May 26, 2017

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 #: MAE/16/2017]

On May 1, 2017, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

“Any requests from the City of St. John’s to change regulations or legislation with watershed policy since Aug 2016.”

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

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

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the Access to Information and Protection of Privacy Act (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.

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

P.O. Box 8700, St. John’s, NL, Canada A1B 4J6  709 729 5677  709 729 0943  www.gov.nl.ca
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 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 feel free to contact me by telephone at 709-729-5846 or by e-mail at aliskary@gov.nl.ca.

Sincerely,

ALI ASKARY
Manager, Information Services / ATIPP Coordinator
Policy and Strategic Planning

Enclosures
September 9, 2016

Honourable Eddie Joyce
Minister of Municipal Affairs
Confederation Building
P. O. Box 8700
St. John’s, NL A1B 4J6

Honourable Andrew Parsons
Minister of Justice and Public Safety
Confederation Building
P. O. Box 8700
St. John’s, NL A1B 4J6

Honourable Perry Trimper
Minister of Environment and Conservation
Confederation Building
P. O. Box 8700
St. John’s, NL A1B 4J6

Dear Ministers Joyce, Parsons and Trimper:

Re: Impact of Court of Appeal Decision in Lynch v. City of St. John’s

Members of the Lynch Family own several acres of lands in the protected Broad Cove River Watershed. In 2013, the Lynchs made application to the City of St. John’s to develop their property into a 10 lot residential subdivision. The City denied their application to develop, and the Lynchs commenced a lawsuit against the City claiming compensation for the “deemed expropriation” of their lands.

The Lynchs were unsuccessful at the Trial Division and appealed to the Court of Appeal. Earlier this month, the Court of Appeal ruled in the Lynchs’ favour and found that it would be unfair and unreasonable to expect the Lynchs to bear, without compensation, the burden of damage that flows from interference with the use and enjoyment of the lands caused by watershed management decisions.

As a result of this decision, the City and all municipalities and levels of government who restrict development in a protected watershed now face claims for compensation from all property owners in the Province’s various protected watersheds.

Officials of the Departments of Municipal Affairs and Justice and Public Safety are aware of the Lynch decision and its implications, and it is our understanding a paper is being prepared for Executive Council.

We ask that the Province take immediate action to introduce retroactive legislation to forestall claims for compensation for deemed expropriations in protected watersheds. Such action will ensure the protection of our watersheds and remove the financial threat to those of us charged with the protection of same.

ST. JOHN’S
We look forward to working with your departments as legislation is drafted and offer assistance of our staff as this initiative moves forward.

Sincerely yours,

Dennis O'Keefe,
Mayor