.
Analysis:
- MA's current legislation is prescriptive, which is inefficient and unnecessary for our largest municipalities. The City of St. John’s Act requires review, as well as the City of Mount Pearl Act and the City of Corner Brook Act. The Municipalities Act, 1999 may require modernization to meet the needs of the largest towns under its jurisdiction.

- MA is reviewing the feasibility of implementing new legislation to govern the Province's more urban municipalities, namely, St. John's, Corner Brook, Mount Pearl, Paradise, Conception Bay South, Gander, and Grand Falls-Windsor.

Potential Speaking Points:
- The MHAs may wish to acknowledge the amount of time the review is taking and recognize the importance of the review to the City given its size and capacity for governance.

- The MHAs may wish to confirm that MA is considering a means to have resources dedicated to this proposal. The City is welcomed to conduct its own internal review and propose any desired changes to the Province. This may help expedite the progress of the review and assist in amendments to the other municipal legislation. The Province would consider this the City's submission related to their legislation but would still review this legislation in the context of other legislative frameworks across the country and provincial policy considerations, including with potential consultations.

- The MHAs may wish to note that a decision has not been taken on the final composition of municipal legislation and the Minister and MA are clearly aware of the City's preference for its own legislation.

Issue #4 Assessment Act Review (MA)

- The Department was mandated in A Stronger Tomorrow and the Minister's mandate letter to undertake a review of the Assessment Act, 2006, in partnership with Municipalities Newfoundland and Labrador and the Municipal Assessment Agency (MAA), looking at the timing of assessments, the criteria for assessments, implementation of the associated mill rate, and special purpose property legislation.

- The review has been completed.

Analysis:
- MA officials held several meetings with City staff and visited the City's assessment division to view their operations during the review. Given the City has its own assessment division, MA recognized the importance of working closely with them during the review.
At the request of Ministers from St. John's, the Deputy Minister of MA held a lengthy discussion with senior City staff. In addition, the Minister and Deputy Minister of MA met with Ministers and MHAs from St. John's in December.

Based on feedback received from the City, MA is conducting additional analysis on court decisions in BC and Ontario and the legislative framework around these issues in BC, as well as renewing its jurisdictional scan of assessment practices (timelines, etc.) in other provinces.

Potential Speaking Points:
- The MHAs may wish to acknowledge the Province's keen awareness of the City's concerns and their detailed feedback in the review and in December 2016.
- The MHAs may wish to note that additional analysis is being conducted by MA based on feedback supplied by the City in December and that no decisions will be taken without a face-to-face meeting with the City beforehand. Additional meetings will likely be held with other stakeholders such as the Airport Authority.
- The MHAs may wish to mention the considerable public concern over assessments during the election campaign, some of which mentioned the length of time between assessments. This length of time was influenced by the three year cycle, as well as the extension of mail-out beyond September 2015. Several jurisdictions in the country use one or two-year assessment cycles.
- The MHAs may wish to confirm that the City recognizes the current Special Purpose Property Regulations are not being used, given previous court decisions and that the City is in support of recent court rulings related to such properties which confirm such properties are not of nominal value.

Issue #5 Final Offer Selection (MA)

- The City has requested a legislative amendment to the City of St. John's Act which would change the type of arbitration from conventional arbitration to final offer selection for bargaining between the City of St. John's and the International Association of Fire Fighters (IAFF). The City's request was supported by the Mayors of Paradise and Mount Pearl.

Analysis:
- This matter has been reviewed by MA and a decision taken to not proceed with legislative amendments at this time. MA's review considered the advice from HRS and then LRA, which raised concerns with some potential consequences of the requested change.
- A letter will be forthcoming shortly to advise the Mayors of this decision. The decision was verbally communicated to the Mayor and City Manager in a recent meeting with the Minister and MA officials.
Potential Speaking Point:
- The MHAs may wish to confirm MA has finished its analysis and weighed the needs and advice of both parties. A decision has been taken to not proceed with amendments at this time and a letter outlining the decision should arrive shortly.

Issue #6 Capital Works Funding (MA)
- The City of St. John’s is provided capital works funding on a multi-year basis. The next multi-year capital works (MYCW) program is anticipated to be from 2017/18 to 2019/20. The City is likely to ask about the timing of release and scope of next MYCW program. The City may also note its top priority as the Riverhead Waste Water Treatment facility (preliminary estimate $200M).

- The Mayor and City Manager recently met with the DM and ADM responsible for Infrastructure to discuss approval processes and prioritization of municipal infrastructure projects. This was in response to a letter to the Minister of TW seeking a meeting with the provincial Ministerial Infrastructure Committee (MIC).

- The DM and ADM explained that municipal projects are selected by the Minister of MA unless they were of a one-off nature, but that the block funding for municipal projects (both provincial and cost-shared) was addressed through the MIC. The Mayor and City Manager were satisfied with a commitment from the DM and ADM to ensure the City was called in advance of project approvals to ensure it could reiterate its priorities. Both accepted that the top priorities could not be accepted in all cases based on the funding available (primarily relates to cost-shared funding).

- Four projects totaling $20 million were approved for the City of St. John’s under the Clean Water and Wastewater Fund. Approximately $16M was also recently approved through the Provincial Territorial Infrastructure Component (PTIC) of the New Building Canada Fund (NBCF).

Analysis:
- The GNL is currently considering budget allocations for infrastructure and decisions have not been finalized. These decisions will be influenced by the scope and criteria of federal Phase 2 infrastructure funding expected to be announced in Federal Budget 2017 and flowed in 2018-19.

- A provincial call for municipal infrastructure project applications will be held shortly – this is to request projects for both municipal capital works funding and future federal-provincial cost-shared funds. MYCW projects will continue to be selected by these municipalities and cities based on their allocation.
• The MHAs may wish to note that additional federal funding programs are anticipated to be announced in the upcoming federal budget with cash flow anticipated for 2018-19. The significance of this funding and the timeframes associated with the programs will be a consideration in the scope of the MYCW program in 2017. The preference would be to utilize available provincial funding to leverage available federal funding.

• The MHAs may wish to reiterate the commitment by MA to call them prior to project selection and advancement to ensure the priorities of the City as understood. MHAs may also wish to encourage the City to advance projects under the upcoming call for applications to ensure that it is considered in future rounds of federal funding.

Issue #7: Motor Vehicle Noise (SNL)

• Section 29 of the Licensing and Equipment Regulations made under the Highway Traffic Act requires that motor vehicles be equipped with exhaust systems that operate without excessive noise and prohibits the operation of motor vehicles with defective or modified mufflers. Section 189 of the Highway Traffic Act provides that the Minister of TW may, by order, delegate to municipal councils the authority to regulate certain aspects of the operation of motor vehicles, consistent with the Act. However, section 189 does not expressly reference the ability to regulate the equipment of motor vehicles.

• The City of St. John’s Act provides that council may regulate the use of noisy vehicles in the streets or the making of unnecessary noise in the city.

• In the fall of 2016, SNL and JPS met with the officials from the City on this issue.
Potential Speaking Point:
• The MHAs may wish to note that they understand SNL and JPS met with the City on this issue in the fall.

Issue #8 Metrobus Road Tax (FIN)

• Metrobus and the City of St. John’s have approached the provincial government on a number of occasions with the view of seeking HST and provincial gasoline tax relief (2008, 2009, 2010 and 2013).

Analysis:
• The Gasoline Tax is imposed on any fuel capable of being used in an internal combustion engine. It is a revenue generation tool used by all provinces.

• The provincial gasoline tax on diesel is imposed at a rate of 21.5 cents per litre. There are very few exemptions currently in the Revenue Administration Act. While the Act does provide an exemption for “gasoline purchased by a council and used in vehicles or equipment owned, leased or rented by the council and operated by the council”, it specifically excludes those used in the provision of a public transportation system for fee paying passengers.

• This exception is intended to ensure that publicly provided transportation services do not receive an unfair competitive advantage compared to private operators who also provide forms of public conveyance (taxis, DRL Coachlines, Mahon’s Busing, etc.). An exemption for Metrobus, would likely result in additional pressure from these operators for similar treatment, at an additional cost. The provincial Department of Finance (FIN) has been consistent in declining further tax relief on this basis.

• In 2013, the Department of Finance estimated that the cost of providing Metrobus with an exemption on gasoline tax would be approximately $300,000. As a result of the 5 cent per litre (cpl) increase in diesel fuel tax, the cost of providing Metrobus with an exemption would now likely be closer to $400,000. The cost of providing an exemption for the province’s only other municipal transit system, located in Corner Brook, is unknown.
• Metrobus may argue that the recent tax policy decisions (increase in HST, plus increase of 5 cpl on diesel fuel) will compel the entity to either reduce services or increase fares.

• Metrobus, as a function of the City, is eligible to claim a Public Sector Body Rebate. This rebate increased to 57.14% of the provincial portion of the HST effective January 1, 2017.

• The table below provides an overview of the tax and price impacts as a result of the tax measures introduced in Budget 2015 and Budget 2016.

<table>
<thead>
<tr>
<th>Price</th>
<th>2015</th>
<th>Current</th>
<th>January 1, 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base</td>
<td>$0.90</td>
<td>$0.90</td>
<td>$0.90</td>
</tr>
<tr>
<td>Federal Excise Tax</td>
<td>$0.10</td>
<td>$0.10</td>
<td>$0.10</td>
</tr>
<tr>
<td>Adjusted Base Price</td>
<td>$1.00</td>
<td>$1.00</td>
<td>$1.00</td>
</tr>
<tr>
<td>NL Diesel Tax</td>
<td>$0.165</td>
<td>$0.215</td>
<td>$0.215</td>
</tr>
<tr>
<td>Pre HST</td>
<td>$1.165</td>
<td>$1.215</td>
<td>$1.215</td>
</tr>
<tr>
<td>HST</td>
<td>$0.151</td>
<td>$0.152*</td>
<td>$0.113</td>
</tr>
<tr>
<td>Total Cost per litre</td>
<td>$1.316</td>
<td>$1.367</td>
<td>$1.328</td>
</tr>
</tbody>
</table>

*HST less rebate.

• The analysis above indicates that while fuel prices increased by 5.1 cpl as a result of the HST increase and the fuel tax rate increase, the incremental tax impact decreased to 1.2 cpl when the incremental HST rebate came into force January 1, 2017.

• The operating subsidy is also forecasted to increase by 52% over the period from 2012 through to 2018.

Source: City of St. John's, Compiled from Annual Budgets

• Despite the increase in subsidies and operating expenditures of $4.11 per passenger (Metrobus, 2011), the cost to board a bus at $2.25 (Adult Fare) was $2.25 from 2008-2016. Metrobus raised their base fare by 25 cents to $2.50 effective January 1, 2017.
• It is understood that Metrobus is a diesel operated fleet. The cost per litre of diesel fuel currently is approximately 28.9 cpl less than it was in 2012.

<table>
<thead>
<tr>
<th>Date</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 22, 2016</td>
<td>109.6</td>
</tr>
<tr>
<td>September 22, 2015</td>
<td>107.2</td>
</tr>
<tr>
<td>September 22, 2014</td>
<td>133.7</td>
</tr>
<tr>
<td>September 22, 2013</td>
<td>138.3</td>
</tr>
<tr>
<td>September 22, 2012</td>
<td>138.5</td>
</tr>
</tbody>
</table>

Source: PUB

• The carbon tax will apply as well starting in 2018. FIN notes it is unclear at this point as to whether it will be on top of or in place of the tax on diesel.

Potential Speaking Points:
• The MHAs may wish to note that as the City is aware, Metrobus, as a function of the City of St. John’s, is eligible to claim a Public Sector Body Rebate. This rebate increased to 57.14% of the provincial portion of the HST effective January 1, 2017.

• The MHAs may wish to note the importance of ensuring that that publicly provided transportation services do not receive an unfair competitive advantage compared to private operators who also provide forms of public conveyance (i.e. taxis, busing, etc.).

Issue #9 Old School Properties (EECD)

• City of St. John’s Councillor, Mr. Jonathan Galgay, has publicly raised concerns, and written the Province’s Auditor General (AG), regarding the recent sale of the former I.J. Samson School by the Newfoundland and Labrador English School District (NLESD).

Analysis:
• Under the Schools Act, 1997, title to school buildings are held by the Province’s school boards, except in cases where title is with a denominational authority and being used for educational purposes by a school board.

• There may also be circumstances where a conditional Crown lands grant applies to the property. In those cases, the district is responsible for working with MA to satisfy the conditions of the grant in order to possess clear title so as to dispose. This is primarily an issue in rural areas.

• The Act empowers school boards to sell property, subject to approval from the Minister of Education and Early Childhood Development (EECD).

• The former I.J. Samson school property was sold in June through a public tender process by the NLESD.

• The tender received three bids, with the building being sold to the highest bidder at $189,000.
• An appraisal commissioned by NLESD in 2013 valued the property and building at approximately $2 million. However, this appraisal did not take the presence of hazardous materials or other contamination into account.

• Environmental assessment reports outlining a number of items were provided with the tender documents. As such, proponents would have considered the risks associated with the costs to address same and any other potential unknown issues, in light of the building’s age and their intended use of this property, in placing their bids.

• The sale has drawn criticism, notably from Councillor Galgay, since the new owners re-listed the property in September for $1.89 million. Councillor Galgay is asking the AG to review the tendering process and oversight regarding this transaction.

• The new owner, Terrence Penney, who owns Metro Environmental Services and Whiteway Holdings, has publically stated that the sale price includes over $1 million in demolition and remediation costs and that there are risks and liabilities associated with same.

• There are currently four vacant school properties in St. John's: Booth Memorial High (closed June 2015); Bishops College (closed June 2015); Macpherson Elementary (closed June 2011); and Holy Cross Junior High (closed June 2016).

• The NLESD is actively working on the completion of surveys, appraisals, and environmental assessments as well as determination of denominational authority interests, if any, in the properties. The Conseil Scolaire Francophone Provincial (CSFP) has expressed interest in acquiring the temporary use of Holy Cross Junior High (up to 5 years) to address junior and senior high programming issues in the St. John’s area and discussions are ongoing with the Roman Catholic Episcopal Corporation (RCEC) and the Newfoundland and Labrador School District.

Potential Speaking Points:

• The MHAs may wish to note school boards are responsible for the disposition of vacant school properties in accordance with their responsibilities under the Schools Act, 1997.

• The MHAs may wish to indicate the NLESD, in consultation with EECD, is collecting all necessary information to accurately inform the disposition process of currently vacant school buildings in St. John’s.

• The MHAs may wish to highlight EECD ensures that necessary due diligence has been carried out and approves the final sale or disposition in accordance with the Schools Act, 1997.

• The MHAs may wish to acknowledge maintaining vacant school buildings results in costs to school boards and ultimately the Provincial Government as the funding body. In 2015-16, the cost of maintaining vacant buildings was over $1.6M. As such, selling these buildings, which have often reached the end of their useful life, often results in immediate operational savings.

• The MHAs may wish to confirm further discussions regarding vacant schools in St. John’s are best addressed to the NLESD.
Issue #10: Regulation of the Taxi Industry (MA/JPS/SNL/WPO)

- Under the *Highway Traffic Act*, driver's licence classifications set out specifications such as the type of vehicle that may be operated by the licence holder, including the number of passengers that can be carried.

- The conduct and behavior of a driver (including criminal convictions) is not a factor in qualifying to hold a certain classification of licence under the *Highway Traffic Act*.

- In qualifying for an upgrade to one's driver licence to a higher classification, adherence to National Safety Code standards respecting driving experience and medical suitability is required. Any consideration given to an applicant's personal suitability is the responsibility of the respective employer.

  - In other jurisdictions across the country, municipalities set the requirements for operating taxi businesses, including criteria for drivers. SNL's jurisdictional review identified that no province addresses this through *Highway Traffic Regulations*.

- Some municipalities in this province have used their authority to address these types of concerns including Marystown, Gander and Happy-Valley Goose Bay, as follows:
  - The Marystown Taxi Regulations state "no licence shall be issued to any person convicted of an offence under the Criminal Code of Canada."
  - In Gander, the application form for a taxi licence includes the requirement to provide a Letter of Conduct.
  - The application form for a taxi licence in Happy Valley Goose Bay requires the applicant to provide a written Vulnerable Sector Check from the RCMP.

- *The City of St. John's Act* (specifically Section 167) sets out the authority the City has in regulating taxis, and in particular, subsections 167 (c), (i) and (j). These subsections provide the City with broad powers to address a wide range of issues related to the operation of taxis in the City.

- The *St. John's Taxi By-Law* also sets out some licencing requirements for taxi operators, and it may be possible to make amendments to this By-Law to cover some licencing requirements.
In December 2016, Minister Joyce, MA officials and officials from the RNC, JPS, SNL met with Deputy Mayor Ellsworth and Councillor O’Leary. Recent roundtable discussions have also occurred on this issue lead by the City.

The NL Provincial Advisory Council on the Status of Women (PACSW) has also compiled research on the taxi industry across the country. This will be considered as part of MA and SNL’s analysis, in consultation with the Women’s Policy Office, and other stakeholders.

Potential Speaking Points:
• The MHAs may wish to note that safety of the public is a top priority for Government.

• The MHAs may wish to highlight the roundtable discussions that have occurred regarding regulation of the taxi industry and the involvement of a number of departments across Government.

• Should the City believe it does not have the necessary authority to adequately regulate taxis, the MHAs may wish to note that the City can submit a request to MA for specific amendments related to municipal legislation.

• The MHAs may wish to note that GNL will work with the City and other stakeholders such as PACSW, and will consider submitted proposals. Minister Joyce committed to a follow-up meeting after the City and other stakeholders conducted and provided additional research on the matter.

Issue #11: Waste Management Transportation Subsidy (MA/ECC)

• Two non-host regions (Burin and Discovery) will dispose of their solid waste in the Eastern Region. The remainder of the non-host regions on the island will dispose of their waste in the landfill in Central Newfoundland.

• The issue of transportation inequities has been a regular topic at the annual MMSB Regional Waste Management Forum.

• The MMSB hosted a meeting in September 2016 with all of the Regional Service Boards to specifically discuss the topic of transportation costs of non-host regions. The MMSB provided data related to the volume of waste generated and the estimated total cost of transporting waste from non-host to host regions. A number of options were suggested at the meeting including:
  o Landfill tax
  o Provincial subsidy
  o Reduced tipping fees for non-host regions.

• The MMSB will present a report and summary of the findings from the meeting at the next Regional Waste Management Forum.

• The MMSB and MA have requested a meeting with the Eastern Regional Service Board to further discuss the concept that a host region can transport waste from a site in the non-host region to the landfill. This option was suggested by the Chair of the Eastern Regional Service Board in a letter to the MMSB.
Analysis:
- The estimated total cost associated with transporting waste from the non-host regions for final disposal is between $2.5 million and $2.8 million. This includes the western region. If the western region were removed, the estimated total cost would be $1.2 million.

- The estimated transportation cost for each household ranged from $23 per household in the Discovery Region to a high of $85 per household in the Norpen Region. The average transportation cost is approximately $40 per household.

Potential Speaking Points:
- The MHAs may wish to note that the discussion at the transportation subsidy meeting hosted by MMSB was intended to develop ideas and promote discussion of the issue of transportation costs for the non-host regions.

- While the discussion included the concept of a landfill tax, this was not the only option discussed. The MHAs may wish to confirm that MA and ECC are not considering the concept of a landfill tax at this time.

Prepared/Approved by: C. Orsborn, I. Duffett, A. Morgans/ H. Tizzard, D. Spurrell/ J. Chippett, in consultation with SNL, JPS, NR, FIN, ECC and EECD

Ministerial Approval: Received from Hon. Eddie Joyce (PENDING)
Decision / Direction Note
Department of Municipal Affairs

Title: Illegal occupation of Crown lands at Careless Cove area, Gander Lake.

Decision / Direction Required:
There are 16 cabins, one bus and associated outbuildings located on Crown lands at Careless Cove area, Gander Lake. Permission is sought to post removal notices on these identified structures and any other unauthorized structures present that were not found during the initial inventory of the area.

Background and Current Status:
- On September 14, 2015, a complaint was received advising of approximately 14 illegal cabins in the Careless Cove area, Gander Lake.
- On November 12, 2015, an inventory was conducted by officials of the Central Regional Lands Office to investigate the complaint of unauthorized occupation in the Careless Cove area, Gander Lake. There were 16 cabins and one bus found in the area occupying Crown land without title.
- The structures are located within the Northwest-Southwest Gander River Cottage Development Planning Area and the Gander Lake Protected Water Supply Area.

Analysis:
- Five of the structures identified appear to have been on site for some time, while the remaining structures appear to be newly constructed.
- There are cabins in this area with title; however, those titles pre-dated the cottage development plan. No new titles have been issued in this area since the cottage development plan was implemented in 1996.
Annexes:
1. Location map.
2. Inventory report.

Ministerial Approval:

January 17, 2017
NOTE TO USERS

The information on this map was compiled from land surveys registered in the Crown Lands Registry. Since the Registry does not contain information on all land ownership within the Province, the information depicted cannot be considered complete.

The boundary lines shown are intended to be used as an index to land titles issued by the Crown. The accuracy of the plot is not sufficient for measurement purposes and does not guarantee title. Users finding any errors or omissions on this map sheet are asked to contact the Crown Titles Mapping Section, Minillon Building, St. John's, Newfoundland.

Users finding errors or omissions can contact the Crown Titles Mapping Section by telephone at 729-2654. Some titles may not be plotted due to Crown Lands volumes missing from the Crown Lands registry or not plotted due to insufficient survey information.

This User hereby indemnifies and agrees to save harmless the Minister, his employees, and agents from and against all claims, demands, liabilities, actions, or causes of actions arising out of any violation of copyright or intellectual property arising out of any missing or incomplete Crown Land titles. The Minister, his or her officers, employees and agents shall not be liable for any loss or profits or contracts or any other loss of any kind as a result.


Scale 1:250,000
Compiled on November 30, 2015
Annex 2

Field analysis report for Gander Lake

Background: A complaint was received on September 14, 2015 regarding a number of illegal cabins along the western side of Gander Lake, in the Careless Cove area, south of Glenwood.

This area is not part of the Northwest/Southwest Gander River Cottage Development Plan and no applications for cottages can be entertained. There are a number of remote cottage licenses and grants in that area, however, which predate the plan.

On site Findings: There were a total of 17 structures found in the area on November 12, 2015. These include cottages, sheds, outhouses and a bus. Also, an inventory was done of existing licenses and grants.

Table 1: Structures Without Title

<table>
<thead>
<tr>
<th>Waypoint</th>
<th>Photo</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>130</td>
<td>Under construction – floor only with blue tarp</td>
</tr>
<tr>
<td>26</td>
<td>133</td>
<td>Press wood siding, front bridge and white siding half way</td>
</tr>
<tr>
<td>28</td>
<td>136</td>
<td>Press wood siding, high peak and sliding doors on side</td>
</tr>
<tr>
<td>29</td>
<td>138</td>
<td>Sign on cabin says “C. Thistle 114679” – no such title</td>
</tr>
<tr>
<td>35</td>
<td>140</td>
<td>White siding – front deck</td>
</tr>
<tr>
<td>36</td>
<td>141</td>
<td>“Dew Drop Inn” sign with beige siding</td>
</tr>
<tr>
<td>37</td>
<td>143</td>
<td>Under construction, press wood siding with Tyvek</td>
</tr>
<tr>
<td>38</td>
<td>144</td>
<td>Blue bus with outhouse</td>
</tr>
<tr>
<td>110</td>
<td></td>
<td>Yellow bus</td>
</tr>
<tr>
<td>39</td>
<td>145</td>
<td>Under construction with shed and outhouse</td>
</tr>
<tr>
<td>40</td>
<td>149</td>
<td>Under construction</td>
</tr>
<tr>
<td>43</td>
<td>154</td>
<td>“Care-less Inn” sign with yellow siding and green trim</td>
</tr>
<tr>
<td>45</td>
<td>156</td>
<td>Press wood siding with green door</td>
</tr>
<tr>
<td>46</td>
<td>157</td>
<td>Press wood siding with beige door</td>
</tr>
</tbody>
</table>
Photos:
There are a total of 17 illegal structures.
Findings: Five of these structures appear to have been on site for multiple years but the remaining twelve are new construction or are in the process of being built.
Decision/Direction Note
Department of Municipal Affairs

Title: Labrador Wellness Centre

Decision/Direction Required: Whether to authorize the Town of Happy Valley-Goose Bay (HVGB) to: re-profile unallocated funds to allow engineering and design work to commence on the Wellness Centre; appoint a project consulting company; and proceed with the preparation of documents for a design-bid-build tender approach to the construction of the proposed Centre.

Background and Current Status:

- In February, 2015, Government announced an amendment to the Voisey's Bay Development Agreement that resulted in, among other things, a $30M commitment to community initiatives in the province. Through that Agreement, the Government committed $11 million to support the construction of a wellness centre in HVGB.

- HVGB prepared a business case for consideration under the New Building Canada Fund (NBCF). Inclusion of this project in the National and Regional Projects (PTIC-NRP) program has been part of the budget decision process. MA has not submitted the project to Infrastructure Canada for consideration under the NBCF PTIC-NRP program.

- HVGB has written to the Minister of MA requesting to re-profile unallocated funds from MYCW to allow for engineering and design work to commence on the Wellness Centre. The Town has further requested the appointment of LAT49 Architects Inc as the project consultant for the Wellness Centre and has requested to proceed with a design-bid-build tender approach to the construction of the Centre.

Analysis:

- This includes the new arena in Harbour Grace and the new waste management infrastructure in the Western Region. A number of fire halls and town halls are also being planned for completion through the design-build method.

Design-Bid-Build Tender Process:

- HVGB has requested to proceed with a tender approach for the construction of the Wellness Centre. The Town asserts that the business plan is based on the current specific design and discrepancies may negatively affect the operation and revenue projections. The Town is
requesting to proceed to the engineering and design stage in an efficient manner in order for the tender documents to be prepared.

Re-profiled Funding
- As part of the 2015/16-2017/18 Multi-Year Capital Works (MYCW) program, HVGB was provided with $5M in infrastructure funding. To date, $1,151,350 remains unallocated. MA recommends approval of up to $1,151,350 of this funding towards site design and construction for the Centre.

Project Consultant
- LAT49 Architects Inc has been engaged with the HVGB since the inception of the proposed project. In 2014, HVGB commissioned a report by LAT49, which consisted of a facilities audit, financial analysis and public consultations. In February, 2016, LAT49 provided the Town with preliminary building renderings.
- HVGB has requested that LAT49 be appointed as the project consultant for the Wellness Centre due to their involvement with the project to date.
MA advises that HVGB has received a proposal from LAT49 to complete design and contract administration for the entire project with an estimated cost of $1,872,074. HVGB has $1,151,350 to re-profile form its MYCW funding. This provincial funding would leverage approximately $1.8M in consulting services. Consulting costs for a project of this size would normally be in the range of seven per cent to eight per cent or, in this case, $2.2M to $2.5M.

If an RFP process is used, federal funding may be secured prior to the awarding of the consulting contract. Associated costs will therefore likely be eligible for federal funding.

If a decision is made to allow the Town to appoint LAT49, MA suggests that the Town be advised that any associated costs that are not eligible for federal funding and any associated project over-runs must be borne by the Town.
Prepared/Approved by: I. Duffett / H. Tizzard/ J. Chippett
Ministerial Approval: January 25, 2016